

UMATILLA COUNTY, OREGON

ORDINANCE #90-06

CO-ADOPTING THE CITY OF HERMISTON SIGN CODE, ORDINANCE #1689, FOR APPLICATION WITHIN THE HERMISTON URBAN GROWTH AREA

WHEREAS, In 1987, the City of Hermiston, enacted Ordinance #1614, removing sign regulations from the Zoning Ordinance, and establishing a separate Sign Ordinance, and

WHEREAS, On 8 January 1990, the City of Hermiston signed into law Ordinance #1689, a new Sign Ordinance, and thereby repealed Ord.#1614, and

WHEREAS, The City has requested the County co-adopt this Sign Ordinance for applicability within the Hermiston Urban Growth Area, so as to insure consistency of standards between county and city areas within the Urban Growth Boundary, and

WHEREAS, The County and the City have entered into a Joint Management Agreement to apply City planning, subdivision, and zoning regulations on areas within the Urban Growth Boundary which have not yet been annexed to the City, to carry out the requirements of ORS 197 and 227; and

WHEREAS, The County Planning Department has advised that though the Sign Ordinance is now separate from the zoning regulations, it is part of the City's "development regulations" and needs to be co-adopted to properly implement the City's Comprehensive Plan in those areas still under county jurisdiction, and

WHEREAS, The Umatilla County Planning Commission held a duly-advertised public hearing on 22 February 1990, at which time the Planning Commission recommended unanimously that the Hermiston Sign Ordinance be co-adopted, and

WHEREAS, The County Board of Commissioners held a duly-advertised public hearing on Tuesday, 6 March 1990, at which time no testimony was raised, and

WHEREAS, Immediately following their hearing, the Board of Commissioners unanimously voted to co-adopt the Hermiston Sign Ordinance,

NOW THEREFORE, BE IT ORDAINED that City of Hermiston Ordinance #1689 is hereby co-adopted for application solely within the Hermiston Urban Growth Area, as a "development regulation" supplementary to the City's Zoning Ordinance, which is already co-adopted, and thereby amending the following Ordinances

#83-07, the initial co-adoption of the Hermiston Comprehensive Plan, and zoning & subdivision ordinances, and,

#84-03, the current Umatilla County Development Ordinance, as previously amended.

BE IT ALSO ORDAINED that an "emergency" exists in order for these amendments to be applicable immediately, so as to conform to the City's action of 8 January 1990.

SIGNED this 15th day of March, 1990.

UMATILLA COUNTY BOARD OF COMMISSIONERS

ATTEST:



Chairman William S. Hansell



Joyce Gerdes,
Acting County Clerk



Vice-Chairman Glenn Youngman



Commissioner Jeanno Hughes

Attachment 1: City of Hermiston Sign Ordinance, #1689

UMATILLA COUNTY, OREGON
ORDINANCE #90-06

ATTACHMENT 1

ORDINANCE NO. 1689

AN ORDINANCE ADOPTING REGULATIONS GOVERNING REQUIREMENTS, FEES, AND ENFORCEMENT FOR THE PLACEMENT OF SIGNS AND PENALTIES FOR THE VIOLATIONS THEREOF; REPEALING ORDINANCE NO. 1614; AND DECLARING AN EMERGENCY.

SECTION 1. Purpose. This Comprehensive Sign Code has been prepared by and for the citizens of Hermiston in order to provide a safe, consistent, equitable and legal system of signing. The regulations of such factors as size, location, construction, etc. will encourage the communication of information and orientation for both visitors and citizens; provide for the effective identification and advertisement of business establishments; eliminate visual blight; and provide standards to safeguard life, health, property and public welfare.

