



# Oregon

Theodore R. Klumboski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

06/09/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Lafayette Plan Amendment  
DLCD File Number 001-13

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: Friday, June 27, 2014

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jim Jacks, City of Lafayette  
Gordon Howard, DLCD Urban Planning Specialist  
Angela Lazarean, DLCD Regional Representative

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DLCD FORM 2



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

<b>FOR DLCD USE</b>	001-13 (19787)
<b>File No.:</b>	[17894]
<b>Received:</b>	6/6/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Lafayette

Local file no.: **LA 2013-01**

Date of adoption: May 19, 2014

Date sent: 6/6/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): April 10, 2013

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Yes. "Feather flag" (swooper) signs were added as a permitted sign for commercial uses. The 1 allowed single family residential sign of 8 sq. ft. was increased to 4 signs totaling no more than 8 sq. st. Added 45-day period within which the city must issue a decision for a complete sign application.

Local contact (name and title): Jim Jacks, Senior Planner

Phone: 503 540-1619

E-mail: jjacks@mwvcog.org

Street address: 100 High St. SE, Suite 200

City: Salem, OR

Zip: 97301-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Lafayette Zoning & Development Ordinance, Section 2.206, Signs:(1) 2.206.03, Review Procedures. (2) 2.206, Signs Generally Permitted. (3) 2.206.08 Residential Signs - Single Family and Duplex. (4) 2.206.09, Residential Signs - Multi-Family Uses and Subdivisions. (5) 2.206.11, Commercial and Industrial Signs. (6) 2.206.12, Conditional Use Permits - Signs. (7) 2.206.13, Variances - Signs.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: None.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance 619 with Exhibit A (Staff reports April 10 and May 22, 2014 with attached "mark-up" copy showing all changes, and Exhibit B which is a "clean copy" of Section 2.206 as changed.

BEFORE THE CITY COUNCIL FOR THE CITY OF  
LAFAYETTE, OREGON

An Ordinance Amending the Lafayette )  
Zoning and Development Ordinance )  
Relating to Sign Regulations )

ORDINANCE NO. 619

THE CITY COUNCIL (the "Council") OF THE CITY OF LAFAYETTE, OREGON (the "City") sat for the transaction of City business on Thursday, May 22, 2014 at 6:30 p.m. at the City Hall.

**WHEREAS**, on May 16, 2013 and March 20, 2014, the Planning Commission met to consider the proposed action regarding Planning File Legislative Amendment 2013-01, an application by the City of Lafayette to amend the sign regulations in the Lafayette Zoning and Development Ordinance, conducted public hearings, considered the information provided by City staff and the public, and upon deliberation, voted unanimously to recommend City Council approval of the proposed sign regulation amendments to the Lafayette Zoning and Development Ordinance; and

**WHEREAS**, on April 10, 2014 and May 22, 2014, the City Council met to consider the proposed action, conducted public hearings, considered the information provided by City staff and the public, received and considered the recommendation of the Planning Commission and the public, and passed a motion adopting the staff report and approving the proposed sign regulation amendments to the Lafayette Zoning and Development Ordinance, Section 2.206, Signs.

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


**Section 1.** The City Council of the City of Lafayette does hereby adopt the staff report dated April 10, 2014, including those certain findings of fact, conclusionary findings and supporting documentation in the staff report attached hereto as Exhibit 'A' and by this reference made a part hereof and does hereby adopt the staff report dated May 22, 2014.

**Section 2.** The City Council of the City of Lafayette does hereby amend the Lafayette Zoning and Development Code, Section 2.206, Signs, as shown in Exhibit 'B' attached hereto and by this reference made a part hereof.

**ADOPTED** by the Lafayette City Council on the 22<sup>nd</sup> Day of May, 2014.

**VOTE:** Ayes: 5 Nays: -0- Abstentions: -0- Absent: 1

**CERTIFIED:**

  
Chris Heisler, Mayor

**ATTEST:**

  
Melanie Maben, Assistant to City Admin.



# Lafayette City Council

## Ordinance 619, Exhibit 'A'

TO: Lafayette City Council

FROM: Jim Jacks, City Planner

SUBJ: Legislative Amendment Case No. 2013-01  
Amendments to the Sign Chapter of the Lafayette Zoning and Development Code

DATE: May 22, 2014

### BACKGROUND

The City Council held a public hearing on the proposed amendments to the sign regulations on April 10, 2014. Testimony was heard and the Council discussed the issues. The Council continued the hearing to May 22, 2014.

The amendments are, primarily, housekeeping and limited, based on a list compiled by staff over the past few years. Two substantive changes were proposed to increase the amount of wall signage for businesses in narrow buildings and increase the allowed signage during election periods.

### ISSUES RAISED AT THE APRIL 10, 2014 CITY COUNCIL HEARING

#### 1. Feather Flag Signs (Swoopers).

Robin Mullin of Redtail Espresso testified that the Planning Commission's recommended 1 feather flag per property of no more than 14 feet in height 3 feet in width should be changed to allow more than 1 per property. She recommended allowing a feather flag every 20 - 30 feet.

The Council discussion was about the spacing and it appeared the consensus was the spacing should be at least 20 feet apart. There was no limit on the number, provided the spacing is met. There were no changes to the 14 foot height or the 3 foot width. See Attachment 1, pages 13 and 14, which shows the proposed amendments to Section 2.206.11, C, 4, in ***bold italics*** for added language and ~~strikeout~~ for deleted language.

The Planning Commission recommendation received by the Council at the April 10, 2014 hearing was to allow one 14 foot high, 3 foot wide, feather flag on private property outside the clear vision area. With only 1 allowed, it was not necessary to address other issues, but with a feather flag allowed every 20 feet, additional issues should be addressed such as, how will the 25 foot distance be measured. It is assumed they would be near a property line adjacent to a street and such close proximity is proposed in the amendments. For the Residential/Commercial District (RC), some properties, and the surrounding properties are developed with single family residences and comprise a residential

neighborhood where the residents expect quiet enjoyment of their homes and would be negatively affected by a collection of feather flags on the property next to them. Finally, some RC District properties are on a street designated in the Lafayette Comprehensive Plan's Transportation Systems Plan as a collector or arterial. It could be expected that businesses have located, or would locate in the future, on those properties, and they should be allowed to display feather flags.

Redtail Espresso is in the RC District and has frontage on Madison and 2nd Streets which are designated as Collector Streets. A collection of feather flags would be inappropriate on the residential properties in the RC District, they would be appropriate on the business properties on collectors and arterials in the RC District.

The proposed language calls for feather flags to be at least 20 feet apart, be within 15 feet of a property line adjacent to a street, a business must be on the site, be on a collector or arterial in the RC District, and other standards.

