ORDINANCE NO. 465

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, AMENDING THE ZONING AND DEVELOPMENT CODE, CHAPTER 16.080 (SIGNS)

WHEREAS, the City of North Plains initiated proceedings to amend the City's Zoning and Development Code to update the standards and regulations regarding signs within the city; and

WHEREAS, the City submitted the proposed amendments to DLCD on July 10, 2019; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing, and reviewed the proposed Zoning Code Text Amendment and staff report at its meeting on September 12, 2019; and

WHEREAS, the City Council conducted a duly-noticed public hearing, and reviewed the proposed Zoning Code Text Amendment, Planning Commission recommendation and staff report at its meeting on October 7, 2019; and

WHEREAS, the City Council considered the application, the evidence in the record and applicable criteria for the amendments proposed in Application File No. 19-086 (Zoning Code Text Amendment- Annexations).

Now, therefore:

THE CITY OF NORTH PLAINS ORDAINS AS FOLLOWS:

Section 1. The City hereby adopts the proposed Zoning Code Text Amendment, proposed in File 19-086, attached hereto as Exhibit "A".

Section 2. In support of its decision, the City Council adopts the findings within the Planning Commission Recommendation for File No. 19-086, dated September 12, 2019, attached hereto as Exhibit “B”.

Section 3. This Ordinance shall become effective on the 30th day after its adoption.

INTRODUCED on the 7th day of October, 2019, ADOPTED on the 21st day of October and EFFECTIVE on the 20th day of November, 2019.

Ordinance No. 465
Amending Zoning & Development Code, Chapter 16.080 (signs)
Adopted October 21, 2019
CITY OF NORTH PLAINS, OREGON

By: ______________
    Teri Lenahan, Mayor

ATTEST:

By: ______________
    Lori Lesmeister, City Recorder
Chapter 16.080
SIGN STANDARDS

16.080.000 Definitions

The following terms are defined for the purpose of this chapter in order to provide clarification of certain words or terms used in the Ordinance.

A. **Abandoned sign** - A sign or sign structure where:
   1. A sign is no longer in use. Discontinuance of sign use may be shown by cessation of use of the premises where the sign is located;
   2. A sign has been damaged, in excess of 50% of the value of the sign, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.

B. **Awning** - A shelter projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials on a supporting framework.

C. **Awning Sign** - A sign affixed or applied to the exterior facing surface or surfaces of an awning or a sign hanging from the supports of an awning, provided that the clearance below the sign shall be at least 8 feet.

D. **Building Frontage, Primary** - The portion of a building face most closely in alignment with an adjacent right-of-way. 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 canopy shall be used to compute the allowable sign area.

E. **Building Wall, Side** - The wall of a building most nearly perpendicular with a street abutting the building lot regardless of whether such is functionally the front, rear, end or side of the building.

F. **Canopy** - A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

G. **Canopy Sign** - A sign, affixed or applied to, a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.

H. **Changeable Copy Sign** - A sign whose informational content can be changed or altered by manual, electric, electro-mechanical, electronic or optical means.

I. **Column Sign** - A sign supported by two (2) columns with a minimum width of eight (8) inches or a single column with a minimum width of twelve (12) inches.
J. **Copy** - The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

K. **Electronic Message Sign** - A permanent sign providing information in both a horizontal and vertical format (as opposed to linear) sign copy, on which copy is created through use of a pattern of lights in a dot matrix configuration, which may be changed intermittently. Video signs are not included in this definition. Electronic message signs permitted under this chapter shall comply with the following standards:

1. The rate of change for sign copy from one message to another message shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.

2. Displays may travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.

3. Electronic message signs requiring more than four seconds to change from one copy to another shall be turned off during the change interval.

4. Sign copy shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face.

5. No electronic message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits or equivalent candelas during daylight hours, or one thousand nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the city manager.

L. **Frontage** - The length of the property lines of any one premises along public right-of-way on which it borders.

M. **Front Wall** - The front wall of a structure shall be the wall of a structure most parallel to the frontage of the property.

