



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/27/2012

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

FROM: Plan Amendment Program Specialis

SUBJECT: City of Bend Plan Amendment
DLCD File Number 002-12

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, February 10, 2012

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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: Kim Voos, City of Bend
Angela Lazarean, DLCD Urban Planner
Karen Swirsky, DLCD Regional Representative

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FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE STAMP

DEPT OF

JAN 23 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Bend**

Local file number: **PZ-11-244**

Date of Adoption: **12/21/2011**

Date Mailed: **1/20/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **8/22/2011**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Sign Code Update**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The current Sign Code was adopted in 2000. Although some sections were recently amended the remainder of the document needed to be updated to provide consistency in the organization throughout the Bend Code, to simplify administration of sign permits, and to create easily enforceable time, place, and manner restrictions citywide.

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

Nonconfirming sign section as proposed by the Planning Commission amended by City Council.

Plan Map Changed from: **n/a**

to:

Zone Map Changed from: **n/a**

to:

Location: **Citywide**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 002-12 (19156) [16904]

DLCD file No. _____

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

Local Contact: **Kim Voos**

Phone: **(541) 388-5530** Extension:

Address: **710 NW Wall Street**

Fax Number: **541-385-4978**

City: **Bend**

Zip: **97701-**

E-mail Address: **kvoos@ci.bend.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

ORDINANCE NO. NS- 2175

**AN ORDINANCE AMENDING THE MAP AND TEXT OF THE SIGN CODE,
CHAPTER 9.50 OF THE BEND CODE**

Findings:

- A. The City of Bend initiated the amendments to the City of Bend Sign Code.
- B. The Bend Planning Commission held a public hearing on the proposed amendments on October 24, 2011. Following the public hearing, the Planning Commission refined the proposed amendments to address comments from interested citizens and voted unanimously to forward a recommendation for approval to the City Council.
- C. The City Council held a public hearing on December 7, 2011. Based on the entire record, including all testimony, evidence, and the recommendation of the Planning Commission, the Council concluded that the application meets all criteria for approval.

Based on these findings,

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council held a public hearing to consider the proposed text amendments and the Planning Commission's recommendation and found that the proposed amendments to the Sign Code are consistent with the applicable criteria in Chapter 4.6 of the Development Code. In addition to the findings listed above, the Bend City Council adopts the findings in Exhibit C.

Section 2. Chapter 9.5 of the Bend Code is amended as shown in Exhibit A; the Sign District Map is amended as shown in Exhibit B.

Read for the first time the 7th day of December 2011

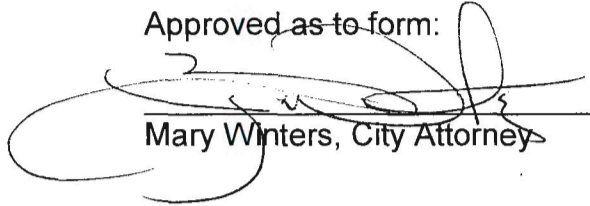
Read for the second time the 21st day of December 2011.

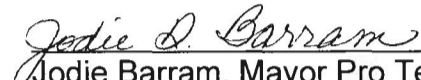
Placed upon its passage the 21st day of December, 2011.

YES:	Scott Ramsay	NO:	none
	Mark Capell		
	Jim Clinton		
	Kathie Eckman		
	Mayor Pro Tem Jodie Barram		

Authenticated by the Mayor Pro Tem the 11th day of January, 2012.

Approved as to form:


Mary Winters, City Attorney


Jodie Barram, Mayor Pro Tem

Attest:


Robyn Christie, City Recorder

Table of Contents

9.50.10	Purpose
9.50.020	Pre-application Conference
9.50.030	Definitions
9.50.040	Permit Requirements and Sign Districts
9.50.050	Exemptions
9.50.060	Temporary Signs Requiring a Permit
9.50.070	Prohibited Signs
9.50.080	Sign District Regulations
	Table 1 – Type of Signs Allowed
9.50.090	Standards for Permanent Signs
	(1) Determining Building Sign Area Allowance
	Table 2 – Minimum and Maximum Sign Area Allowances
	(2) Standards for Specific Signs
	(A) Awning and Canopy
	(B) Projecting
	(C) Wall
	(D) Window
	(E) Suspended
	(F) Primary Freestanding
	(G) Billboard
	Table 3 – Billboard
	(H) Directory
	(I) Drive-through
9.50.100	General Requirements
	(1) Placement
	(2) Clearances
	(3) Signs Extending over the Public Right of Way
	(4) Sign Illumination
	(5) Design, Construction, Inspection and Maintenance
	(6) Determining Sign Area and Dimensions
	(7) Determining Sign Height
9.50.110	Procedures
9.50.120	Amendments

- 9.50.130 **Interpretation**
- 9.50.140 **Variance**
- 9.50.150 **Adjustment to Standards**
- 9.50.160 **Appeals**
- 9.50.170 **Sign Plan**
- 9.50.180 **Historic Landmarks**
- 9.50.190 **Nonconforming Signs**
- 9.50.200 **Enforcement**
- 9.50.210 **Severability**

APPENDIX A – Sign District Map

CITY OF BEND SIGN CODE

SIGNS

CHAPTER 9.50

9.50.010 Purpose

The purpose of this Chapter is to regulate signs that are visible from streets or which are visible from one site to another to provide reasonable regulations for the design, construction, placement and maintenance of signs in order to protect the public health, safety and general welfare of the community. The intent is not to regulate content, only the number, type, location, height and size of signs. This Chapter has the following objectives:

- (1) To ensure that signs are designed, constructed, installed and maintained to assure public and traffic safety;
- (2) To reflect and support the desired character and development patterns of the community;
- (3) To allow adequate and effective signs without dominating the visual landscape;
- (4) To balance the needs of business with the desire to preserve and enhance the visual character of the City.

The sign standards are intended to allow for signs with adequate visibility to streets that abut the site but not necessarily to streets farther away.

9.50.020 Pre-application Conference

A pre-application conference with the City of Bend is recommended for applicants who are unfamiliar with the sign permit process. The purpose of the conference shall be to acquaint the applicant with the procedural requirements and to identify issues likely to arise in processing an application.

9.50.030 Definitions

The following definitions apply in this Chapter:

Alteration means the modification of the size, shape, or height of a sign, also includes changes to the sign location, illumination, and the replacement of sign materials with other comparable materials, such as the replacement of wood parts with metal parts. "Alteration" does not include normal maintenance and repair of an existing sign or changing the sign colors or sign copy on a removable sign face or sign panel insert in a cabinet style sign.

Animated Sign means any sign that incorporates movement by electric, mechanical or kinetic means including, but not limited to, rotation, revolving or wind activation of all or

a portion of sign; or incorporating flashing or intermittent light for sign illumination, including rotating or intermittent lighting in windows and on buildings.

Awning means a shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid 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 back-lit and the awning material exhibits the characteristics of luminosity obtained by means of a source of illumination.

Banner means a flexible material on which a sign or graphics may be displayed.

Billboards are only those freestanding sign structures which are identified in Table 3.

Building Sign are those that are attached, painted, etched or otherwise installed on a structure. Building signs include wall signs, window signs, projecting signs, awning and canopy signs.

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.

Clear Vision Area means the area in which no sign structure or device is permitted to dangerously limit the visibility of persons in motor vehicles on streets or alleys.

Copy means the text, graphics or message of a sign.

Directory Sign means a sign with multiple sign panels designed to be read onsite, located at a multi-tenant development or group of buildings.

Dominant Façade means that portion of a building façade providing the primary public entrance into the primary use building and which may or may not face the public street, also known as a storefront. Multiple-tenant buildings may have individual dominant façades or share a common dominant facade. The dominant façade is located on the first story and provides pedestrian access into the building from sidewalks, parking lots, and/or other areas from the first floor. The dominant façade shall be the basis for determining the permissible sign area for building signs.

