

ORDINANCE NO. 314

CITY OF DEPOE BAY

AN ORDINANCE AMENDING ORDINANCE NO. 24 (ZONING ORDINANCE), AS AMENDED; ADDING NEW SECTION 4.910 SIGNS, ENACTING PROVISIONS REQUESTED AS A RESULT OF REVIEW OF THE DEPOE BAY ZONING ORDINANCE BY THE CITY OF DEPOE BAY; AND DECLARING AN EMERGENCY.

WHEREAS, the Depoe Bay Planning Commission has reviewed the Zoning Ordinance and considered proposed additions thereto; and

WHEREAS, the Depoe Bay Planning Commission held a public hearing on May 10, 2017 to obtain public comment on proposed revisions to the Zoning Ordinance; and

WHEREAS, the Depoe Bay Planning Commission, after considering public testimony, approved adding new Section 4.910 Signs to the Zoning Ordinance and has recommended those changes to the Depoe Bay City Council; and

WHEREAS, the Depoe Bay City Council held a public hearing on July 5, 2017 and has concluded deliberations on the recommended changes to the Zoning Ordinance, including considering public testimony and staff recommendations;

NOW, THEREFORE, the City Council of the City of Depoe Bay ordains as follows:

1. Ordinance No. 24, as amended, is hereby amended in the following particulars:
 - a. Section 4.910 Signs, is a new section as shown in the text attached hereto, marked Exhibit A.

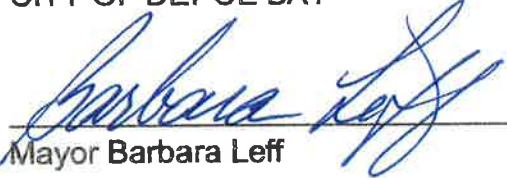
WHEREAS, the adoption of this ordinance is necessary to preserve the peace, health, safety and welfare of the citizens of the City of Depoe Bay, an emergency is hereby declared to exist and this ordinance shall be in full force and effective immediately upon its adoption by the City Council of the City of Depoe Bay and approved by the Mayor.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay, Oregon, on this 5th day of September, 2017.


Passed at the second reading, placed on final passage, and adopted by the City Council of the City of Depoe Bay, Oregon, on this on this 19th day of September, 2017.

Approved by the Mayor of the City of Depoe Bay, Oregon, this 25th day of September
_____, 2017.

CITY OF DEPOE BAY



Mayor Barbara Leff

ATTEST: 

City Recorder

EXHIBIT A

Section 4.950 Signs

Sections:

1. Purpose
2. Nonconforming signs
3. Scope
4. Definitions
5. Sign permits required
6. Residential and NCA Overlay Zone requirements
7. C-1, L-I, and M-P Zone requirements
8. M-W Zone requirements
9. Temporary signs
10. Exceptions
11. Maintenance and appearance of signs
12. Abandoned signs
13. Variances
14. Violation of Ordinance
15. Liability

1. Purpose. Depoe Bay is known for the natural beauty of its surroundings. The perceived character of Depoe Bay is an important economic asset to the residents of the area; and, by reason of the foregoing, reasonable and proper regulation of signs and advertising structures is conducive to the fullest enjoyment by the people of the community of such natural and traditional advantages and is necessary to prevent depreciation of property values in residential and commercial areas of the City.

Further, unless reasonably and properly regulated, signs and advertising structures are a potential hazard to the community by reason of the structural nature, illumination and electrification thereof.

2. Nonconforming signs.
 - a. Any sign lawfully existing or lawfully permitted and constructed within the time allowed by the sign permit but which is made nonconforming by adoption or amendment of this chapter is a nonconforming sign.
 - b. Nonconforming signs shall be removed or brought into compliance if any of the following occurs:
 - 1) The sign or sign structure is moved, removed, replaced or structurally altered. Changes in removable faces or panels are not structural alterations.

Exception: When a nonconforming sign is damaged by natural events beyond the control of the owner, i.e. a wind storm, the sign may be rebuilt to the same size and height, using the same types of original material. This exception does not include a sign that is damaged by lack of maintenance, e.g. dry rot, rust, or similar types of damage.