Typically, except for signs related to single family dwellings and duplexes, a sign permit is required to erect a sign. The lead-in language for Section 2.206.11, C, which addresses "additional signs" such as directional signs, order signs and temporary portable signs, states a sign permit is not needed and the area of the signs is not counted against the total signage area allowed. The feather flags would fall under the provision wherein a sign permit is not needed and their area is not counted against the total allowed signage.

The proposed feather flag changes are noted in [ brackets ] in Attachment 1, pages 13 and 14, at Section 2.206.11, C, 4.

## 2. Sign Permit Decision Period.

Angela Flood testified that when a sign permit is required, the code does not set forth a time frame within which the city must issue the permit. Language has been added to provide for a 45-day period within which the city must issue the permit provided the sign permit application is complete. If an application is not complete, the proposed language calls for the permit to be issued within 45-days of the application being complete.

The changes are noted in [ brackets ] in Attachment 1, page 4, at Section 2.206.03, A and C.

## 3. Initiative Signature Gathering.

Angela Flood testified that Section 2.206.08 addresses Residential Signs - Single Family and Duplex. She noted Subsection A, Area and Number, allows 1 sign per property of up to 8 square feet and that the proposed additional signs during elections periods (2.206.06, L) allowed more signs. She requested that for signature gathering for Statewide Initiatives, more signs be allowed throughout the year with no time limits because signatures for Statewide Initiatives can be collected throughout the year, there is no end time, and signatures can be gathered at single family residences.

The Council discussed the 1 sign of no more than 8 square feet allowed for single family residences and duplexes. The Council directed staff to increase the number allowed from 1 to 4 provided the total of 8 square feet was not exceeded. Such additional signs would provide for signs related to signature gathering for initiative measures.

The changes are noted in [ brackets ] in Attachment 1, page 9, at Section 2.206.08, A.

#### 4. Portable Angle-iron Reader Board Signs.

Robin Mullin of Redtail Espresso testified that her portable angle-iron reader board sign was needed for the economic viability of Redtail Espresso.

The sign regulations for commercial uses are part of a coordinated set of zoning and development standards with the purpose of achieving a well designed and high quality appearance for the commercial core of the city. Even though the city's regulations are not as good or complete as they could be, the clear intent of the current regulations is to ensure good design and appearance which will ensure property values are maintained and provide a quality economic environment for investment. The sign regulations do not allow portable signs such as angle-iron reader boards due to their negative effect on the efforts of the city to achieve good design and quality appearance.

The sign regulations allow permanent freestanding signs and walls signs and address flexibility by allowing temporary portable signs that are displayed for a temporary period of time and can be removed at the end of each business day.

The sign regulations do not allow portable signs, except when they are permitted as a "temporary portable sign" such as a sandwich board sign. The Code allows sandwich board signs as a temporary sign because they are temporary, i.e., they can be brought in at the end of each business day, and they are truly portable, i.e., they can be moved by one person with little effort. The temporary and portable characteristics work well to allow such signs to be displayed during business hours.

The sign regulations do not allow message signs, except when they are electronic, when they are in a Commercial or Industrial District, and when they are approved through the conditional use permit process.

Redtail Espresso is in the Residential/Commercial District which allows a variety of commercial uses as permitted outright uses. No conditional use permit application has been submitted to allow the message sign on the site.

The Redtail Espresso portable angle-iron reader board is not an allowed temporary portable sign because it is not brought in at the end of each business day and is not easily moveable.

The Redtail Espresso portable sign is not an allowed reader board because it is not electronic. It is a mechanical changeable copy sign.

At the April 10, 2014 Council hearing, Council asked that possible solutions for the Redtail Espresso reader board be explored by staff.

The sign regulations include a "safety valve" variance process which is available to any party when the standards of the sign regulations do not appear to fit a particular situation. No variance application has been submitted to allow a portable mechanical reader board in the RC District where a portable sign is not allowed and a reader board sign is required to be electronic. The immediate solution to Redtail Espresso desiring to display the sign is to apply for a conditional use permit and sign variance. Staff can guide the applicant through the process. The Planning Commission would conduct a public hearing and make a decision which can be appealed to the City Council.

An alternative approach would be for Redtail Espresso to modify the portable reader board sign into a permanent sign freestanding sign. It could be changed to a monument sign, sometimes referred to as a



blade sign, wherein it would have a foundation base and a band at the bottom covering the angle-iron legs. It would then stand at the same height as now and be the same sign face area.

A shallow area could be dug out, concrete poured and the angle-iron legs set in the concrete to provide a permanent base making it a permanent sign. Then the bottom band could be constructed to cover the angle-iron legs to present an appealing appearance. The current extension cord electrical supply would need to be changed to a permanent supply. A conditional use permit would be needed to allow the reader board sign in the RC District and a variance would be needed to allow mechanical copy rather than electronic copy. Finally, because the sign regulations call for the sign area to be reduced by 25% when a reader board sign is approved, Redtail Espresso would need a variance to the 25% standard. The Planning Commission would conduct a public hearing and make a decision on the variance which can be appealed to the City Council. The conditional use permit and variance applications would be heard at the same time and a combined decision issued.

An alternative approach would be to consider changing the sign regulations, but in doing so, the changes would apply to all properties in a given class, not just to the Redtail Espresso property. Changing the reader board regulations would involve several aspects of the regulations because at the present time, reader board signs are considered to be an optional type of sign face for wall and free-standing signs, not a type of portable or temporary portable sign.

The changes may take the form of allowing reader board signs to have mechanical changeable copy as well as electronic changeable copy. Generally, it is accepted that mechanical changeable copy is not as high quality as electronic changeable copy and presents a less than optimum appearance to residents, tourists and company representatives visiting the city to determine if it is the type and quality of city where they would locate.

Another change may take the form of allowing reader board signs as a type of permitted sign, instead of a sign that must gain conditional use permit approval. The result would be wall signs and freestanding signs could be reader boards without a conditional use permit.

Another change may take the form of allowing portable signs, such as angle-iron cabinet signs, to be reader boards. Such an allowance could have a significant negative effect on the appearance of the city and its ability to attract new business.

A review of the Newberg and McMinnville sign codes reveals Newberg does not allow angle-iron reader boards and McMinnville does. A "windshield survey" of 99W through Newberg and McMinnville showed 6 coffee kiosks in Newberg and 7 in McMinnville. McMinnville has 1 per 4,644 residents (32,510 population / 7 = 1 per 4,644). Newberg has 1 per 3,763 residents (22,580 population / 6 = 1 per 3,763). The density of coffee kiosks in Newberg is greater than in McMinnville.

No coffee kiosk in Newberg displayed angle-iron reader boards because they are not allowed. It appears their prohibition has not prevented coffee kiosks from being economically viable because there are more in Newberg per 1,000 residents than in McMinnville.