Entrance Sign means a sign not greater than four feet in height with a sign area not exceeding four square feet that is located at a driveway entrance to a commercial or industrial property.

Flag means a piece of fabric attached to a flag pole or other support on one side. The length at right angles to the support must be at least as long as the length of the attached side.

Freestanding Sign means a sign principally supported by one or more columns, poles, or braces placed in or upon the ground. *Ground-mounted, monument* and *pole* signs are subtypes of freestanding signs.

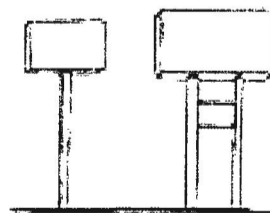
Ground Mounted Sign means a freestanding sign with a solid base directly and continuously connected to at least 50% of the sign face width or with two bases of at least 12 inches in width, measured at the narrowest dimension, each. The lowest portion of the sign face in a ground-mounted sign is at least 12 inches, but less than 8 feet, above grade.



Monument Sign means a freestanding sign that has a solid supporting base equal to or greater than the width of the sign face and at least 12 inches high with no separations between the sign and base. The sign and base may be one integrated unit. If not an integrated unit, the supporting base shall be a minimum 12 inch vertical height.



Pole Sign means a freestanding sign with the lower edge of the sign face located from one to eight feet above grade and that is not a monument or a ground mounted sign.



Grade means the existing landscape before construction or newly established landscape after construction, exclusive of any berming, filling, mounding, or excavating solely for the purpose of elevating a freestanding sign.

Interior Signs means a sign not greater than four feet in height with a sign area not exceeding four square feet and not visible from a public right of way.

Illuminated Sign means a sign that contains or consists of lights or a light source or that is illuminated by another light source intended primarily to illuminate the sign. The following definitions apply to illuminated signs:

Exposed illumination means a light source that is seen such as neon, fiber optics and bare bulbs that are not external illumination.

External illumination means an external light source directed to illuminate the exterior surface of the sign. External illumination includes downlit (lit from above), uplit (lit from below) and backlit provided that the light does not transmit through translucent material.

Internal illumination means a source of illumination entirely within the sign which makes the sign face visible at night by means of light being transmitted through a translucent material and where the source of illumination is not visible.

Opaque means any material which does not allow light to pass through it.

Translucent means any material which allows light to pass through it.

Lot means a legally created parcel of land.

Mansard Roof means a four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

Model means any three dimensional object displayed for advertising purposes including, but not limited to, graphics, logos, models of people, bottles, animals, buildings, ships, and aircraft; sculpture; vehicles; hot air balloons.

Non-conforming Sign means a sign that was lawful when erected, but that does not comply with this Chapter.

Nonstructural Trim means the molding, battens, caps, latticing, cutouts or letters attached to the sign structure.

Parapet Wall means the extension of a false building wall that extends above the edge of the roof.

Permanent Sign means any sign that is not a temporary sign.

Primary Freestanding Sign means a freestanding sign installed adjacent to and oriented towards a right-of-way.

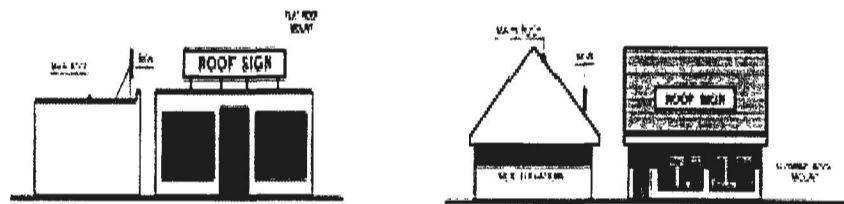
Principal Use Building means the building in which the principal use of the site is conducted. Sites with multiple principal uses may have multiple principal buildings; however, storage buildings, garages and other accessory structures or uses shall not be considered as the principal use building.

Projecting Sign means a sign that projects from and is supported by a wall of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall.

Right-of-way means land that is owned by the public for transportation and utility facilities.

Roofline means the top edge of a roof or building parapet; excluding any cupolas, chimneys, or other projections.

Roof Sign means a sign, which is affixed on the slope of the roof or roof mounted equipment structure or projects higher than the roof line or roof eave. Signs on parapet walls or mansards are considered wall signs.



Sign means the physical components of materials placed or constructed primarily to convey a message or other display.

Sign Band means the prominent flat horizontal area located on the first story of a building directly above storefronts or primary entrances and architecturally designed for wall mounted signs.

Sign Face means the surface upon, against or through which the sign copy or message is displayed or illustrated.

Sign District means a specified boundary within the City, as designated by City Council and incorporated into the Sign District Map, which is attached to and made a part of this ordinance. See Appendix A

Site means a lot or contiguous lots under common ownership developed under a development approval.

Street Frontage means the width of a legal tax lot measured along the line separating the lot from a street.

Suspended Sign means a sign attached to the underside of a canopy or awning and supported by the canopy or awning.

Temporary Sign means any sign on structures constructed to remain in place for a limited period of time. Temporary signs include, but are not limited to, signs not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, balloons used as signs, and banners.

Urgent Care Center means a medical facility that delivers unscheduled ambulatory treatment for issues that requires immediate care but is not serious enough to require treatment at a hospital 24-hour emergency department.

Wall Sign means a single sided sign that is parallel or approximately parallel to and within 18 inches of a building wall.

Window Sign means any sign viewable through and/or attached in any manner on a window, including windows within doors and intended to be viewable from outside of the building.

9.50.040 Permit Requirements and Sign Districts

- (1) Sign Permit Required. Unless exempted under this Chapter, sign permits are required for:
 - (A) New signs.
 - (B) Alterations to an existing sign.
 - (C) Relocation of a sign.
 - (D) Works of art, graphics and murals on a building.
- (2) Sign District Boundaries. Sign Districts are shown on the map attached as Appendix A. Sign District boundary lines are at the centers of public rights-of-way or the center of a river.

9.50.050 Exemptions

The following signs are allowed in all Sign Districts without a sign permit. All signs, even those exempt from permitting, must comply with sign placement and maintenance requirements.

- (1) Flags. Flags mounted on a pole in the ground or on a building are exempt but are subject to Development Code height regulations and shall be located and constructed so that, if the pole should collapse, its reclining length would be contained on the property on which it is installed, subject to the following limitations:

- (A) Three flags per site under six acres are exempt.
- (B) Six flags per site over six acres are exempt.
- (2) Official Sign.
 - (A) Official and legal notices required by a court or governmental agency;
 - (B) Signs placed in the public right-of-way by the entity responsible for administering the right-of-way or by a governmental authority providing transit services within the right-of-way, to the extent that the signs are part of a transit stop.
- (3) All signs which are placed inside a building or structure and which are either not visible through window or building openings or are not intended to be visible from outside the building or structure.
- (4) Exempt signs with size and number limitations.
 - (A) Changeable copy sign. One non-illuminated sign per site, the sign copy shall be manually changeable, such as a chalkboard or reader board. The sign shall not exceed three square feet in area and shall be located on or next to the building.
 - (B) Non-illuminated public ball field interior fence signs less than 12 feet in height.
 - (C) One non-illuminated wall or window sign limited to 2 square feet in area.
 - (D) Interior Signs located within 5 feet of an interior roadway.
 - (E) One Entrance Sign per driveway entrance to a commercial or industrial property.
- (5) Exempt Temporary Signs Requiring No Permit. The following temporary signs are allowed and are exempt from the requirements to obtain a sign permit. Nothing in this section dictates or limits the content of the signs allowed. Only the timing, size and placement of the sign are regulated.
 - (A) Signs that are carried or worn by humans or animals are allowed at all times and in all districts while they are being carried or worn.
 - (B) One non-illuminated sign with a maximum sign area of 6 square feet and a maximum height of 6 feet may be displayed on the site of a special event by the organizer of the special event for two weeks prior to, during, and one week after the special event is held.