SECTION 2. Definitions. As used in this ordinance, the following words and terms shall have the meanings ascribed to them in this section:

- (1) "Building frontage" means the linear frontage of a building measured along a street or alley between two lines projecting perpendicular from the street to the corners of the building.
- (2) "Canopy" means a structure made of cloth, metal or other material with frames affixed to a building.
- (3) "Construction sign" means any information sign which identifies the architect, engineers, contractors, and other individuals or firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.
- (4) "Electronic changing sign" means an electronic sign upon which the entire copy or message may appear or change from time to time upon a lamp bank, such as time and temperature displays, which by its nature and intensity is not a flashing sign.
- (5) "Flashing or moving sign" means any sign which contains or is illuminated by a light source which produces a brilliant flash and darkness on an alternating basis, which results in a pulsating effect designed primarily to attract attention, or any sign which produces apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation or any similar effect of animation which is designed or operated in a manner primarily to attract attention.
- (6) "Free-standing sign" means any sign set apart with no structural attachments to a building structure and is meant to include ground-mounted or pole signs for the purpose of these regulations.
- (7) "Grade" means the relative ground level in the immediate vicinity of the sign.
- (8) "Ground sign" means a sign which is mounted on the ground and supported by one or more uprights, poles, or braces in or upon the ground other than a

pole sign as defined. The bottom of such signs shall be no higher than three feet, and they shall extend no higher than eight feet.

- (9) "Height or height of sign" means the vertical distance from the average grade within 20 feet of the structure to the highest point of a sign or any vertical projection thereof, including its supporting columns.
- (10) "Incidental sign" means small signs, less than two square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephone, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business, building or development by means of a directory designating names and addresses only.
- (11) "Lighting, indirect or internal" means any illuminated sign constructed so that the immediate source of illumination is not visible when the sign is lighted and which does not exceed 10 candle power per square foot measured at 10 feet from the sign.
- (12) "Pole sign" means a single- or multiple-faced sign eight or more feet above grade, supported by one or more uprights in the ground and detached from any building or structure.
- (13) "Political sign" means a sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot.
- (14) "Portable sign" means any sign not meeting the anchorage requirements of the uniform sign code.
- (15) "Projecting sign" means a single- or multiple-faced sign which is designed and constructed to be mounted to the wall of a building and which will extend more than 12 inches from the wall.
- (16) "Property line" means the line denoting the limits of legal ownership of property.
- (17) "Readerboard" means a sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will.
- (18) "Roof sign" means any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building, including a sign affixed to any equipment attached to the building.
- (19) "Sandwich ("A") board" means a double-faced sign hinged or connected at the top which is spread for stabilization and set upon the ground.

- (20) "Sign" means any medium, including its structure and component parts, other than paint on a building, which is used or intended to be used to attract attention to the subject matter for communication purposes.
- (21) "Sign area" means the surface contained within a single continuous perimeter which encloses the entire sign cabinet but excluding any support or framing structure that does not convey a message. Where signs are of a three-dimensional, round, or other solid shape, the largest cross-section viewed as a flat projection shall be used for the purpose of determining the sign area. Signs visible from more than one direction or without clearly defined sign faces shall be considered as having two faces and each face calculated in the total allowable area.
- (22) "Street frontage" means street(s), alley(s), or public right(s)-of-way parallel to the property line used to compute the area of sign(s) intended to be located in such a manner as to have primary exposure on that street or right-of-way.
- (23) "Temporary sign" means any sign, banner, pendant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material intended to be displayed for a period of less than 60 days in any calendar year.
- (24) "Vision clearance area" means a triangular area on a lot at the intersection of two public rights-of-way, a street and a railroad, or point of vehicular access and a public right-of-way, two sides of which are lines measured from the corner intersection to a distance of 30 feet in residential districts, 15 feet in commercial districts and 10 feet at all alleys. The third side of a triangle is a line across the corner of the lot connecting the lines of the other two sides. The vision clearance area contains no signs higher than 2-1/2 feet or lower than 8 feet measured from the grade of the street centerline, though a single pole having a diameter of 1 1/2 inches or less is permitted. }
- (25) "Wall sign" means a single-face sign which does not extend more than 12 inches from the wall and the copy of which runs parallel to the wall to which it is attached.
- (26) "Window sign" means a sign which is applied to, attached to or located within three feet of the interior of a window, which sign may be seen through the window from the exterior of the structure.