Of the 7 coffee kiosks in McMinnville, only 2 displayed angle-iron reader boards. It would appear that those who do not display angle-iron reader boards are not being out-competed by those that do. It appears that location, customer service, a smiling face by the attendant, quality of the product, price, hours of operation and the appearance of the site's landscaping may have as much affect on economic viability as signage.



For the portable angle-iron reader board issue, staff recommends the Redtail Espresso apply for a conditional permit and variance, or modify the angle-iron reader board to be a permanent monument freestanding sign. Lafayette's competitive position with the surrounding cities to attract new business is a function of the community's appearance. The city's current sign regulations do a good job of ensuring signs in the city present an appealing appearance in the commercial areas and to take a step back and reduce the appearance could result in losing future businesses locating in the city.

#### STAFF RECOMMENDATION

Staff recommends the City Council adopt the proposed amendments set forth in Attachment 1.

#### CITY COUNCIL ACTION

Once the City Council has deliberated, the Council's options are to:

1. Make a motion adopting the staff report and move to a second reading;

I move the City Council adopt the staff report and do the second reading of Ordinance 619 amending the Lafayette Zoning and Development Code, Section 2.206.

OR

2. Make a motion adopting the staff report, direct changes be made to the proposed amendments and move to a second reading;

I move the City Council adopt the staff report as changed during deliberations, and do the second reading of Ordinance 619, as changed, amending the Lafayette Zoning and Development Code, Section 2.206.

OR

3. Make a motion directing staff to prepare a resolution denying the proposed amendments and provide reasons for the denial.

I move the City Council deny the proposed amendments and direct staff to prepare a Resolution denying the amendments for the following reasons -- and state the reasons.

OR

4. Make a motion continuing the public hearing to a date certain in June, 2014 at 6:30 p.m.

I move the City Council continue the public hearing to a date certain in June, 2014 at 6:30 p.m. at City Hall.

Attachment 1. "Mark-up" copy of the proposed amendments.

Attachment 1, Staff Report to the City Council, May 22, 2014.

The following is a "mark-up copy" of Section 2.206 of the Lafayette Zoning and Development Ordinance. It shows the proposed amendments in ~~strikeout~~ for language to be deleted and in ***bold italics*** for language to be added.

No amendments are proposed to several of the sections, but all the sections are shown in the event the discussion on a proposed amendment necessitates reviewing a section that is not proposed to be amended.

## **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 eave, 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.**

- 1.** Signs permits shall be required for all public, semi-public, ***residential developments of three or more dwelling units***, commercial and industrial uses.
- 2.** No property owner, lessee or contractor shall construct or alter any sign ***for a public, semi-public, residential development of three or more dwelling units, commercial or industrial use*** without first obtaining a valid sign permit.

[ For the May 22, 2014 Council continued hearing, Subsections C, 2 and 3, below, are moved here to be 2.206.03, A, 3 and 4, because they relate to Subsection A, Permit Required, and do not relate to Subsection C, Application Requirements. Additionally, Subsection A, 3, immediately below is proposed to be amended to add a time frame for the sign permit to be issued. ]

- 3.** The City shall issue a permit for a sign ***within 45-days of the date the city receives a complete sign permit application which complies with Section 2.206.03, C, 1, a - c, unless and provided the sign is not in violation of the provisions of these Section 2.206 or other provisions of the Lafayette Zoning and Development Ordinance. Where a submitted sign permit application does not comply with Section 2.206.03, C, 1, a - c, or is in violation of Section 2.206 or other provisions of the Lafayette Zoning and Development Ordinance, the City shall not issue a permit until the application is amended to comply, and then the City shall***

*issue a permit within 45-days of receiving the amended application.*

4. 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.
- 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.
1. An application for a sign permit shall be made on forms provided by the City. The application shall include, at a minimum ;
    - a. ~~a~~ **A sketch drawn to scale indicating of the proposed sign , including its design and supporting structure ; and**
    - b. **A site plan drawn to scale identifying the location of existing signs on the premises ; and the proposed sign's location and graphic design. ; and**
    - c. The application shall also contain the names and addresses of the sign company, person authorizing erection of the sign and the owner of the subject property.

[ For the May 22, 2014 Council continued hearing the following 2 and 3 are moved to be 2.206.03, A, 3 and 4, because they relate to Subsection A, Permit Required, and do not relate to Subsection C, Application Requirements. ]

~~2. 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.~~

~~3. 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.
- L. ***During the period 30 calendar days prior to and 14 calendar days after an officially scheduled election by the office of the Yamhill County Clerk and Elections wherein ballots are provided to voters in the Lafayette city limits to vote for a candidate or vote on an issue, non-lighted signs not exceeding 6 square feet each, and not exceeding a total of 32 square feet, may be displayed on private property.***

## **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:

[ For the May 22, 2014 Council continued hearing, the following Subsection A is changed to increase the 1 allowed sign to 4 and retain the total sign area of 8 square feet. ]

- A. Area and Number. ~~Only one~~ **Four** signs shall be permitted per property. The maximum sign area **for the four signs combined** shall be eight square feet.
- B. Location. The signs 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 **may** 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 **or an adjacent vacant property in a residential zoning district.**

#### **2.206.09 Residential Signs - Multi-Family Uses 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 **may** 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 **or an adjacent vacant property in a residential zoning district.**

#### 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 **may** 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 , **except a wall sign of up to 24 square feet is allowed.**
  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~~ **three** 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 , except a freestanding sign 6 feet or less in height may contain 48 square feet of sign area and the 16 square foot increase shall not apply to the 150 square foot total sign area permitted under this section .**
  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 t~~. The sign shall not project over a 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 , **except a wall sign of up to 24 square feet is allowed**. 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, f~~ 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 , **except a freestanding sign 6 feet or less in height may contain 96 square feet of sign area and the 16 square foot increase shall not apply to the 150 square foot total sign area permitted under this section.**
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 t~~ The sign shall not project over **a** 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 shall** be screened from adjacent streets , **abutting residential uses and abutting residential districts** by a **100 percent** sight obscuring fence, wall or hedge.
  3. Temporary Portable Sign. Businesses shall be permitted the placement of **a one** 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~~ **The sign** shall be limited to **a** temporary ( portable ) signs as defined ~~by this Ordinance~~ **in Section 2.206.02**. This sign shall not count against the total sign area requirement of this Section.
    - b. Location - ~~Signs~~ **The sign** shall be located adjacent to the building, or between parking spaces **as and shall** 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 t~~ **The sign does shall** not interfere with the vision clearance requirements of **this the Lafayette Zoning and Development Ordinance**.
    - c. Number - No more than one temporary (portable) sign shall be placed ~~in front of~~ **displayed by** a business. ~~The~~ **When placed in a public right-of-way the location** placement of

said sign shall be reserved and limited solely to the owner/operator of the adjacent business.