- (C) Where a site is under construction, one on-site, non-illuminated sign with a maximum sign area of 6 square feet in residential zones and 32 square feet in other zones and a maximum height of 6 feet in residential zones and 8 feet in other zones may be displayed for two weeks prior to construction, through construction and for one week after completion of construction.
- (D) Where a site is offered for sale, rent or lease, one on-site, non-illuminated sign with a maximum sign area of 6 square feet in residential zones and 32 square feet in other zones and a maximum height of 6 feet in residential zones and 8 feet in other zones may be displayed while the property is for sale or rent and for one week after the transaction is finally completed and possession transferred.
- (E) Non-illuminated signs with a maximum sign area of 6 square feet in residential zones and 16 square feet in other zones and a maximum height of 6 feet in residential zones and 8 feet in other zones may be displayed for the period starting 60 days before and ending 7 days after any election date established by state statute.
- (F) Light Pole Banner. Banners attached to light poles shall comply with the following minimum standards:
 - (1) Banners attached to light poles are allowed in non-residential zoning districts. Banners shall not be located in or project over a street or right of way or be attached to a City owned pole except as authorized by the City of Bend.
 - (2) Not more than two banners shall be permitted on a single light pole.
 - (3) Banners shall be vertically installed and shall not project more than 36 inches from the light pole. Banners' sizes shall not exceed 30 inches in width and 60 inches in length. Supporting brackets shall be attached to the top and bottom of the banner. The banner shall be a minimum of 8 feet above the finished grade below the sign, 16 feet when located above areas accessed by vehicles.
 - (4) Stringing attachments or supporting devices between any two or more light poles or between light poles and other objects is prohibited.
 - (5) Light pole banners shall be rotated or replaced every 6 months.

9.50.060 Temporary Signs Requiring a Permit

The following temporary signs are allowed if a sign permit is obtained:

- (1) Signs on properties where a development project has received land use approvals or, if no land use approval is required, a building permit.
 - (A) Parcels less than 4 acres may display one non-illuminated sign up to 32 square feet in area and 8 feet in height.
 - (B) Parcels over 4 acres may display a maximum of two non-illuminated signs. Each sign may be up to 64 square feet in area and 8 feet in height.
 - (C) The signs may be installed up to two weeks prior to the start of construction project for which a permit has been issued and must be removed within 7 days after the completion of the development project or within one year of issuance of the sign permit, whichever occurs first.
- (2) Special Event Sign.
 - (A) One non-illuminated sign up to 32 square feet in area and not to exceed the maximum height allowed for freestanding signs in the applicable Sign District.
 - (B) The sign may be displayed a maximum of thirty continuous days up to sixty days per calendar year.
 - (C) Not more than two special event sign permits shall be issued per property per year.
 - (D) A special event sign may be a banner or a temporary freestanding sign.

9.50.070 Prohibited Signs

The following signs or devices are prohibited and may neither be erected nor maintained:

- (1) Fluttering, spinning, windblown or inflatable devices including three-dimensional models, pennants, propeller discs and banners as permanent signs.
- (2) Signs on benches.
- (3) Roof signs.
- (4) Signs or devices, including searchlights, spot lights and holograms, that contain or are illuminated by flashing, chasing, or intermittent effects and/or signs, that have any movement or are animated signs.
- (5) Signs affixed to utility poles except signs not exceeding one square foot in area placed by the owner of the pole.

- (6) Sign emissions. No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.
- (7) Mirrors. No mirror device shall be used as part of a sign.
- (8) All other non-exempt signs that are not expressly permitted under this Chapter.

9.50.080 Sign District Regulations

The table in this Chapter establishes the types of signs allowed in the City's Sign Districts. Section 9.50.090 provides standards for each type of sign and Section 9.50.100 provides general requirements including illumination standards.

Table 1

SIGN TYPE	SIGN DISTRICT					
	1	2	3	4	5	6
Awning/Canopy Sign	P	P	P	P	P	P
Projecting Sign	P	P	P	P	P	P
Wall Sign	P	P	P	P	P	P
Window Sign	P	P	P	P	P	P
Suspended Sign	P	P	P	P	P	P
Roof Sign	N	N	N	N	N	N
Primary Sign	P	P	P	P	P	P
Billboard Sign	P	P	N	N	N	N
Directory Sign	P	P	P	P	P	P
Drive-through Sign	P	P	P	P	P	P

P: Permitted as allowed in Section 9.50.090 and Section 9.50.100

N: Not Permitted

9.50.090 Standards for Permanent Signs

- (1) Determining Building Sign Area Allowance.
 - (A) Building signs include awning or canopy signs, directory signs, drive-through signs, projecting signs, suspended signs, wall signs and window signs.
 - (B) The combined permitted sign area of all building signs, excluding suspended signs, directory signs and drive-through signs, shall be limited to 1 ½ square feet of sign area for each one lineal foot of width of the dominant façade up to the maximum sign area allowed in each Sign District identified in Table 2, unless a different amount allocated to the building occupant is identified in an approved Sign Plan pursuant to Section 9.50.170. Sign area allowances for suspended signs, directory signs and drive-through signs, where permitted, are allowed in addition to the building sign area allowance.

Table 2

Sign District	Maximum Sign Area	Minimum Sign Area
1	200 square feet	30 square feet
2	150 square feet	30 square feet
3	100 square feet	30 square feet
4	100 square feet	20 square feet
5	12 square feet	12 square feet
6	Special standards apply	

- (C) Sign area is computed based on the width of the principal building's dominant façade in elevation view. The width is measured using a straight line beginning at the corner at one end of the side of the building and continuing to the other corner on the same side of the building. If multiple entities occupy a single building, each entity may apply for a sign based on that entity's dominant façade, and the total sign area may not exceed the total sign area for the entire building. Screening walls, fences or other extensions are not included when calculating the building width. Accessory buildings are not used to calculate sign area allowance. Sign area allowances shall not be transferred to other separate tenants or separate uses on the site.

- (D) Building signs may be installed on the dominant façade or subordinate facades, except in Sign District 6 where special standards for sign number, size and placement applies.
 - (1) Exception: Buildings located in Sign District 6 are limited to one sign on a subordinate façade visible to the Bend Parkway. The sign shall not exceed 10 percent of the maximum sign area allowance. The sign area is deducted from the total sign area allowance, and the sign shall not be internally illuminated. All other building signs shall comply with the underlying Sign District regulations.

- (2) Standards for Specific Signs.
Where allowed by Section 9.50., the following standards apply to specific types of signs:
 - (A) Awning and Canopy Sign.
 - (1) 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.
 - (2) 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



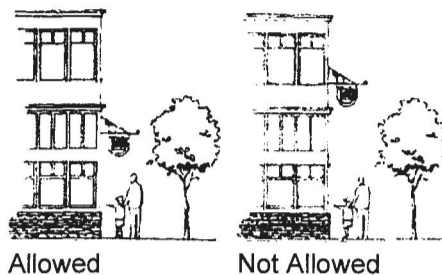
Not Allowed

- (3) Awnings and canopies shall not interfere with trees or traffic signs.
- (4) 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 2 feet from the street curb. Posts or columns beyond the property line are not permitted. Awning and canopies shall not project above the roof line.



- (B) Projecting Sign.
 - (1) Projecting signs are allowed for nonresidential uses.
 - (2) 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.
 - (3) 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

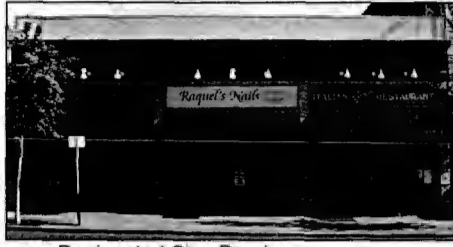
extend above the roofline or roof eave or above the parapet of the building.