- 2) The use of the property where the sign is located changes to a different use. For purposes of this section, a change in use includes situations in which services or goods offered or provided on the property are totally changed.
3. Scope. Every sign erected, altered or relocated within the city of Depoe Bay shall conform to the provisions of this Ordinance. It does not regulate traffic and street signs erected and maintained by a road authority as defined in ORS 801.445, trespass signs posted in accordance with ORS 164.245 to 164.270, holiday decorations, temporary interior window signs, or the display of the national or state flag. **U.S. Flags, Oregon State Flags, and Federally Recognized Tribal Flags of any quantity or size may be placed anywhere. They must meet any applicable safety standards, and shall not slow pedestrian or bicycle flow traffic or impede visibility and shall not interfere with vehicle traffic flow or visibility. U.S. Flag, Oregon State Flag, and Federally Recognized Tribal Flag displays shall not include business, company or commodity advertising.**

4. Definitions.

A-Frame sign, often referred to as a 'sandwich board' sign, means a freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

Awning means a shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning sign means a sign displayed on or attached flat against the surface or surfaces of an awning. The entire awning shall be included in the sign area calculation when the awning is backlit and the awning material exhibits the characteristics of luminosity obtained by means of a source of illumination.

Banner or feather sign means a ground-mounted or building-mounted banner, pennant, flag or similar type of sign on fabric or similar material.

Building sign means a wall, projecting/hanging, window or roof sign.

Canopy, attached means a multi-sided overhead structure supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

Canopy, freestanding means a multi-sided overhead structure supported by columns, but not enclosed by walls, which is installed as a permanent building structure under which vehicles can be driven.

Digital signs: For purposes of this ordinance, digital signs include signs that display text that is updated, and signs that have discrete lights or elements to display text, a symbol or an object.

Free standing sign means a sign which is supported by a separate independent structure and is not attached to or supported by any other building or structure.

Monument sign means a ground-mounted sign supported from grade with a solid base that is at least 75% of the width of the sign. A monument sign can also be supported with multiple architectural-designed posts. Single posts are prohibited.

Nonconforming sign means a sign which was erected legally but which does not comply with currently applicable sign restrictions and regulations.

Off-premises sign means any sign used for the purpose of displaying, advertising, identifying or directing attention to a business, service, activity or place, including products offered for sale or sold on premises other than on the premises where such sign is displayed.

Projecting sign means a sign which is attached to the wall, overhang or awning of a building and which projects more than twelve (12) inches beyond the wall, overhang or awning of the building.

Public right-of-way means land that is open and accessible as of right to the public and typically designed for travel by vehicle, on foot, or other mode of transportation. Public right-of-way does not have an assigned tax lot on the Lincoln County Assessor's Maps.

Sign means an identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

Temporary sign means any sign which is not permanently installed to or affixed to any sign structure or building, and is accessory to an event, election, government or institutional sponsored activity, lease, rental or sale of limited, fixed duration. A temporary sign does not include an A-Frame sign as identified above.

Size means the aggregate area of all sign display surfaces located on a single structure, but excluding posts and base that are without attached identification, description or illustration. Two surfaces parallel and back to back on the same structure, e.g. a projecting sign or 2-sided monument sign, shall be considered a single display surface.

Wall sign means a sign attached to or painted on a wall of a building with a display surface which projects no more than twelve (12) inches from the surface of the wall and not higher than the lowest roof edge above the building wall to which it is attached.

Window sign means a sign attached to the inside or outside of a window, and seen from the outside.

5. Sign permits required.

- a. Except as herein provided, no sign shall be erected, replaced, altered or relocated without the business owner first obtaining a sign permit and the property owner (if different) granting permission for a sign permit, demonstrating that the sign is or will be in compliance with all provisions of this Chapter. A-Frame signs, banner and feather signs, as defined above, are exempt from sign permits.
- b. Permits are issued for specific property only. Permits may transfer with ownership provided the signage is not altered or moved except to bring it into compliance with this section.
- c. Permits are not required for routine maintenance, nor required for changes in the text on signs.
- d. Signs conforming to the current code that are damaged by acts of nature, vandalism or accident shall not be assessed a new sign permit fee when repaired to the pre-damaged condition. The owner of free-standing signs shall be required to obtain a building permit prior to construction.
- e. The permit application shall be forwarded to the City Planner for review and processing. Any decision of approval or denial may be appealed to the City Council. An appeal shall be heard in a manner as prescribed by the City Council. Permit application review fees and

appeal processing fees shall be established, and may be revised from time to time, by resolution of the City Council.