N. **Grade** - Grade is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.

O. **Height** - The height of a sign is the vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is greater.
P. **Monument Sign** - A sign that has an engineered footing and a solid supporting base that is generally made of stone, masonry, or concrete.

Q. **Mural** Any piece of hand-produced artwork painted, tiled, attached or applied directly on an exterior wall, ceiling or other large permanent surface. A distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture. The following are NOT considered murals:

1. mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl;

2. murals containing electrical or mechanical components; or

3. changing image murals.

R. **Name Plate** - A non-electric on-premise identification sign giving only the name, address, and or occupation of an occupant or group of occupants.

S. **Non-Conforming Sign** - A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

T. **Pan Chanel sign** - A sign not contained in a sign box, but rather the lettering and sign logos act as their own sign cabinet.

U. **Pole sign** - A sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign separated vertically from the ground by a distance of nine feet or greater as measured from grade.

V. **Portable Sign** - A sign that is at all times movable by hand. A portable sign includes but is not limited to: sandwich boards, yard signs, A-frame signs, and flag signs.

W. **Projecting sign** - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. Maximum projection shall be three feet and maximum thickness shall be one foot. A projecting sign shall not project above a roof line.

X. **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.)

Y. **Roof Sign** - Any sign erected over or on the roof line of a building.

Z. **Sign** - Any writing, including letter, word, or numeral; pictorial presentation, emblem, including device, 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 or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

AA. **Sign Area** - The entire area made available by the sign structure for the purpose of displaying the message. For painted signs, only that portion of
the door, wall, or structure actually devoted to the message and associated symbols and background, if any, is included in the area. The sign area as defined, shall be used in determining the allowable square footage of signs. For double faced signs, only one side of the sign shall be counted in the total maximum area. The address of the site on which the sign sits does not count toward the sign area.

BB. **Snipe Sign** - A small sign of any material, including but not limited to paper, cardboard, wood or metal, attached to any object and having no application to the premises where located, i.e. garage sale signs.

CC. **Temporary Sign** - A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, rigid plastic or paper, vinyl banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. Paper signs may only be used for single day events. Temporary signs are regulated under Section 16.080.035. Temporary signs do not include sandwich boards and flags, which are regulated as Portable Signs.

DD. **Unlawful Sign** - A sign that was constructed without the necessary permits or approvals of the city.

EE. **Wall Sign** - A sign attached essentially parallel to and extending not more than eight inches from the wall of a building with no copy on the sides or edges. This definition includes signs painted directly on the wall of a building, but exempts murals.

FF. **Wayfinding Sign** - A sign that is generally within the right-of-way and not on private property that is erected with permission of (and generally by) the jurisdiction with authority over the right-of-way. Wayfinding encompasses all of the ways in which people orient themselves in physical space and navigate from place to place.

GG. **Window Sign** - A sign installed on the exterior or on or near the interior of a window for the purpose of viewing from outside the premises.

**16.080.005 General Provisions**

A. Except as provided in this chapter, a person shall not erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the sign standards.

B. Except as provided in this chapter, a person shall not erect, construct or alter a sign, or permit the same to be done, unless a sign permit has been issued by the city. A sign permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and to the sign standards.

C. An application for sign permit approval is subject to the procedures set forth in this chapter.
D. A sign shall not be constructed on a site that contains an unlawful sign.

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

F. Sign permits are not required for wayfinding signs erected by the jurisdiction with authority over the right-of-way in which the sign is placed.

G. Compliance with this sign code shall be reviewed by City Staff prior to issuance or renewal of any business license on a property in the City.

H. Murals are subject to review and approval by the City’s Mural Committee. If the Mural Committee is not active, City Staff will review and approve the mural based on the Mural Committee’s standards.

16.080.010 Permanent Signs in Residential Zones

A. Permitted Signs

1. Signs which meet the following regulation are allowed in the R-2.5 Zone: One (1) sign, not over nine (9) square feet in area, at each entrance to an apartment, townhouse or condominium development.