- (4) Projecting signs shall not exceed 20 square feet in area and shall be no more than 36 inches wide and have a maximum thickness of 18 inches. Projecting signs shall extend no more than 42 inches from the building or within 2 feet of the curb, whichever is less. The sign area shall be deducted from the building sign area allowance.
- (5) A minimum clearance of 8 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.

(C) Wall Signs

- (1) Wall signs are allowed for nonresidential uses.
- (2) A wall sign may be painted, attached or pinned away from the wall. A wall sign shall not project from the surface upon which it is attached more than required for construction purposes and, in no , more than 18 inches. A wall sign located over an alley shall have a minimum 14 foot clearance unless it projects less than 12 inches from the building.
- (3) One or more wall signs may be allowed. The total area shall be deducted from the building sign area allowance.
- (4) Wall signs shall be located on the designated sign band. When a sign band does not exist, the sign shall be located between the first and second story of a multiple story building. The sign shall not be installed higher than the top of the second story window opening to which it is adjacent and shall not be more than 24 feet above grade.



Designated Sign Band



Signs located below second story window opening

- (5) Wall signs installed on mansard roofs may be installed vertically when installed on the lowest portion of the sloped roof.
- (6) Wall signs shall not extend above the roofline, eaves, wall or building façade or more than 24 feet above the finished grade below the sign.

(D) Window Signs

- (1) One or more window signs are allowed except that second story nonresidential tenants shall be allowed one window sign. The sign area shall be deducted from the building sign area allowance.
- (2) Illuminated window signs shall not exceed 15 percent of the window area in which they are displayed.
- (3) Window signs installed on the exterior of the building shall not project more than 4 inches from the window.



(E) Suspended Signs

- (1) Suspended signs shall be placed only under an attached awning or canopy on the first story façade for nonresidential uses with direct exterior pedestrian access.
- (2) The sign shall not exceed 6 square feet in area and is in addition to the building sign area allowance.
- (3) A minimum 7-foot clearance above finished grade below the sign is required.

- (4) Only one sign shall be allowed at each public entrance. Tenant spaces with two separate elevations may install one sign on each elevation.
- (5) Suspended signs shall not be internally illuminated except when the clearance is greater than 8 feet.



(F) Primary Freestanding Sign.

- (1) No portion of a freestanding sign shall be in, or project over, a public right-of-way.
- (2) The numerical address of the property must be included on the primary sign and must be clearly visible and legible from the street on which the property fronts. Numbers should be no less than six inches tall and shall not be considered signage nor shall they be included in the calculation of sign area.
- (3) Primary Freestanding Signs shall be either a monument or ground mounted type sign except in Sign District 1 and 2 where pole signs are permitted if freestanding monument or ground-mounted signs would be inconsistent with clear-vision standards at intersections or driveway access point.
- (4) One primary freestanding sign is permitted per site. A second freestanding sign is allowed in either of the following situations:
 - (a) In Sign District 1 and 2 on sites with street frontage on two or more arterial streets. The two signs shall be separated by a minimum of 300 feet measured along the street frontages.
 - (b) When included in a sign plan approved under Section 9.50.170.
 - (c) Multiple family Dwellings of 10 units or more and subdivisions are allowed two monuments or ground mounted signs located at the principal entrances to the site.

- (5) The primary freestanding sign shall be located and oriented to the street.
- (6) Freestanding signs are not allowed within 10 feet of a lot line that abuts another site.
- (7) The maximum size allowed in each Sign District is as follows:
 - (a) Sign District 1 and 2:
 1. 80 square feet in area and a maximum of 11 feet in height on sites with a Principal Building 30,000 gross square feet in area or less or on a site less than 6 acres in size.
 2. 120 square feet in area and a maximum of 15 feet in height on sites with a Principal Building over 30,000 gross square feet in area or on a site over 6 acres in size.
 - (b) Sign District 3 and 5: 32 square feet in area and a maximum of 5 feet in height.
 - (c) Sign District 4: 40 square feet in area and a maximum of 8 feet in height.

(G) Billboard

- (1) The maximum number of billboards allowed within the City limits is 43. The inventory of billboards existing on the date of adoption of this ordinance is included in Table 3. No new billboard may be erected unless it replaces an existing billboard. Billboards must have existed within the Bend Urban Growth Boundary as of December 18, 1985 in order to be included in the maximum number allowed.
- (2) Before erecting any new billboard, a permit must be secured from the Building Official. Where applicable, evidence must be provided of a State issued permit in accordance with the Oregon Motorists Information Act of 1971.
- (3) All billboards moved after the effective date of this ordinance shall be located in Sign Districts 1 or 2 on commercial or industrial zoned properties only. Billboards are not permitted west of the Deschutes River.
- (4) Billboards shall be freestanding and shall not be installed on any building.

- (5) All billboards shall be spaced a minimum of 500 lineal feet apart.
- (6) The sign face shall not exceed the maximum size permitted by the State issued permit or 10 ½ feet in vertical height and 24 feet in horizontal length, whichever is less. Extensions beyond the sign face shall not be permitted.
- (7) The billboard shall not exceed 24 feet in height, as measured from finished grade; however, if a variance is granted, the maximum height shall not exceed 35 feet.
- (8) Internally illuminated and/or animated billboards are prohibited. External illumination shall comply with the Lighting Ordinance. Electrical wiring to the billboard shall be located underground.
- (9) All billboards erected or moved shall be installed behind the legal setback line of each parcel of property as determined by the Development Code.
- (10) All structural supports for billboards shall be constructed of steel.
- (11) Only flat, single-faced or double-faced billboards shall be permitted. As used in this section, "double-faced" means a billboard with two display surfaces visible to traffic from two directions of travel. A "single-faced" billboard means a sign with one display surface visible from one direction of travel.

Table 3

Billboard Inventory as of May 17, 2011					
ID	TAX LOT	ADDRESS	ID	TAX LOT	ADDRESS
1	171209CD00200	63655 N HWY 97	23	171234CB00100	1791 NE HWY 20
2	171209D000302	20625 GRANDVIEW DR	24	181204A000500	273 SE 9TH ST
3	171216B000706	20505 ROBAL LN	25	181204CB02502	880 SE 3RD ST
4	171216B000101	63594 N HWY 97	26	181204CB02900	919 SE 3RD ST
5	171216B000201	63595 N HWY 97	27	181204D001002	625 SE 9TH ST
6	171216B000704	63450 N HWY 97	28	181205A005400	389 SW SCALEHOUSE
7	171220A000801	3520 N HWY 97	29	171221B000709	63075 CORPORATE PL
8	171220A001004		30	181204DC01900	905 SE REED MARKET
9	171220D001900	3197 N HWY 97	31	181205DD00700	1098 SE DIVISION ST
10	171220DA02400	3305 N HWY 97	32	181208AC00100	61445 HWY 97
11	171221B001300	63148 NELS ANDERSON	33	181208C001510	20130 BADGER RD
12	171228B001899	15 NE BUTLER MARKET	34	181208C001305	61210 HWY 97
13	171228BC00401		35	181208D000600	61360 S HWY 97
14	171228BC01300		36	171234DD00600	2405 NE HWY 20
15	171228CB03800		37	171234DC00100	2035 NE HWY 20
16	171233BC03700	913 NE 3RD ST	38	Right of Way	GREENWOOD RR
17	171232AA02900		39	Right of Way	BUTLER MARKET RR
18	171232AA03700		40	171229DD07000	REVERE RAILROAD
19	171232AD03600	20 NW GREENWOOD	41	181208AA00500	1325 S HWY 97 (CANAL)
20	171233BC05400	1052 NE 3RD ST	42	171234CA00700	1835 NE HWY 20
21	171233CC06402	197 NE 3RD ST	43	171234DC00500	2215 NE HWY 20
22	171234CB00503				

(H) Directory Signs

- (1) Directory signs shall be allowed in addition to other freestanding or building signs provided that there is a minimum of three separate tenants.
- (2) Directory signs shall be located on the first story façade adjacent to a public entrance or adjacent to the parking lot. The sign shall not be oriented or intended to be legible from a public street or right-of-way.
- (3) Not more than one freestanding directory sign may be displayed per site. One or more wall-mounted directory signs may be displayed.
- (4) The maximum sign area is 20 square feet when installed on a building or 32 square feet and eight feet in height if freestanding.
- (5) Illuminated directory signs are not permitted in residential zones.



