



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

8/17/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Bandon Plan Amendment
DLCD File Number 003-08A

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: Thursday, August 27, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Charlice Davis, City of Bandon
Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative

<paa> N/

Notice of Adoption

In person electronic mailed

DEPT OF

AUG 10 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

THIS FORM MUST BE MAILED TO DLCD WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: City of Bandon

Local file number: Sign Code

Date of Adoption: 8/3/2009

Date Mailed: 8/6/2009

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 11/5/2009

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation

- Comprehensive Plan Map Amendment
Zoning Map Amendment
Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached". An ordinance amending Bandon Municipal Code Chapter 16.42 Definitions and Chapter 17 Zoning.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: N/C

to: N/C

Zone Map Changed from: N/C

to: N/C

Location: within the City limits.

Acres Involved: 0

Specify Density: Previous: N/C

New: N/C

Applicable statewide planning goals:

- Goals 1-19 with checkboxes for selection

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- 45-days prior to first evidentiary hearing?
If no, do the statewide planning goals apply?
If no, did Emergency Circumstances require immediate adoption?

ORDINANCE NO. 1572

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BANDON AMENDING THE BANDON MUNICIPAL CODE, TITLE 17 - ZONING, TO ADD SECTION 17.90 - SIGNS, AND AMENDING SECTION 16.42 - DEFINITIONS.

WHEREAS, the Planning Commission has prepared a set of comprehensive sign regulations to improve and replace the existing sign regulations in the Bandon Municipal Code, Title 17 - Zoning by adding Section 17.90 - Signs, and by amending the definitions in Section 16.42 - Definitions; and

WHEREAS, after providing proper public notice and holding a public hearing, the Planning Commission has recommended that the Bandon Municipal Code, Title 17 - Zoning, be amended to add Section 17.90 - Signs, and that Section 16.42 - Definitions be amended to add and clarify definitions related to signs; and

WHEREAS, after reviewing the proposed amendment, the City Council has determined it is in the best interest of the City of Bandon to amend the Bandon Municipal Code, Title 17 - Zoning, to add Section 17.90 Signs, and to amend Section 16.42 - Definitions to add and clarify definitions related to signs.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council that the Bandon Municipal Code, Title 17 - Zoning, is hereby amended to add Section 17.90 - Signs, and that Section 16.42 - Definitions is hereby amended to add and clarify definitions related to signs, which amendments are included herein as "Attachment A."

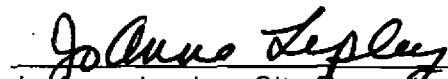
PASSED to a Second Reading the 6th day of April, 2009, on a roll call vote.

ADOPTED by the City Council this 3rd day of August, 2009, on a roll call vote.



Mary Schamehorn, Mayor

ATTEST:



JoAnne Lepley, City Recorder

17.90 SIGNS



17.90.010 Purpose

The purpose of this chapter is:

- A. to ensure that signs are designed, constructed, installed and maintained to promote safe public automobile, bicycle, and pedestrian traffic;
- B. to protect the health, safety, property and welfare of the public;
- C. to provide prompt identification of businesses and residences for emergency access;
- D. to promote economic development;
- E. to provide clear achievable standards and balance the need of business with the desire to preserve and enhance the visual character of the City.

17.90.020 Scope

- A. The provisions of this chapter shall apply to exterior signs, and signs attached to the interior or exterior surface of windows.
- B. Nothing in this chapter shall permit the erection or maintenance of any sign at any place in any manner unlawful under this or any other chapter of the City of Bandon Municipal Code or State or Federal law.
- C. Official Notices. Nothing contained in this chapter shall be deemed or construed to apply to advertising structures or signs used exclusively to display official notices issued by any court or public office, or posted by any public officer in performance of a public duty, nor a private person in giving a legal notice.
- D. These provisions do not apply to signs owned and installed by the City.

17.90.030 General Provisions

- A. General provisions apply to all signs and advertising structures in all zones.
 - 1. Except as provided in Section 17.90.040, H., all signs must be located on the same property on which the activity to which the sign refers is located. Signs attached to a building, which are allowed by a temporary right-of-way permit to extend into the right-of-way are not considered off-site signs.
 - 2. No sign shall interfere with the required vision clearance area.
 - 3. Signs placed on or affixed to vehicles and/or trailers which are parked in the public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to display the sign are prohibited.
 - 4. The area of a sign shall be the area of the smallest rectangle required to encompass the outside of all words, numbers, letters, logos and symbols.
 - 5. Electronic displays or readerboards are prohibited, except for time and temperature signs as specifically approved by the Planning Commission.
 - 6. Manually changed readerboards are prohibited except the following:
 - a. Gas station price signs;