- d. Dimensions - ~~A F~~ free-standing signs shall have a minimum sign height of ~~three~~ 3 feet and a maximum sign height of ~~five~~ 5 feet. In no case shall a sign exceed 18-square feet in area.
- e. Duration – ~~The Temporary (portable)~~ signs shall only be displayed during business hours.
- f. Material - ~~The 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.

[ For the May 22, 2014 Council continued hearing, the following Subsection 4 is augmented. The Planning Commission recommendation for the April 10, 2014 hearing was to allow only 1, 14 foot high 3 foot wide feather flag on private property outside the clear vision area. With only 1 allowed it was not necessary to address other issues, but if an unlimited number are to be allowed, 4, a, below, addresses how the 25 foot distance is to be measured and that they must be near a property line adjacent to a street to prevent an entire site from having them every 25 feet. Also, it is stated that no sign permit is needed. ]

**4. Feather Flag Sign (also known as a Swooper Flag). In addition to the signs allowed in Subsection 2.206.11, C, 1-3, a business in the C-1 or C-2 District, or in the RC District with frontage on a collector or arterial, shall be permitted to display feather flags subject to the following regulations:**

- a. **Be at least 20 feet from one another as measured at the base of the pole in all directions and be within 15 feet of a property line adjacent to a public street right-of-way.**



- b. ***For a business in the RC District with frontage on a public street right-of-way designated as a collector or arterial in the Lafayette Transportation Systems Plan, be on a collector or arterial street frontage, but not on a local street frontage.***
- c. ***Be no more than 14 feet in height above grade.***
- d. ***Be no more than 3 feet wide at the widest dimension.***
- e. ***Be on private property.***
- f. ***Be outside a clear vision area.***
- g. ***Not be illuminated directly or indirectly, or contain flashing lights.***
- h. ***Be continually maintained in good condition.***

**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 *pursuant* 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 **zone**, ***except as prohibited in Subsections E and F, below***, or an 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~~ 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~~ 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 *in displaying the sign*.
- 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 ~~these~~ *the unique* 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.

Ordinance 619  
Exhibit "B"

Amended Language  
Lafayette Zoning and Development Code  
Section 2.206

**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 eave, 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.**

1. Signs permits shall be required for all public, semi-public, residential developments of three or more dwelling units, commercial and industrial uses.
2. No property owner, lessee or contractor shall construct or alter any sign for a public, semi-public, residential development of three or more dwelling units, commercial or industrial use without first obtaining a valid sign permit.
3. The City shall issue a permit for a sign within 45-days of the date the city receives a complete sign permit application which complies with Section 2.206.03, C, 1, a - c, and provided the sign is not in violation of the provisions of Section 2.206 or other provisions of the Lafayette Zoning and Development Ordinance. Where a submitted sign permit application does not comply with Section 2.206.03, C, 1, a - c, or is in violation of Section 2.206 or other provisions of the Lafayette Zoning and Development Ordinance, the City shall not issue a permit until the application is amended to comply, and then the City shall issue a permit within 45-days of receiving the amended application.
4. 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.

- #### **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.

1. An application for a sign permit shall be made on forms provided by the City. The application shall include, at a minimum:
  - a. A sketch drawn to scale of the proposed sign, including its design and supporting structure;
  - b. A site plan drawn to scale identifying the location of existing signs on the premises and the proposed sign's location; and
  - c. The names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.

**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.
- L. During the period 30 calendar days prior to and 14 calendar days after an officially scheduled election by the office of the Yamhill County Clerk and Elections wherein ballots are provided to voters in the Lafayette city limits to vote for a candidate or vote on an issue, non-lighted signs not exceeding 6 square feet each, and not exceeding a total of 32 square feet, may be displayed on private property.

#### **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 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. Four signs shall be permitted per property. The maximum sign area for the four signs combined 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 may 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 or an adjacent vacant property in a

residential zoning district.

**2.206.09 Residential Signs - Multi-Family Uses 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 may 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 or an adjacent vacant property in a residential zoning district.

**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 may 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, except a wall sign of up to 24 square feet is allowed.
  - 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

three wall or canopy signs. Each free-standing sign shall be limited to a maximum of 32 square feet in area, except a freestanding sign 6 feet or less in height may contain 48 square feet of sign area and the 16 square foot increase shall not apply to the 150 square foot total sign area permitted under this section.

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.
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. The sign shall not project over a 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, except a wall sign of up to 24 square feet is allowed. Individual businesses may not assign their unused allowed sign area to other businesses in the integrated business center.
2. Free-standing Sign. 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, except a freestanding sign 6 feet or less in height may contain 96 square feet of sign area and the 16 square foot increase shall not apply to the 150 square foot total sign area permitted under this section.
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.
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: The sign shall not project over a 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. An order sign greater than 16 square feet in area and/or 6 feet in height shall be screened from adjacent streets, abutting residential uses and abutting residential districts by a 100 percent sight obscuring fence, wall or hedge.
  3. Temporary Portable Sign. Businesses shall be permitted the placement of one temporary portable sign on private property or on the sidewalk portion of a public right-of-way subject to the following regulations:
    - a. Defined - The sign shall be a temporary portable sign as defined in Section 2.206.02. This sign shall not count against the total sign area requirement of this Section.
    - b. Location - The sign shall be located adjacent to the building, or between parking spaces and shall not interfere with the opening of a vehicle's door(s), and shall continually maintain a minimum 5 foot wide passage between the edge of the sign nearest the curb, and the adjacent curb line. The sign shall not interfere with the vision clearance requirements of the Lafayette Zoning and Development Ordinance.
    - c. Number - No more than one sign shall be displayed by a business. When placed in a public right-of-way the location of said sign shall be reserved and limited solely to

the owner/operator of the adjacent business.

d. Dimensions - A free-standing sign shall have a minimum sign height of 3 feet and a maximum sign height of 5 feet. In no case shall a sign exceed 18-square feet in area.

e. Duration – The sign shall only be displayed during business hours.

f. Material - The sign structure 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.

4. Feather Flag Sign (also known as a Swooper Flag). In addition to the signs allowed in Subsection 2.206.11, C, 1-3, a business in the C-1 or C-2 District, or in the RC District with frontage on a collector or arterial, shall be permitted to display feather flags subject to the following regulations:

- a. Be at least 20 feet from one another as measured at the base of the pole in all directions and be within 15 feet of a property line adjacent to a public street right-of-way.
- b. For a business in the RC District with frontage on a public street right-of-way designated as a collector or arterial in the Lafayette Transportation Systems Plan, be on a collector or arterial street frontage, but not on a local street frontage.
- c. Be no more than 14 feet in height above grade.
- d. Be no more than 3 feet wide at the widest dimension.
- e. Be on private property.



- f. Be outside a clear vision area.
- g. Not be illuminated directly or indirectly, or contain flashing lights.
- h. Be continually maintained in good condition.