REQUIREMENTS, FEES, AND ENFORCEMENT

SECTION 3. General Sign Regulations. No sign governed by the provisions of this ordinance shall be erected, structurally altered, or relocated without first receiving a sign permit from the City of Hermiston.

- (1) Installation Requirements. All signs shall comply with the following requirements and those specified by zoning district:
 - (a) Construction shall satisfy the requirements of the Uniform Sign Code.
 - (b) Electrical requirements for signs shall be governed by the National Electrical Code and Oregon Electrical Specialty Code Amendments.
 - (c) Except for exempt signs, all signs shall be permanently attached to a building or the ground.
 - (d) All signs shall conform to all vision clearance requirements.
 - (e) All signs together with their supports, braces, and guys shall be maintained in a safe and secure manner.
 - (f) All illuminated signs shall be internally or indirectly illuminated.

- (2) Exempt Signs. The following signs shall be exempt from the application, permit and fee requirements of this ordinance:
 - (a) Impermanent construction and subdivision signs not exceeding 32 square feet in area;
 - (b) Directional, warning or information signs or structures required or authorized by law, or by federal, state, county or city authority;
 - (c) Historical site plaques;
 - (d) Incidental signs;
 - (e) Official and legal notices issued by any court, public body, person or officer in performance of a public duty or in giving any legal notice;
 - (f) Official flags of the United States of America, states of the United States, counties, municipalities, official flags of foreign nations, and flags of internationally and nationally recognized organizations;
 - (g) On-premise signs not readable from the public right-of-way, i.e., menu boards, etc.;
 - (h) Political signs, provided such signs shall not exceed 4 square feet in area or be posted more than 90 days before the election to which they relate and are removed within 15 days following the election;
 - (i) Real estate signs not exceeding 4 square feet in area in residential districts or 32 square feet in commercial or industrial districts;
 - (j) Residential identification signs;
 - (k) Structures intended for a separate use such as phone booths, Goodwill containers, etc.;
 - (l) Temporary signs;
 - (m) Wall signs less than one inch deep with no electrical permits required;
 - (n) Window signs.

- (3) Prohibited Signs. The following signs are prohibited:
 - (a) Flashing and moving signs, except time and temperature;
 - (b) Portable signs;
 - (c) Sandwich ("A") boards;
 - (d) Signs attached to utility, streetlight, or traffic control standard poles or otherwise located in the public right-of-way without a permit;
 - (e) Signs in a dilapidated or hazardous condition;

- (f) Signs on doors, windows, or fire escapes that restrict free ingress or egress;
 - (g) Signs which purport to be, are an imitation of, or resemble an official traffic sign or signal, could cause confusion with any official sign, or which obstruct the visibility of any traffic sign or signal;
 - (h) Swinging projecting signs.
- (4) Free-Standing Signs. All free-standing signs shall comply with the following provisions:
- (a) One free-standing sign shall be permitted along each street frontage, or each 300 feet of street frontage, with one additional free-standing sign allowed on the property.
 - (b) A free-standing sign shall be placed behind the property line and no closer than 10 feet to any adjacent private property line.
 - (c) Free-standing signs may project over the public property line provided they conform to the standards established for projecting signs.
- (5) Projecting Signs. All projecting signs shall comply with the following provisions:
- (a) No projecting sign shall extend above the highest structural component of the building to which it is attached.
 - (b) Signs over the public right-of-way, including free-standing signs, shall conform to the following standards:

<u>CLEARANCE</u>	<u>MAXIMUM PROJECTION</u>
Less than 8'	Not permitted
8'	1'
8' to 16'	1' plus 6" for each foot of clearance in excess of 8'
Over 16'	5'

No sign shall project within 2 feet of a curb line.

- (c) In addition, no sign or sign structure shall project into any public alley below a height of 14 feet above grade, nor project more than 12 inches where the sign structure is located 14 feet to 16 feet above grade. The sign or sign structure may project not more than 36 inches into the public alley where the sign or sign structure is located more than 16 feet above grade.
- (6) Roof Signs. All roof signs shall comply with the following provisions:
- (a) All roof signs shall be installed or erected in such a manner that no support structure is visible from any abutting public right-of-way.