- b. An eating and drinking establishment may have one erasable sign, provided that it does not exceed six square feet in area and it does not intrude into the right-of-way.
 - c. A church may have a bulletin board not exceeding ten (10) square feet in area, provided it has been approved by the Planning Commission as part of the Conditional Use.
7. When the angle of a double-sided sign is less than 10 degrees, only one side will be calculated in the sign area.
 8. Signs, except as otherwise specifically allowed herein, are prohibited in the public right-of-way.
 9. No freestanding sign shall exceed a height of twenty (15) feet, measured from existing grade to the highest point of the sign.
 10. No sign attached to any building shall exceed twenty (20) feet in height, or the height of the building, whichever is less.
 11. No single sign shall exceed forty eight (48) square feet in size.
 12. Except as otherwise allowed in this chapter, all signs shall comply with the building setback requirements.
 13. No sign projecting from a structure or mounted on a pole shall be less than eight feet above the ground at its lowest point.
 14. No freestanding signs shall be permitted in the public right-of-way, except as otherwise specifically allowed in this Chapter.
 15. Signs attached to a building and projecting into a public right-of-way shall require a temporary right-of-way permit approved by the City Manager, or designate.
 16. No sign, or portion thereof, shall be so placed as to obstruct any fire escape or human exit from any portion of a building.
 17. The total exterior sign area for a building shall not be affected by the number of businesses located in the building. The building owner is ultimately responsible for allocating this allowed area to the businesses located therein and for insuring compliance of sign area limitations in the case of multiple businesses being located on a property.
 18. Nuisances or Hazardous Conditions prohibited:
 - a. The illumination of signs shall be designed to eliminate negative impacts on surrounding right-of-way and properties.
 - b. No sign or light source shall create a distraction, hazard, or nuisance.
 - c. Signs shall not be used at a location or in a manner so as to be confused with, or construed to be, traffic control devices.
 19. A Subdivision or Planned Unit Development may have one directional/identification sign at each entrance, not to exceed twenty square feet each, provided that the sign is approved by the Planning Commission as part of a Subdivision or Planned Unit Development approval. If approved by the Planning Commission, such signs may be located in the right-of-way.
 20. A multi-family unit complex may have one directional/identification sign, not to exceed one square foot for each unit, to a maximum of twenty (20) square feet, provided that the sign is approved by the Planning Commission as part of the project approval. If approved by the Planning Commission, such signs may be located in the right-of-way.
 21. All signs shall be securely fastened to their supporting surface or structure.
 22. Flags and windsocks are permitted provided that:
 - a. The lowest point of the flag or windsock, when hanging in its fully relaxed condition shall be a minimum of six (6) feet above any sidewalk or driveway;
 - b. A flag or windsock with no advertising or which designates "open" or "closed" will not be considered in calculating the sign area.

- c. A flag or windsock which advertises a business, service, or product will be included when calculating the maximum sign allowed.
- 23. Other than flags and windsocks as otherwise allowed, no mechanical or moving signs shall be permitted. No sign shall contain or be illuminated by any flashing, blinking, moving, or rotating light.
- 24. Attaching handbills to fences, posts, trees, buildings, or any other surface is prohibited within the City of Bandon.
- 25. Murals exceeding forty-eight square feet in area shall require approval of the Planning Commission. The portions of a mural which have reference to a business, service, or product will be included when calculating the total sign area.
- 26. All signs shall be of professional quality and shall be well-maintained.
- 27. An eating and drinking establishment may attach to a window a menu, identical to those distributed to customers. Such a menu will not be used in the calculation of total sign area allowed.
- 28. Incidental signs displayed strictly for a direction, safety, or the convenience of the public, including but not limited to signs that identify restrooms, public telephones, parking area entrances, and exits are allowed. Individual signs in this category shall not exceed two square feet in area, and shall not be considered in calculating the total sign area allowed.
- 29. Public memorials, cornerstones and plaques may be allowed provided they are approved by the City.