#### **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 pursuant 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 zone, except as prohibited in Subsections E and F, below, or an 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. For a flashing 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. 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 in displaying the sign.
- 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 the unique 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.



# Lafayette City Council

## Ordinance 619, Exhibit 'A'

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TO: Lafayette City Council

FROM: Jim Jacks, City Planner

SUBJ: Legislative Amendment Case No. 2013-01  
Amendments to the Sign Chapter of the Lafayette Zoning and Development Code

DATE: April 10, 2014

### BACKGROUND

In late 2012 the city initiated amendments to the sign regulations in the Lafayette Zoning and Development Code, Section 2.206. The amendments were, primarily, housekeeping, based on a list compiled by staff over the past few years. Two substantive changes were proposed to increase the amount of wall signage for businesses in narrow buildings and increase the allowed signage during election periods.

The Planning Commission conducted a public hearing on May 16, 2013 and passed a motion recommending the City Council adopt certain amendments to the sign regulations.

The City Council conducted a public hearing on July 18, 2013 and the hearing was continued to August 8, 2013. The Council discussed the issues, closed the hearing and decided to return the proposed amendments to the Planning Commission for additional consideration.

The Council agreed with the amendments overall and discussed the proposed regulations for signage during election periods and temporary signage, especially feather flags, also known as swooper signs (see Attachment 1 for the August 8, 2013 Minutes and Attachment 2 for examples of feather flags). There was some support to allow feather flags, and the discussion of signs during election periods was in favor of no limit on the number of signs, allow each sign to be 32 square feet and increase the Planning Commission's recommended period from 30 days before and 14 days after an election to 45 days before and 14 days after an election.

### ADDITIONAL CONSIDERATION BY THE PLANNING COMMISSION

On October 17, 2013 the Planning Commission held a work session to discuss the City Council's action. The Commission focused on (1) the signage allowed during an election period, (2) temporary signs, especially feather flags, and (3) signage allowed based on wall length.

Citizens and business owners were in attendance. Robin Mullin, Redtail Espresso, indicated the proposed language did not allow her company enough square feet of signage (see letter at Attachment 4). Additionally, there was a contention the city's sign regulations are preventing businesses from

erecting signs. The Commission asked staff to return with information about local businesses and whether the city's sign regulations are preventing businesses from displaying signs.

Darrell and Angela Flood indicated they did not believe the city had the authority to regulate signage, especially political signs, per the U.S. Constitution and stated the American Civil Liberties Union (ACLU) was suing the City of Eugene over signage.

There was a question about how long the city has had sign regulations.

Other attendees indicated street trees blocked their signage (Joe Piscatelli of Antonio's Restaurant), and small nice looking trees should be used (Don Bray at Don's Tools). Other comments were that the city shouldn't get rid of its sign regulations because the community "needs a clean city." Greater leniency should be considered, but "don't go overboard."

An information kiosk at the east end of town was suggested as a welcoming entrance.

The Commission discussed the comments. Staff was asked to return to the Commission with information about the city's authority to regulate signs, the Eugene law suit, how long Lafayette has had sign regulations, and the effect of the city's sign regulations in preventing businesses from displaying signage.

#### CITY'S AUTHORITY TO REGULATE SIGNS

At the October 17, 2013 Commission work session, testimony indicated the city has no authority to regulate signs, especially signs displayed during election periods, as the U.S. Constitution does not allow it. Staff responds that local and State governments have the authority to regulate signs, including signs displayed during election periods. The League of Oregon Cities website includes guidance on city sign regulations, including signs displayed during election periods.

Throughout Oregon and other States, many cities and counties have adopted sign regulations, including regulations for additional signs displayed during election periods. The U.S. Supreme Court has decided sign cases, but has never found that local and State governments have no authority to regulate signs.

Specific mention was made of an American Civil Liberties Union (ACLU) lawsuit versus the City of Eugene regarding its sign regulations. Staff called the City of Eugene and talked to the City Attorney who was assigned to the case. The city was in the process of amending its sign regulations and the ACLU contended the longtime city regulations might lead to inappropriate regulation of signage. The city's staff report stated:

*Last year, the American Civil Liberties Union (ACLU) notified the City that, in the ACLU's opinion, some of the exemptions are based on the signs' content and therefore unconstitutional. (Under Oregon Supreme Court decisions concerning the Oregon Constitution's protections for free expression, if one has to read the sign to know whether or not it is prohibited or allowed, the regulation is "content-based" and constitutionally invalid.)*

*Although the city attorney's office disagreed with the ACLU's legal positions, neither the city attorneys nor planning staff were committed to the current code's definitions of the exemptions. Discussions with the ACLU have resulted in a proposal that addresses the ACLU's concerns without significantly impairing the City's ability to protect public safety or prevent the harms associated with unregulated proliferation of signs. The ACLU has agreed that the proposed amendments would not violate the state or federal constitution.*

The law suit did not progress to the point of being argued before a judge.

### CITY SIGN REGULATIONS PREVENT BUSINESSES FROM DISPLAYING ADEQUATE SIGNAGE

At the October 17, 2013 Commission work session, testimony indicated the city's sign regulations prevent businesses from displaying adequate signage. One business that was noted in the testimony was the Roadhouse Pub and the intimation was that there is no wall sign on the north wall because the regulations don't allow it. Staff indicated the existing sign regulations would be reviewed in terms of signage allowed for commercial buildings and make comparisons with the signage displayed by businesses.

The overall intimation was that all businesses would display the maximum allowed amount of signage and if there is no sign, then it must be because the regulations do not allow it. Staff responds that some business owners may not want additional signage, or may not have the resources to fund additional signage, or the owner has not investigated the amount of signage allowed.

Based on staff's research the Roadhouse Pub is in the Commercial Core District (C-1) and has about 51 feet of building length facing 3rd Street. The sign regulations, Section 2.206, allow "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" (Section 2.206.11, A, 1, J). Thus, the Roadhouse Pub could have up to 76.5 square feet of signage (51 lineal feet X 1.5 sq. ft. per lineal foot = 76.5 sq. ft.). Currently, there is a roof sign of about 4 feet by 4 feet or 16 square feet which means an additional 60.5 square feet of signage is allowed. The sign regulations do not appear to be hindering this business from having 60.5 additional square feet of signage.

The People's Market has about 78 feet of building length facing 3rd Street. The regulations allow 117 square feet of total signage (78' X 1.5 sq. ft. per foot of length). The square footage of signage at the People's Market facing 3rd Street was not calculated, but it appears the business is well identified with a roof sign and wall signs. It appears the amount of wall signs may violate the regulations, but it is not known when the wall signs were erected and they may be grandfathered-in.

Other businesses along 3rd Street could be described as having a significant amount of signage such as Bill's Market and Lafayette Auto Body and RV Repair, but others have very little signage. It appears those with little signage are allowed more, but for whatever reason have chosen to not have more signage. Also, the architecture of some buildings, especially those with a lot of window area don't have sufficient wall space to hang a wall sign.