6. Residential and NCA Overlay Zone requirements.

- a. In the R-1, R-2, R-3, R-4, and R-5 zones: one (1) sign shall be allowed and shall be limited to the following sizes and restrictions:
 - 1) Only wall signs are allowed in the R-1, R-2, R-3, R-4, and R-5 zones.
 - 2) A sign not exceeding two (2) square feet in size accessory to a single-family dwelling or a home occupation.
 - 3) No moving or flashing signs, lit signs, roof signs, A-Frame signs, or banner signs shall be allowed in the R-1, R-2 and R-3, R-4, and R-5 zones.
 - 4) No sign shall be placed within ten (10) feet of any government-installed sign within a public right-of-way (stop signs, traffic control sign, etc.)
- b. In the NCA Overlay Zone, signs are allowed per DBZO Section 3.120.i. No sign permit is required.

7. C-1, L-I, and M-P Zone requirements.

- a. General sign requirements:
 - 1) No free standing or projecting sign shall be placed within ten (10) feet of any government-installed sign within a public right-of-way (stop signs, traffic control signs, etc.)
 - 2) Signs may be illuminated internally or externally (includes neon).
 - 3) External light illuminating from a sign shall be directed away from a residential use or zone and shall not be located so as to distract motorists.
 - 4) No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or interfere with the effectiveness of an official traffic sign, device, or signal.
 - 5) Strobe or rotating lights shall are not permitted on private property.
 - 6) All signs shall conform to acceptable safety requirements as determined by the City. Analysis of safety of electrical design of aluminum signs may be required.
 - 7) There shall be no advertising signs for businesses or activities located outside of the city or its urban growth boundaries.
 - 8) No sign shall detract from and/or block any area of scenic value, as inventoried in the Comprehensive Plan.
 - 9) Where it can be demonstrated that directional signs are needed for directing or controlling vehicular access, or where such signs are required as a condition of approval for public safety, such signs may be permitted in addition to any other signs permitted by this section. Such signs shall be placed at each motor vehicle entrance or exit, shall not exceed nine (9) square feet in size and six (6) feet in height, and shall not restrict required sight distances or pedestrian and vehicular flow.
 - 10) Movable planters are encouraged in front of businesses. Planters shall not slow pedestrian, or bicycle flow traffic or impede visibility and they shall not interfere with

vehicle traffic flow or visibility. They shall not include business, company or commodity advertising other than allowed in this section.

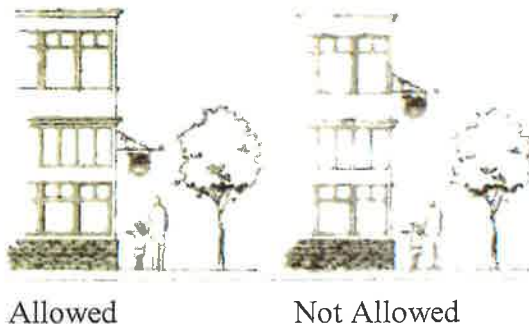
b. Sign types:

- 1) Wall and Window Signs. A maximum 20% of a building façade is allowed to have signs. This includes the total combined area of wall and window signs. Multiple facades may not be aggregated for purposes of determining sign size.

Murals are not allowed on buildings.

- 2) Projecting signs.

- a) Projecting signs are allowed for nonresidential uses.
- b) If a business has a projecting sign then A-Frame signs are prohibited.
- c) Projecting signs shall be installed on the primary use building. Multiple-tenant buildings may have one sign on each tenant's storefront that provides customer access.
- d) Projecting signs shall be located on the first story except that a projecting sign may be installed on the wall of the second story, provided the sign and sign supports are installed no higher than the second floor window opening or 24 feet above grade, whichever is lower. Projecting signs shall not extend above the roofline or roof eave or above the parapet of the building.



- e) Projecting signs shall not exceed 9 square feet in area and shall be no more than 3 feet wide, 3 feet tall, and have a maximum thickness of 18 inches. Projecting signs shall extend no more than 42 inches from the building or within two feet of the curb, whichever is less.
- f) A minimum clearance of eight feet between the bottom of the sign and the finished grade below the sign is required. At alleys, when no curb exists, a minimum height of 14 feet between the bottom of the sign and the finished grade below the sign is required.

- 3) Roof signs. Roof signs are prohibited.

- 4) Permanent free-standing and monument signs.

- a) No more than one free-standing or monument sign is permitted per street frontage per property.