17.90.040 Temporary Signs

- A. Temporary signs shall not be illuminated.
- B. Temporary signs and banners shall be well maintained at all times and shall be removed promptly when the approved display period has ended.
- C. One temporary sign, not to exceed four square feet in area advertising the sale, lease, or rental of a single lot or parcel may be allowed. The sign shall be removed upon sale of the property.
- D. One temporary sign per tract of land or subdivision advertising the sale of the tract, or lots in the tract may be allowed. The sign shall not exceed thirty-two square feet in area and shall be a minimum of twenty feet from the right-of-way. The sign shall be removed upon sale of the property.
- E. Signs on a construction site where a valid Zoning Compliance and building permit is in effect, designating the contractor, architect, project manager, lending institution and other firms relating to the construction, may be allowed, provided that all such signs shall be contained within a single twenty square foot rectangle.
- F. For the purposes of determining the allowable location of temporary signs where the actual right-of-way/property line is undetermined, the right-of-way/property line shall be considered to be a line two feet from the outside edge of the sidewalk or, where no sidewalk is present, a line six feet from the edge of the pavement.
- G. In addition to the signs specifically allowed pursuant to this section, temporary, on-site signs may be allowed by the City Manager or his designate, provided the total allowance for any property shall not exceed 90 calendar days per year.
- H. In addition to the on-site sign allowance, one additional off-site sign may be permitted for each commercial use at the discretion of the City Manager by permit:
 - 1. An off-site sign shall be located no farther than two hundred (200) feet from the commercial use to which it refers, and must be located within the same zone as the commercial use to which it refers;
 - 2. The maximum height of an off-site sign shall be three (3) feet;

3. The maximum area of an off-site sign shall be four (4) square feet;
4. No off-site sign shall be located in the City right-of-way except one temporary directional sign to indicate availability of fresh fish and/or seafood for sale in the water zone may be allowed along Highway 101.
5. No off-site sign shall be allowed to be displayed for more than 90 calendar days per calendar year.

17.90.050 Political Signs

- A. Political signs advertising a candidate or a ballot issue shall be allowed only on private property and with the owner's written permission, during a political campaign for a period of sixty days prior to the election in which such candidates or issues are to be voted upon, and shall be removed within 2 days after the election.
- B. An individual sign shall not exceed four square feet in area.
- C. For the purposes of determining the allowable location of political signs where the actual right-of-way/property line is undetermined, the right-of-way/property line shall be considered to be a line two feet from the outside edge of the sidewalk or, where no sidewalk is present, a line six feet from the edge of the pavement.

17.90.060 Non-conforming Signs and Structures

- A. A non-conforming sign may not be modified in any way that results in a more non-conforming condition.
- B. Maintenance and repairs such as cleaning, painting, or replacing damaged structural portions of a non-conforming sign are allowed.
- C. If a nonconforming sign is replaced by a new sign, the new sign shall conform to the requirements of this chapter.
- D. If a sign is discontinued for a period of one year, the new sign will conform to the requirements of this chapter.
- E. Any sign poles, frames or other means of support for a sign no longer in use shall be removed prior to approval of any new sign.
- F. If a sign is destroyed or removed by any cause, it shall be replaced by a conforming sign.

17.90.070 Residential Zones (R-1, R-2,)

A. Permitted Signs

1. One non-illuminated nameplate, not to exceed two square feet in area.
2. House numbers.

17.90.080 Controlled Development Zones (CD-1, CD-2, CD-3)

A. Permitted Signs for Residential Uses

1. One non-illuminated nameplate, not to exceed two square feet in area.
2. House numbers.

B. Permitted Signs for Commercial Uses

1. A commercial sign shall require approval by the Planning Commission through the Conditional Use process.
2. Total area of all exterior sign allowed on the property shall not exceed one square foot for each two linear feet of street frontage.
3. A sign shall be set back ten (10) feet from any adjoining lot used for residential purposes.

17.90.090 Controlled Development Residential Zones (CD-R1, CD-R2)

A. Permitted Signs

1. One non-illuminated nameplate, not to exceed two square feet in area.
2. House numbers.

17.90.100 Old Town (C-1) and Architectural Review Overlay (AR)

A. Exterior Signs Requiring a Certificate of Appropriateness. Exterior signs within the Architectural Review Overlay Zone of this section must receive a COA before installation or before any change in design, size, color(s), or location is made. Signs on properties in the C-2 and LI zones shall be exempted from the architectural review overlay zone sign regulations, but shall be subject to the sign regulations applicable to the underlying zone.

1. Criteria. In considering applications for COA's, signs shall be reviewed for their compliance with the following requirements:
 - a. Graphics: These shall be clear, legible and of a professional quality.
 - b. Colors: Colors used for exterior signs shall be from the previously approved color chart or receive approval from the Planning Commission through the ARB application process.
 - (1) Each building shall be allowed a total exterior sign area for the front or facade of the building equal to ten (10) percent of the facade area of the building.
 - (2) On the side and back exterior walls of buildings, signs equaling five percent of the wall's area can be permitted. These signs must be flush-mounted parallel to the wall.
 - c. Internally illuminated signs are prohibited. Neon tubing signs shall not be considered internally illuminated signs.
 - d. No part of any sign shall extend above the roofline or the top of the facade or marquee, whichever is higher.
 - e. Trademarks or symbols: Signs which display the symbol, slogan or trademark of any product or business other than the business or businesses occupying the site are prohibited.
 - f. A nameplate for a residence not exceeding one square foot in area is allowed and shall not require a Certificate of Appropriateness.