2. Signs that meet the following regulations are allowed in the R-2.5, R-5 and R-7.5 Zones: One (1) name plate, indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each building. This type of sign does not require a permit.

3. Changeable copy signs for institutional uses, not exceeding 20 square feet.

4. One (1) monument or column sign not exceeding 32 square feet for an institutional use. The sign shall be setback at least 10 feet from the front property line. If the use also has a changeable copy sign it shall be incorporated into the monument or column sign.

5. One (1) monument or column sign at each entry to a subdivision not exceeding 32 square feet for the name of a residential subdivision. The sign shall not violate the vision clearance requirements.

6. Licensed care facilities on a premises may have one (1) sign not exceeding 4 square feet.

B. Prohibited Signs

The following signs are prohibited in all Residential zones:
1. Pole signs
2. Roof signs
   .035
3. Mural

16.080.015 Permanent Signs in Commercial Zones

A. Permitted Signs

1. Signs which meet the following regulations are allowed in the C-1 Zone.

   a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.

   b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building wall.

   c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building wall.

   d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building wall.

   e. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from, a residential zone.

   f. Window sign, provided that not more than 25% of a window is included in a window sign.

   g. A mural meeting the definition under Section 16.80.00 will be allowed with no maximum size.

   h. Projecting signs meeting the definition under Section 16.80.000 Projecting signs shall be at least 8 feet over the grade adjacent to the building. Projecting signs may project one foot if at least 8 feet above grade and increase one foot of projection for each one feet of elevation over 8 feet to a maximum projection of 3 feet.
i. One monument or column sign meeting the definition under Section 16.80.00, not exceeding 32 square feet.

j. One changeable copy sign incorporated into the allowable square footage of wall, monument and column signs for the property.

2. Signs which meet the following regulations are allowed in the C-2 Zone.

a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.

b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building wall, except as provided in subsection e. below.

c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building wall, except as provided in subsection e. below.

d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building wall, except as provided in subsection e. below.

e. For properties adjacent to Highway 26, signage on the wall facing the highway is permitted of a size up to twenty-five percent (25%) of the wall area. Any properties containing pre-existing non-conforming signage shall be subject to the wall sign provisions of subsections a. through d., above.

f. No sign shall be allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

g. Window sign, provided that not more than 25% of a window’s area is included in a window sign.

h. One monument or column sign not exceeding 32 square feet for each driveway, except that monument or column signs shall not be located adjacent to, or across from residential zones.

i. For properties with greater than 200 feet of total street frontage, one monument or column sign for each street
frontage with a maximum area of 50 square feet for each sign. Such sign shall not be in addition to the monument or column sign allowed in subsection h of this section.

j. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

k. Changeable copy signs incorporated into the allowable square footage of wall, monument and column signs for the property are permitted.

B. Uniform Sign Plan- A development anticipating more than one business on the premises shall submit a uniform sign plan with the land use application for design review.

C. Prohibited Signs

1. The following signs are prohibited in the C-1 Zone:
   a. Pole signs
   b. Roof signs

2. The following signs are prohibited in the C-2 Zone:
   a. Pole sign
   b. Roof signs
   c. Projecting signs

16.080.020 Permanent Signs in Neighborhood Community Zone

A. Permitted Signs

   Signs located in the NC Zone:

1. Signs located in the residential or institutional portions of the NC zone shall comply with signs allowed in Residential Zones, per Section 16.080.010.

2. Signs located in the commercial or mixed use portions of the NC zone shall comply with signs allowed in the C-1 zone, per Section 16.080.015.

3. Signs in institutional areas shall comply with signs allowed in the M-1 zone, per Section 16.080.030.
B. Uniform Sign Plan- A development anticipating more than one business on the premises shall submit a uniform sign plan with the land use application for design review.