- b) The sign shall be placed on the private property of the business.
 - c) The sign shall not be located on the sidewalk, pedestrian way, public right-of-way, or in such other manner as to interfere with the orderly flow of pedestrian traffic along the street, sidewalk, pedestrian way, or public right-of-way.
 - d) The sign shall not be located upon the private property in such a manner as to interfere with the clear vision area of motor vehicles, or to cause, in any other manner, a hazard to motor vehicle traffic.
 - e) Single pole signs are prohibited.
 - f) Free-standing and monument signs shall have a maximum 8 foot height, maximum 10 foot width, and maximum 50 square feet.
 - g) Electrical service to free-standing and monument signs shall be underground.
 - h) Prior to free-standing or monument sign placement, construction, or alteration, a building permit shall be obtained if free-standing or monument signs are required by the Lincoln County Building Official.
- 5) A-Frame signs.
- a) No more than one A-Frame sign is permitted per business.
 - b) If a business has an A-Frame sign, projecting signs are prohibited.
 - c) A-Frame signs may be placed on private property.
 - d) A-Frame signs may be placed within the public right-of-way fronting the business. A-Frame signs shall not be located within eight (8) feet of vehicular travel lanes. A-Frame signs may not be located in bicycle lanes or parking spaces, nor impede pedestrian access or opening of vehicle doors. A-Frame signs may be placed on a sidewalk, however a minimum four (4) feet of lateral clearance shall be maintained on a sidewalk. Placement of A-Frame signs within Hwy 101 right-of-way are subject to agreement with the Oregon Department of Transportation.
 - e) A-Frame signs shall be a maximum of eight (8) square feet with maximum dimensions of two (2) feet wide by four (4) feet tall.
 - f) A-Frame signs shall be secured by means of attaching an interior weight so as not to be movable (pushed, pulled, blown, etc.)
 - g) Any object attached to A-Frame signs, e.g. balloons, banners, etc., shall be in accordance with the above A-frame sign standards.
 - h) A-Frame signs are only permitted during business hours and should be removed during periods of high winds.
- 6) Banner and feather signs.
- a) One banner or feather sign is allowed per ten (10) feet of business frontage.
 - b) Banner and feather signs shall not exceed 20 square feet.
 - c) Ground-mounted banner and feather signs may be placed on private property and not be mounted in or extend into public right-of-way. Banner and feather signs attached to a building may extend over a sidewalk within the public right-of-way with a

minimum clearance of 7.5 feet from the ground so as to not impede pedestrian access.

- d) No banner or feather sign, other than the American flag, shall be placed in any flagpole holes along Hwy 101, and no banner or feather signs shall be placed in planters located in the public right-of-way.
 - e) Banner and feather signs are only permitted during business hours and should be removed during periods of high winds.
- 7) Digital signs. A digital sign may be a wall, window, free-standing, or monument sign. A digital sign is subject to all sign regulations. For example, if a digital sign is a free-standing or monument sign, no more than one free-standing or monument sign is permitted per street frontage per property.
- a) One digital sign is allowed per business or institution. In addition, one digital 'open' sign is allowed per business.
 - b) Digital signs may not be externally or internally illuminated by a flashing light or a light that varies in intensity.
 - c) Digital signs must be equipped with a light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light.
 - d) Digital signs that have dynamically moving content, video, streaming, or scrolling text are not allowed.
 - e) Digital signs must be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
 - f) The change from one message to another message may not be more frequent than once every fifteen (15) seconds and the actual change process must be accomplished in two seconds or less.
 - g) If attached to a building or displayed inside a building so as to be visible from outside, the digital sign shall be considered to be a building sign and included in the maximum 20% of a building façade that is allowed to have signs.
 - h) If the digital sign is a free standing or monument sign, no other free standing or monument sign is permitted per street frontage per property.
- 8) Awning and canopy signs.
- a) Awning and canopy signs are allowed for nonresidential uses. Awnings and canopies shall be installed in compliance with current editions of adopted building codes and subject to permitting and inspection by the Building Safety Division.
 - b) Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied. Signs shall not be attached on top of or project beyond the fascia of a freestanding canopy. Signs may be installed on top of a canopy that is attached to and supported by the building, provided the sign does not extend above the roofline or eaves of the building. The sign area shall be deducted from the building sign area allowance.



Allowed



Not Allowed

- c) Awnings and canopies shall not interfere with any government-installed sign within a street right-of-way (stop signs, traffic control sign, etc.).
- d) Awning and canopies attached to the building are allowed on the first story only. Attached awning or canopy structures shall maintain a clearance of eight feet above a public right-of-way or finished grade. The valance shall maintain a seven-foot clearance. An awning or canopy shall not extend within two feet from the street curb. Posts or columns beyond the property line are not permitted. Awning and canopies shall not project above the roofline.