In a few cases there are businesses with very narrow frontages (short lineal footages) and they may have all the signage they are allowed. The proposed amendments recognize those situations and the amendments propose to increase the amount of signage allowed on narrow buildings.

### PRIOR CITY SIGN REGULATIONS

At the October 17, 2013 Commission work session, a testifier asked when the city's first sign regulations were adopted and how they've changed over the years. Based on staff's research, the city's first sign regulations were in 1986 per Ordinance 379. The 1986 regulations, Section 4.090, were very short and applied only to the General Commercial District. They allowed a 25 foot tall, 40 square foot free-standing sign and a 20 square foot "on-building sign." Both types could be illuminated.

The 1995 regulations were adopted per Ordinance 470 and were more thorough and were in Section 2.206. They included 6 pages and were very similar in organization and section headings as the current regulations. A 20 foot tall, 40 square foot free-standing sign was allowed. Also, "on-building" signs were allowed subject to consideration of sign area, location on the building, number of signs and size of the copy. No specific square footage was listed, thus it appears the number, size, etc., of "on-building" signs was determined through a subjective analysis as part of issuing the sign permit.

The 2003 regulations were adopted per Ordinance 561 which was an amendment to the C-1 District. The amendments set forth exceptions for signs in the C-1 District (along 3rd Street). Free-standing signs were prohibited, except on properties with a parking lot adjacent to 3rd Street, and they were limited to 4 feet in height and 24 square feet in area. Marquee/projecting signs were specifically listed and could be up to 32 square feet. Flush-mount (wall) signs were specifically listed and could be up to 32 square feet per sign per wall. Awning signs were specifically listed and were allowed.

The 2007 regulations were adopted per Ordinance 591. They amended Section 2.206 and were more thorough. They included 12 pages and for the first time included 3 pages of definitions, procedures for reviewing signs, addressed nonconforming signs, addressed prohibited signs, added signs for public and semi-public uses, and added a variance provision. The 2007 regulations are the current sign regulations.

#### NOT ALLOWED TO CONTROL CONTENT

Stemming from the U.S. Constitution and the Oregon Constitution, the basic rule for sign regulations is the "content" of a sign cannot be regulated. "Content" is the message on the sign, i.e., the letters, words, numbers, symbols, etc. The physical aspects of signs, the number and the timing of their display can be regulated. For example, regulations can address the size of the sign's face (the area where the message is located), the height, the illumination, the number, and the location on a property or on a building.

If additional signage is allowed during a defined period such as before and after an election date, then the additional signage can have any message on it -- a political message or a commercial message.

#### ADDITIONAL SIGNAGE DURING ELECTION PERIODS

During the 2013 hearings the phrase "political signs" was used many times which may have lead the reader and listener to believe the messages on "political signs" would always be campaign statements and candidate names, but the content cannot be regulated. Thus, if an unlimited number of signs are allowed on each private property during an election period, then any property owner can display any number of signs during that period. If the number of additional signs allowed during an election period is unlimited and if each additional sign can be up to 32 square feet (the size of a sheet of plywood), the potential exists for any property owner in the city, including businesses on 99W, to erect an unlimited number of signs with commercial messages.

The Planning Commission discussed additional signs during an election period at each of their sign work sessions in 2013 and in 2014, and their proposal in 2014 is the same as it was in 2013. Their recommendation is to allow each property owner in the city limits up to 32 square feet of additional signage, provided each sign is no more than 6 square feet. Those clear and objective standards would allow, for example, the display of 32, 1 square foot signs; or 16, 2 square foot signs; or 8, 4 square foot signs; or 5, 6+ square foot signs. Any combination of the number and size would be allowed provided the total square footage does not exceed 32 square feet.

The Commission's desired result is, if a property owner wanted to display signs in the yard of a dwelling or business or on the wall of a building, the number and size wouldn't significantly detract from the appearance of the property and wouldn't cause residential or commercial neighbors to complain. The Commission's concern is, if there is no limit on the number and the size is large, then a resident or business that displays an unlimited number in the front yard could detract from the appearance of the single family neighborhood or from the appearance of the city's main street.

Allowing additional signage during an election period will have a visual effect on neighborhoods and the city's commercial corridor, but if the effect can be ameliorated, the appearance of the city would be protected to a small extent.

There are 4 election days in Oregon in March, May, September and November. The issue of whether there is an actual election scheduled and whether there are issues for Lafayette voters to vote on is incorporated into the proposed amendments to clarify that an election period is one where there is a candidate or issue for Lafayette voters to vote on.

The Commission considered the period of the election. With 4 possible election days and if the allowed display period is 45 days prior to the election with 14 days after the election, the display periods would be (using 2013 as an example):

Election on March 12: Display January 26 to March 26.

Election on May 21: Display April 6 through June 5.

Election on September 17: Display August 3 through October 1.

Election on November 5: Display September 22 through November 19.

The total number of days including the day of the election is 60 days (45 + 14 + the election day = 60 days for each election) multiplied by 4 elections is 240 days (34 weeks or 66% of the year).

The Commission's proposed timing is to allow their display for 30 days prior to an election for a total of 45 days (30 + election day + 14 days after). The total number of days would be 180 days (25 weeks or 50% of the year).

Another issue the Commission considered in their recommendation for signs during election periods is, if too much signage is allowed and complaints are filed resulting in the city wanting to scale back the additional signage during election periods, a "Measure 56 Notice" would be required.

Measure 56 is applicable when a property right is proposed to be reduced. Once a property right is granted to property owners to erect an unlimited number of large signs on their property during a 60 day period, if problems arise and the city proposes to reduce that property right to fewer signs or to reduce the size of each sign or to shorten the display period, a "Measure 56" notice of the hearings must be provided to each property owner that would be affected, i.e., every property owner in the city.

Measure 56 is in Oregon Revised Statute 197.186 and requires the notice to say, "This is to notify you that (city) has proposed a land use regulation that may affect the permissible uses of your property and other properties." The city's notice in this situation would make it clear the number and/or size and/or display period of signs is the subject of the hearing, not the actual uses of the property. The Measure 56 notice could cause property owners who use the additional signage for advertising content rather than for political content, to attend the hearing and testify in opposition to reducing the number or size or display period of the signs. Such testimony may make it challenging for the Commission and Council to approve a change to address the problems.

## FEATHER FLAGS (SWOOPER SIGNS)

At the August 8, 2013 City Council continued hearing a city business owner attended. During the discussion the issue of "feather flags" (also referred to as "swooper flags")(see Attachment 2 for examples) was raised and some Councilors expressed support for them.

The Planning Commission discussed feather flags during the October 17, 2013 and February 20, 2014 work sessions and directed staff to include them provided the number per business property is limited to one, the height is allowed up to 14feet and the width is allowed up to 3 feet.