C. Prohibited Signs

1. Pole signs
2. Roof signs

16.080.025 Signs in Institutional and Public Use Zone

A. Permitted Signs

1. One wall sign not exceeding 32 square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.

2. One free-standing sign per street frontage not exceeding 32 square feet per sign face shall be permitted. A minimum setback of 10 feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to 6 feet from ground level at its base.

3. For city park signs, refer to the City’s Park Naming and Plaques policy.

16.080.030 Permanent Signs in Industrial Zones

A. Permitted Signs

1. Signs that meet the following regulations are allowed in the M1 Zone.

   a. One wall sign a maximum of 32 square feet for each business located on a property.

   b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

   c. One monument or column sign not exceeding 32 square feet for each driveway, except that monument or column signs are not allowed adjacent to, or across from a residential zone.

   d. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

2. Signs complying with the following regulations are allowed in the M2 Zone.
a. One wall sign a maximum of 32 square feet for each business located on a property.

b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

c. One monument or column sign not exceeding 32 square feet for each driveway, except that monument or column signs shall not be located adjacent to, or across from residential zones.

d. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

B. Uniform Sign Plan- A development anticipating more than one business on the premises shall submit a uniform sign plan with the land use application for design review.

C. Prohibited Signs

1. Signs prohibited in the M-1 Zone:
   a. Pole sign
   b. Roof signs
   c. Projecting signs
   d. Changeable copy sign, except gasoline price signs

2. Signs prohibited in the M-2 Zone:
   a. Pole sign
   b. Roof signs
   c. Projecting signs
   d. Changeable copy sign, except gasoline price signs

16.080.035 Temporary Signs

General temporary sign provisions.

A. Temporary signs may be erected and maintained only in compliance with the following provisions. They shall:

1. Contain no moving parts within the sign face and shall not be lighted;
2. Be affixed to a permanent structure or be free-standing and adequately anchored into the ground;
3. Be placed no higher than the building’s eave, top of wall or parapet.

B. Permitted temporary signage. Temporary signage shall be allowed for each property as follows:

1. All Zones
   a. Signs not exceeding 6 square feet in area during the period from 6 weeks prior to a public election or the time the election is called, whichever is earlier, to 5 days after the election. No permit shall be required for such signs.
   b. One (1) temporary sign per frontage, not exceeding 6 square feet in area, during the time of construction, landscaping, or remodeling of the property, provided that the sign is removed within 30 days of the completion of any construction, landscaping or remodeling.

2. Residential (R-7.5, R-5, R-2.5, and residential portions of the NC) Zones (no permit shall be required for such signs):
   a. One (1) temporary sign per frontage, not exceeding 4 square feet in area, per side, which is erected for a maximum of 4 consecutive days. A total of 8 days in any calendar year is permitted. Such signs are typically used for garage sales.
   b. Two (2) temporary signs not exceeding 32 square feet in area allowed per subdivision during the build-out of the residences in the subdivision. These types of signs are typically used for subdivision and model home identification.
   c. One (1) temporary sign per frontage, not exceeding 6 square feet in area per side, during the time of sale, lease or rental of the lot or structure, provided that the sign is removed within 30 days of the sale, lease or rental of the lot or structure.
   d. Homeowner Association or Neighborhood meeting and/or announcements not exceeding 4 square feet.

3. Commercial (C-1 and C-2), Industrial (M-1 and M-2) and the commercial or industrial portions of the NC zone:
   a. Up to two (2) temporary signs not exceeding 100 square feet (such as banner signs) shall be erected for no more than 30 consecutive days and for no more than 60 total days per calendar year.
   b. One (1) temporary sign per frontage, not exceeding 32 square feet in area per side, during the time of sale, lease or rental of the lot or structure, provided that the sign is removed within 30 days of the sale, lease or rental of the lot or structure.

4. Institutional (IPU) Zone:
a. Up to two (2) temporary signs not exceeding 100 square feet each (such as banner signs) shall be erected for no more than 90 days per calendar year.
b. One (1) temporary sign per frontage, not exceeding 32 square feet in area per side, during the time of sale, lease or rental of the lot or structure, provided that the sign is removed within 30 days of the sale, lease or rental of the lot or structure.

