



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

04/19/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Florence Plan Amendment
DLCD File Number 003-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Monday, May 02, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 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: Melissa Anderson, City of Florence
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

APR 12 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Florence** Local file numbers: **PC 10 17 TA 02 & PC 10 18 CPA 02**

Date of Adoption: **03/21/11 & 4/4/11** Date Mailed: **04/11/11**

- Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/29/10
- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
- Land Use Regulation Amendment Zoning Map Amendment
- New Land Use Regulation Other:

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

The amendments include housekeeping amendments to the Florence Comprehensive Plan and Downtown Design Guidelines. The Florence City Code amendments to Title 4 and 10: 1) replace the sign code in Title 10 with a new sign code in Title 4, 2) retain the existing mural regulations in Title 10, and 3) amend various sections of Title 10 for housekeeping purposes.

Does the Adoption differ from proposal? Please select one

The proposal is not significantly different from proposal; the sign code in Title 4 has simply been changed to address comments at the public hearings.

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

- Applicable statewide planning goals: Goal 1 and 2.
- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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- Was an Exception Adopted? YES NO
- Did DLCD receive a Notice of Proposed Amendment...
- 45-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. 003-10 (18593) [16601]

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

ODOT, Lane County and Central Lincoln PUD

Local Contact: **Melissa Anderson**

Phone: (541) 997-8237 Extension:

Address: **250 Hwy. 101 N.**

Fax Number: **541-997-4109**

City: **Florence**

Zip: **97439**

E-mail Address: **melissa.anderson@ci.florence.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.

**CITY OF FLORENCE
ORDINANCE NO. 4, SERIES 2011**

IN THE MATTER OF LEGISLATIVE MISCELLANEOUS AMENDMENTS TO THE FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN AND DOWNTOWN ARCHITECTURAL DESIGN GUIDELINES AND LEGISLATIVE AMENDMENTS TO THE FLORENCE CITY CODE (FCC) FOR TITLES 2, 4, AND 10 TO ADOPT SIGN REGULATIONS AND VARIOUS MISCELLANEOUS AMENDMENTS

WHEREAS, the Planning Commission began working on updating the City zoning code in 2006 to implement the Realization 2020 Comprehensive Plan and to address problems of the current code;

WHEREAS, the City Council prioritized an update to the sign code in March of 2010;

WHEREAS, the City Council directed staff to update the sign code as a structural code in Title 4 with clear and objective standards on April 19, 2010;

WHEREAS, the Planning Commission began a series of work-sessions to update the sign code on July 27, 2010, which were open to the public for comments on proposed changes to the sign code;

WHEREAS, the Planning Commission initiated amendments to the City code and Comprehensive Plan on October 26, 2010, by approving resolutions for initiation after five work-sessions on the proposed code changes;

WHEREAS, the City sent notice of the proposed code amendments to the Department of Land, Conservation and Development on October 29, 2010, not less than 45 days prior to the first evidentiary hearing as required by state law and the Florence City Code;

WHEREAS, on November 17, 2010, the City sent notice to interested parties, organizations and the media of the Planning Commission public hearing, as well as posted the proposed code amendments on the web site;

WHEREAS, the City published a notice in the Siuslaw News on November 24, 2010 prior to the Planning Commission conducting a public hearing December 14, 2010;

WHEREAS, the Planning Commission closed the public hearing December 14, 2010 and deliberated to a decision on January 11, 2011;

WHEREAS, the City sent an update of the proposed code amendments to the Department of Land, Conservation and Development on February 7, 2011 and notified the Department of the final public hearing;

WHEREAS, on February 7, 2011, the City sent notice to interested parties, organizations and the media of the City Council public hearing, as well as posted the proposed code amendments on the web site;

WHEREAS, the City published a notice in the Siuslaw News on February 12, 2011 prior to the City Council conducting a public hearing on February 28, 2011 and deliberated to a decision on March 21, 2011;

WHEREAS, the Comprehensive Plan amendments correct references to the zoning district of the 40-acre Port property in the Pacific View Business Park to ensure consistency with the current zone;

WHEREAS, the Downtown Architectural Design Guideline amendments allow greater flexibility in design options for storefront signage;

WHEREAS, the code amendments replace the existing sign regulations of the land use code in Title 10 Chapter 26, with a new sign code in Title 4 Chapter 7 as structural regulations with clear and objective standards;

WHEREAS, the code amendments delete the sign review board in Title 2 Chapter 12 and include various other miscellaneous changes to Title 10;

WHEREAS, the City Council finds the proposed Plan and Zoning Code Text amendments are consistent with applicable criteria in the Florence City Code, Realization 2020 Florence Comprehensive Plan, Statewide Planning Goals and Oregon Revised Statutes as shown in Exhibit 4A;

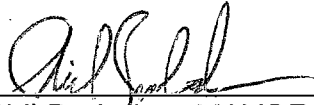
NOW, THEREFORE, THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

- Section 1. The Findings of Fact as shown in Exhibit 4A are hereby adopted;
- Section 2. The Florence Realization 2020 Comprehensive Plan Chapter 2, Land Use and the Downtown Architectural Design Guidelines are hereby amended as shown in Exhibit 4B;
- Section 3. FCC Title 2 Chapter 12, Sign Review Board, is hereby deleted;
- Section 4. The new sign code is hereby adopted as a Building Regulation in FCC Title 4 Chapter 7, Sign Regulations as shown in Exhibit 4C;
- Section 5. The existing sign regulations in Title 10 are hereby removed so that the sign code no longer involves a land use decision and FCC Title 10 Chapter 26, Sign Regulations are hereby amended as shown in Exhibit 4D;
- Section 6. FCC Title 10, Chapters 1 through 34 is hereby amended to make the code internally consistent and include the miscellaneous amendments shown in Exhibit 4E.
- Section 7. This ordinance shall go into effect 30 days after its adoption by the Council.

Passed by the Florence City Council this 21st day of March, 2011.

AYES	<u>5</u>
NAYS	<u>0</u>
ABSTAIN	<u>0</u>
ABSENT	<u>0</u>

APPROVED BY THE MAYOR, this 23 day of March, 2011.



Phil Brubaker, MAYOR

ATTEST:



Kelli Weese, CITY RECORDER

Exhibit 4A
For Ordinance 4, Series 2011

CITY COUNCIL FINDINGS
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT

Public Hearing Date: February 28, 2011 **Planner Name:** Melissa Anderson

File: PC 10 17 TA 02 and PC 10 18 CPA 02

I. PROPOSAL

The proposal amends the Florence City Code (FCC) Titles 2, 4 and 10 to adopt new sign regulations and adopt various miscellaneous amendments. The proposal also includes other miscellaneous amendments to the Florence Realization 2020 Comprehensive Plan and to the Downtown Architectural Design Guidelines. These changes are summarized below:

Comprehensive Plan Amendments (PC 10 18 CPA 02): The proposed miscellaneous change is a legislative amendment to "Realization 2020, Florence Comprehensive Plan," in order to update references to the 40-acre Port property in the Pacific View Business Park with the current zone. The proposal also includes miscellaneous amendments to "Downtown Architectural Design Guidelines" in order to provide greater flexibility in the design of storefront signage.

Zoning Code Amendments (PC 10 17 TA 02): The proposed zoning code changes are legislative amendments to the Florence City Code (FCC):

- Title 2 Chapter 12
- Title 4 Chapter 7, and
- Title 10 Chapters:
 - 1 – Zoning Administration
 - 2 – General Zoning Provisions
 - 3 – Off-Street Parking and Loading
 - 4 – Conditional Uses
 - 5 – Zoning Variances
 - 6 – Design Review
 - 10 – Restricted Residential District
 - 11 – Single Family Residential
 - 12 – Mobile Home/Manufactured Home Regulations
 - 13 – Multi-Family Residential District
 - 14 – Neighborhood Commercial District
 - 15 – Commercial District
 - 16 – Highway District
 - 17 – Old Town District
 - 18 – Marine District
 - 20 – Limited Industrial District

25 – Professional Office/Institutional Zoning District

27 – Mainstreet District

28 – Pacific View Business Park

30 – North Commercial District

31 – Service Industrial District

34 – Landscaping.

- The proposal replaces the existing sign regulations of the land use code in Title 10 Chapter 26, with a new sign code in Title 4 Chapter 7 as structural regulations with clear and objective standards.
- The proposal deletes Title 2 Chapter 12 regarding a sign review board because this section is no longer applicable with the new sign regulations adopted as a structural code.
- The proposal retains the existing mural regulations in Title 10 Chapter 26.
- The proposal includes amendments to various sections of Title 10 to address miscellaneous changes. These changes include several sign code related references that need to be consistent with the proposed sign code in Title 4. Other changes include amendments to:
 - fence height for houses that do not have a front door facing the front lot line;
 - fence height for commercial properties changed from a maximum of 6' to 8' in height;
 - ground cover spacing requirements corrected;
 - landscaping requirements on new development vs. existing development adjusted; and
 - land uses in the Pacific View Business Park District are changed to clarify that call centers are a permitted use in that zone.

II. BACKGROUND

On March 1, 2010 staff reported to the City Council that there was concern about the sign code, particularly with regard to enforcement of the code. Staff recommended the Council amend the sign code using a code developed by Oregon lawyers for City County Insurance Service (CCIS) and the League of Oregon Cities. Based on this report, the City Council directed staff to update the sign code and to prioritize this project for the current calendar year.

On Tuesday, March 23, 2010, the City Council and Planning Commission held a joint work session to discuss amending the sign code. At that meeting, the City Council requested that the Planning Commission make a recommendation on whether the sign code should be a building/structural regulation located in Title 4 or a land use regulation located in Title 10.

On April 13, 2010, the Planning Commission reviewed alternatives for the sign code and recommended the Council adopt a new sign code in Title 4 as a structural code with clear and objective criteria; the Commission also suggested the Council consider recommendations from an advisory body such as the Planning Commission on any future changes to the sign code. On April 19th, the City Council directed staff to begin updating the sign code with the Planning Commission's recommendation.

On July 27, 2010, the Planning Commission began a series of work-sessions to update the sign code that were open to the public for comments. Prior to every work-session, information regarding the project was posted on the City's website and notification was sent to the media, key businesses, organizations and individuals in order to encourage public participation.

The Planning Commission held five work-sessions on the sign code that included opportunities for public comment: July 27th, August 17th, September 14th, September 28th and October 26th. On October 26, 2010 at the end of the final work-session, the Planning Commission initiated amendments to the sign code along with various miscellaneous amendments to begin the public hearing notification process.

On December 14, 2010, the Planning Commission held a public hearing prior to making a recommendation on the proposed amendments to the City Council. After closing the public hearing, the Commission postponed deliberations until their first regularly scheduled meeting in January. Prior to the hearing, the State Department of Land Conservation and Development (DLCD) was notified, along with interested parties, organizations and the media, in order to meet all state law and local requirements, as well as to encourage public participation in the matter.

On January 11, 2011, the Planning Commission deliberated to a decision for a recommendation on the proposed amendments to the City Council.

On February 28, 2011, the City Council conducted a public hearing and considered public testimony before deliberating to a decision on March 21, 2011 to adopt the code changes to the sign regulations and all miscellaneous plan and code amendments.

III. NOTICE AND REFERRALS

1. Notice:

The notice of the Planning Commission public hearing was sent to interested parties, KCST Radio and posted on the City web site on November 17, 2010. The notice was also published in the Siuslaw News on November 24th, 2010 as required by State law and the Florence City Code.

The notice of the City Council public hearing was sent to interested parties, organizations and KCST Radio on February 7, 2011. The notice was also published in the Siuslaw News on February 12, 2011 prior to the City Council conducting a public hearing on February 28, 2011.

2. Referrals:

Notice of the proposed amendments was sent to DLCD on October 29, 2010 not less than 45 days prior to the proposed first evidentiary hearing of December 14, 2010, as required by State law and the Florence City

Code. An update of the proposed amendments, which included the Planning Commission's recommendation, was also sent to DLCD on February 7, 2010.

On November 17, 2010 referrals were also sent to:

- Florence Police Department
- Florence Code Enforcement
- Florence Building Official
- Florence Public Works Department
- Florence Urban Renewal Agency
- Central Lincoln PUD
- Lane County Land Management
- Lane County Transportation
- Siuslaw Valley Fire & Rescue
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw
- Florence Area Chamber of Commerce
- State of Oregon Department of Land, Conservation and Development
- State of Oregon Department of Transportation

As of December 6th, no comments were received regarding the proposal.

3. Work Session Notification

Prior this first work-session to update the sign code with the Planning Commission on July 27, 2010, information regarding the project was posted on the City's website and notification was sent to the media, key businesses, organizations and individuals in order to encourage public participation. Notices and communication included the following:

- Website posting
- Direct mail and phone contact to key businesses, organizations and individuals
- City utility billing statements sent out to all residents included announcement of the first Planning Commission work-session
- Press release to the Siuslaw Newspaper
- Public service announcement to KCST Ratio Station
- Staff attendance and announcements at:
 - Board of Realtors meeting
 - Merchants of Old Town (MOOT) meeting
 - Chamber of Commerce meeting

After this initial contact, interested parties, organizations and the media were notified of each Planning Commission work session and current information was posted on the City web for easy access by the public.

IV. APPLICABLE CRITERIA

1. Florence City Code (FCC) Title 10: Zoning Regulations

- Chapter 1, Zoning Administration:
 - Section 1-3 Amendments and Changes:

Section C Legislative Changes

2. **Florence Realization 2020 Comprehensive Plan**
 - Chapter 1: Citizen Involvement
 - Chapter 2: Land Use
3. **Statewide Planning Goals:**
 - Goal 1: Citizen Involvement [OAR 660-015-0000(1)]
 - Goal 2: Land Use [OAR 660-015-0000(2)]
4. **Oregon Revised Statutes (ORS)**
 - ORS 197.610: Local government notice of proposed amendment or new regulation; exceptions; report to commission

V. FINDINGS

Florence City Code (FCC)

Title 10 Zoning Regulations, Chapter 1 Zoning Administration

10-1-3: AMENDMENTS AND CHANGES:

A. **Purpose:** As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.

C. Legislative Changes:

1. **Initiation:** A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.

Finding: The proposed text amendments to the zoning code are a legislative change and consistent with this criterion because:

- The Planning Commission initiated the amendments by resolutions at their regularly scheduled meeting on October 26, 2010.
- The Planning Commission held a public hearing on December 14, 2010, prior to making a recommendation on the proposed amendments and returning the matter to the City Council for a final decision.

2. **Notice and Public Hearing:** Such notice and hearing as prescribed by State law and the Comprehensive Plan then in effect.

Finding: The proposal is consistent with this criterion because:

- Notice of the proposed amendments was posted on the City web site, published in the Siuslaw News on November 24, 2010, and sent to interested parties, organizations and the media on November 17, 2010.
- Notice of the proposed amendments was again published in the Siuslaw News on February 12, 2011, and sent to interested parties, organizations and the media on February 7, 2011.
- Notice of the proposed amendments was sent to DLCD in accordance with ORS 197.610; the criteria of ORS 197.610 are addressed in a following section and those findings are incorporated herein.
- The criteria of the Comprehensive Plan are addressed in a following section and those findings are incorporated herein.

Realization 2020, Florence Comprehensive Plan

Plan Adoption, Amendments, Review and Implementation

Adoption of the Plan represents a commitment by the City to attempt the achievement of what the Plan proposes and is considered by other governmental units, the courts and the public to be a statement of policy. City ordinances covering development and land use must be consistent with the intent of the Plan. Federal, State, County and Special District land use actions must also be consistent with the Plan. (pp. 2-3)

Finding: The proposed amendments are consistent with this policy because changes to the City ordinances relate to the sign code and include various miscellaneous amendments. The applicable Plan policies for the proposed amendments are addressed in the policies that follow. These findings are incorporated herein.

Amendments to the Plan may be initiated by citizens, citizen groups, the Citizen Advisory Committee, the Planning Commission or the City Council. In any amendment proceedings, the City Council shall obtain the recommendation of the Planning Commission and the Citizen Advisory Committee before taking action on a proposed major amendment. Minor changes which do not have significant effects beyond the immediate area of the change require the recommendation of the Planning Commission. Minor changes may be initiated at any time. Notice to the Oregon Department of Land Conservation and Development (DLCD) of a public hearing for a proposed plan amendment shall be required at least 45 days prior to the first Planning Commission hearing. (pg. 3)

Finding: The proposed amendments are consistent with this policy because amendments to the Comprehensive Plan are minor, requiring a recommendation of the Planning Commission. These proposed amendments were initiated by the

Planning Commission by resolutions at their regularly scheduled meeting on October 26, 2010. Notice of the proposed amendments was sent to DLCD on October 29, 2010 not less than 45 days prior to the proposed first evidentiary hearing. The Planning Commission held a public hearing on December 14, 2010, prior to making a recommendation on the proposed amendments and returning the matter to the City Council for a final decision.