(I) Drive-through Signs

- (1) Drive-through Signs. Drive-through signs are allowed only for businesses with Drive-through services.
- (2) Type, Location and Orientation. Drive-through signs may be wall mounted or freestanding. Freestanding signs shall be on the left side of and oriented to the drive-through lanes. Drive-through signs shall not be intended to be legible from the public rights of way.
- (3) Maximum number, area and height. One sign of up to 45 square feet in area and eight feet in height is allowed per drive-through lane for up to two drive-through lanes.
- (4) One additional sign per site of up to 15 square feet in area and eight feet in height is permitted at the entry to the drive-through area. The signs allowed by this section shall be located on the left side and oriented to the drive-through lanes.

9.50.100 General Requirements

- (1) Placement.
 - (A) All signs and sign structures shall be installed and attached on or within the site or property behind any applicable setback or right of way.
 - (B) Any sign or portion of a sign that obstructs any window, doorway, transom, architectural details, fire escape, stairway or standpipe; interferes with exits through any window; obstructs any door or required exit from any building; or obstructs any required light or ventilation is prohibited.
 - (C) Signs or structures that may pose a hazard to pedestrians or vehicular traffic, including but not limited to signs that obstruct the clear view of pedestrians and drivers, and signs interfering with the effectiveness of traffic signs or signals are prohibited.
 - (D) Signs in the public right-of-way except those exempt or permitted under this Chapter, not including signs on vehicles lawfully using the right-of-way or legally parked are prohibited.

(2) Clearances.

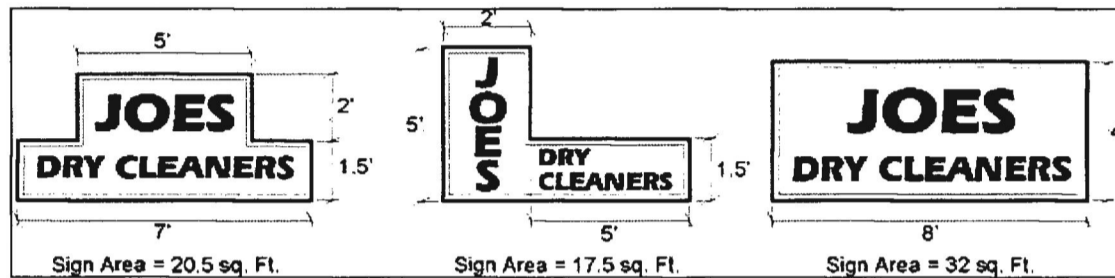
- (A) Vision clearance areas. No sign shall be placed in a clear vision area as identified in the Bend Development Code Chapter 3.1.
- (B) Vehicle area clearances. In areas outside of rights-of-ways, when a sign, sign structure or awning extends over an area in which vehicles travel or are parked, the bottom of the sign or awning must be at least fourteen feet above the finished grade below the sign except when reasonably protected with a permanent structure as approved by the Building Official. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.
- (C) Pedestrian area clearances. When a sign, sign structure or awning extends more than 12 inches over a sidewalk, walkway, or other space used by pedestrians, the bottom of the structure must be a minimum of eight feet above grade.
- (D) Clearances from fire escapes, means of egress or standpipes. Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress or standpipe. Attaching signs, sign structures or awnings to a fire escape is prohibited.
- (E) Clearance from high voltage power lines. No sign or part of a sign support may interfere with any utility wires or supports. All signs must be sufficiently clear of high voltage power lines so those signs can be safely erected and maintained. Signs shall be located not less than six feet horizontally or 12 feet vertically from overhead electrical conductors that are energized in excess of 750 volts.
- (F) Clearance for building signs shall be measured as the smallest vertical distance measured between the finished grade directly below the sign and the lowest point of the sign, including any framework or other embellishments.

(3) Signs extending over the public right-of-way.

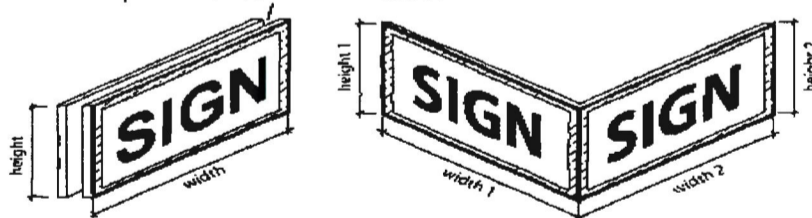
- (A) Signs shall not be located in or project over the right-of-way except in the Central Business District where signs, awnings and canopies are allowed.
- (B) If rights-of-way are widened so that an existing sign is in, or projects into, the expanded right-of-way, the City may allow the sign to remain in place if the City determines that it will have no impact on safety. The City may require the sign to be moved.

- (4) Sign illumination. The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding right-of-way and properties. The following standards shall apply to all illuminated signs:
- (A) No sign or light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Colored lights or colored sign faces shall not be used at a location or in a manner so as to be confused or construed as traffic control devices;
 - (B) External light sources shall be directed and shielded to limit direct illumination of any object other than the sign;
 - (C) Internally illuminated signs and signs with exposed light sources are prohibited in all residential zoned properties and Sign District 4 and 5, except internally illuminated signs on the site of 24-hour emergency medical facilities and urgent care centers, during business hours.
 - (D) Signs shall not have blinking, flashing, or fluttering lights, or other illuminating devices that have a changing light intensity, brightness or color.
 - (E) Internally illuminated sign faces shall be constructed to have an opaque background and translucent copy or a sign that has a translucent dark colored background and light colored copy. White, off-white, light gray, creams or yellow colors are not permitted as background colors.
- (5) Design, Construction, Inspection, and Maintenance.
- (A) Design. All signs shall be designed, constructed, inspected and maintained in compliance with this ordinance and current State of Oregon Structural Specialty Code including any applicable City, State and Federal Code, Rule, Law or Regulation.
 - (B) Maintenance. All signs including structures and components including supports, braces, anchors, and other components shall be maintained in a state of good repair.
 - (C) Materials. All signs except exempt and temporary signs shall be constructed of permanent materials and permanently affixed to a structural support in the ground or on the building.
 - (D) Supports. All sign permit applications shall include the specific support details. The design of the support will be reviewed by the Building Official for compliance with the applicable building code standards. The Building Official may require a design prepared by a state-licensed engineer.

- (6) Determining Sign Area and Dimensions. Sign area shall be measured by drawing the smallest geometric shape created with a maximum of eight straight lines drawn at right angles (squares or rectangle) which will enclose all words, letters, figures, symbols, designs and pictures, together with all framing, nonstructural trim, background material, colored or illuminated areas and attention-attracting devices forming an integral part of an individual message except that:



- (A) Wall signs having no visible boundary or clearly defined background area shall have the areas between letters, words or logos intended to be read together and any device intended to draw attention to the sign message included in the computation of sign area.
- (B) Spherical signs and signs with three-dimensional objects. Signs that are spherical or have three-dimensional objects that project less than 8 inches from the sign support structure shall be measured as a flat sign. Signs that project more than 8 inches from the sign support structure shall be measured using the smallest two dimensional geometrical shape or shapes which will best approximate the greatest actual sign area visible from any one direction.
- (C) Double Sided or V-Shaped Sign. Only one side of a double sided sign or V-shaped sign is calculated provided the distance between the two sign faces is less than two feet apart. Where two sides are not of equal size, the larger of the two sides is measured. Where the sign faces are more than two feet apart all sides are calculated.