C. Temporary signs up to a maximum of six (6) square feet in area posted on Friday after 6 am through Sunday at 6 pm, and all day on Tuesday, do not require a permit (such as signage typically utilized to identify weekend events, sales, real estate open houses, etc).

16.080.040 Portable Signs.

General portable sign provisions. Portable signs may be erected and maintained only in compliance with the following provisions:

A. Portable signs shall be permitted in Commercial (C-1 and C-2), Industrial (M-1 and M-2), and Institutional (IPU) zones and the non-residential portions of the Neighborhood Community (NC) zones.

B. Portable signs shall be professionally prepared, contain no moving parts within the sign face and shall not be lighted.

C. Each property shall be permitted one portable sign for every one hundred feet of frontage on a public right-of-way, not exceeding twelve (12) square feet in area per sign face. A minimum 100-foot spacing between portable signs on the same property is required. Portable signs shall be located in one of three places:

1. On the same private property as the business or institution to which the sign pertains.

2. In the right-of-way directly adjacent to the property on which the business sits, provided the right-of-way is under City jurisdiction and the property is zoned to permit portable signs.

3. On another private property within the City with permission of the property owner and within a zone that permits portable signs.

D. Portable signs shall not be located within twenty (20) feet of a property corner adjacent to two rights-of-way.

E. Portable signs shall be removed at the close of the business day.

F. Portable signs shall not block or impede ADA and pedestrian access on public or private walkways or sidewalks.

G. An annual sticker permit is required from the City for each portable sign. Generally this will be issued at time of business license renewal.
H. The portable sign provisions do not apply to signage attached to the building wall or within the window of a business.

16.080.045 Additional Regulations Applicable to all Zones.

A. Lighting exterior to the structures shall be shielded in such a manner as to confine emitted light within the boundary of the property from which it originated except lighting installed to illuminate the American Flag or Oregon State Flag may project into the air to properly illuminate the flag, however, such lighting shall not project onto adjacent property or into a public right of way.

B. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign and are not being used for the new sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.

C. Signs and supporting hardware, including temporary signs and time/temperature signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

D. All signs shall be maintained at all times in a state of good repair, and no person shall maintain or permit to be maintained on any premises owned or controlled by him/her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or otherwise dilapidated or in an unsafe condition.

16.080.050 Abandoned Signs

Any sign that is unused for more than 90 consecutive days shall be deemed abandoned and shall be removed by the property owner, except that if the sign is in a vacant commercial or industrial space, the sign may remain provided there is an active attempt to obtain tenants for the space.

For the purposes of this Section, "unused" shall mean the absence of copy or advertising message or the sign is on a property that is not in use.

16.080.055 Non-Conforming Signs

A. Non-conforming signs may continue to exist, subject to the following provisions:

1. Any sign that was approved under previous regulations, or for which a variance was granted, shall either be removed or brought into compliance with this ordinance as a condition of approval of design review on the appurtenant property.

2. Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as non-conforming
and shall be removed within 90 days of the effective date of this ordinance.

3. No additions or enlargements may be made to a non-conforming sign except those additions or enlargements that are required by law.

4. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this section, except that:
   a. Non-conforming signs may be repaired and maintained and may have the sign copy changed. A sign may be removed from its sign structure for repair or maintenance if a permit is obtained under this section.
   b. Non-conforming signs may be structurally altered when the alteration is necessary for structural safety.
   c. Non-conforming signs may be reconstructed if required to be moved for construction or repair of public works or public utilities and the sign reconstruction is completed within ninety days after the completion of the public works or public utility construction or repair.

5. A non-conforming sign that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged non-conforming sign that cannot be repaired shall be removed within ninety days of the date the sign was damaged. As used herein, “non-conforming sign” includes the sign structure, foundation and supports.

6. Whenever a non-conforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a non-conforming sign, provided that such repairs and restoration are started within ninety days of the date the sign was damaged and are diligently pursued thereafter.