Chapter 1: Citizen Involvement

Citizen Involvement Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies:

- 4. Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment. (pg. I-1)**

Finding: The proposed amendments are consistent with this policy because the notice of the Planning Commission public hearing was sent to interested parties, organizations and the media on November 17, 2010, and was published in the Siuslaw News on November 24, 2010. Notice of the City Council public hearing was sent to interested parties, organizations and the media on February 7, 2011, and was published in the Siuslaw News on February 12, 2011. Additionally, the agenda and proposed amendments were posted on the City's web site, prior to the hearing. Citizens were provided the opportunity to comment on the proposed amendments and the Planning Commission made changes where appropriate to address those comments.

- 5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public. (pg. I-1)**

Finding: The proposal for these actions is consistent with this policy because minutes of all meetings are kept at City Hall, posted on the City web site and made available on request to the public.

- 6. Planning documents and background data shall be available to interested citizens. (pg. I-1)**

Finding: The proposal for these actions is consistent with this policy because the staff report is made available to the public prior to the public hearing as well as posted on the City web site.

Chapter 2: Land Use

Policy:

3. **The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and the enforcement of building, fire, plumbing and electrical codes. (pg. II-1)**

Finding: The proposal is consistent with this policy because the sign regulations of Title 10 Chapter 26 are being replaced with a new sign code in Title 4 Chapter 7. The new sign ordinance is intended to provide a neat, clean, orderly and attractive appearance of the City. Additionally, sign districts with regulations for each district are established for appropriate standards to be implemented throughout the City.

Commercial Policy:

4. **The City shall encourage commercial developments which enhance their surroundings through the on-site use of attractive architecture, relative scale, abundant landscaping, vehicular access improvements and appropriate signage. (pg. II-9)**

Finding: The proposal is consistent with this policy because the sign regulations of Title 10 Chapter 26 are being replaced with a new sign code in Title 4 Chapter 7. The new sign ordinance is intended to provide a neat, clean, orderly and attractive appearance of the City. Additionally, sign districts with regulations for each district are established for appropriate standards to be implemented throughout the City.

Commercial Recommendations:

6. **Commercial developments, commercial planned unit developments, and commercial subdivisions should include adequate provisions for pedestrian and bicycle access including sidewalks, bike lanes, bike racks, benches and appropriate safety signage and lighting. (pg. II-10)**

Finding: The proposal is consistent with this recommendations because the sign regulations of Title 10 Chapter 26 are being replaced with a new sign code in Title 4 Chapter 7, which is intended to protect the health, safety, property and welfare of the public and minimize adverse visual safety factors to travelers on public rights-of-way and on private areas open to public travel.

12. **Waterfront commercial development within Old Town should be architecturally compatible with existing waterfront buildings and structures in terms of scale, massing, building materials, and signage, and should maintain reasonable views of the Siuslaw River by the general public through the groupings of buildings, reasonable height**

limitations, and pedestrian access. Parking should be in commonly owned interior parking lots where possible. (pg. II-11)

Finding: The proposal is consistent with this policy because the sign regulations of Title 10 Chapter 26 are being replaced with a new sign code in Title 4 Chapter 7, which is intended to provide a neat, clean, orderly and attractive appearance of the City. Additionally, the existing sign standards for waterfront commercial development within Old Town have been retained, such as prohibiting interior illumination and restricting monument signs to buildings that do not abut the sidewalk.

Statewide Planning Goals

ORS 197.175: Cities' and Counties' Planning Responsibilities; Rules on Incorporations; Compliance with Goals.

(2) Pursuant to ORS Chapters 195, 196 and 197, each city and county in this state shall: (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;

Finding: The proposal is consistent with ORS 197.175 because this staff report contains findings to conclude that the proposed comprehensive plan revisions are in compliance with the goals approved by the Commission. Statewide Planning Goals 1 and 2 apply to this proposal. A finding of "Not Applicable to this Proposal" is incorporated into these findings for all other Statewide Planning Goals not specifically cited below.

Goal 1: Citizen Involvement [OAR 660-015-0000(1)]

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

Finding: The proposal is consistent with Statewide Planning Goal 1 because the proposal was advertised in the Siuslaw News, posted on the City web site, and notice was sent to interested parties, organizations and the media, and citizens were given the opportunity to comment on the proposal in writing or in person at public hearings before the Planning Commission and the City Council.

Goal 2: Land Use [OAR 660-015-0000(2)]

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed,

revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Finding: The proposal is consistent with Goal 2 because the Plan and code amendments were updated to take into account of changing circumstances. Prior to adoption of the Plan and code amendments, citizens and affected governmental units have been provided an opportunity for review and comment on the proposal at a public hearing before the Planning Commission and City Council.

Oregon Revised Statutes

The procedures for legislative decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCDC and these local regulations effectively implement state law. The sections of State statute that relate to the proposed amendments are listed below with findings to address consistency with this State law.

ORS 197.610: Local Government Notice of Proposed Amendment or New Regulation; Exceptions; Report to Commission.

197.610(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

Finding: The proposal is consistent with this statute because notice to DLCDC was sent on October 29, 2010 at least 45 days prior to the December 14, 2010 (first) evidentiary hearing and the notice contained the information required in this statute.

VI. CONCLUSION

The proposed amendments to the Florence City Code Titles 2, 4 and 10, the Comprehensive Plan and the Downtown Architectural Design Guidelines are consistent with the applicable criteria in the Florence City Code, Florence Realization 2020 Comprehensive Plan, Statewide Planning Goals the and Oregon Revised Statutes.

EXHIBIT 4B
For Ordinance 4, Series 2011

Miscellaneous Amendments to the following Plans:

“Florence Downtown Architectural Design Guidelines”

Storefront Signage: [pg. 4]

- ~~• A horizontal signage band shall be above the storefront windows.~~
- ~~• Maximum height of any signage shall be 3'-0".~~
- ~~• Signage may not be displayed more than 16' above the ground.~~
- All signage must be attached to a building.
- No back lit signs allowed.

“Florence Realization 2020 Comprehensive Plan”

Chapter 2 Land Use

Business/Industrial Park [pg. II-16]

The Business/Industrial Park designation applies to the 17-acre Airport Industrial Park; the 70-acre Pacific View (Kingwood) Business Park, and the 40 acres west of the City's Pacific View Business Park owned by the Port of Siuslaw. The ~~two~~~~three~~ implementing zoning districts for these Plan designations are, respectively: ~~Limited~~ Industrial Park District ~~and~~, Pacific View Business Park District, ~~and~~ ~~Service Industrial District~~. In addition, a portion of some of these areas is subject to the City's Airport Overlay District.

Marine [pg. II-17]

The remaining industrial areas are designated Marine in the Comprehensive Plan Map. These include: lands zoned Marine owned by Lane County located south of the Port's 40 acre ~~Service Industrial~~Pacific View Business Park site, and lands zoned Waterfront-Marine owned by the Port of Siuslaw and private owners located east of the area designated Downtown in the Comprehensive Plan Map. These lands are intended for development of water-dependent industrial, recreational and commercial uses and associated water related uses.

Chapter 9 Economic Development

Background [pg. IX-4]

In 1996, the City received funds for construction of an industrial park in another area of Kingwood, north of the downtown area, and adjacent to the airport. Construction of the park is complete. Improvements include streets, curbs, sidewalks, street lights, water, sewer and storm drainage. An industrial subdivision has been approved and recorded resulting in 54 serviced lots available for business park and light industrial development. This subdivision has recently been renamed Pacific View Business Park. Immediately adjacent to the Pacific View Business Park is 40 acres of land belonging to the Port of Siuslaw which is zoned ~~Service Industrial~~Pacific View Business Park District, and which is accessed and serviced via Pacific View Drive.

EXHIBIT 4C
For Ordinance 4, Series 2011

TITLE 4
CHAPTER 7
SIGN REGULATIONS

This chapter shall be known as the "Florence Sign Code."

SECTION

- 4-7-1 Purpose
- 4-7-2 Definitions
- 4-7-3 General Requirements
- 4-7-4 Exempts Signs
- 4-7-5 Prohibited
- 4-7-6 Nonconforming Signs
- 4-7-7 Exemptions from requirement for permit
- 4-7-8 Temporary Signs
- 4-7-9 Sign Districts – General
- 4-7-10 Residential Sign Districts
- 4-7-11 Airport/Industrial Sign District
- 4-7-12 Commercial Sign District
- 4-7-13 Old Town Sign District
- 4-7-14 Professional Office Sign District
- 4-7-15 Measurements
- 4-7-16 Projecting Signs
- 4-7-17 Wall Signs
- 4-7-18 Roof Signs
- 4-7-19 Freestanding Signs other than Monument Signs
- 4-7-20 Monument Signs
- 4-7-21 Awning Signs
- 4-7-22 Changing Image and Electronic Reader board Signs
- 4-7-23 Automobile Service Station Signs
- 4-7-24 Illumination – General Restrictions
- 4-7-25 Construction and Maintenance Standards
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- 4-7-27 Appeal of Decision on Sign Permit
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- 4-7-30 Enforcement of Sign Code – General Provisions
- 4-7-30-1 Enforcement – Sign in Public Right-of-Way or on City-Owned Real Property
- 4-7-30-2 Enforcement – Sign on Private Property or on Non-City-Owned Public Property, Other than on Public Right-of-Way
- 4-7-31 Removal of Unsafe Signs
- 4-7-32 Removal of Abandoned Signs
- 4-7-33 Violations

- 4-7-34 Penalties and Other Remedies
- 4-7-35 Amendments

4-7-1 PURPOSE:

A. The purposes of this chapter are to:

1. Protect the health, safety, property and welfare of the public,
2. Provide a neat, clean, orderly and attractive appearance of the City,
3. Improve the effectiveness of signs,
4. Provide for safe and orderly construction, location, erection and maintenance of signs,
5. Prevent proliferation of signs and sign clutter, minimize adverse visual safety factors to travelers on public rights-of-way and on private areas open to public travel, and
6. Achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.

B. To achieve these purposes, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible from public property, public rights-of-way and private areas open to public travel.

4-7-2 DEFINITIONS

For the purposes of the Florence Sign Code, unless the context indicates otherwise: words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; undefined words have their ordinary accepted meaning; and, the following words and phrases mean:

"A-Frame Sign" means a double-faced temporary sign composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground.

"Abandoned sign" means a sign structure that has been damaged, and repairs and restoration are not started within 180 days of the date the sign was damaged, or are not diligently pursued, once started.

"Alter" means to make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign.

"Athletic scoreboard" means a sign erected next to an athletic field by the owner or operator of the field and which is visible to spectators.

“Automobile service station” means a retail place of business engaged primarily in the sale of motor fuels.

“Awning” means a shelter projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials on a supporting framework.

“Awning Sign” means a sign attached to or incorporated into an awning.

“Balloon signs” means a sign consisting of a membrane that relies on internal gaseous pressure or a semi-rigid framework for maintaining its form.

“Banner” means a sign made of fabric or other non-rigid material with no enclosing framework designed for temporary use.

“Bench sign” means a sign on an outdoor bench.

“Billboard” means a sign on which any sign face exceeds two hundred square feet in area.

“Blanketing” means blocking a pedestrian’s or motorist’s view of a projecting sign by another projecting sign.

“Boundaries of a site” means the area inside the legal lot lines of a site, not including any property in a public right-of-way.

“Building elevation area” means the area of a single side of a building, measured in square feet and calculated by multiplying the length of the side of the building by the height of the building to the roof line. If the roof line height varies along the side of the building, the average of the lowest and highest roof line height on that side shall be used in the calculation.

“Building frontage, primary” means the ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and has an entrance or exit open to the general public.

“Building frontage, secondary” means the ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and does not have an entrance or exit open to the general public.

“Building Official” means the Building Official or his or her designee.

“Canopy” means a permanent roofed structure which may be freestanding or attached to a building, but which is not a completely enclosed structure or awning.

“Changing Image Sign” means any sign that changes message or image through the use of any automated, mechanical or electronic method.

“Clearance” means the distance between the average grade below a sign to the lowermost portion of the sign.

“City” means the City of Florence.

“City Engineer” means the City Engineer or his or her designee.

“City Manager” means the City Manager or his or her designee.

"City Recorder" means the City Recorder or his or her designee.

"Community Development Director" means the Community Development Director or his or her designee.

"Community event" means an activity or event identified as such by the City Council.

"Dwelling" means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation.

"Enterprise" means any legal business or other defined entity with an established purpose and scope.

"Filing" means depositing a document in the United States mail, postage prepaid and accurately addressed to the city, or leaving a copy with the city recorder at City Hall during work hours. For purposes of this chapter, a document is "filed" on the date it is received at City Hall.

"Fire Marshal" means the Fire Marshal or his or her designee.

"Flag" means a rectangular piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached. A flag is often used to display the symbol of the United States, a nation, state, local government, business, organization or a person. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.

"Flashing Sign" means a sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

"Freestanding sign" means a sign wholly supported by integral pole(s), post(s), or other structure or frame that is not affixed to a building, the primary purpose of which is to support the sign and connect it to the ground. A freestanding sign does not include a portable sign.

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

"Handheld sign" means a hand-carried sign of six square feet or less in area, worn or carried by a person when being displayed.

"Height" means the vertical distance measured from grade to the highest attached component of a sign including the supporting structure.

"Historical or landmark marker" means a sign constructed in close proximity to a historic place, object, building, or other landmark recognized by an official historical resources entity, where the sign is constructed by the owner of the historic property and does not exceed twenty square feet in size.

“Historical sign” means a sign designated as a historic or cultural resource under city, state or federal law or a sign that is an historical element of an historical landmark.

“Illuminated sign” means a sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign. The illumination is “external” when the light source is separate from the sign surface and is directed to shine upon the sign and “internal” when the light source is contained within the sign, but does not include signs where the text or image is composed of dot matrix or LEDs. External illumination is “direct” when the source of light is directly seen by the public, such as a floodlight, and “indirect” when the source of light is not directly seen by the public, such as cove lighting.

“Interior sign” means a sign erected and maintained inside of a building, including, but not limited to, a sign attached to or painted on the inside of windows. This definition does not include text, pictures, graphics, or similar representations in display windows.

“Lawn/Yard Sign” means a temporary freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole or other structure placed directly in or upon the ground without other support or anchor.

“LED” means a semiconductor diode that converts applied voltage to light and is used in digital displays.

“Lot” means a single unit of land that is created by a subdivision of land.

“Maintenance” means normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, replacing or repairing a part made unusable by ordinary wear, and changing light bulbs.

“Marquee” means a permanent roofed structure attached to or supported by a building.

“Menu board” means a sign placed at the beginning of a drive-up service lane of a food service establishment that includes a two-way speaker system for taking food orders.

“Monument sign” means a freestanding sign that is placed on a solid base that extends a minimum of twelve inches (12”) above the ground and extends at least seventy-five percent (75%) of the length and width of the sign with a support structure that is incorporated into the overall design of the sign. The above ground portion of the base is considered part of the total allowable height of a monument sign.

“Name plate” means a permanent wall sign located on the front facade of a residential structure.

“Neon sign” means a sign internally illuminated by a light source consisting of neon or other gas contained in a tube, except for fluorescent lights.

“Nonconforming sign” means a sign that was lawful when it was constructed but does not meet the requirements of the Florence Sign Code. When a sign permit

is granted prior to the effective date of the ordinance codified in this chapter that complies with then existing requirements, the sign is conforming if it is erected within ninety days of the effective date of the ordinance codified in this chapter.

“Numeric information sign” means a sign only displaying current numeric measurements such as time, date, temperature, or stock indices.

“Owner” means the person owning title to real property on which a sign is located, or the contract purchaser of the real property as shown on the last available complete assessment roll in the office of county assessor. “Owner” also includes the owner of a sign who has a continuing lease of the real property on which the sign is located.

“Pennant” means a sign device made from a strip of flexible material intended to wave in the wind.

“Person” means every person, firm, partnership, association, Tribe or Tribal Council, or corporation.

“Planned unit development” means a tract or tracts of land developed as a planned unit development under city zoning / development ordinances.