- (b) Roof signs may be erected so as to appear from all sides as a wall sign applied to an existing penthouse which appears to be a part of the building itself.
 - (c) Roof signs shall not exceed the maximum allowable height of the building within the zone in which it is located.
- (7) Wall Signs. All wall signs shall conform to the following provisions:
- (a) Wall signs may be attached flat to, or pinned away from the wall, but shall not project more than 12 inches from the wall.
 - (b) For purposes of this ordinance, wall signs shall be exempt from the area limitations in calculating allowable sign area.
 - (c) Wall signs shall not extend above the height of the wall to which it is attached.
- (8) Fees. A fee of \$27.50 shall be charged for all regulated signs erected within the city. Such fee may be changed or reset by resolution of the city council.
- (9) Code Violations and Enforcement. Any sign which is not in compliance with all the provisions of this ordinance is an unlawful sign and declared to be a public nuisance.
- (a) The City may order the removal of any sign erected or maintained in violation of this ordinance. It shall give 24 hours notice in writing to the owner of such sign, or of the building structure, or premises on which the sign is located, to remove the sign or bring it into compliance.
 - (b) The City may remove a sign immediately and without notice if, in its opinion, the condition of the sign is such as to present an immediate threat to the safety of the public, and is hereby authorized to take such steps as may be necessary to remove said sign. Neither the City nor any of its agents shall be liable for any damage to the sign.
 - (c) The violation of or failure to comply with any of the provisions of this ordinance or the erection, use, or display or the allowing of, the permitting of, or the suffering of the erection, use or display of any sign not in compliance with all the provisions of this ordinance is unlawful and upon conviction, the violator may be punished by a fine of not more than \$250 and shall be required to remove such sign or to take such other action as shall be determined by the court to be necessary to bring such sign into full compliance with the provisions of this ordinance.
 - (d) The remedies provided in this section for violations of or failure to comply with provisions of this ordinance shall be cumulative and shall be in addition to any other remedy provided by law.

ZONING DISTRICT REQUIREMENTS

SECTION 4. Residential - Low and Medium.

- (1) General. This section of the sign ordinance shall apply to all residential districts designated as Low Density Residential, R-1, and Medium Density Residential, R-2.
- (2) Size and Height. One name plate or identification sign with a maximum of two faces not exceeding two square feet per face per dwelling unit is permitted. Uses allowed conditionally may be allowed to erect one sign per street frontage not to exceed 32 square feet.
- (3) Location. Signs permitted outright in the R-1 and R-2 districts may be located anywhere on the premises; however, no free-standing sign may exceed eight feet in height or project beyond any property line. Building-mounted signs shall be wall-mounted and shall not be erected on any building roof.

SECTION 5. Residential - Multi-Family and Multi-Structure.

- (1) General. This section of the sign ordinance shall apply to all residential districts designated as Multi-Family Residential, R-3 and Multi-Structure Residential, R-4.
- (2) Size and Height. Signs permitted in the R-1 and R-2 districts are permitted in the R-3 and R-4 zones. For multiple-family dwellings, permitted mobile home parks and conditional uses in the R-3 and R-4 zones, one identification sign totaling 32 square feet in area shall be permitted for each street frontage.
- (3) Location. Signs permitted in these residential districts may be located anywhere on the premises; however, no free-standing sign shall exceed eight feet in height or extend beyond a property line. Building-mounted signs shall be wall-mounted and shall not be erected on any building roof.

SECTION 6. Commercial - Industrial - Airport.

- (1) General. This section of the sign ordinance shall apply to all commercial, industrial and airport districts.
- (2) Size. The size of allowable area of signs shall be as follows:
 - (a) A total sign area of 1-1/2 square feet for each lineal foot of building frontage or one square foot for each lineal foot of lot frontage, whichever results in the larger sign area.
 - (b) Free-standing or projecting signs shall be limited to 150 square feet per face. Such signs shall not exceed 30 feet in height from grade to the highest element of such signs unless otherwise restricted.

(3) Location. Except as provided for below, permitted signs may be located anywhere on the premises.