7. Whenever repair and/or restoration to a damaged non-conforming sign is not started within ninety days of the date the sign is damaged or is diligently pursued once started, the sign shall be deemed abandoned and shall be removed by the property owner.

8. Abandoned signs shall not be permitted as non-conforming signs.

9. No non-conforming sign shall be permitted to remain unless properly repaired and maintained as provided in this section. A sign maintained in violation of this provision shall be removed as
provided in Section A.1. of this Section. Any non-conforming sign
that is determined by the building official to
be an unsafe sign shall be removed as provided by Section A.5. of
this Section. Any non-conforming sign determined by the city
manager to be an abandoned sign shall be removed as provided
in subsection A.7 of this section.

B. Nothing in this section shall be deemed to prevent the maintenance of any
sign, or regular manual changes of sign copy on a sign.

C. This section shall not require the removal or modification of a sign if the
sign is in good condition, and located on a historically significant structure
or object as recognized in the Comprehensive Plan.

D. Highway Signs. Any non-conforming signs located at tax lots
1N312AB00400, 1N301DC06300 or 1N3120000200, that were approved
under previous regulations, or for which a variance was granted, and
which was installed prior to April 1, 2013 will be permitted until such time
that all or a portion of the sign is removed or in poor repair, for any reason
including acts of god. Highway signs cannot be altered in physical
dimensions.
Before the City Council of the City of North Plains

In the matter of an application for
adoption of a Zoning and Development
Code Text Amendment
City of North Plains, APPLICANT

NOTICE OF DECISION-
19-086 Zoning Code Text Amendment
Signs
CC Hearing Date: October 7, 2019

WHEREAS, the City of North Plains initiated an update to Chapter 16.080 (Signs) of the Zoning and Development Code; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing, and reviewed the proposed Zoning Code Text Amendment and staff report at its meeting on September 12, 2019; and

WHEREAS, the City Council conducted a duly noticed public hearing, and reviewed the proposed Zoning Code Text Amendment, Planning Commission recommendation and staff report at its meeting on October 7, 2019; and

WHEREAS, the Planning Commission and City Council considered the submitted staff report and reviewed the proposed Zoning Code Text Amendment for compliance with the North Plains Comprehensive Plan, which incorporates the Statewide Planning Goals, and thereafter closed the hearing; and

WHEREAS, the City Council identified the need to update the proposed language in sections 16.080.035.A.1 and 16.080.040.B from “contain no moving parts and shall not be lighted” to “contain no moving parts within the sign face and shall not be lighted”, in order to clarify that portions of a temporary sign or portable sign may be movable, such as the hinge on a sandwich board sign, but that the sign face itself should not have moving parts; and

WHEREAS, having considered the application and the evidence in the record, the City Council approved File No. 19-086 Zoning Code Text Amendment and conducted a first reading on October 7, 2019, conducted a second reading and adoption of Ordinance 465 on October 21, 2019, and made the updated Zoning Code Text Amendment effective November 20, 2019.

Now therefore, the City of North Plains Ordains as Follows:

The City Council approves the proposed Zoning Code Text Amendment, file 19-086, based on the findings and conclusions contained in the Planning Commission recommendation dated September 12, 2019, which the City Council hereby adopts as its findings, and determines to be reasonable.

This updated Zoning Code Text Amendment shall take effect pursuant to Ordinance No. 465 as signed by the Mayor of North Plains.

This decision, with associated findings, is available anytime for review at cityofnp.org or at City Hall, 31360 NW Commercial Street, during business hours.

This decision may be appealed to the Oregon Land Use Board of Appeals within twenty-one (21) days of the date of this notice. Any party with legal standing may file an appeal.
Appeals may be filed by submitting a Notice of Intent to Appeal consistent with applicable legal requirements. If you have questions about this decision, or the appeal process, please contact City Manager Andy Varner at 503-647-5555 or visit North Plains City Hall at 31360 NW Commercial Street.

\[signature\]

Teri Lenahan
Mayor

10/28/2019

Date