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

“Portable sign” means a sign which is not affixed to a building or other structure, or the ground in a permanent manner and is designed to be moved from place to place.

“Principal use” means a nonresidential use of property by an owner or lessee. Multiple principal uses may be located on a lot or development.

“Projecting sign” means a sign, other than a wall sign, that projects from, and is supported by or attached to a roof or wall of a building or structure.

“Public right-of-way” means travel area dedicated, deeded or under control of a public agency, including but not limited, to highways, public streets, bike paths, alleys and sidewalks.

“Public sign” means a sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the governmental agency having authority over, control of, or ownership of the right-of-way or public property.

“Reader board” means a permanent sign providing information in a horizontal linear format, that can be changed either manually through placement of letters or symbols on tracks mounted on a panel, or electronically, through use of an array of lights in a dot matrix configuration, from which characters can be formed.

“Repair” means mending or replacing broken or worn parts with comparable materials.

“Roof elevation area” means the area of a single plane of a roof, measured in square feet and calculated by multiplying the difference between the height of the ridge and the height of the eave by the distance between opposing rakes.

“Roof line” means the ridge of a roof or the top edge of a building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

“Roof sign” means a sign erected upon, against, or over the roof of any building or structure.

“Seasonal Holiday decorations” means every type of decoration displayed during and around a federally recognized holiday or local festival on a seasonal basis, whether illuminated or not, and buildings or any other structure. For the purposes of this section, local festivals include but are not limited to Rhododendron Days and the Chowder Blues and Brew Festival.

“Setback” means the horizontal distance from the property line to the sign, measured at the closest points of the sign to the property line.

“Sign” means any writing, video projection, illumination, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that is used to communicate an informational message and:

- A. Is a structure or any part thereof (including the roof or wall of a building);
or
- B. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a structure or an outdoor screen or monitor, or a board, plate canopy, awning, marquee, or a vehicle, or upon any material object, device, or surface whatsoever.

The scope of the term “sign” does not depend on the content of the message or image being conveyed.

Building design elements (such as decorative design features, sculpture, and fountains and art work) that do not communicate an informational message are not “signs.”

“Sign area” means the projected area of the sign measured within lines drawn between the outermost points of a sign or the sign frame/cabinet if present, but excluding essential sign structure, such as foundations, or supports. For the purposes of this code, measurements shall be determined as further specified in Section 4-7-15 of this chapter.

“Sign band” means a continuous horizontal band located on a facade where there are no doors, windows or other architectural features.

“Sign copy” means the message or image conveyed by a sign.

“Sign face” means a surface of the sign containing copy as seen in one elevation view.

“Sign height” means the average level of the grade below the sign to the topmost point of the sign including the supporting sign structure, foundations, and supports.

“Site” means a lot or parcel or group of adjacent lots or parcels. Multiple uses with a common parking area or common structure(s), or both shall be considered one site. A single use occupying one or more detached structures with its own parking area(s) shall be considered one site. A site can be vacant.

“Street frontage” means the length or width of a site, measured along a line separating the site from a street or public right-of-way.

“Structure” means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

“Subdivision” means a site with four or more lots.

“Supporting structure” means a structure specifically intended for supporting or containing a sign.

“Suspended sign” means a sign suspended from the underside of a canopy, awning, eve, or marquee.

“Temporarily attached” means attached to a building, structure, vegetation or the ground in a manner than is easily removable.

“Temporary business” means a temporary business as defined by the city of Florence Municipal Code.

“Temporary sign” means a sign that is temporarily attached to a building, structure, vegetation, or the ground. Temporary signs include, but are not limited to, A-frames, banners, flags, pennants, balloons, blimps, streamers, lawn signs and portable signs.

“Transportation system plan (TSP)” means that portion of the city of Florence Comprehensive Plan that implements the State of Oregon Transportation Planning Rule OAR 660-012.

“Tri-vision sign” means a sign that contains display surfaces composed of a series of three-sided rotating slates arranged side by side, either horizontally or vertically, that are rotated by an electro-mechanical process, capable of displaying a total of no more than three separate and distinct messages, one message at a time, provided that the rotation from one message to another message is no more frequent than once every hour and the actual rotation process is accomplished in four seconds or less. A tri-vision sign is a type of changing image sign.

“Unlawful Sign” means a sign that does not conform to the provisions of this Code and is not a non-conforming sign.

“Utility Sign” means a sign constructed or placed by a public utility on or adjacent to a pole, pipe, or distribution facility of the utility and within the public right-of-way or utility easement.

“Vehicle sign” means a sign placed in or attached to a motor vehicle or trailer, currently registered with the Department of Motor Vehicles and legal to travel on public roadways that is used for either personal purpose or is regularly used for purposes other than the display of signs.

“Video sign” means a sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities. A video sign is a type of changing image sign.

“Vision clearance area” means a triangular area on lot at the intersection of two streets or a street and a railroad, alley, or driveway as defined and measured in the Florence City Code Title 10.

“Wall sign” means a sign that is painted on a wall of a building, or a sign attached to the wall of a building and extending no more than twelve inches from a wall, or attached to or erected against a roof with a slope not more than twenty degrees (20°) from vertical, with the exposed face of the sign in a plane that is vertical or parallel to the plane of that roof, and which does not project more than eighteen inches (18”) from the wall or roof. Window signs that are permanently attached to the outside of a window are wall signs.

“Window sign” means a sign attached to, or painted on a window, or displayed inside the building within six inches (6”) of a window or building openings so that it is viewable from the outside of the building.

“Zoning / Development ordinance” means the Florence City Code Title 10.

To the extent a term used in this chapter is not defined in this Section, the term shall be interpreted to the extent possible using the Oregon Structural Specialty Code and State Electrical Code for context, when appropriate.

4-7-3 GENERAL REQUIREMENTS

Except as provided in Section 4-7-7 of this chapter, no person shall erect, construct or alter a sign, or permit the same to be done, unless a sign permit has been issued by the city. A sign permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and to the Florence Sign Code. Re-facing an existing sign, with no structural changes or change in size or type of the sign, does not constitute an alteration of a sign and does not require a sign permit.

4-7-4 EXEMPT SIGNS

Except for signs prohibited by this chapter, the following signs are exempt from the provisions of the Florence Sign Code, but may be subject to other portions of the City Code:

- A. All signs which are placed inside a structure or building, and which are either not visible through windows or building openings, or are not intended to be visible from outside of the structure or building.
- B. Signs not visible from the public right-of-way or from public property.
- C. Permitted Murals, as defined and regulated in Title 10 Chapter 26.

4-7-5 PROHIBITED SIGNS

Except for nonconforming signs, the following signs are unlawful and are nuisances:

- A. Abandoned signs;
- B. Billboards;
- C. Any sign constructed, maintained or altered in a manner not in compliance with the Florence Sign Code;
- D. Any nonpublic sign constructed or maintained which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device;
- E. Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire;
- F. Any sign located in a manner which could impede traffic on any street, alley, sidewalk, bikeway or other pedestrian or vehicular travel way;
- G. Any sign equipped with moving, rotating or otherwise animated parts, except athletic scoreboards permitted under Section 4-7-7;
- H. Any sign that is wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, diodes or tubes. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign;
- I. Any nonpublic sign within the vision clearance area provisions contained in Title 10 of the Florence City Code;
- J. Any sign attached to a tree or a plant, fence or a utility pole within public right-of-way, except as otherwise allowed or required by the Florence Sign Code or other chapters of the City Code;

- K. Any sign within or over any public right-of-way, or located on private property less than two feet from any area subject to vehicular travel, except for:
 - 1. Public signs, (includes banners over the public right-of-way, with the approval of the controlling jurisdiction).
 - 2. Temporary signs specifically allowed within the public right-of-way under Section 4-7-8 of this chapter;
- L. Temporary signs, including banners, pennants, and wind signs, except as authorized by Section 4-7-7 or 4-7-8 of this chapter.
- M. Unlawful signs.
- N. Any sign which is judicially determined to be a public nuisance.

4-7-6 NONCONFORMING SIGNS

- A. Nonconforming permanent signs lawfully installed prior to adoption of this code may continue in use, subject to the restrictions in this subsection:
 - 1. Removal Required for Specific Nonconforming Signs. All non-conforming signs shall be brought into compliance if the following occur:
 - a. Structural alteration of more than 50% of the replacement value of the sign, or
 - b. Replacement of a sign structure.
 - 2. General Requirements for Nonconforming Signs.
 - a. A non-conforming sign shall not be:
 - 1) Modified, unless the modification brings the sign into compliance with this Chapter. A change of copy is allowed.
 - 2) Expanded.
 - 3) Relocated, unless the modification brings the sign into compliance with this Chapter.
 - b. A non-conforming sign may undergo normal maintenance, except:
 - 1) "Normal maintenance" excludes major structure repairs designed to extend the useful life of the non-conforming sign.
 - 2) If a non-conforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds fifty (50) percent of its replacement value, the non-conforming sign shall be removed.
 - c. Vacant Businesses: A sign frame shall not be left empty, and a blank sign face shall be installed if necessary.
 - d. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.

- e. A sign that is replaced, or structurally altered more than 50% of the replacement value shall be brought into conformance with this chapter, except that:
 - 1) Nonconforming signs may be repaired and maintained and may have the sign copy changed. A sign may be removed from its sign structure for repair or maintenance if a permit is obtained under this chapter.
 - 2) Nonconforming signs may be structurally altered when the alteration is necessary for structural safety.
 - 3) Nonconforming signs may be reconstructed if required to be moved for construction or repair of public works or public utilities and the sign reconstruction is completed within one hundred and eighty (180) days after the completion of the public works or public utility construction or repair.
 - f. A nonconforming sign that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty (50) percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within one hundred and eighty (180) days. As used herein, "nonconforming sign" includes the sign structure, foundation and supports.
 - g. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty (50) percent or less of its replacement value, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within one hundred and eighty (180) days of the date the sign was damaged and are diligently pursued thereafter.
 - h. Whenever repairs and restoration of a damaged nonconforming sign are not started within one hundred and eighty (180) days of the date the sign was damaged or are diligently pursued once started, the sign shall be deemed abandoned.
 - i. Abandoned signs shall not be permitted as nonconforming signs.
 - j. No nonconforming sign shall be permitted to remain unless properly repaired and maintained as provided in this chapter. A sign maintained in violation of this provision shall be removed as provided in Section 4-7-30-2 of this chapter. Any nonconforming sign that is determined by the building official to be an unsafe sign shall be removed as provided by Section 4-7-31 of this chapter. Any nonconforming sign determined by the Community Development Director to be an abandoned sign shall be removed as provided in Section 4-7-32 of this chapter.
- B. Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign.

C. Continuation of Non-Conforming Sign as Public Nuisance; Removal and Abatement.

1. The continuation of any nonconforming sign that is inconsistent with the standards set forth in Subsection A of this Section is hereby declared to be a public nuisance, which may be abated as provided by this section.
2. Any non-conforming sign that that is inconsistent with the standards set forth in Subsection A of this Section, shall be removed within ninety (90) days after a written notice for removal has been posted on the property upon which the sign is located, and a copy sent by certified mail, postage prepaid, to the sign owner and land owner, if different. Such notice shall state the particulars of the violation and require removal of the sign upon or before a date specified in the notice, but not less than thirty days after such posting and mailing, and that written objections to such removal may be filed with the Community Development Director on or before such date. If the non-conforming sign is not removed on or before the date specified in the notice, and if no written objections to such removal are filed, the Community Development Director may cause the removal thereof at the expense of the owner of the real property upon which such sign is located.
3. Upon receipt of timely filing of objections, the non-conforming sign shall remain in place. Hearing upon the objections shall be held before the City Council. Notice of the time, date and place of the hearing shall be personally delivered, or mailed by certified mail, postage prepaid, to the person filing such objections at the address provided in the objections, at least ten (10) days prior to the hearing. Any non-conforming sign ordered removed by the City Council shall be removed within ninety (90) days after notice of the removal order has been mailed to such objector, and if not removed within such time, the Community Development Director shall cause the removal to be made at the expense of the owner of the real property upon which such sign is located.

4-7-7 EXEMPTIONS FROM REQUIREMENT FOR PERMIT

The following signs are allowed in all sign districts without a permit. Use of these signs does not affect the amount or type of signage otherwise allowed by this chapter. The painting, repainting, cleaning, maintenance and repair of an existing sign shall not require a permit, unless a substantial structural alteration or repair is made. The changing of a sign copy or message shall not require a permit. All signs listed in this section are subject to all other applicable requirements of the Florence Sign Code.

- A. Signs (including name plates and dates of erection of buildings) on multifamily residential, commercial, industrial, or institutional buildings when the sign is cut into the surface or the facade of a building, or when it is constructed of stone, masonry, bronze or other material and projects no more than two (2)

- inches from a building, so long as the cumulative sign face(s) are eight (8) square feet or less in area;
- B. One indirectly illuminated or non-illuminated sign not exceeding one and one-half (1 ½) square feet in area placed on any non-multifamily residential lot. This type of sign is typically used as a name plate;
 - C. Flags as defined in Section 4-7-2 are permitted at any time under the provision (1) and (2). Flag poles shall not exceed twenty-eight feet (28') in height in the residential sign district and no more than forty feet (40') in height in all other sign districts, as measured from the ground. All flags and poles shall adhere to regulations of the airport overlay district. A flag that is tattered or faded is no longer within this exemption and must be removed;
 - 1. Flags located on private property shall be limited to limited to three (3) per site and the total area for all flags on a site are limited to a sum total of forty (40) square feet in size.
 - 2. Flags, pennants and banners located on public or quasi-public property (e.g. library, school, college or fire station), or at memorials or museums shall not exceed forty (40) square feet in area per flag, and the number of flags are not limited.
 - D. Vehicle signs;
 - E. Signs displayed upon a public transit or light rail vehicle;
 - F. Historical sign or historical or landmark markers;
 - G. Seasonal holiday decorations on private property;
 - H. Handheld signs;
 - I. A sign up to six (6) square feet in area and thirty inches (30") in height constructed or placed within a parking lot or internal driveway that is oriented toward the parking area or internal driveway. These signs are typically used to direct traffic and parking;
 - J. Any public notice required by federal, state or local law, regulation or ordinance;
 - K. Sign within the public right-of-way that is erected by a governmental agency, utility or contractor doing authorized work within the right-of-way;
 - L. A sign that does not exceed eight (8) square feet in area and six feet (6') in height, and is erected on property where there is a danger to the public or to which public access is prohibited;
 - M. Non-illuminated and illuminated interior signs in non-residential sign districts designed primarily to be viewed from a sidewalk or street provided the sign does not obscure more than fifty percent (50%) of any individual window;
 - N. One suspended sign for each principal use erected on property which is not considered public right-of-way, under an attached first floor awning or canopy upon a building with direct exterior pedestrian access, provided the sign does

not exceed six square feet in area and has a minimum of eight feet of clearance;

- O. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four (4) square feet in area. This type of sign is typically used to identify and locate a property feature;
- P. Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended for viewing by persons within the facility. The signs shall be placed so as to be oriented towards the interior of the field and the viewing stands;
- Q. Signs incorporated into vending machines automated teller machines, or gasoline pumps;
- R. Temporary signs as allowed under Section 4-7-8 of this chapter;
- S. Public signs;
- T. Utility signs;
- U. Signs for emergency services, and railroad signs;
- V. Drive-up menu boards. Menu boards placed adjacent to a driveway specified for drive up transactions shall be used solely for vehicular and pedestrian product purchasing or transaction information. This sign shall be located outside of the front yard setback and will be located where the primary viewing is to the drive-up customers. Maximum height of this sign will be eight feet and maximum size will be sixty (60) square feet. Each drive up will be limited to no more than two menu boards.