- 9) "Open" signs.
"Open" signs not exceeding two (2) square feet are allowed and shall not be counted in the maximum 20% façade coverage. Sign permits are not required for these "Open" signs.

8. M-W Zone requirements.

In the M-W zone, only signs in conjunction with an existing or approved activity are allowed, provided the sign is constructed such that it meets the requirements of DBZO Section 3.370 Flood Hazard Overlay Zone.

9. Temporary signs.

In addition to the allowances for signs provided by this section, temporary signs are allowed on private property with the following standards:

- a. No more than one temporary sign is permitted per business. Temporary signs are not permitted in the public right-of-way.
- b. The maximum size of temporary signs shall be as follows:

- | | |
|---|-----------------------|
| 1) Real Estate sign for property with building: | four (4) square feet |
| 2) Real Estate sign for vacant property: | eight (8) square feet |
| 3) Other temporary signs: | six (6) square feet |
| 4) Community event signs: | Unlimited |
- c. Temporary signs are allowed for not more than thirty (30) consecutive days or for any period of time during which the property is for sale, lease or rent, or for an election or event.
 - d. Temporary signs shall be secured so as not to be movable (pushed, pulled, blown, etc.).
 - e. No objects shall be attached to temporary signs, e.g. balloons, banners, etc.

10. Exceptions.

Provisions and regulations of this ordinance shall not apply to the following signs:

- a. Real estate signs not exceeding six square feet in area which advertise the sale, rental or lease of the premises upon which such signs are located only.
- b. One professional name plate not exceeding one square foot in area.
- c. Temporary public agency or institutional signs not over eight square feet in area for may be placed within the public right-of-way. Temporary public agency or institutional signs shall be for a specific event and allowed to be place no more than three days prior to the event and no more than 1 day following the event. The signs shall not be located within eight (8) feet of vehicular travel lanes, not be located in bicycle lanes or parking spaces, nor impede pedestrian access or opening of vehicle doors. The signs may be placed on a sidewalk however a minimum four (4) feet of lateral clearance shall be maintained on a sidewalk. Placement of temporary public agency or institutional signs within Hwy 101 right-of-way are subject to agreement with the Oregon Department of Transportation.
- d. Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding twelve square feet in area.
- e. An occupational sign denoting only the name and profession of an occupant in a commercial building, public institution building or dwelling house, and not exceeding two square feet in area.
- f. Memorial signs or tablet, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- g. Traffic or other municipal signs, legal notices, danger and such temporary, emergency or non-advertising signs as may be approved by the City Council.
- h. Election campaign signs not exceeding six square feet in area which are in compliance with Oregon state law.
- i. Any Community/Civic events: limited to events that are part of, endorsed, sanctioned, condoned or officially approved by the City of Depoe Bay or the Depoe Bay Chamber of Commerce.

11. Maintenance and appearance of signs.

All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe condition. All signs shall be maintained in a neat, clean and attractive condition.

12. Abandoned signs.

- a. Any sign shall be removed when the associated business or event has been discontinued or completed, or when the sign is no longer properly repaired or maintained as required by this Ordinance.
- b. Abandoned non-conforming signs shall be removed in their entirety.

13. Variances.

To provide for reasonable interpretation of this Ordinance, and in certain instances where this Ordinance will produce hardship, a business owner (with permission from the property owner, if different) may apply for a variance pursuant to DBZO Article 8 Variances.

14. Violation of Ordinance.

Any person who violates any of the provisions of this code, as now constituted or hereafter amended or revised shall be subject to the procedures and penalties of City of Depoe Bay Ordinance No. 94 Procedures for Enforcement of City Ordinances. The City may confiscate any sign found to be in violation of this ordinance.

15. Liability.

The Sign Owner shall remain fully responsible for the consequences, including the safety of the public, of constructing and maintaining the signs. Sign Owner further agrees to indemnify, defend and hold the City harmless against and from any and all claims, damages, losses, liabilities, including fines and penalties, and expenses, including, without limitation, reasonable legal, accounting, consulting, laboratory, engineering and other expenses (collectively, the "Losses") which may be imposed upon or incurred by the City or asserted by any other party or parties (including without limitation, a governmental entity), arising out of or in connection with the placement, construction and maintenance of signs, regardless of whether or not such Losses arise from activities of Sign Owner.