They can be described as appealing due to their tall slender shape, curvilinear lines and their movement in the wind. On the other hand, they can be described as being too tall, too garish and if too many are allowed, they could give a visually distasteful character to the community. The Planning Commission concluded the proposed number, height and width would not result in signage that is too tall, too garish and would not give a visually distasteful character to the community.

## LIST OF PROPOSED AMENDMENTS TO THE SIGN REGULATIONS

The proposed amendments are shown in Attachment 3 which is Section 2.206, Signs, of the Lafayette Zoning and Development Ordinance. Attachment 3 is a "mark-up" copy which shows added language in ***bold italics*** and language to be deleted in ~~strikeout~~.

The proposed amendments address the issues identified by staff and include "housekeeping" changes to reduce wordiness, clarify provisions and consolidate requirements on a given subject into one section. Items 3, 7 and 11 are the substantive changes.

The following is a listing of the proposed amendments by section.

1. 2.206.03, Review Procedures. Instead of the current run-on sentences in A, they are proposed to be divided into A, 1 and A, 2. Also, propose to require residential developments of three or more dwelling units (apartments) to submit an application for a sign permit. For example, if an apartment project wants a new freestanding sign or a wall sign, they would submit an application for a sign permit. An existing apartment project with existing signs would not have to apply for a permit for an existing sign.
2. 2.206.03, C, Application Requirements, the run-on sentence is proposed to be divided into 1, 2 and 3, and some language is changed to improve clarity.
3. 2.206.06 Signs Generally Permitted. Propose adding a new L for political signs provided the total additional signage is no more than 32 square feet, each sign is no more than 6 square feet and they are displayed for no more than 30 days prior to an election or 14 days after an election. The first paragraph in 2.206.06 says, "...and the sign shall not be included when determining compliance with total allowed area:" Thus, it is clear the signs in the current A-K are in addition to the total signage allowed in 2.206.08 to 2.206.11 and the signage allowed in a new L would also not be counted against the total square footage allowed in 2.206.08 to 2.206.11.
4. 2.206.08, C, Single family and duplex. The current language might be understood to require the signage to be illuminated. It is proposed to be changed so it is clear the signage is not required to be illuminated (replace "shall" with "may"). Also propose to add a phrase prohibiting an illuminated sign from having its light directed onto a vacant adjacent residential property. Now, a lighted sign could be



directed onto a vacant residential property and later when a house is built it would have the lighted sign directed onto it.

5. 2.206.09, C. Multi-family and subdivision. Same changes as in 2.206.08, C.

6. 2.206.10, C. Public and Semi-Public. Propose changes so it is clear the code is not requiring the sign to be lighted.

7. 2.206.11, Commercial and Industrial. A, 1, propose adding a phrase making it clear that a permanent freestanding sign or wall sign of at least 24 sq. ft. is allowed for narrow or small buildings and structures.

8. 2.206.11, A, 2: Sign Area. Each freestanding sign size is limited to 32 sq. ft. and an exception is included that is in another section. It would be better for all the size requirements to be in one place, thus the reference to another section where there is a sign area requirement is deleted and the language from that other section is added in A, 2. The result is that all the sign face area requirements are in one section, rather than in two sections. The exception to the 32 sq. ft. limit is good as it allows a larger freestanding sign if it is a monument sign. Monument signs are generally considered to be more appropriate than pole signs, i.e., less visually intrusive and more aesthetically pleasing to the eye.

9. 2.206.11, A, 3: Sign Height. The language added to A, 2, above, is deleted in A, 3.

10. 2.206.11, A, 4, b: Freestanding sign regulations. Minor change.

✓ 11. 2.206.11, A, 5. Add a new 5 to clarify that direct and indirect illumination is allowed for signs not in integrated business centers.

12. 2.206.11, B, 1: Sign Area for integrated business center. Same as A, 1, to allow at least 24 sq. ft. for narrow or small buildings.

13. 2.206.11, B, 2: Freestanding sign regulations for integrated business center. Same as A, 2, to put all the regulations for sign area in one section.

14. 2.206.11, B, 3: Sign Height for integrated business center. Same as A, 3, to delete sign area language because it is moved into B, 2 which is the sign area section.

15. 2.206.11, B, 4, b: Sign Location for integrated business center. Minor change to delete unnecessary language. It is inconsistent to say there are no limitations and then in the same sentence list 2 limitations.

✓ 16. 2.206.11, B, 5. Add a new 5 to clarify that direct and indirect illumination is allowed for signs in integrated business centers.

17. 2.206.11, C, 2: Order signs. Add "100 percent" so it is clear the phrase "...screened from adjacent streets by a sight obscuring fence, wall or hedge," means 100% sight obscuring. The current language does not make it clear that "sight obscuring" means completely sign obscuring, for example a picket fence is sight obscuring, but only about 50%, or less, sight obscuring.

18. 2.206.11, C, 3: Temporary signs. Minor change to make it clear that one sign is allowed.

19. 2.206.11, C, 3, a: Temporary signs. Replace the plural "signs" with the singular "The sign." Also, replace "by this Ordinance" with "in Section 2.206.02" to specify the Definition Section.
20. 2.206.11, C, 3, b: Temporary signs. Same as C, 3, a. Also, replace "as" with "and shall." Also, minor change to delete unnecessary language. It is inconsistent to say there are no limitations and then in the same sentence list a limitation. Also, replace "this Ordinance" with "the Lafayette Zoning and Development Ordinance" to clarify which Ordinance is being referred to.
21. 2.206.11, C, 3, c: Number of temporary signs. Minor changes to delete unnecessary language "temporary (portable)." Replace "placed in front of" with "displayed by" so it is clear a temporary sign need not be limited only to the front of a business. A business on a corner may want the temporary sign on the side adjacent to a street or in the rear or in a parking lot near a door that provides entry to the building from the parking lot.
22. 2.206.11, C, 3, e: Duration of a temporary sign. Minor change to emphasize the singular and delete the plural.
23. 2.206.11, C, 3, f: Material of temporary sign. Minor change to emphasize the singular and delete the plural.
24. 2.206.11, C, 4: Add new 4 to allow feather flags (aka Swooper Flags) in the C-1 and C-2 Districts.
25. 2.206.12, Conditional Use Permits (CUP). In the lead-in paragraph add "pursuant."
26. 2.206.12, A: Change to include reference to Subsections E and F. Criterion A says if the CUP is to be approved the rotating/revolving, flashing or message sign must be in the C District, but E and F don't allow rotating/revolving, flashing and message signs in the C-1 District if they have beacons lights, zip lights, etc.
27. 2.206.12, E: Delete unnecessary language.
28. 2.206.12, F: Delete unnecessary language.
29. 2.206.13, A. Variances. "A" refers to a hardship, but doesn't say what the hardship is. Does it mean a hardship in displaying the sign (having people be able to see it) or some other hardship? The proposed language makes it clear the hardship has to do with displaying the sign which means a financial hardship cannot be used to justify a variance.
30. 2.206.13, C: Variance criteria. Minor clarification that "those circumstances" refers to the "unique circumstances" in Criterion A.