4-7-8 TEMPORARY SIGNS

- A. Temporary signs may be erected and maintained in the city only in compliance with the regulations in this chapter, and with the following specific provisions:
 - 1. Except as approved in connection with a community event, no temporary sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary sign.
 - 2. A temporary sign shall be attached to the site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or blown from its location and allows for the easy removal of the sign by authorized persons.
 - 3. Except as provided in this code, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.
 - 4. No temporary sign shall be erected or maintained which, by reason of its size, location or construction constitutes a hazard to the public.
- B. In the residential sign district, the following temporary signs shall be allowed on a lot without issuance of a permit and shall not affect the amount or type of

signage otherwise allowed by this chapter. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, home construction or remodeling and similar activities. Signage shall be allowed for each lot as follows:

1. Signs not exceeding six (6) square feet in area or five feet (5') in height during the period from ninety (90) days before a public election or the time the election is called, whichever is earlier, to five (5) days after the public election.
 2. One sign not exceeding six (6) square feet in area and five feet (5') in height which is erected for a maximum of eight (8) days in any calendar month.
 3. One sign not exceeding six (6) square feet in area and five feet (5') in height during the time of sale, lease or rental of a lot or dwelling provided that the sign is removed within fifteen (15) days of the sale, lease or rental of a lot or dwelling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously.
 4. One sign not exceeding six (6) square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven (7) days of the completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than one (1) acre, the sign area may be increased to thirty-two (32) square feet.
 5. On property which has received subdivision or development approval from the city, from that approval until issuance of a building permit for the last lot to be sold or completion of the development project, one temporary sign not exceeding thirty-two (32) square feet in area and eight feet (8') in height on properties less than four (4) acres in size or two (2) temporary signs not exceeding sixty-four (64) square feet in area each and eight (8) feet in height on properties greater than four (4) acres in size.
 6. One sign not exceeding thirty-two (32) square feet in area during the period of charitable fundraising event being conducted on the property where the sign is erected by a charitable or nonprofit organization. This sign shall not be placed more than ten (10) days prior to the event and must be removed within four (4) days following the event.
- C. In any district other than the residential sign district, the following temporary signs shall be allowed on a lot without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, political or ideological positions, construction or

remodeling, special events and similar activities. Signage shall be allowed for each lot as follows:

1. Signs not exceeding six (6) square feet in area and five feet (5') in height, during the period from ninety (90) days before a public election or the time the election is called, whichever is earlier, to five (5) days after the public election.
 2. One sign not exceeding thirty-two (32) square feet in area and eight feet (8') in height during the time of sale, lease or rental of the property provided that the sign is placed on the property for sale, lease, or rental and removed within fifteen (15) days of the sale, lease or rental of the property, or a sign not exceeding thirty-two (32) square feet in area and eight (8) feet in height during the time of construction and remodeling of the property, provided the sign is placed on the property where construction and remodeling is taking place and removed within seven days of the completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously.
 3. One sign not exceeding thirty-two (32) square feet in area during the period of charitable fundraising event being conducted on the property where the sign is erected by a charitable or nonprofit organization. This sign shall not be placed more than ten (10) days prior to the event and must be removed within four (4) days following the event.
 4. One banner not exceeding thirty-two (32) square feet in area may be displayed on private property for a period of not more than thirty (30) continuous days and not more than sixty (60) days per calendar year. Registration with the City is required before the banner may be displayed. Banners that are tattered, torn or faded are not permitted to be displayed.
 5. One temporary sign limited to a maximum of six (6) square feet in area and three feet (3') in height, displayed on private property and only during the business hours of operation of the responsible enterprise are permitted.
- E. No temporary signs or banners shall be allowed in the public right-of-way or on public property, except for those listed in this subsection.
1. Signs owned or erected by a governmental entity shall be permitted in the right-of-way without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter.
 2. Temporary banners or seasonal holiday decorations which extend over a roadway or are attached to utility or streetlight poles shall be permitted in the right-of-way only with authorization granted by the City, and shall comply with the following standards:
 - a. Banners or decorations which extend over a roadway shall not exceed two hundred (200) square feet in area. Banners which are attached to

a single utility or streetlight poles shall not exceed thirty (30) square feet in area.

- b. Temporary banners or decorations shall be permitted only if the applicant is conducting an event or activity in the City of Florence that has been identified as a public event in Title 3 Chapter 1 of the Florence City Code or for purposes of identifying a geographic area or district of the city.
- c. Applicants requesting temporary banners placed over rights-of-way controlled by other agencies other than the City of Florence shall obtain written consent from the appropriate agency regarding the proposed banner(s) prior to submittal of an application for a sign permit. The consent shall identify any restrictions desired by the owner of the right-of-way.
- d. Except for a banner(s) identifying a geographic area or district of the city, banner(s) shall be removed within two (2) days of the applicant's event or activity giving rise to the permit.

4-7-9 SIGN DISTRICTS - GENERAL

- A. The following sign districts are created and applied to designated land. No permit shall be issued for any sign unless specifically allowed as an allowed sign under the terms of the applicable sign district or otherwise allowed as a nonconforming sign under Section 4-7-6 or exempted under Section 4-7-7 of this chapter. Any particular limitation in a sign district regulation shall not be construed to exclude the applicability of other restrictions imposed under this chapter.
- B. The sign districts shall include all land identified on the Sign District Map.
- C. Property within a newly designated sign district shall be governed by the provisions of the sign code applicable to the new sign district upon the effective date of the ordinance amending the sign map. Completed applications for sign permits made before the effective date of the sign district change will be considered under the provisions of the Florence Sign Code applicable to the sign district existing at the time the application was completed. All signs which are not in compliance with the provisions of the Florence Sign Code applicable to the newly established sign district shall be considered nonconforming signs.

4-7-10 RESIDENTIAL SIGN DISTRICT

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed in the residential sign district subject to the requirements of this chapter, and summarized in Table 1 of the Sign Districts Table. If there is a conflict between the table and the text, the text prevails.

A. Permitted Sign Types, Number and Area.

Signs within the residential sign district are limited as follows and require the obtaining of permits under Section 4-7-26 of this chapter.

1. Wall Signs

One (1) wall sign per site or two (2) wall signs per site on corner lots are permitted only for the following uses:

- multi-family housing
- lodging houses
- commercial and office uses
- parks and recreation facilities
- schools, and
- charitable or religious organizations.

The sign area shall not exceed twenty-four (24) square feet per sign.

2. Freestanding Signs

a. One (1) freestanding sign per site is permitted in place of a wall sign for commercial and office uses. The sign area shall not exceed eighteen (18) square feet per sign face.

b. One (1) monument sign per site is permitted only for the following uses:

- residential subdivisions
- parks and recreation facilities
- schools, and
- charitable or religious organizations.

The sign area shall not exceed thirty-two (32) square feet per sign face.

c. Two (2) additional monument signs are allowed for residential subdivisions of five (5) acres or more in size with more than one entrance. The sign area shall not exceed thirty-two (32) square feet per sign face.

3. Readerboard Signs

a. One (1) readerboard sign per site is permitted to be incorporated within an approved monument or wall sign for parks and recreation facilities, schools and charitable or religious organizations. The readerboard sign area shall not exceed twenty-four (24) square feet of the host sign.

b. The readerboard must be permanently affixed and architecturally integrated into the host sign; a hanging readerboard box on the same sign structure does not qualify as architecturally integrated.

c. A minimum of one-hundred lineal feet (100') separation between readerboard signs on the same side of the street or highway shall be provided.

B. Maximum Sign Height.

1. Freestanding signs, other than monument signs, shall be no more than five feet (5') in height.
2. Monument signs shall be no more than ten feet (10') in height.

C. Illumination.

1. Internal illumination of wall signs is not permitted, except for multi-family housing and lodging houses.
2. Only indirect external illumination is allowed for freestanding and wall signs.
3. The illumination of signs within the residential sign district shall comply with the standards contained in Section 4-7-24 of this chapter.

D. Other Limitations.

1. Changing image signs and roof signs are not allowed in the residential sign district.
2. Except for temporary signs and signs allowed without permits as allowed under Sections 4-7-7 and 4-7-8 of this chapter, permanent wall, freestanding and monument signs are not permitted for home occupations or single-family residential uses in the residential sign district.

4-7-11 AIRPORT/INDUSTRIAL SIGN DISTRICT

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed in the airport/industrial sign district subject to the requirements of this chapter, and summarized in Table 2 of the Sign District Table. If there is a conflict between the table and the text, the text prevails.

A. Permitted Sign Types, Number and Area.

Signs within the airport/industrial sign district are limited as follows and require the obtaining of permits under Section 4-7-26 of this chapter.

1. Wall Signs

- a. Two (2) wall signs per business are permitted. The sign area shall not exceed six percent (6%) of the wall area.
- b. One (1) additional wall sign is allowed if no monument sign is installed. The sign area shall not exceed six percent (6%) of the wall area.
- c. Where a readerboard sign is installed, only one (1) wall sign is permitted.

2. Projecting, Awning and Marquee Signs

- a. Other signs attached to buildings, such as projecting, awning and marquee signs are allowed in place of wall signs. The sign area shall not exceed twenty-four (24) square feet per sign face.

- b. Businesses with a projecting sign above a marquee sign may not also have a monument sign, nor a roof sign.

3. Roof Signs

One (1) roof sign is allowed in place of one (1) wall sign. The sign area shall not exceed sixty (60) square feet per sign face.

- b. Roof signs may not extend beyond the roof line.

4. Monument Signs

a. One (1) monument sign per site and one (1) monument sign per entrance at the Florence Airport are permitted. The sign area shall not exceed sixty (60) square feet per sign face. If more than one business shares a sign, the sign area shall not exceed eighty (80) square feet per sign face.

b. Monument signs located on driveways with shared access shall contain all the names of the businesses served by that driveway.

c. Monument signs shall have at least 100 lineal feet separation between other freestanding signs on the same side of the street or highway.

5. Readerboard Signs

a. One (1) readerboard sign per site is permitted to be incorporated within an approved monument or wall sign. The readerboard sign area shall not exceed twenty-four (24) square feet of the host sign.

b. The readerboard must be permanently affixed and architecturally integrated into the host sign; a hanging readerboard box on the same sign structure does not qualify as architecturally integrated.

c. A minimum of one-hundred lineal feet (100') separation between readerboard signs on the same side of the street or highway shall be provided.

d. Electronic readerboard signs are not permitted in the airport/industrial sign district.

B. Maximum Sign Height.

Monument signs shall be no more than eight feet (8') in height, except if more than one business share a monument sign it shall be no more than ten feet (10') in height.

C. Illumination.

1. Monument signs are restricted to external illumination only.

2. The illumination of signs within the airport/industrial sign district shall comply with the standards contained in Section 4-7-24 of this chapter.

D. Other Limitations.

1. Electronic readerboard and changing image signs are not permitted in the airport/industrial sign district.
2. All signs shall adhere to the regulations of the airport overlay district of FCC 10-21-2.
3. Auto service stations shall comply with the standards specified in Section 4-7-23 of this chapter.

4-7-12 COMMERCIAL SIGN DISTRICT

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed in the commercial sign district subject to the requirements of this chapter, and summarized in Table 3 of the Sign Districts Table. If there is a conflict between the table and the text, the text prevails.

A. Permitted Sign Types, Number and Area.

Signs within the highway 101 sign district are limited as follows and require the obtaining of permits under Section 4-7-26 of this chapter:

1. Wall Signs
 - a. Two (2) wall signs per business are permitted. The sign area shall not exceed six percent (6%) of the wall area.
 - b. One (1) additional wall sign is allowed if no freestanding or monument sign is installed. The sign area shall not exceed six percent (6%) of the wall area.
 - c. Where a readerboard sign is installed, only one (1) wall sign is permitted.
2. Projecting, Awning and Marquee Signs
 - a. Other signs attached to buildings, such as projecting, awning and marquee signs are allowed in place of wall signs. The sign area shall not exceed twenty-four (24) square feet per sign.
 - b. Businesses with a projecting sign above a marquee sign may not also have a freestanding sign or a roof sign.
3. Roof Signs
 - a. One (1) roof sign is allowed in place of one (1) wall sign. The sign area shall not exceed sixty (60) square feet per sign face.
 - b. Roof signs may not extend beyond the roof line.
4. Freestanding Signs
 - a. One (1) freestanding sign per site is permitted.
 - b. Freestanding Signs, other than monument signs

Sign area shall not exceed one-hundred (100) square feet per sign face. If more than one business shares a sign, the sign area shall not exceed one-hundred and twenty (120) square feet per sign face. Signs for shopping centers shall not exceed one-hundred and forty (140) square feet per sign face.

c. Monument Signs

Sign area shall not exceed sixty (60) square feet per sign face. If more than one business shares a sign, the sign area shall not exceed eighty (80) square feet per sign face.

- d. A minimum of one hundred lineal feet (100') of separation is required between signs on the same side of the street or highway.

5. Readerboard Signs

- a. One (1) readerboard sign per site is permitted to be incorporated within an approved monument or wall sign. The readerboard sign area shall not exceed twenty-four (24) square feet of the host sign.
- b. The readerboard must be permanently affixed and architecturally integrated into the host sign; a hanging readerboard box on the same sign structure does not qualify as architecturally integrated.
- c. A minimum of one-hundred feet (100') separation between readerboard signs on the same side of the street or highway shall be provided.

B. Maximum Sign Height.

1. Freestanding signs, other than Monument Signs, shall be no more than twenty feet (20') in height.
2. Monument signs shall be no more than eight feet (8') in height, except if more than one business share a monument sign it shall be no more than ten feet (10') in height.

C. Illumination.

The illumination of signs within the highway 101 sign district shall comply with the standards contained in Section 4-7-24 of this chapter.

D. Other Limitations.

1. Auto service stations shall comply with the standards specified in Section 4-7-23 of this chapter.
2. Storefront Signage: Where a building abuts the sidewalk, the following storefront signage standards shall apply:
- a. Signage shall be attached to the building: awing, projecting, window and wall signs are permitted.
- b. Internal illumination is not allowed.

4-7-13 OLD TOWN SIGN DISTRICT

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed in the old town sign district subject to the requirements of this chapter, and summarized in Table 4 of the Sign Districts Table. If there is a conflict between the table and the text, the text prevails.

A. Permitted Sign Types, Number and Area.

Signs within the old town sign district are limited as follows and require the obtaining of permits under Section 4-7-26 of this chapter:

1. Wall Signs

- a. Two (2) wall signs per business are permitted. The sign area shall not exceed six percent (6%) of the wall area.

2. Projecting, Awning and Marquee Signs

- a. Other signs attached to buildings, such as projecting, awning and marquee signs are allowed in place of wall signs. The sign area shall not exceed fifteen (15) square feet per sign face.
- b. Projecting sign above marquee and roof sign are not permitted.

3. Monument Signs

- a. One (1) monument sign per site is permitted for buildings that do not abut the sidewalk. The sign area shall not exceed sixty (60) square feet per sign face.
- b. A minimum of one hundred lineal feet (100') of separation is required between monument signs on the same side of the street.

B. Maximum Sign Height.

Monument signs shall be no more than eight feet (8') in height.

C. Illumination.

1. Internal illumination is not allowed.
2. The illumination of signs within the old town sign district shall comply with the standards contained in Section 4-7-24 of this chapter.

D. Other Limitations.

1. Changing image and readerboard signs are not permitted.
2. The use of plastic as part of the exterior visual effects is not permitted.
3. Storefront Signage: Where a building abuts the sidewalk, the following storefront signage standards shall apply:
 - a. Signage shall be attached to the building: awing, projecting, window and wall signs are permitted.
 - b. Monument signs are not permitted.

4-7-14 PROFESSIONAL OFFICE SIGN DISTRICT

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed in the professional office sign district subject to the requirements of this chapter, and summarized in Table 5 of the Sign Districts Table. If there is a conflict between the table and the text, the text prevails.

A. Permitted Sign Types, Number and Area.

Signs within the professional office sign district are limited as follows and require the obtaining of permits under Section 4-7-26 of this chapter:

1. Wall Signs

- a. Two (2) wall signs per building are permitted. The sign area shall not exceed three percent (3%) of the wall area.

2. Monument Signs

- a. One (1) monument sign per site is permitted, except as provided below in section A.2b. Monument sign area shall not exceed forty (40) square feet per sign face.
- b. Sites with multiple public street entrances are permitted to have one monument sign at each entrance, provided there is a minimum of one hundred lineal feet (100') of separation is between other monument signs on the same side of the street.

3. Freestanding Signs on Campus Facilities

- a. Campus facilities may have freestanding signs in addition to a monument sign. Campus facilities are sites with a minimum of two (2) acres in size and with three (3) or more buildings on the site.
- b. One (1) freestanding sign per major public building entrance is permitted. Freestanding sign area shall not exceed thirty (30) square feet per sign face.
- c. One (1) freestanding sign may be located at each vehicle intersection on private roads and driveways.

B. Maximum Sign Height.

1. Freestanding signs shall be no more than eight feet (8') in height.

C. Illumination.

1. Internal illumination is not permitted on wall or freestanding signs, except for hospital/medical or emergency facility.
2. The illumination of signs within the professional office sign district shall comply with the standards contained in Section 4-7-24 of this chapter.