- (D) Awning and Canopy Sign. The sign area on awning and canopies attached to the building shall include the sign and all areas that are translucent when illuminated. When the ends of awnings are parallel and contain a sign or are translucent, only one side is counted in addition to the front. Signs on all sides of a freestanding canopy structure are calculated.



- (E) Freestanding Sign. Sign area does not include the sign support posts or poles that are clearly incidental and are used only to support the sign cabinets, panels or nonstructural trim or serve another permitted purpose separate from the sign, such as a retaining wall, fence or other structure. The first 12 inches in vertical height above grade is not included when calculating the sign area of a freestanding sign provided it does not contain sign copy; the first 12 inches is considered necessary to elevate the sign above grade or to provide a sign base for a monument type sign.

(7) Determining Sign Height.

- (A) The height of a freestanding sign shall be measured from average grade of the base of the sign to the highest point of the sign, unless the average grade at the base of the sign is lower than the grade of the street frontage nearest to the sign. If the grade at the base of the sign is lower than the grade of the street frontage where the sign is located, the height is measured from the top of the curb, if there is one or from the average street grade of the street nearest the sign.
- (B) The height of a sign attached to a building shall be the vertical distance as measured from the highest point of a sign attached to a building, including supporting frames and material to the ground below the sign.

9.50.110 Procedures

- (1) Applications. Applications for sign permits shall be submitted on City forms. The application form shall include the name and address of the property owner, sign owner, sign manufacturer and sign installer and must be accompanied by a fee in the amount set by Council resolution. The minimum submittal requirements include drawings showing the design, location, content, and dimensions of the sign and the design and dimensions of any measures used to support the sign or used to affix the sign to the building or structure.
- (2) Approval and Inspection. The City shall issue the sign permit if the application is properly submitted and the proposed sign meets the standards of this Chapter and other applicable laws and regulations. The approved sign shall be constructed and installed within 6 months of the approval date. The City shall use a Type I development review process for sign permits except as otherwise

specified in this Chapter. The Community Development Director may elevate any application to a Type II or Type III process at his or her discretion.

- (3) **Revocation of Permits.** The City may revoke sign permits if a sign is found to be in violation of this Chapter, if the violation cannot be cured, or if the permittee fails to take steps to cure the violation. The City may revoke sign permits if it determines the permits were mistakenly issued in violation of this Chapter. Sign permits shall become void if sign installation is not completed within six months of permit issuance.

9.50.120 Amendments

Amendment to this Chapter shall be processed in accordance with the procedures and criteria contained in the Bend Development Code for Map and Text Amendments.

9.50.130 Formal Interpretation

Formal interpretation of the text or application of this Chapter may be made by the Community Development Director following the Type II process. The Director shall base his or her interpretation on the following criteria:

- (1) The interpretation is consistent with the purpose of this Chapter;
- (2) The interpretation is consistent with any dictionary of common usage if criterion A cannot be applied.

9.50.140 Variance

Variances to the standards in this Chapter will be reviewed in accordance with the procedures and criteria contained in Bend Development Code for Class B Variances.

9.50.150 Adjustment to Standards

- (1) **Purpose**
This section is intended to provide for flexibility to specific criteria of the Sign Code in order to allow for creativity in sign location and design relative to the particular topography and/or building architecture where a sign otherwise complies with the provisions of this Code in all respects except size, height, location or other numeric standards. This Chapter provides uniform procedures for the granting or denial of applications for an Adjustment to Standards.
- (2) **Applicability**
Adjustment of up to 25% may be approved by the Community Development Director to each of the specific numeric standards in this Code that regulate the following:
 - (A) **Wall Sign location.** Increase the maximum height on which a sign may be installed on a building wall.
 - (B) **Sign dimension and area.** Increase the maximum allowed size of individual signs or of the total allowed building sign area.

- (C) Sign height. Increase the maximum allowed height of on-site ground, monument or pole signs, or of building or wall signs.
 - (D) Other numeric standards in this code except where an exception is expressly prohibited.
 - (E) Legal non-conforming signs. Allowing legal non-conforming on-site pole, ground or monument signs to be structurally altered at their existing base or pole structure location provided that the extent of non-conforming sign height or sign size is reduced.
- (3) Application Requirements
Applicants for a sign permit may seek an adjustment to the standards of this ordinance by filing an application for an Adjustment to Standards. The application shall contain information as specified on the application form and shall be accompanied by the required fee.
- (4) Approval Process
An Adjustment to Standards is reviewed under the Type II procedure contained in the Bend Development Code. If the Adjustment to Standards is denied, a party may appeal the decision to the Bend Planning Commission in accordance with the appeals section of the Bend Development Code. A request to exceed a numeric standard by more than 25 percent may only be approved through the Variance process.
- (5) Criteria of Approval
The Community Development Director or designee shall review the application and approve, approve with conditions or deny the request. A decision and any conditions placed on the decision shall be in writing. The decision shall include findings demonstrating that all of the following criteria have been met:
- (A)
 - (1) Unusual conditions associated with the sign location have been identified that interfere with the reasonable visibility of the sign,
 - (2) There are proposed sign design elements that are in scale with and compatible with the landscape, topography, building design and surrounding district but are not otherwise permitted by this code;
 - (B) The request does not create a vision clearance hazard for pedestrians, motor vehicles or bicyclists;
 - (C) The request does not impede public safety or adequate emergency access to the site;
 - (D) The request does not impact public or private easements;

- (E) The request does not limit solar access standards for abutting properties. In order to meet this criterion, the Director may require that the sign structure be placed as close to the south property line as possible. And;
 - (F) The request otherwise complies with the provisions of the Sign Code.
- (6) Additional Requirements
- (A) If the Adjustment to Standards involves a setback, the plot plan shall be prepared by an Oregon registered surveyor.
 - (B) Adjustment will not be granted for prohibited signs or to construction and maintenance standards.
 - (C) Approval of an Adjustment to Standards shall become void if the approved work is not completed within 6 months of the approval date.

9.50.160 Appeals

Appeals shall be processed in accordance with the procedures contained within the Bend Development Code for Appeals.

9.50.170 Sign Plan

A Sign Plan is intended to integrate the signs proposed for a nonresidential development project with the overall site design.

- (1) Applicability. The submittal of a Sign Plan shall be optional.
- (2) Approval Process and Limitation. Sign Plans shall be reviewed through the Type II Adjustment to Standards process. An increase in sign height or sign area of more than twenty five percent or an increase in the number of signs is not allowed.
- (3) Application Requirements. An application for a Sign Plan shall include filing fees and all plan views, building elevations, square foot sign area allowances, sign location areas and examples of appropriate building signs and freestanding signs.

9.50.180 Historic Landmarks

The City will not consider a sign permit for a sign on a designated historic landmark site until the sign request is determined by the City to be in conformance with Chapter 10-17 of the Bend Code.

9.50.190 Nonconforming Sign

- (1) Any sign lawfully existing or lawfully permitted and constructed within the time allowed by the sign permit but which is made non-conforming by adoption or amendment of this Chapter is a nonconforming sign.

- (2) Nonconforming signs shall be removed or brought into compliance if any of the following occurs:
 - (A) The sign or sign structure is moved, removed, replaced or structurally altered. Changes in removable faces or panels are not structural alterations.
 - (1) Exception. When a nonconforming sign is damaged by causes beyond the control of the owner, the sign may be rebuilt to the same size and height, using the same types of original material.
 - (B) 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.