17.90.110 General Commercial (C-2)

A. Permitted Signs

1. In the case of a property with a single street frontage, the total area of all signs shall not exceed one square foot for each two lineal feet of lot frontage on that street.

In the case of a property on a corner, or with multiple street frontages, the total area of signs shall not exceed one square foot for each two lineal feet of lot frontage along the primary street (which shall be determined by the property owner), plus one square foot for each four lineal feet along the other secondary street(s), provided those additional signs are located along the respective secondary street.

2. One temporary directional sign to indicate availability of fresh fish and/or seafood for sale in the water zone may be allowed along Highway 101, provided that:
 - a. The sign does not exceed twelve square feet;
 - b. The sign has been placed on private property, with the written permission of the property owner;
 - c. The sign has been approved by the City Manager, or designate, to assure that it does not constitute a safety, pedestrian, or vehicular hazard.
3. A sign shall be set back at least ten (10) feet from an adjoining residentially zoned lot.
4. Portions of this zone located within the Architectural Review Overlay zone shall also be required to comply with the Architectural Review Overlay regulations.

17.90.120 Water Zone (W)

- A. Temporary signs and/or banners to indicate availability of fresh fish and/or seafood for sale may be allowed on individual water craft provided that the sign or banner does not exceed twenty-four square feet in size.

17.90.130 Marine Commercial (C-3)

A. Permitted Signs

1. In the case of a property with a single street frontage, the total area of all signs shall not exceed one square foot for each two lineal feet of lot frontage on that street.

In the case of a property on a corner, or with multiple street frontages, the total area of signs shall not exceed one square foot for each two lineal feet of lot frontage along the primary street (which shall be determined by the property owner), plus one square foot for each four lineal feet along the other secondary street(s), provided those additional signs are located along the respective secondary street.

2. A sign shall be set back at least ten (10) feet from an adjoining residentially zoned lot.
3. Portions of this zone located within the Architectural Review Overlay zone shall also be required to comply with the Architectural Review Overlay regulations.

17.90.140 Light Industrial (LI), Heavy Industrial (HI), and Woolen Mill Overlay (WM)

A. Permitted Signs

1. In the case of a property with a single street frontage, the total area of all signs shall not exceed one square foot for each two lineal feet of lot frontage on that street.

In the case of a property on a corner, or with multiple street frontages, the total area of signs shall not exceed one square foot for each two lineal feet of lot frontage along the

primary street (which shall be determined by the property owner), plus one square foot for each four lineal feet along the other secondary street(s), provided those additional signs are located along the respective secondary street.

2. A sign shall be set back at least ten (10) feet from an adjoining residentially zoned lot.
3. Portions of this zone located within the Architectural Review Overlay zone shall also be required to comply with the Architectural Review Overlay regulations.

16.42 DEFINITIONS

A FRAME OR SANDWICH : an advertising device which is ordinarily in the shape of an A or some variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually two-sided.

ATTACHED: be attached; affixed; be in contact with; become attached by construction, adhesive, tying, or any other means.

BANNER: a sign made of any lightweight, non-rigid material such as plastic, fabric, or other flexible material with no enclosing framework.

DIRECTIONAL SIGN: a sign which directs the reader to a location, event, or activity. Such signs also include signs designed and installed for the purpose of traffic or pedestrian direction to an entrance or exit from premises.

ELECTRONIC DISPLAY OR READERBOARD SIGN: a computer operated sign with capacity for text and or graphic information.

FREE STANDING SIGN: a sign which is attached to or a part of a completely self- supporting structure. The supporting structure will be set firmly in or below the ground surface and will not be attached to any building or any other structure whether portable or stationary.

HANDBILL A solicitation printed on loose paper or cardboard designed for advertisement or identification of a sale, business, location, object, person, institution, organization, product, service or event

ILLUMINATION EXTERNAL : a source of illumination outside of a sign

ILLUMINATION INTERNAL : a source of illumination from within a sign.

LOGO: a recognizable graphic design element, representing an organization or product . A sign, name, or trademark of an institution, firm, or publication, consisting of letter forms borne on one printing plate or piece of type.

MURAL : display painted or affixed directly on a wall which is designed and intended as a decorative or ornamental feature.

SIGN: all or part of any object, structure or device intended to be viewed by the public for advertisement or identification of a business, location, object, person, institution; organization, product, service or event by means including words, pictures, logos, symbols, colors, motion, illumination or projected images.

SIGN, TIME, DATE AND TEMPERATURE: a sign that accurately displays the current time, date and/or temperature. Such a sign does not include copy or commercial messages.