D. Other Limitations.

1. Changing image and roof signs are not permitted.

4-7-15 MEASUREMENTS

The following shall be used in measuring a sign to determine compliance with this chapter:

A. Sign Area.

1. Sign area shall be measured as a rectangle drawn between the outermost dimensions of the frame or cabinet surrounding the display area containing the sign copy. The area of a two (2) sided sign (e.g. copy faces front and back) is measured as the area of a single face. When signs are not framed or on a base material and are inscribed, painted, printed, projected or otherwise placed upon, or attached to a building, canopy, awning or part thereof, the sign area is measured by the smallest rectangle that contains the entire sign copy.(Figure 1)
2. When signs are constructed in multiple separate pieces containing sign copy, the sign face area is determined by a perimeter drawn in straight lines, as small as possible, around all sign copy plus any frame(s) or cabinet(s). (Figure 1).
3. Where a sign is of a three-dimensional regular shape (e.g. cube, cylinder) or an irregular solid shape, the total sign area is the smallest sum of all sign face areas drawn as rectangles and projected on two perpendicular vertical planes. (Figure 2)

B. Height.

Height of sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign including the supporting structure.

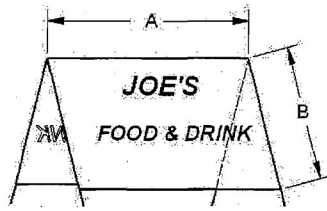
C. Clearance.

Clearance is measured from the average grade below the sign to the lowermost point of the sign.

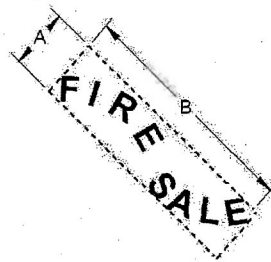
D. Spacing.

1. For the purpose of applying spacing requirements to signs, distances shall be measured parallel to the centerline of the adjacent street or highway.
2. A back-to-back sign is counted as a single sign for the purpose of spacing distances.

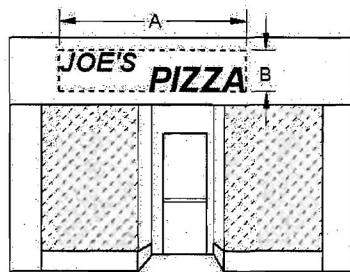
**FIGURE 1
SIGN AREAS**



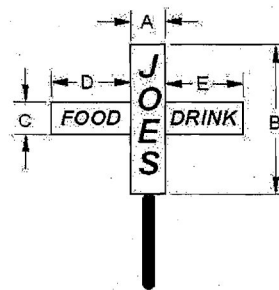
SIGN AREA = (A)(B)



SIGN AREA = (A)(B)

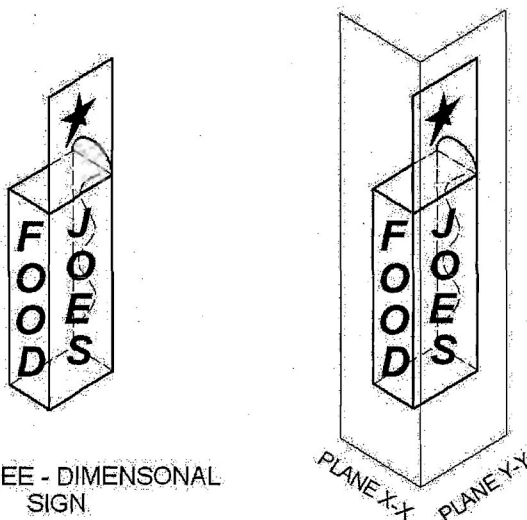


SIGN AREA = (A)(B)

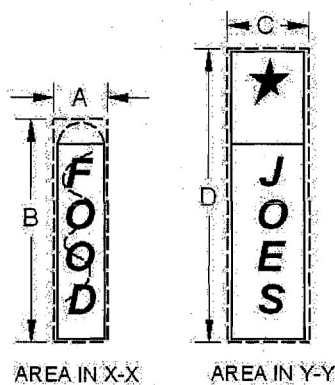


SIGN AREA = (A)(B) + (C)(D+E)

**FIGURE 2
THREE-DIMENSIONAL SIGN AREA**



THREE - DIMENSIONAL
SIGN



TOTAL SIGN AREA = (A)(B) + (C)(D)

4-7-16 PROJECTING SIGNS

An otherwise authorized sign shall be permitted to project over public right-of-way if the sign meets all of the following requirements:

- A. The sign and any external guy wires or similar bracing systems shall extend no more than four feet six inches (4'6") from the building face and shall be no less than eight feet (8') above the ground under the projecting sign.
- B. The sign does not project above the roof line or parapet wall, whichever is higher.
- C. Projecting signs shall conform to all provisions of this section which are designed to provide safe minimum clearance along public sidewalks and streets. The sign must have a minimum of eight feet (8') clearance from the ground and fifteen feet (15') where vehicle clearance is needed. The outer edge of the projecting sign must be set back a minimum of two feet (2') from the curb-line.

4-7-17 WALL SIGNS

- A. A wall sign shall not project more than eighteen inches (18") from the wall to which it is attached. A wall sign located on an alley frontage shall not project more than twelve inches from the wall to which it is attached and shall have fifteen feet of clearance.
- B. A wall sign shall not project above the roof line, or top of the parapet wall, whichever is higher.
- C. No exposed braces, guy wires, "A" frames, or similar bracing systems shall be used in constructing a wall sign.
- D. The height of a wall sign attached to the end or face of a marquee shall not exceed thirty inches. The lower edge of this sign shall not extend below the marquee.
- E. Wall signs on mansard roofs of forty-five degrees (45°) or less from the vertical axis may be installed if the supporting bracing is shielded from view with a solid material.
- F. When a sign band is included, wall signs shall be placed within the sign band.

4-7-18 ROOF SIGNS

- A. Roof signs shall not extend beyond the roof line.
- B. All supporting bracing of roof signs shall be shielded from view with a solid material.

4-7-19 FREESTANDING SIGNS, OTHER THAN MONUMENT SIGNS

- A. Each freestanding sign shall provide a landscape planter, or landscaping at the sign base unless such a planter would interfere with the circulation and/or parking of vehicles and no other practical sign location exist.
- B. No part of a freestanding pole sign shall be erected or maintained within five feet (5') of a property line.
- C. No part of a freestanding sign shall project or extend into any public right-of-way.
- D. No freestanding sign shall block, project or extend into any vision clearance area, which is the area between thirty inches (30") and eight feet (8') overgrade.
- E. A freestanding sign shall be directly supported by poles or foundation supports in or upon the ground. No external cross braces, guy wires, "T" frames, "A" frames, "trusses," or similar bracing systems shall be used to buttress, balance, or support a freestanding sign.
- F. A minimum of fifteen feet (15') in clearance is required in areas accessible to vehicles. The lowest point of these signs may be less than eight feet (8') above grade in areas not accessible to vehicles when the signs are protected from physical damage by the installation of bumper poles or other ground protections.
- G. Freestanding signs permitted in a Highway 101 Sign District and commercial sign district shall not be located closer than fifty linear feet from the property line of any single-family residential, multifamily residential, or restricted residential zoned property as measured along the street frontage.

4-7-20 MONUMENT SIGNS

- A. Each monument sign shall provide a landscape planter, or landscaping at the sign base unless such a planter would interfere with the circulation and/or parking of vehicles and no other practical sign location exist.
- B. Monument signs 5' in height require a 1' setback from the right-of-way, and 1 additional foot of setback for each additional foot of height up to 8' in height.
- C. No part of a monument sign shall project or extend into any public right-of-way.
- D. No monument sign shall block or extend into any vision clearance area between thirty inches (30") and eight feet (8') overgrade.

4-7-21 AWNING SIGNS

- A. Awning signs are permitted only as an integral part of the awning to which they are attached or applied.
- B. The awning supporting structure shall maintain a clearance of eight feet.

- C. An awning shall not extend to within two feet from the curb. An awning shall not project above the roof line.
- D. The awning sign shall extend no more than eight feet (8') from the building face and no less than eight feet (8') above the ground to the bottom of the awning the awning.

4-7-22 CHANGING IMAGE AND ELECTRONIC READERBOARD SIGNS

- A. Change image and electronic readerboard signs permitted under this chapter shall comply with the following standards and all other applicable requirements under this code or other applicable law:
 - 1. The change of sign copy or image shall be no more frequent than once per hour, and the actual copy or image change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.
 - 2. A minimum of one-hundred lineal feet (100') separation between changing image or readerboard signs on the same side of the street or highway is required.
 - 2. Sign copy or image shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face.
 - 3. Illumination from changing image and electronic readerboard signs located within or adjacent to a Residential Sign District shall not exceed 25 foot candles when measured at the brightest point on the sign, at a distance of one foot (1') from the sign face using an incident light meter. Signs found to be too bright shall be adjusted or removed as directed by the Community Development Director.
 - 4. Illumination from changing image and electronic readerboard signs located on any property in any sign district other than the Residential Sign District shall not exceed 125 foot candles when measured at the brightest point on the sign, at a distance of one foot (1') from the sign face using an incident light meter. Signs found to be too bright shall be adjusted or removed as directed by the Community Development Director.

4-7-23 AUTOMOBILE SERVICE STATION SIGNS

An automobile service station sign plan shall be required for all automobile service stations. An application for an automobile service station sign plan approval shall be filed at the time permits for permanent signs on the property are sought and shall comply with the provisions contained in this section. The

plan shall be reviewed under the procedures set out in Section 4-7-26 of this chapter.

- A. One freestanding or monument sign not exceeding the size, height and spacing limitations authorized in the relevant sign district shall be permitted for each automobile service station. The sign area may include both a stationary sign face area and a readerboard or changing image sign area. The area of the readerboard or changing image sign may be no larger than the size of the freestanding or monument sign authorized in the relevant sign district.
- C. Wall signs not exceeding the amount authorized in the relevant sign district are permitted for each automobile service station.
- D. Two signs shall be permitted on the automobile service station canopy. Total sign area shall not exceed twenty percent of the visible vertical surface of the canopy face, with a maximum sign face area of fifty square feet.

4-7-24 ILLUMINATION – GENERAL RESTRICTIONS

- A. No sign, light, lamp, bulb, diode, tube, or device shall be used or displayed in violation of this section.
- B. No light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Lighted signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the road vision of the driver of any vehicle.
- C. External light sources for a sign shall be directed and shielded to limit direct illumination of any object other than the sign, including light pollution of the night sky.
- D. Except for holiday seasonal decorations, temporary signs shall not be illuminated.
- E. Illumination from signs located within or adjacent to a Residential Sign District shall not exceed 25 foot candles when measured at the brightest point on the sign, at a distance of one foot (1') from the sign face using an incident light meter. Signs found to be too bright shall be adjusted or removed as directed by the Community Development Director.
- F. Illumination from signs located on any property in any sign district other than the Residential Sign District shall not exceed 125 foot candles when measured at the brightest point on the sign, at a distance of one foot (1') from the sign face using an incident light meter. Signs found to be too bright shall be adjusted or removed as directed by the Community Development Director.

4-7-25 CONSTRUCTION AND MAINTENANCE STANDARDS

- A. All permanent signs shall be constructed and erected in accordance with the requirements of the Oregon Structural Specialty Code.
- B. All illuminated signs must be installed by a state-licensed contractor, subject to the requirements of the State Electrical Code. All electrically illuminated signs shall be listed, labeled, and tested by a testing agency recognized by the state of Oregon.
- C. Building and electrical permits shall be the responsibility of the applicant. Prior to obtaining building and electrical permits, the applicant shall obtain a sign permit or demonstrate an exception from the permit requirements of this chapter.
- D. All signs, together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed. Sign determined to be abandoned shall be removed in accordance with Section 4-7-32.
- E. No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe. No signs shall be erected or maintained so as to obstruct any building opening to such an extent that light or ventilation is reduced below minimums required by any applicable law or provisions of this code.

4-7-26 SIGN PERMIT APPLICATION

- A. Except as provided in this chapter, a permit is required to erect or construct a sign, or perform structural alterations on a sign. The painting, repainting, cleaning, maintenance and repair of an existing sign shall not require a permit, unless a structural alteration is made to the support structure or enclosure box of the sign. The changing of a sign copy or message shall not require a permit.
- B. An application for a sign permit shall be made on a form prescribed by the Community Development Director and shall be filed with the city. The application shall be filed by the owner of the sign or a representative of the sign's owner. A separate sign permit application is required for each sign, unless a combined application for all signs in a proposed development is proposed. The application shall include information required by the Community Development Director and the following:
 1. A sketch of the site, drawn to scale, showing the approximate location of existing structures, existing signs, and the proposed sign;

2. Building frontage elevations drawn to scale, showing the sign's relative location and placement;
 3. Scaled drawings or photographs of the proposed sign, showing the design, elevations, sign face dimensions and area, materials and engineering data (if required, which demonstrates its structural stability). The illustration of the proposed sign need not show the sign message, but shall show the size, style, and design of the lettering, numbers, and graphics conveying any message. The content of any message shall not be considered in the evaluation of a sign permit application;
 4. An application shall be filed by the owner or the owner's representative. The owner or leaseholder of the property on which the sign is to be located shall sign the sign permit application;
 5. A fee in the amount set by council resolution. When construction of a sign requiring a sign permit begins before the permit is approved, the permit fee shall be doubled.
- C. When deemed necessary by the building official, building or electrical permits shall be obtained as a part of the sign permit process.
- D. The Community Development Director shall grant or deny the sign permit application based upon the information submitted with the application and other information obtained by or submitted to the city.
- E. A sign permit application shall be approved if:
1. The application complies with all of the applicable provisions of this chapter and any other objective requirement imposed by law. No standard shall be applied to deny a permit if the operation of that standard violates a constitutional right of the applicant. If, as part of the application, an applicant identifies a particular standard alleged to have unconstitutional effect, and provides reasons for that contention, the Community Development Director shall seek the opinion of the city attorney on the contention. If the city attorney concludes that the operation of the standard violates a constitutional right of the applicant, the Community Development Director shall not apply the standard in reviewing the application;
 2. The applicable permit fee has been paid.
- F. An approved sign shall be constructed and installed within six months of the final approval of the permit, including resolution of any appeal. The sign permit shall be void if installation is not completed within this period or if the sign does not conform to the approved permit. Sign permits mistakenly issued in violation of this chapter or other provisions of this code are void. If requested prior to the expiration of the permit, the Community Development Director may grant a reasonable extension of time for the installation deadline upon a showing of reasonable grounds for delay.

- G. If sign does not conform to the building code after inspection, the sign will be subject to removal under Section 4-7-31 of this chapter.
- H. The Community Development Director may revoke a sign permit if the director finds that there was a material and misleading false statement of fact in the permit application.

4-7-27 APPEAL OF DECISION ON SIGN PERMIT

- A. An applicant may appeal the denial of an application for a sign permit, conditions of approval of the allowance of a permit or revocation of the permit.

An appeal may be initiated by filing a form prescribed by the Community Development Director that is filed within twenty (20) days of the date of mailing the decision of the Community Development Director. The form shall specify the bases for the appeal.

Except as provided herein, the appeal shall be to the City Council.

- B. The City Council shall conduct a public hearing on the appeal within twenty-one (21) days following the receipt of the filed notice of appeal. The City Council shall grant or deny the permit based upon the evidence at the hearing and the record of its administrative proceedings. The hearing shall be conducted under the procedures used by the City Council for a quasi-judicial hearing.
- C. The City Council shall issue its decision in writing explaining the reasons why the permit was granted or denied. The decision shall be mailed to the address of the applicant on the application by regular mail.
- D. In considering the appellant's contentions, the City Council shall exercise only the following review authority:
 - 1. Determining whether the Community Development Director failed to follow applicable procedures in taking action on the permit or the sign in ways that prejudiced the rights of the appellant;
 - 2. Determining whether the Community Development Director properly applied the provisions of this chapter;
 - 3. Modifying the decision of the Community Development Director only to the minimum extent necessary to be consistent with the requirements of this chapter or of other laws;
 - 4. Attaching such conditions to granting all or a portion of any appeal as necessary to achieve the purposes of this chapter.
- E. When the appeal form in an appeal of a sign permit or revocation states an issue involving the application of state or federal constitutional law, the municipal court judge shall resolve the constitutional law issues on an expedited basis prior to the Council deliberations on the appeal. The court shall conduct a public hearing on the constitutional issues and may allow the

reception of factual evidence. The city attorney may appear on behalf of the city. Following the hearing, the court shall issue a written opinion on the constitutional issues. If the constitutional issues are the only issues raised in the appeal, the court shall direct the Community Development Director to grant or deny the permit or revocation. The directed decision of the municipal court judge is the final decision of the city. If other issues are raised in the appeal, the decision of the municipal court shall be binding on the City Council. Following resolution of these other issues, the decision of the City Council shall be final.