9.50.200 Enforcement

- (1) Violations. A violation of any provision of this ordinance is a Class A Infraction. Each day shall be a separate violation. Violations will be enforced through the Bend Civil Infraction Procedure.
- (2) Confiscation. The City may remove any sign installed or placed on public rights of way or on City property in violation of this Chapter. The City shall have the right to recover from the owner or person placing such a sign all costs of removal and disposal of a sign removed under this section, in addition to other remedies within this ordinance.
- (3) Violation Declared A Nuisance. The location, erection, construction, maintenance, repair, alteration or use of a sign in violation of this ordinance is declared a nuisance and may be abated in either the manner provided for in this ordinance or in the same manner as all other nuisances.

9.50.210 Severability

If any part, section, subsections, sentence or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

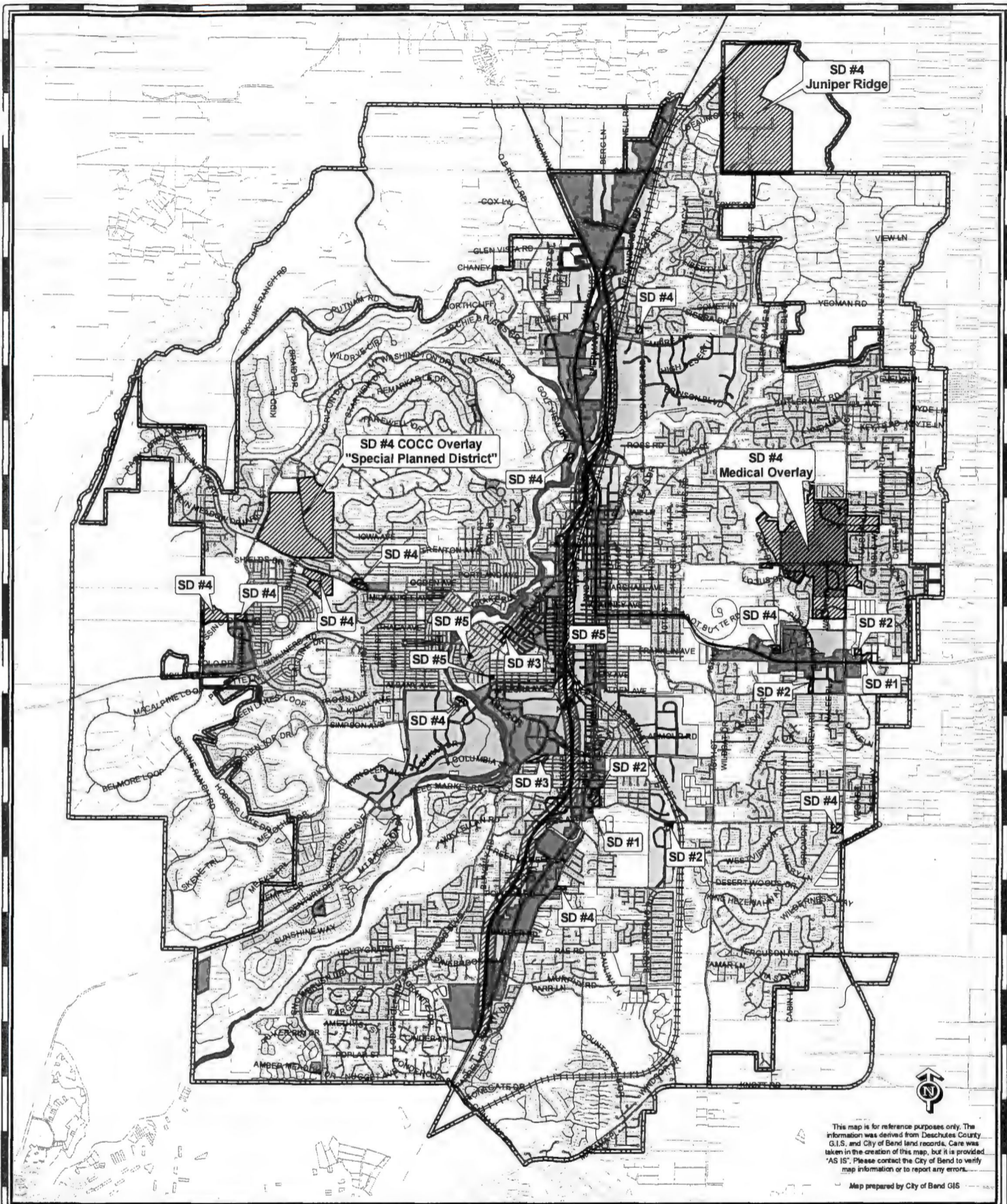
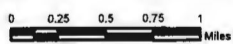


Exhibit B City of Bend Sign Districts

Print Date: December 6, 2011



- | | |
|-----------------------|--------------------------------|
| #1 (Highway Corridor) | Proposed Sign District Changes |
| #2 (General) | Property Boundaries |
| #3 (Central Business) | Roads |
| #4 (Neighborhood) | |
| #5 (Residential) | |
| #6 (Parkway Overlay) | |

Exhibit C

**BEND CITY COUNCIL FINDINGS
FOR SIGN CODE AMENDMENTS**

**PROJECT
NUMBER:**

PZ 11-244

HEARING DATE:

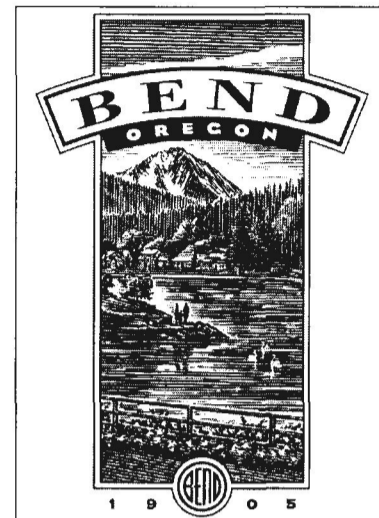
Wednesday, November 16, 2011
City of Bend Council Chambers
710 NW Wall Street
Bend, OR 97701

APPLICANT:

City of Bend
710 NW Wall Street
Bend, OR 97701

REQUEST:

A proposal to amend the City of Bend Sign Code text and Sign District Map



I. APPLICABLE CRITERIA:

- (1) The Bend Area General Plan
- (2) Bend Code Chapter 10; City of Bend Development Code
 - (a) Chapter 4.6, Land Use District Map and Text Amendments; Section 4.6.200(B), Criteria for Legislative Amendments

II. APPLICABLE PROCEDURES:

- (1) City of Bend Development Code
 - (a) Chapter 4.1, Land Use Review and Procedures

III. BACKGROUND:

1. **PLANNING COMMISSION RECOMMENDATION:** On October 24, 2011 the Planning Commission conducted a public hearing to accept testimony on the application. At the conclusion of the hearing, the Planning Commission voted six in favor, none opposed one absent to recommend that the City Council approve the proposed amendments.
2. **PROPOSAL:** The current Sign Code was adopted in December 2000. During the past several years, staff have met with various sign companies and other interested parties to discuss issues that have naturally arisen as a result of the adoption of the Sign Code eleven years ago. Based on the outcome of those meetings, the Code has been revised to address minor issues, the organization of the document was

simplified (e.g. many tables were condensed), and analysis of sign content was removed from the permitting process in order to avoid Constitutional challenges.

IV APPLICATION OF THE CRITERIA:

CONFORMANCE WITH CITY OF BEND COMMUNITY DEVELOPMENT CODE, CHAPTER 4.6, LAND USE DISTRICT MAP AND TEXT APMENDMENTS

4.6.200 Legislative Amendments.

A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

FINDING: The amendments to the text of the Sign Code involve broad public policy rather than an individual property owner. Therefore, the Legislative Amendment Procedures of this section are the appropriate procedures for this review.

B. Criteria for Legislative Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a Legislative Amendment shall be based on all of the following criteria:

- 1. The request is consistent with the applicable State land use law;**

FINDING: The proposed amendments are consistent with the applicable State land use law. In particular, they will satisfy Goal 1: Citizen Involvement and Goal 2: Land Use Planning.