#### FINDINGS AND CONCLUSIONS FOR LEGISLATIVE TEXT AMENDMENT LA 2013-01

1. Plan Amendment LA 2013-01 is a Legislative amendment to the Lafayette Zoning and Development Ordinance (LZDO).
2. The LZDO, Section 3.101.04, A, Type IV Actions, states a Type IV action must be initiated by City staff, the Planning Commission or the City Council. Text Amendment LA 2013-01 was initiated by City staff and the Planning Commission on November 15, 2012 and March 21, 2013. The proposed amendments to the LZDO comply with Section 3.101.04, A.

3. The LZDO, Section 3.207.01, Type IV Actions, states a Type IV action may be initiated by the City Administrator, the Planning Commission or the City Council. Text Amendment LA 2013-01 was initiated by the City Administrator and the Planning Commission on November 15, 2012 and March 21, 2013. The proposed amendments to the LZDO comply with Section 3.207.01.

4. Section 3.207.02, A, 1, Type IV Actions, calls for a public hearing by a majority of the Planning Commission on all amendments to the LZDO. The Planning Commission public hearing on March 20, 2014 was attended by four of the seven Planning Commission positions. The four Commissioners constituted a majority of the seven positions. The Planning Commission hearing met the requirement of 3.207.02, A, 1.

5. Section 3.207.02, B, calls for the Planning Commission to make a recommendation to the City Council. On May 16, 2013 and March 20, 2014, the Planning Commission conducted duly noticed public hearings, accepted the staff reports and received testimony from the parties in attendance. At the conclusion of each hearing the Commission passed a motion 4-0 recommending the City Council adopt the proposed amendments. The Planning Commission recommendation meets the requirement of Section 3.207.02, B.

6. Section 3.102.03, B, Criteria for Approval, includes the following approval criteria for legislative text amendments to the LZDO:

*Zoning Ordinance text amendment applications may only be approved if the applicant provides evidence showing the proposed text amendment is consistent with applicable Comprehensive Plan Goals and Policies and applicable Statewide Planning Goals.*

The Lafayette Comprehensive Plan Goals and Policies were carefully reviewed and it was concluded none of the policies apply to the proposed sign regulations.

7. Findings related to the Statewide Planning Goals.

A. Goal 1, Citizen Involvement.

Goal 1 applies. The Planning Commission conducted a properly noticed public hearing on May 16, 2013 and March 20, 2014. The process is a Legislative process because the proposed amendments affect properties and property owners Citywide and because they propose changes to the laws of the City. Public notice was provided in accordance with the LZDO for Legislative public hearings by the Planning Commission and City Council. Goal 1 is met.

B. Goal 2, Land Use Planning.

Goal 2 applies. The ORS 197.610 requires a 35-day notice prior to the first evidentiary hearing (Planning Commission on May 16, 2013) to the Department of Land Conservation and Development (DLCD). The notice was provided 35-days prior to the first evidentiary hearing to notify DLCD and garner comments from those parties on the DLCD notification list. Goal 2 is met.

C. Goal 3, Agricultural Lands.

Goal 3 does not apply because the amendments do not relate to agricultural lands.

D. Goal 4. Forest Lands.

Goal 4 does not apply because the amendments do not relate to forest lands.

E. Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces.

Goal 5 does not apply because the amendment do not relate to natural resources, scenic and historic and open spaces.

F. Goal 6. Air, Water and Land Resources Quality.

Goal 6 does not apply because the amendments do not relate to air, water and land resource quality.

G. Goal 7. Areas Subject to Natural Hazards.

Goal 7 does not apply because the amendments do not relate to natural hazards.

H. Goal 8, Recreation Needs.

Goal 8 does not apply because the amendments do not relate to recreation.

I. Goal 9. Economic Development.

Goal 9 does not apply because the amendments do not relate to economic development.

J. Goal 10. Housing.

Goal 10 does not apply because the proposed amendments do not relate to housing.

K. Goal 11. Public Facilities and Services.

Goal 11 does not apply because the amendments do not relate to public facilities or services.

L. Goal 12. Transportation.

Goal 12 does not apply because the amendments do not relate to transportation facilities.

M. Goal 13. Energy Conservation.

Goal 13 does not apply because the amendments do not relate to energy conservation.

N. Goal 14. Urbanization.

Goal 14 does not apply because the amendments do not address the urban growth boundary.

O. Goal 15 for the Willamette River Greenway and Goals 16 – 19 for the Coastal Goals.

Goals 15 – 19 do not apply because the City is not on the Willamette River or on the coast.

The proposed amendments are consistent with the applicable Statewide Planning Goals.

## PLANNING COMMISSION RECOMMENDATION

The Planning Commission conducted public work sessions on October 17, 2013 and February 20, 2014 and conducted a public hearing on March 20, 2014 at which time the public was invited to speak. After closing the public hearing on March 20, 2014, the Commission voted 4-0 to recommend the City Council approve the proposed amendments set forth in Attachment 3.

## STAFF RECOMMENDATION

Staff recommends the City Council adopt the proposed amendments set forth in Attachment 3.

## CITY COUNCIL ACTION

Once the City Council has deliberated, the Council's options are to:

1. Make a motion approving the proposed amendments and adopting the findings in this staff report;

I move the City Council adopt the staff report and its findings, and do the first reading of Ordinance 619 amending the Lafayette Zoning and Development Code, Section 2.206.

OR

2. Make a motion approving the proposed amendments as changed by the City Council during deliberations and adopting the findings in this staff report as changed by the City Council;

I move the City Council adopt the staff report and its findings as changed during deliberations, and do the first reading of Ordinance 619, as changed, amending the Lafayette Zoning and Development Code, Section 2.206.

OR

3. Make a motion directing staff to prepare a resolution denying the proposed amendments and provide reasons for the denial.

I move the City Council deny the proposed amendments and direct staff to prepare a Resolution denying the amendments for the following reasons -- and state the reasons.

OR

4. Make a motion continuing the public hearing to a date and time certain in May, 2014 at 6:30 p.m., and if the hearing was closed prior to deliberations, the City Council by motion should re-open the hearing so it can be continued.

I move the City Council re-open the public hearing and continue the public hearing to a date and time certain in May, 2014 at 6:30 p.m.

Attachment 1. Minutes of the August 8, 2013 City Council hearing.

Attachment 2. Feather Flag example.

Attachment 3. "Mark-up" copy of the proposed amendments.

Attachment 4. Robin Mullin's letter to the Planning Commission dated September 17, 2013.