4-7-28 ADJUSTMENTS

- A. Adjustments to the numeric standards of this section shall be allowed only in compliance with this subsection. Adjustments may be requested to allow relocation of a sign, on the subject property, reducing the height of a sign, or enlarging the area of a sign. Adjustments allowing the use of prohibited signs, or allowing signage other than that specifically allowed by this code, are not permitted.
- B. Requests for adjustments shall be filed with the city, on a form provided by the Community Development Department, and accompanied by a fee as approved by the City Council. The request shall include the information required for a sign permit, as specified in Section 4-7-26-B of this chapter, the specific standard from which the adjustment is requested, and the numeric amount of the adjustment, and written responses to the following approval criteria:
1. Compliance with the applicable standard would create an unnecessary hardship due to physical conditions of the property (topography, lot size or shape, or other circumstances over which the applicant has no control), which are not present on other properties in the same vicinity or sign district, and the adjustment is necessary to permit signage comparable with other properties in the same sign district in the vicinity;
 2. The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and
 3. Approval of the adjustment will not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.
- C. The City Council shall conduct a public hearing on the request for adjustment. The City Council shall approve, approve with conditions, or deny the adjustment, based upon the evidence at the hearing. The City Council may impose such conditions as are deemed necessary to mitigate any adverse

impacts which may result from approving the adjustment. The hearing shall be conducted under the procedures used by the City Council for a quasi-judicial hearing.

- D. The city recorder shall give written notice of the hearing by mail to owners of property located within one hundred feet of the lot containing the sign, using for this purpose names and addresses of owners as shown upon the latest assessment role of the county assessor. Failure of a person to receive the notice specified in this section shall not invalidate any proceeding in connection with the application for an adjustment.
- E. The City Council shall issue its decision in writing explaining the reasons why the adjustment was approved or denied. The decision shall be mailed to the address of the applicant on the application by regular mail. The decision of the City Council shall be final.

4-7-29 INSPECTIONS

- A. If a building permit is required, the building official shall perform an inspection as required by the Building Code and this Chapter upon notification by the permittee that the construction is ready for inspection. Failure of the permittee to notify the building official of the progress of construction for inspection purposes may result in the revocation of the sign permit. A final inspection of a sign shall be made upon completion of all construction work.

4-7-30 ENFORCEMENT OF SIGN CODE – GENERAL PROVISIONS

- A. Signs in violation of this chapter are determined to be a nuisance to the public safety, health and welfare. The following referenced code sections may be utilized for enforcement of this Sign Code, in regards to the types of sign violations referenced:
 - 1. Sign in public right-of-way or on City-owned real property: Section 4-7-30-1.
 - 2. Sign on private property or on non-City-owned public property, other than on public right-of-way: Section 4-7-30-2.
 - 3. Unsafe Sign: Section 4-7-31.
 - 4. Abandoned Sign: Section 4-7-32.
- B. In addition to any other provisions contained herein, the City Manager is authorized to undertake such action as the City Manager deems necessary and convenient to carry out the provisions of this Sign Code, as is permitted by law.
- C. Nothing contained herein shall preclude the issuance of citations for civil violations of this ordinance, either prior to, concurrently with, or after action is commenced to declare a sign to be unlawful or to removal an unlawful sign.

- D. The Community Development Director may promulgate reasonable rules and regulations necessary to carry out the provisions of this chapter.
- E. When a sign is removed, altered, and/or stored under these enforcement provisions, removal and storage costs may be collected against the sign owner and the person responsible for the placement of the sign. The City Council shall establish the fees for removal and storage of signs, and for other associated fees, by resolution, from time to time.
- F. This chapter shall not be construed to create mandatory enforcement obligations for the City. The enforcement of this chapter shall be a function of the availability of sufficient financial resources consistent with adopted budgetary priorities and prosecutorial priorities within the range of delegated discretion to the Community Development Director.

4-7-30-1 ENFORCEMENT – SIGN IN PUBLIC RIGHT-OF-WAY OR ON CITY-OWNED REAL PROPERTY.

Any sign installed or placed in the public right-of-way or on City-owned real property, except in conformance with the requirements of this chapter, may be removed by the Community Development Director as follows:

- A. Immediate confiscation without prior notice to the owner of the sign.
- B. The city shall store any sign removed by the Community Development Director for a period of thirty (30) days from the time the sign was removed. After thirty (30) days seized signs are subject to being disposed by the City.
- C. If the owner of a sign that was seized from the public right-of-way or on City-owned real property wishes to appeal the City's seizure of their sign, they must file a request to appeal with the City Recorder within thirty (30) days of the date the sign was seized. Upon receipt of a request to appeal, the City Recorder shall determine that that applicable fee is paid, and shall then schedule a hearing before the City Council within fifteen (15) business days. The City Recorder shall notify the reputed sign owner and the appropriate city staff of the date, time, and place of the hearing upon the removal of the sign.
- D. The hearing shall be conducted by the City Council. The hearing shall be conducted under the procedures used by the City Council for a quasi-judicial hearing.
- E. A prima facie violation of this Code shall be met if it is shown that:
 - 1. The sign was located in a public right-of-way or City-owned real property; and
 - 2. The sign owner is not a public entity or other public entity authorized to install and maintain public signs within the public right-of-way under this Sign Code.

The sign owner may rebut the prima facie showing of violation upon a showing that the sign was lawfully permitted within the public right-of-way

or City-owned real property, or that the law does not require the sign owner to obtain a permit under this Sign Code to place a sign within the public right-of-way or on City-owned real property.

- F. The City Council shall issue a written decision within seven (7) days following close of the hearing. The decision shall be based upon substantial evidence in the record. A copy of the decision shall be mailed to the reputed sign owner at such address as provided on the Request for Hearing. The decision of the City Council shall be the final decision of the city.
- G. If the City Council determines that the sign was not lawfully placed upon the public right-of-way or City-owned real property, then, following any applicable review period, the sign shall be returned to the owner, or, if left unclaimed, destroyed in such manner as the Community Development Director determines appropriate. Destruction of the sign is in addition to any penalties that may be imposed under separate proceedings for civil violation of this Sign Code.

At the expiration of the time specified in this section, if the person responsible for the sign or other interested person has not reclaimed the sign as provided herein, the Community Development Director may destroy the sign or dispose of it in any manner deemed appropriate. To reclaim any sign removed by the Community Development Director the person reclaiming the sign shall pay the city an amount equal to the entire costs incurred by the Community Development Director as provided in subsection (H).

If the City Council determines that the sign was lawfully placed upon the public right-of-way or City-owned real property, then the City shall re-install the sign upon the same place that it was removed from within 7 business days of the issuance of the decision and the fee for Request for Hearing shall be refunded to the payor of the fee.

- H. Costs, as determined by Section 4-7-30-E, shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually.

4-7-30-2 ENFORCEMENT – SIGN ON PRIVATE PROPERTY OR ON NON-CITY-OWNED PUBLIC PROPERTY, OTHER THAN ON PUBLIC RIGHT-OR-WAY

- A. The Community Development Director may order the removal of any sign erected or maintained on private property or on non-City-owned public property, other than on public right-of-way, in violation of the provisions of this chapter or other applicable provisions of this code.
- B. An order to bring a sign into compliance or to remove a sign shall be in writing and mailed or delivered to the owner of the sign, if known, and the owner of the building, structure or premises on which the sign is located, if the owner of the sign is not known.

- C. The order shall inform the owner of the sign, if known, and the owner of the building, structure or premises on which the sign is located, if the owner of the sign is not known that the sign violates the regulations in this chapter and must be brought into compliance or be removed within sixty (60) days of the date of the order, or such earlier date as shall be stated in the order. The order shall also state the reasons why the Community Development Director concludes the sign violates the regulations in this chapter and shall inform the owner of the sign, if known, and the owner of the building, structure or premises on which the sign is located, if the owner of the sign is not known of the right to submit a Request for Hearing, to determine whether or not the sign is in violation of this Sign Code.
- D. A Request for Hearing shall be filed by the reputed owner of the sign, or owner of the building, structure or premises on which the sign is located within fifteen (15) days following mailing or delivery of the order. The Request for Hearing shall be filed with the City Recorder.
- E. Upon receipt of the Request for Hearing, the City Recorder shall proceed in the manner specified in 4-7-30-1-C, and a hearing shall be held, and decision issued, in the manner specified in Section 4-7-30-1-D and (F).
- F. A prima facie violation of this Code shall be met if it is shown that the sign:
1. Does not conform to the requirements of this Code; or
 2. Is posted by a person that is not authorized to post the sign in the specific location.
- The prima facie showing of a violation may be rebutted upon a showing that the sign was lawfully permitted or authorized under this Code, or is otherwise required to be installed and maintained by state or federal law.
- G. If the City Council determines that the sign is not permitted or authorized by this Sign Code, or by other applicable state or federal law, then within ten (10) days following any applicable appeal or review period or no later than the date of the original sixty (60) day notice, whichever is later, the owner of the sign, or owner of the building, structure or premises on which the sign is located shall cause the sign to be removed, or altered in such a manner as to be made to conform to the requirements of this Sign Code. A sign which is not removed or altered in such a manner as to be made to conform to the requirements of this Sign Code is defined as a public nuisance.
- H. The Community Development Director may:
1. Exercise all rights and remedies to cause the removal of the sign, including but not limited to removal of public nuisance, injunctive order, or as otherwise existing under Oregon law; and/or
 2. Seek judgment against the owner of the land and the sign owner, individually, or collectively, for the removal and other costs pursuant to Section 4-7-30-E, and may collect upon the judgment in the manner provided by Oregon law; and/or

3. Seek such additional orders from a court of competent jurisdiction to permit entry upon the premises and removal of the sign.
- I. Costs, as determined by Section 4-7-30-E, shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually. If not paid, the costs may be made a lien against the land or premises on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

4-7-31 REMOVAL OF UNSAFE SIGNS

- A. If the Community Development Director finds that any sign by reason of its condition it presents an immediate and serious danger to the public, the Community Development Director may, without prior written notice, order the immediate removal or repair of the sign within a specified period. The City Manager shall follow the procedures provided in Section 4-7-30-2, subsections (B), (C), (D), (E), (H), except that the Community Development Director may shorten the time deadlines as reasonable, considering the risk to the public from the sign if the sign were to fail.
- B. If the Community Development Director determines that the sign presents an immediate and serious danger to the public, then within such time as set by the Community Development Director the owner of the sign, or owner of the building, structure or premises on which the sign is located shall cause the sign to be removed, or altered in such a manner as to be made to eliminate the threat of death, injury, or damage to the public and its property. A sign which is not removed or altered in such a manner as to be made safe is defined as a public nuisance.
- C. Costs, as determined by Section 4-7-30-E, shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually. The costs shall be made a lien against the land or premises on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

4-7-32 REMOVAL OF ABANDONED SIGNS

- A. An owner of a sign shall remove the sign when it is abandoned.
- B. The Community Development Director may order the removal of abandoned signs in the same manner as provided in Section 4-7-30-2, and the procedures for requesting a hearing, and the decision issued, shall be as set forth therein.
- C. A sign is considered abandoned when the sign structure has been damaged, and repairs and restoration are not started within one hundred and eighty

(180) days of the date the sign was damaged, or are not diligently pursued, once started.

- D. Costs, as determined by Section 4-7-30-E, shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually. The costs shall be made a lien against the land or premises on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

4-7-33 VIOLATIONS

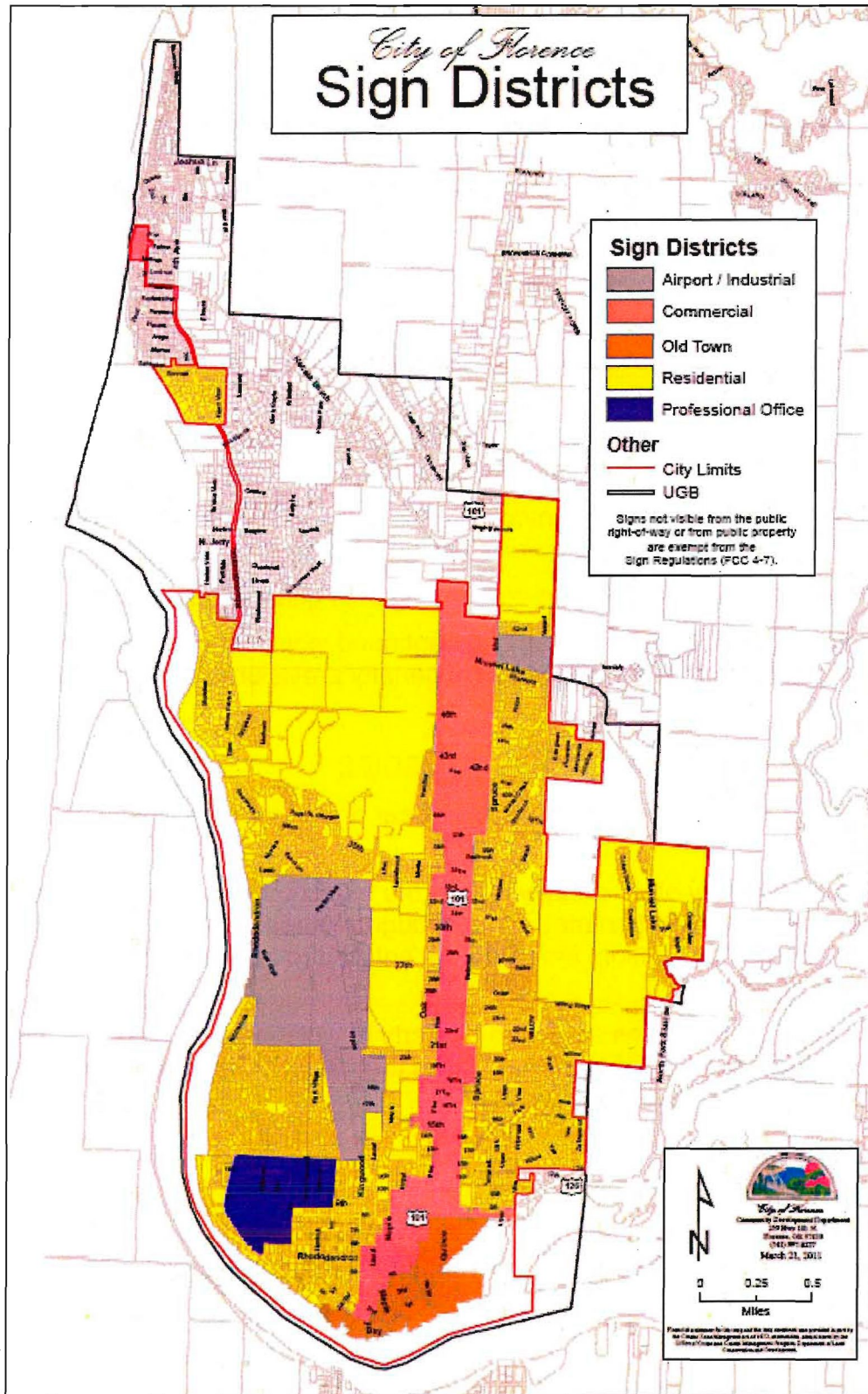
- A. It shall be a violation of this Code for any person to perform, undertake, allow, or suffer the following:
 - 1. Installation, creation, erection, suffering, or maintenance of any sign in a way that would create a non-conforming sign;
 - 2. Failing to remove any non-conforming signs within sixty calendar days after the expiration of the amortization period;
 - 3. Failing to remove any non-conforming sign after being order to do so;
- B. Continuing Violation. Each day of a continued violation shall be considered a separate violation when applying the penalty provisions of this Code.

4-7-34 PENALTIES AND OTHER REMEDIES

- A. The Municipal Court is empowered to hear and determine violations of this chapter.
- B. In addition to any other penalty of law, the municipal court or any other court of competent jurisdiction may issue a judgment necessary to ensure cessation of the violation, including but not limited to injunctive order and/or monetary penalty.
- C. Any person who places a sign on property in violation of this chapter shall be punishable by a fine in accordance with the General Penalty provision of the Florence City Code Title 1 Chapter 4.