- Goal 1 will be satisfied through the City's text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.
- The proposal is consistent with Goal 2 because the Sign Code implements several policies of the General Plan regarding community appearance. Since the General Plan is the City's acknowledged comprehensive plan, to the extent that the Sign Code implements these policies, it is a functional component of the General Plan. All of the proposed amendments are consistent with the General Plan policies as described below and therefore meet any Goal 2 requirements
- Statewide Goals 3 through 19 are not applicable to this proposal.

Based on the above discussion, the proposed text amendments to the Sign Code

comply with the above criterion.

2. The request is consistent with the applicable Bend Area General Plan goals and policies;

FINDINGS: The “goals” established in the general plan express the desires of the residents of Bend as the City progresses into the future. The “goals” are generally carried out through “policies”, which are statements of public policy. Staff reviewed the General Plan and found the following applicable goals and policies:

Chapter 6, Policy 9: *“Industrial developments along highways shall be subject to special development standards relating to setbacks, landscaping, signs, and outside storage.”*

Finding: There were no substantive changes to the regulations of signs in the industrial districts. The proposed Code as amended continues to regulate signs for industrial development along highways. Therefore, this policy is satisfied.

Chapter 6, Policy 10: *“Wherever industrial uses abut residential uses or residential zoning, special development standards relating to setbacks, screening, signs, and building height shall be established.”*

Finding: When the Sign Code was initially adopted, the industrial districts were assigned to Sign District 2, which is less permissive than Sign District 1 for the placement and illumination of signs. The proposed amendments do not change the existing standards for industrial areas abutting residential areas. Therefore, this policy continues to be met.

Chapter 6, Policy 24: *“All commercial developments shall be subject to special development standards relating to setbacks, landscaping, physical buffers, screening, access, signs, building heights, parking areas, and design review.”*

Finding: The Sign Code continues to regulate all commercial sign placement, height and size. Therefore, this policy has been met.

Chapter 9, Policy 4: *“Sign regulations shall be adopted that limit the size, location, and number of signs in residential, mixed-use, commercial and industrial areas and have amortization provisions to remove non-conforming signs within a reasonable period of time.”*

Finding: The amendments to the sign code continue to limit the size, location and number of signs in all of the city’s zoning districts. To avoid Constitutional challenges, the amendments alter the non-conforming sign section to remove any action based on changes on the contents of the sign. The Code continues to contain provisions for the removal of non-conforming signs when they are materially damaged. Because of this, this policy continues to be met.

3. The applicant can demonstrate a public need or benefit for the proposed amendment.

FINDING: There is a demonstrated public need for the amendments to the Sign Code for streamlining, improving and eliminating the possibility of Constitutional challenges. The proposed text amendments will also provide a public benefit through increased efficiency and effectiveness of the Current Planning Division.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

FINDING: The City's proposal to amend the Sign Code does not have any effect on the transportation system. Therefore there is no significantly affect, as described in Oregon Administrative Rule (OAR) 660-012-0060.

IV. CONCLUSION:

Based on the above Findings, the City Council finds that the proposed Sign Code text and map amendments meet all applicable approval criteria.



City of Bend

ISSUE SUMMARY

MEETING DATE: December 21, 2011

SUBJECT: Sign Code Amendment

STAFF MEMBER: Kim I. Voos

DEPARTMENT: CDD

ACTION REQUIRED:

- Motion
- Public Hearing Date: December 7, 2011
- Ordinance 1st Reading Date: December 7, 2011
- Ordinance 2nd Reading Date: December 21, 2011
- Resolution *(role call vote required)*
- Information/Direction
- Consent Agenda A *(adopted by motion)*

ADVISORY BOARD/COMMISSION RECOMMENDATION:

- Approval
- Denial
- None Forwarded
- Not applicable

Comments: The Planning Commission held a public hearing and passed a motion recommending that the City Council approve the proposed Sign Code amendments.

STAFF RECOMMENDATION: Staff recommends that the Council adopt the proposed Ordinance as revised on December 7 by City Council.

RECOMMENDED LANGUAGE FOR MOTION: (Second Reading) Move for second reading and adoption by roll call vote of the ordinance amending the map and text of the sign code, Chapter 9.50 of the Bend Code.

Project/issue relates to:

Council Goals and Priorities Bend 2030 Vision Not Applicable

ISSUE / COUNCIL DECISION & DISCUSSION POINTS: The current Sign Code was adopted in December 2000. Although it was recently amended to include revisions to drive-through menu board signs and to add an Adjustment to Standards section, the remainder of the document needed to be updated to provide formatting that is consistent with other sections of the Bend Code, to simplify administration of sign permits, and to create easily enforceable time, place, and manner restrictions for signs citywide.

Based on testimony received at the December 7, 2011 public hearing, the City Council moved to amend the ordinance to change the text of Section 9.50.190 for non-conforming signs and to adopt a corrected Sign District Map. Those changes have been incorporated into the ordinance's exhibits.

BACKGROUND: During the past several years, staff met with various sign companies and other interested parties to discuss issues that have arisen since the adoption of the Sign Code eleven years ago. Based on the outcome of those meetings, staff compiled a draft Sign Code that revises some sections to address minor issues, simplifies the organization of the document (e.g. many tables were condensed), and removes the analysis of sign content from the permitting process in order to avoid Constitutional challenges.

The amended Sign Code Draft is a reorganized, reformatted, renumbered, reworded and revised document. Because it has been altered to such an extent that it is difficult to follow using standard strikethrough and underlined format the document has been prepared as a new document that is intended to meet the following objectives:

Streamlined. The proposed Sign Code has been streamlined in order to be easier to understand, less complicated and less difficult to enforce.

Content Neutral. To avoid potential Constitutional challenges for regulating free speech, the code has been edited to remove content based regulations. Since the impacts of signage on the visual environment are unrelated to content, the City will be equally well served with a code that enables staff to determine whether a sign is the right height, the right size, and the right type, without attempting to determine the right content.

Flexibility when Determining Sign Area. The current code measures the area of a sign by using 4 straight lines, forming a rectangle or box around the outer perimeter of the sign. In this manner the unused area surrounding a sign is counted as sign area which is deducted from the total sign area allowance. The proposed way sign area will be measured will allow for more creatively designed signs by using up to 8 straight lines around the sign.

Inclusion of Urgent Care Facilities. Allows internally illuminated signs in residential zones, and Sign District 4 at urgent care facilities.

Expansion of External Illumination Areas. Include backlit "halo" type lighting as external illumination allowed in residential zones.

CURRENT YEAR BUDGET IMPACTS IDENTIFIED BY DEPARTMENT: None

FINANCIAL PERSPECTIVE & RECOMMENDATION:

Reviewed by: Sharon Wojda **Date:** November 23, 2011

LEGAL REVIEW & RECOMMENDATION:

Reviewed by: Gary Firestone **Date:** November 23, 2011

COMMUNITY INVOLVEMENT PROCESS: The Planning Commission conducted a Work Session on the proposed text amendment on September 12, 2011 and held a public hearing on October 24, 2011. At the conclusion of the hearing, the Planning Commission deliberated and voted unanimously to recommend approval to the City Council.

PROS & CONS:

Pros: Adoption of the amendments will create a Sign Code that will be easier for the community to use and for the City to enforce, and will remove the potential for challenges for content-based regulation.

Cons: There are no identified negative impacts for adoption of the proposed amendments.

ATTACHMENTS:

- Ordinance
- Exhibit A Sign Code
- Exhibit B Sign District Map
- Exhibit C Findings of Fact



DEPT OF

JAN 23 2012

LAND CONSERVATION
AND DEVELOPMENT

CITY OF BEND
COMMUNITY DEVELOPMENT DEPARTMENT
710 NW WALL STREET
BEND, OR 97701

TO:

*Attn: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem OR 97301-2540*