(a) Where frontage is on more than one street, only the signs computed with the frontage of that street shall be located on that street. Free-standing or projecting signs shall be turned no more than 44 degrees from the street for which it is calculated.

SECTION 7. Signs in Neighborhood and Regional Shopping Centers.

(1) Signs of Individual Businesses. Within neighborhood and regional shopping centers, each individual business shall be allowed a total sign area as calculated in accordance with Section 6(2).

(2) Shopping Center Sign. In addition to the sign area allowed for individual businesses, shopping centers with more than 100,000 square feet of floor area shall be allowed one double-faced indirectly lighted sign on each street right-of-way. Such signs shall neither extend beyond the property line nor be placed in the right-of-way and shall be used solely to identify the shopping center, shopping area, or business or activities conducted therein. These signs shall not exceed 300 square feet per face and shall not exceed 30 feet in height from grade to the highest element of the sign.

NONCONFORMING SIGNS

SECTION 8. Grandfather Clause. If, at the time of passage of this ordinance, a sign does not conform to the provisions of this ordinance, said sign may be continued and maintained in reasonable repair. This grandfather status, however, shall not prevent the City from taking action under Section 3(9) where a clear and immediate threat to the public safety and welfare exists.

SECTION 9. Alteration, Relocation or Replacement. Nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all provisions of this ordinance.

SECTION 10. Destruction of a Nonconforming Sign. If a nonconforming sign is destroyed by any cause to the extent of more than 60 percent of its value, then and without further action by the planning commission, the sign shall be subject to all applicable regulations of the ordinance. For the purpose of this ordinance, the value of any sign shall be the estimated cost to replace the sign in kind, as determined by the building inspector.

VARIANCES

SECTION 11. Authorization to Grant or Deny Variances. The planning commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary

hardship. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purpose of this ordinance.

- (1) No variance shall be granted unless it can be shown that all of the following conditions exist:
 - (a) Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.
 - (b) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
 - (c) The authorization of the variance shall not be materially detrimental to the purposes of this ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.
 - (d) The variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship.

- (2) Application for a Variance. A property owner or his authorized agent may initiate a request for a variance or the modification of an existing variance by filing an application with the City using forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed sign(s). The planning commission may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties. The applicant shall pay a fee as established at the time the application is filed.

- (3) Public Hearing on Variance. Before the planning commission may act on a request for a variance, it shall hold a public hearing. The hearing shall be held within 40 days after the application is filed. The city manager shall give notice of the hearing in the following manner:
 - (a) Notice of the hearing shall be published in a newspaper of general circulation in the City not less than 5 days nor more than 20 days prior to the date of the hearing.
 - (b) Not less than 10 days prior to the date of the hearing, notices shall be mailed to all property owners within the area enclosed by lines parallel to and 300 feet from the exterior boundaries of the property involved. The names and addresses of property owners shall be those shown in the records of the county assessor. Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate the proceedings in connection with the application for a variance.

- (4) Notification of Action. Within five days after a decision has been rendered, the city manager shall provide the applicant with written notice of the City's action on the request for a variance.

SECTION 12. Severability. The provision of this ordinance ar hereby declared to be severable. If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 13. Repeal. Ordinance No. 1614 is hereby repealed.

NOW THEREFORE, an emergency is declared to exist, and this ordinance shall go into force and effect upon its passage and approval.

PASSED by the Common Council this 8th day of January, 1990.

APPROVED by the Mayor this 8th day of January, 1990.

/s/ William E. Neuffer
MAYOR

ATTEST:

/s/ Robert D. Irby
CITY RECORDER

1990 MAR 21 A 11:25

UMATILLA COUNTY, OREGON

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UMATILLA COUNTY BOARD OF COMMISSIONERS

ATTEST:

William S. Hansell
Chairman William S. Hansell

Joyce Gerdes
Joyce Gerdes,
Acting County Clerk

Glenn Youngman
Vice-Chairman Glenn Youngman

Jeanne Hughes
Commissioner Jeanne Hughes

Attachment 1: City of Hermiston Sign Ordinance, #1689