4-7-35 AMENDMENTS

Amendments to the sign code shall be made by the City Council after consideration of a recommendation by an advisory body such as the Planning Commission.



SIGN DISTRICTS TABLE

TABLE 1: RESIDENTIAL SIGN DISTRICT STANDARDS

TYPE	MAX NO.	MAX AREA	MAX HEIGHT	SET-BACK	SPECIAL PROVISIONS
Wall Signs	1 per site or 2 per site for corner lots	24 s.f.			Wall signs allowed for multi-family housing, lodging houses, commercial and office uses, parks and recreation facilities, schools and charitable or religious organizations. No internal illumination allowed except for multi-family housing and lodging houses.
Freestanding Signs, other than monument signs	see wall signs	18 s.f. per sign face	5'	5'	One freestanding sign allowed in place of a wall sign for commercial and office uses only. Only external illumination is allowed for freestanding signs.
Monument Signs	1 per site	32 s.f. per sign face	10'	1'-4'	Monument sign allowed only for the following uses: residential subdivisions, parks and recreation facilities, schools and charitable or religious organizations. Two (2) additional monument signs are allowed for residential subdivisions of five (5) acres or more in size and with more than one entrance. Signs greater than 5' in height must be set back 1 foot from a public street ROW, with 1 additional foot of setback for each additional foot of height up to 8'. Only external illumination is allowed for monument signs.
Readerboard in Monument or Wall Sign	1 per site	24 s.f.			Readerboard allowed for the following uses: parks and recreation facilities, schools and charitable or religious organizations. Applies only to incorporation within an approved monument or wall sign. Must be permanently affixed and architecturally integrated into the host sign; hanging readerboard box on the same sign structure does not qualify. Where a readerboard sign is established, only one wall sign shall be permitted. There shall be a minimum of 100 lineal feet separation between readerboard signs on the same side of the street or highway.
All Signs					Changing Image and roof signs are not allowed. Except for temporary signs and signs allowed without permits as allowed under Sections 4-7-7 and 4-7-8 of this chapter, permanent wall, freestanding and monument signs are not permitted for home occupations or single-family residential uses.

SIGN DISTRICTS TABLE

TABLE 2: AIRPORT/INDUSTRIAL SIGN DISTRICT STANDARDS

TYPE	MAX NO.	MAX AREA	MAX HEIGHT	MAX PROJ- ECTION	MIN CLEAR- ANCE	SET- BACK	SPECIAL PROVISIONS
Wall Signs	2 per business	6% of wall area					May substitute other attached signs. Third wall sign allowed if no monument sign installed. Where a readerboard sign is established, only one wall sign shall be permitted.
Roof Signs	see wall sign	60 s.f.					May substitute 1 roof sign for 1 wall sign. Roof signs may not extend beyond the roof line.
Other Signs Attached to Buildings	see wall signs	24 s.f.		4'6"	8' and 15' for vehicles		May substitute projecting, awning and marquee signs in place of wall sign. Businesses with a projecting sign above a marquee sign or a roof sign may not also have a monument sign.
Monument Signs	1 per site and 1 per entrance at the Florence Airport	60 s.f. to 80 s.f. per sign face	8'-10'			1' to 4'	Monument signs are restricted to external illumination only. If more than 1 business shares a sign, max. area = 80 s.f.. 1 monument sign shall be permitted at each shared access driveway and the sign shall contain all the names of the business served by that driveway. Monument sign 5' in height requires a 1' setback from the right-of-way, and 1 additional foot of setback for each additional foot of height up to 8' in height. Monument signs shall have at least 100 lineal feet separation between other freestanding signs on the same side of the street or highway.
Readerboard within Monument or Wall Sign	1 per site	24 s.f.					Electronic readerboards are not permitted. Must be permanently affixed and architecturally integrated into the host sign; hanging readerboard box on the same sign structure does not qualify. Where a readerboard sign is established, only one wall sign shall be permitted. There shall be a minimum of 100 lineal feet separation between readerboard signs on the same side of the street or highway.
All Signs							All signs shall adhere to regulations of the airport overlay district. Electronic readerboard and changing image signs are not permitted in the airport/industrial sign district.

SIGN DISTRICTS TABLE

TABLE 3: COMMERCIAL SIGN DISTRICT STANDARDS

TYPE	MAX NO.	MAX AREA	MAX HEIGHT	MAX PROJ- ECTION	MIN CLEAR- ANCE	SET- BACK	SPECIAL PROVISIONS
Wall Signs	2 per business	6% of wall area					May substitute other attached signs. Third wall sign allowed if no freestanding sign installed. Where a readerboard sign is established, only one wall sign shall be permitted.
Roof Signs	see wall sign	60 s.f.					May substitute 1 roof sign for 1 wall sign. Roof signs may not extend beyond the roof line.
Other Signs Attached to Buildings	see wall sign	24 s.f.		4'6"	8' and 15' for vehicles		May substitute projecting, awning and marquee signs in place of wall sign. Businesses with a projecting sign above a marquee sign may not also have a freestanding sign, or a roof sign.
Storefront Signage							For buildings that abut the sidewalk the following storefront signage standards apply; 1. Signage must be attached to the building; awning, projecting, window and wall signs are permitted; and 2. Internal illumination is not allowed.
Freestanding Signs, other than monument signs	1 per site	100 s.f. to 140 s.f. per sign face	20'		8' and 15' for vehicles	5'	Freestanding signs shall have at least 100 lineal feet separation between other freestanding signs on the same side of the street or highway. If more than 1 business shares a sign, max. area = 120 s.f., if shopping center max. area = 140 s.f.
Monument Signs	see free-standing sign	60 s.f. to 80 s.f. per sign face	8'-10'			1' to 4'	1 monument sign allowed in place of other type of freestanding sign. If more than 1 business shares a sign, max. area = 80 s.f.. Monument sign 5' in height requires a 1' setback from the right-of-way, and 1 additional foot of setback for each additional foot of height up to 8' in height. Monument signs shall have at least 100 lineal feet separation between other freestanding signs on the same side of the street or highway.
Readerboard within Freestanding or Wall Sign	1 per site	24 s.f.					Must be permanently affixed and architecturally integrated into the host sign; hanging readerboard box on the same sign structure does not qualify. Where a readerboard sign is established, only one wall sign shall be permitted. There shall be a minimum of 100 lineal feet separation between readerboard signs on the same side of the street or highway.

SIGN DISTRICTS TABLE

TABLE 4: OLD TOWN SIGN DISTRICT STANDARDS

TYPE	MAX NO.	MAX AREA	MAX HEIGHT	MAX PROJ- ECTION	MIN CLEAR- ANCE	SET- BACK	SPECIAL PROVISIONS
Wall Signs	2 per business	6% of wall area					May substitute other attached signs for each wall sign.
Other Signs Attached to Buildings	see wall signs	15 s.f.		4'6"	8' and 15' for vehicles		May substitute projecting, awning and under or over marquee signs in place of wall sign. Projecting sign above marquee is not allowed.
Monument Signs	1 per site for bldgs. that do not abut sidewalk	60 s.f. per sign face	8'			1' to 4'	For buildings that abut the sidewalk, monument signs are not allowed. Monument signs must have at least 100 lineal feet separation between monument signs on the same side of the street. Monument sign 5' in height requires a 1' setback from the right-of-way, and 1 additional foot of setback for each additional foot of height up to 8'
Storefront Signage							For buildings that abut the sidewalk, signage must be attached to the building: awning, projecting, window and wall signs are allowed.
All Signs							Internal illumination is not allowed. Changing image signs, readerboards, roof signs and the use of plastic as part of the exterior visual effects are not allowed.

SIGN DISTRICTS TABLE

TABLE 5: PROFESSIONAL OFFICE SIGN DISTRICT STANDARDS

TYPE	MAX NO.	MAX AREA	MAX HEIGHT	SET-BACK	SPECIAL PROVISIONS
Wall Signs	2 per building	3% of wall area			
Monument Signs	1 per site	40 s.f. per sign face	8'	1' to 4'	Sites with multiple public street entrances are permitted to have a monument sign at each entrance, provided there is a minimum of one hundred lineal feet (100') of separation is between other monument signs on the same side of the street. Signs greater than 5' in height must be set back 1 foot from a public street ROW, with 1 additional foot of setback for each additional foot of height up to 8'.
Free Standing Signs on Campus Facilities	1 per building and intersection	30 s.f. per sign face	8'	1' to 4'	Campus facilities are sites a minimum of 2 acres in size and with 3 or more buildings. In addition to the monument sign, a campus facility may provide 1 freestanding sign at each building and 1 freestanding sign at each vehicle intersection on private roads/driveways. Signs greater than 5' in height must be set back 1 foot from a public street right-of-way, with 1 additional foot of setback for each additional foot of height up to 8'.
All Signs					Internal illumination is not allowed for wall or freestanding signs, except for hospital/medical or emergency facilities. Changing Image and roof signs are not allowed.

EXHIBIT 4D
For Ordinance 4, Series 2011

Title 10 Chapter 26 “Sign Regulations” to be deleted except for Mural Regulations
Sign Regulations to be replaced with new sign code in Title 4 Chapter 7

TITLE 10
CHAPTER 26

SIGN MURAL REGULATIONS

SECTION:

- 10-26-1: ~~Code Adopted, Purpose, General Provisions, Scope~~
- 10-26-2: Definitions
- 10-26-3: ~~Administration and Enforcement~~
- 10-26-3-1: ~~Zoning Administrator~~
- 10-26-3-2: ~~Appeals~~
- 10-26-4: ~~Mural Regulations~~
- 10-26-4-1: ~~Purpose, Scope~~
- 10-26-4-2: ~~Mural Review~~
- 10-26-5: ~~Permits, and Fees~~
- 10-26-5-1: ~~Permits~~
- 10-26-6: ~~Right of Way Sign Permission~~
- 10-26-7: ~~Requirements, Provisions~~
- 10-26-7-1: ~~Sign Identification~~
- 10-26-7-2: ~~Miscellaneous Requirements and Provisions~~
- 10-26-7-3: ~~Exempt Signs~~
- 10-26-7-4: ~~Prohibited Signs~~
- 10-26-7-5: ~~Sign Landscaping~~
- 10-26-8: ~~Sign Standards By District~~
- 10-26-8-1: ~~Highway Commercial + Matrix~~
- 10-26-8-2: ~~Commercial Industrial + Matrix~~
- 10-26-8-3: ~~Pedestrian Auto + Matrix~~
- 10-26-8-4: ~~Residential + Matrix~~
- 10-26-8-5: ~~Professional Office/Institutional + Matrix~~
- 10-26-9: ~~Building Requirements~~
- 10-26-9-1: ~~Nonconforming Signs~~
- 10-26-9-2: ~~Unsafe Signs~~
- 10-26-9-3: ~~Maintenance Permitted~~
- 10-26-9-4: ~~Conflicting Provisions~~

~~10-26-1 CODE ADOPTED, PURPOSES, SCOPE:~~

- A. ~~Code Adopted: 1994 version of the Uniform Sign Code, published and copyrighted by the International Conference of Building Officials, is hereby adopted.~~

- B. ~~Purpose: The City Council hereby finds and declares that it is necessary to regulate the construction, erection, number and location of signs, and empowers the Sign Review Board to evaluate all applications for sign permits and insure conformance with the intent of this Chapter. It is the intent of this Chapter to:~~
 - ~~1. Protect the health, safety, property and welfare of the public.~~
 - ~~2. Maintain the neat, clean, orderly and attractive appearance of the City.~~
 - ~~3. Improve the effectiveness of signs in identifying businesses.~~

- ~~4. Provide for the safe erection and maintenance of signs.~~
- ~~5. Eliminate signs that demand, rather than invite, public attention.~~
- ~~6. Preserve and enhance the unique scenic beauty and the business, recreational, educational, tourist and retirement potential of the City. (Ord. 567, 8-2-76)~~
- ~~C. Scope: No person shall erect, maintain, alter, repair, remove or use any sign, or cause or permit the same to be done in violation of the provisions of this Chapter.~~

~~Nothing in this Chapter shall permit the erection or maintenance of any sign at any place or in any manner unlawful under any other City ordinance or State or Federal law.~~

10-26-2: DEFINITIONS: ~~The following words and phrases when used in this Chapter shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this section:~~

~~ADVERTISEMENT BOARD — A temporary, portable sign mounted on legs, a pedestal or base, placed at a business, but not permanently attached to the building, nor permanently installed in or on the ground. Advertisement board includes:~~

~~Sandwich Board: A double faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, and not supported by a structure installed in or on the ground.~~

~~Single or Double Face, Pedestal Mounted: A single or double faced portable sign attached to a pedestal or standard, placed at a business but not permanently installed at the site.~~

~~AREA — Area shall be measured within lines drawn between the outermost points of a sign 18 inches or less apart, but excluding essential sign structure, foundations or supports lying outside and below the limits of a sign and not forming an integral part of the display. (See Figure A)~~

~~A. Wall Signs: For purposes of determining allowable wall sign area, the area of the wall on which the sign will be located along with windows will be computed.~~

~~B. Framed Signs: Those signs with frames, borders or defined edges or those with a background of different color than the wall upon which it is placed. The area shall be computed from said frame, borders or edges.~~

~~C. Integral Signs: A sign composed of letters and characters with discontinuous surfaces or open spaces. The discontinuous surface or open space shall be considered as part of the sign's total area.~~

~~D. Three Dimensional or Round Signs: When a sign is three (3) dimensional or round, the largest cross-section shall be used in a flat projection for the purpose of determining sign area.~~

~~E. Two Display Surfaces: The area of a sign having two (2) display surfaces facing in opposite directions shall be computed by measuring the largest face.~~

~~ATTRACTION DEVICE SIGN: Any device intended to draw attention to a business activity, enterprise, or event, or any other advertising media which constitutes a portable sign, e.g.: inflatable signs, tethered balloons, pennants, bicycles, boats, kayaks, etc. This definition does not include any outdoor display which has been approved by the City through Design Review.~~

~~AWNING — Shall include any structure made of cloth, metal or similar material with a metal~~

~~frame attached to a building and projecting over a public way, entrance, exit, or window.~~

~~BANNER — Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation's applied to paper, plastic, or fabric of any kind. Banner does not include flag.~~

~~BILLBOARD — A freestanding sign which has a maximum surface area greater than 140 square feet per face.~~

~~BULLETIN BOARD — See READERBOARD~~

~~BUSINESS — Any profession, trade, occupation, shop and every type of calling wherein a charge is made for goods, materials or services.~~

~~CLEARANCE — Clearance is measured from the highest point of the grade below the sign (under which it is possible for pedestrians or vehicles to pass) to the lowermost point of the sign.~~

~~DECORATIVE BANNER — A piece of cloth or fabric attached to a building containing colors and patterns used for decorative purposes only. No advertising of any kind is permitted on such banner. This definition includes decorative flags and wind socks.~~

~~ELECTRONIC MESSAGE CENTER — A sign on which the only movement is a periodic automatic change of message on a lampbank, use of fiber optics or through mechanical means.~~

~~ERECT — To build, construct, attach, place, suspend or affix and shall also include the painting of wall signs or murals.~~

~~EXTERNALLY ILLUMINATED — A sign illuminated by an exterior light source which is primarily designed to illuminate only the sign.~~

~~FLAG — 1. Any fabric, banner, or bunting containing distinctive colors, patterns or symbols used as a symbol of government, political subdivision or other entity. No flags with logos that advertise a business are allowed.~~

~~2. A piece of cloth or fabric attached to and extending from a building by a pole, either metal, plastic or wood, containing colors and patterns used for decorative purposes only. No advertising of any kind is permitted on decorative flags. Windsocks or other hanging or flying fabric devices are included.~~

~~3. A piece of cloth or fabric attached to and extending from a building by a pole, either metal, plastic or wood, containing colors, patterns and words that are compatible with the flag itself, such as a snowman with words like "let it snow". No advertising of any kind is permitted.~~

~~4. A piece of cloth or fabric attached to and extending from a building by a pole, either metal, plastic or wood, containing colors, patterns and words such as "Open" or "Welcome". These may be displayed only when the business is open, and must be taken down when the business is closed. No advertising of any kind is permitted.~~

~~FLASHING SIGN — A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing or which changes color or intensity of illumination.~~

~~FREESTANDING SIGN — A sign wholly supported by a sign structure in the ground, (e.g., monument signs, pole signs).~~

HEIGHT	Height is measured from the lowest point of the grade below the sign (excluding artificial berm) to the topmost point of the sign. (See Figure B)
HOME OCCUPATION	A sign on a residential lot or a residential unit identifying an approved home occupation.
SIGN	
ILLEGAL SIGN	A sign, flag or banner unlawfully installed or which continues to be displayed without a valid sign permit.
INCIDENTAL SIGN	A sign intended primarily for the convenience and direction of the public on the premises, which does not advertise, but is for information only. Includes signs, which denote hours of operation, credit cards, and any signs required by law.
MARQUEE	A permanent roofed structure attached to and supported by the building, and projecting out from a building wall, or over public access.
MONUMENT SIGN	A low profile freestanding sign. A monument sign shall include a support structure of wood, masonry or concrete that is incorporated into the overall design of the sign.
MURAL	An outdoor wall or fence decoration consisting of related elements intended as a decorative or ornamental feature or to highlight a building's architectural or structural features. It may be a painting, a sculpture or a carved wood panel that will enhance the appearance of a building. The mural may not be used predominately for advertising purposes.
MURAL ADVISORY COMMITTEE	A five (5) member committee appointed by the Planning Commission Chair to advise the Design Review Board on individual application requests and policy issues related to murals in the City.
OFF-PREMISE ADVERTISING SIGN	A sign placed on property other than where the business is located and which indicates the nature of the business for which it is advertising.
OFF-PREMISE DIRECTIONAL SIGN	Any off-premise sign giving location directions to an event, activity, business, service, or condition occurring on property other than where the sign is located.
OWNERSHIP	As applied to a business, any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or a part of such business or business premises.
PERSON	Individuals, corporations, firms, partnerships, associations, joint stock companies, limited liability partnerships, and limited liability companies.
PREMISE	A lot, parcel or tract of land occupied, or to be occupied, by a building or unit or group of buildings and its accessory buildings.
PRIMARY HIGHWAY FRONTAGE	The lineal portion of a lot or parcel that abuts either Highway 101 or Highway 126.
PROJECTING SIGN	A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
PUBLIC SIGN	Signs of a public or noncommercial nature, which shall include public transit service signs, public utility information signs, safety signs, danger signs, signs indicating scenic or historical points of interest, and all signs erected by a public officer in the performance of a public duty.
PUBLIC WORKS	The Director of the City of Florence Public Works Department or his/her designee.

~~DIRECTOR~~

~~READERBOARD~~ — A sign so designed that the message may be changed by the removal or addition of specially designed letters that attach to the face of the sign.

~~REPLACEMENT VALUE~~ — Shall be the construction cost of the sign, including the structure, in current dollars, as determined by the Zoning Administrator.

~~ROOF LINE~~ — Shall mean the ridgeline of the roof. This shall mean the coping of a flat roof, the highest point of a mansard roof, or the peak of a pitched roof.

~~ROOF SIGN~~ — A sign erected upon a roof of a building or structure.

~~SETBACK~~ — Setback is measured from the leading edge of the sign to the right-of-way.

~~SHOPPING CENTER~~ — A tract of land under common ownership or control either undivided or consisting of two or more contiguous lots of record which is used commercially. Such tract shall be at least 2.5 acres in area and shall be occupied or designed to be occupied by at least five separate businesses using a common name for the location and providing common off-street parking for the customers of the businesses with a limited number of points of access from the abutting streets. (Ord 14, Series 1991-7-15-91).

~~SIGN~~ — Any materials, including sign support, placed or constructed outside of an entirely enclosed building primarily to convey information or other display and which can be viewed from a right-of-way, private road or another property. Murals are not included within the definition of sign.

~~SIGN REVIEW BOARD~~ — The Sign Review Board is composed of the City Planning Commission members.

~~SIGN TOWER~~ — That portion of a building designed specifically for the placing of a sign against one or more faces thereof.

~~SITE~~ — A lot or parcel or group of adjacent lots or parcels on which a single development is located. A single development has a common parking area or structure(s), or both. One parcel or several adjacent parcels together may define a single site.

~~TEMPORARY SIGN~~ — Any sign, used only temporarily and not permanently mounted and/or is intended to be displayed for a limited period of time only.

~~WALL SIGN~~ — A sign attached to, erected against or painted on the wall of a building, or on the face of a marquee with the face in a parallel plane of the structure to which it is attached.

~~WINDOW SIGN~~ — Any sign, picture, symbol, banner, message or combination thereof designed to communicate information about the business, event, sale, or service, which is placed inside (such as placement on a windowsill) or attached to the inside of the window with the primary purpose of being viewed from the exterior.

~~ZONING ADMINISTRATOR~~ — The Community Development Director, or his/her designee, charged with the interpretation and enforcement of this chapter.

~~10-26-3: ADMINISTRATION AND ENFORCEMENT:~~

~~10-26-3-1: ZONING ADMINISTRATOR~~

~~A. Enforcement, Right of Entry: The Zoning Administrator or his designee is hereby authorized and directed to enforce all of the provisions of this Chapter. Upon presentation of proper credentials, the Zoning Administrator, or a duly authorized representative, may enter, at reasonable times, in accordance with the law, any building, structure or premises in the City to perform any duty imposed upon her/him by this~~

Chapter.

~~B. Violation, Notice: The Zoning Administrator shall notify an applicant, agent, lessee, lessor, or property owner by certified letter of any violation of this Chapter. That letter shall designate whether the violation involves:~~

- ~~1. An illegal sign, as defined in Section 10-26-2 of this chapter, or~~
- ~~2. A prohibited sign, as described in Section 10-26-7-4 of this Chapter.~~

~~C. Administrative Remedies:~~

~~1. Illegal signs~~

~~Upon receipt of a certified letter as described in (B) (1) above, the applicant, agent, lessee or property owner shall then:~~

- ~~a. Correct the violation by removing the sign within ten (10) business days of receipt of such notice, or~~
- ~~b. Obtain a valid sign permit from the City, and modify the sign to bring it into compliance with Title 10 Chapter 26. Application for a sign permit shall be made within five (5) business days of receipt of such notice or~~
- ~~c. File an appeal pursuant to the provisions of Section 10-26-3-2.~~
- ~~d. Failure by the recipient of the certified notice to pursue the above-listed remedies shall cause the Zoning Administrator to immediately pursue his/her responsibilities provided for in subsection D below~~

~~2. Prohibited signs~~

~~Upon receipt of a certified letter as described in (B)(2) above, the property or business owner or lessee shall remove the sign within five(5) days of such receipt. If that person does not remove the sign with five (5) days, the City may pursue any or all of the enforcement measures provided in Section (E) below.~~

~~D. Serial violations~~

- ~~1. Serial violation occurs whenever a business or property or lessee installs, creates, erects, or maintains a sign in violation of this Chapter on the same premises described in any two prior notices of violation sent to that person pursuant to Section 10-26-3-1-B within the previous five (5) years. A notice of violation shall not be counted for the purposes of this Section if the violation described in the notice:
 - ~~a. Was subsequently dismissed;~~
 - ~~b. Is currently under appeal pursuant to Section 10-26-3-2; or~~
 - ~~c. Is the subject of pending enforcement in Municipal Court.~~~~

~~2.A. serial violation is unlawful and immediately subject to enforcement under Section 10-26-3-1E.~~

~~E. Each sign installed, created, erected or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this Chapter. A violation of this Chapter shall be considered a violation of the Zoning Ordinance of the City and shall be restrained, corrected, or abated by:~~

- ~~1. Issuance of a citation to seek, in Municipal Court, the imposition of any penalties that can be imposed under a court of law; or~~
- ~~2. In the case of a sign that poses an immediate danger to public health, or safety, take measures as are available to the City under the applicable provisions of the zoning Ordinance, Building Code or Florence City Code.~~

10-26-3-2: APPEALS:

~~A. Except for prohibited signs, the Zoning Administrator's decision or interpretation may be appealed to the Sign Review Board. A written notice of appeal shall be filed with the Zoning Administrator within fourteen (14) days of receipt of such certified notice pursuant to Section 10-26-3-1-B. The written notice shall include the specific errors, if any, made in the decision of the Zoning~~

~~Administrator, and the action requested of the Sign Review Board and the grounds therefore. The appeal shall be heard by the Sign Review Board within thirty (30) days of receipt of the appeal.~~

~~B. A decision or interpretation of the Sign Review Board may be appealed to the City Council. A written notice of such appeal shall be filed with the Zoning Administrator within fourteen (14) days from the decision of the Board. The written notice shall include the specific errors, if any, made in the decision of the Board, and the action requested of the City Council, and the grounds therefore. The appeal shall be heard by the City Council within thirty (30) days of receipt of the appeal.~~

~~10-26-4: MURAL REGULATIONS~~

~~10-26-3:4-1: PURPOSE, GENERAL PROVISIONS:~~

- A. Purpose: The City Council hereby finds and declares that it is necessary to regulate the installation, location, size, and theme of murals and empowers the Mural Advisory Committee and Design Review Board to evaluate all applications for mural permits, and to ensure conformance with the intent of this code section.
- B. General Provisions: No person shall install, construct, paint, or modify any mural in violation of this code section. All applications for mural permits are required to undergo preliminary review by the Mural Advisory Committee and final review and approval by the Design Review Board.

Nothing in this Chapter shall permit the installation or modification of murals at any place, or in any manner unlawful under any other City ordinance or State or Federal law.

10-26-2: DEFINITIONS: The following words and phrases where used in this Chapter shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this section:

MURAL An outdoor wall or fence decoration consisting of related elements intended as a decorative or ornamental feature or to highlight a building's architectural or structural features. It may be a painting, a sculpture or a carved wood panel that will enhance the appearance of a building. The mural may not be used predominately for advertising purposes.

MURAL ADVISORY COMMITTEE A five (5) member committee appointed by the Planning Commission Chair to advise the Design Review Board on individual application requests and policy issues related to murals in the City.

~~10-26-3:4-2: MURAL REVIEW:~~

- A. Application: Applications forms for mural permits are available from the Community Development Department. The application shall be submitted by the person proposing the mural, or authorized agent or representative of the building owner, on a form prescribed by the City along with the applicable fees to the Community Development Department.
 - 1. Upon receipt of an application for (or earnest inquiry about) a mural permit, staff shall notify the Chair of the Mural Advisory Committee and ask that a meeting of the committee be convened in a timely manner to review the proposed mural project.
 - 2. The applicant shall appear before the Mural Advisory Committee to present his/her proposed mural project, at which time the Mural Advisory Committee shall review the proposal, advise the applicant as to its viability, offer suggestions, and assist the applicant as necessary in the processing of the request. The Mural Advisory Committee shall examine the application for completeness, for conformance with the City's rules and regulations and established criteria, and make a recommendation to the Design Review Board as to disposition of the request.
 - 3. The Mural Advisory Committee shall prepare a "Findings of Fact" to accompany their recommendation to the Design Review Board.

4. Mural applications will be reviewed by the Design Review Board in public hearing, following notification of the applicant and adjacent property owners within 100' of the proposed project. The Design Review Board will take into consideration the recommendation of the Mural Advisory Committee in making their decision to approve or deny the request.
- B. Payment of Fees:
1. Fees for mural permits shall be based on the square footage of the mural and shall be computed the same as fees charged for sign permits.
- C. Information Required: An application for a mural must contain the following minimum information and any additional information deemed necessary by staff of the Mural Advisory Committee to complete the review of the application:
1. One (1) color sketch of the proposed mural drawn to scale will be required for review by the Mural Advisory Committee. (Additional color copies may be requested for review by the Design Review Board).
 2. One (1) sketch drawn to scale showing the proposed building or fence area to be covered by or utilized for the mural. Information as to existing texture and material of the building or fence surface will also be required. (Additional copies of drawings and information may be required for review by the Design Review Board).
 3. A written description of the proposed mural, including subject matter; type of paint/sealer to be used; and expected life span and maintenance plan for mural.
- D. General Criteria: The Mural Advisory Committee and Design Review Board shall consider the following criteria and approval shall be granted, provided affirmative findings can be made for each of the four criteria:
1. The mural will enhance the building appearance and overall visual attractiveness of the City
 2. The mural demonstrates artistic creativity that reflects the unique character of Florence
 3. The mural content will not adversely affect the public welfare or morals.
 4. The mural may not be used predominately for advertising purposes.
- E. Appeals: A decision of the Design Review Board may be appealed to the City Council. Any affected party may file such an appeal in writing to the City Council within fourteen (14) days of the Design Review Board's action. Such appeal shall reflect how the Design Review Board's action failed to adequately address the one or more of the criteria contained in Section (D) above. The City Council shall consider the appeal at their next available general meeting.

10-26-5: PERMITS, AND FEES:

10-26-5-1: PERMITS:

A. Required:

- ~~1. Sign permits are required for installation of all signs except those signs specifically allowed without a permit in subsections 10-26-7-3A through L, inclusive of this Chapter. No permit is required to reface an existing sign.~~
- ~~2. Temporary Sign/Banner Permit: A temporary sign or banner permit shall allow the use of temporary signs or banners for specified periods not to exceed a cumulative total of 30 days per calendar year, per site. A business owner may display a banner for a cumulative total of 30 days in any calendar year. If a business owner wishes to allow another organization to display their banner at his/her business, he/she may do so, but this time is included in the cumulative 30-day total. An organization applying for a banner permit must have the written permission of the business owner where the banner will be displayed, and~~

must agree to remove the banner promptly at the end of 30 days, or the end of the permit period, whichever occurs first.

~~Banners inside buildings do not require a permit, but are restricted to 50% or less of the window area through which they are viewed.~~

~~3. Off Premise Sign Permit: Off premise directional or advertising signs for advertising businesses not fronting on Highway 101 or 126 shall be permitted subject to the following conditions:~~

~~a) Business site advertised on such sign must be located within 300 feet of the sign;~~

~~b) Signs must be architecturally integrated into the freestanding sign on the off-premise site and shall be included in the overall sign size permitted for the freestanding sign;~~

~~c) Only one sign shall be permitted per business.~~

~~B. Application for a sign permit, temporary sign permit, banner permit or off premise sign permit shall be made on forms provided by the Community Development Department and shall contain or have attached thereto the following information:~~

~~1. Name, address and telephone number of the applicant.~~

~~2. Location of building, structure or lot to which, or upon which, the sign is to be attached or erected.~~

~~3. A sketch drawn to scale, showing the method of attachment, construction, design, stress and such other information as may be necessary so that the Zoning Administrator may determine the compliance of the sign with this Chapter.~~

~~4. Height above grade of sign, dimensions and square feet of sign area.~~

~~5. Underwriter Laboratories Label, if an electrical sign.~~

~~6. Name of person erecting structure.~~

~~7. Period of use, in the case of a temporary sign or banner.~~

~~It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine such plans and specifications and other data in consultation with the Building Official, and if it shall appear that the proposed structure is in compliance with all requirements of this Chapter and all other laws and ordinances of the City, then the Zoning Administrator shall issue the sign permit. However, all requests for readerboards shall first be approved by the Sign Review Board prior to the issuance of a permit.~~

~~C. Fees:~~

~~An administrative processing fee shall be charged for all new signs or changes to the size, location, or configuration of a sign; except banners and temporary signs. Fees will be based on the following square footage of the sign. In cases where a building permit is required to install a sign, plan check and inspection fees will also be charged.~~

~~to 10 square feet~~

~~11 to 25 square feet~~

~~26 to 50 square feet~~

~~over 50 square feet~~

~~Any sign requiring an electrical permit shall have an additional fee added pursuant to Section 4-1-1 of Florence City Code.~~

~~Any sign erected without first obtaining a sign permit shall be subject to double permit fees in addition to the fees applied by this Section.~~

~~D. Tags: A sign permit tag may be issued by the Zoning Administrator, and if so, shall be attached to those signs which require a sign permit. The tag shall be placed by the permittee upon the sign in accordance with rules established by the Zoning Administrator. These rules shall provide reasonable requirements for economical, uniform and durable methods of tagging signs.~~

~~E. Null and Void: If the work authorized under a sign permit has not been completed within ninety (90) days after date of issuance, the said permit shall expire and renewal of permit shall follow the procedure as established in the Uniform Building Code for building permits. (Ord. 526, 5-15-72)~~

~~**10-26-6: RIGHT OF WAY SIGN PERMISSION:** Except as specifically provided in this Chapter, all signs in or over public right-of-way shall require a City permit in addition to any required permits from the road authority. The city may automatically remove any signs within the right-of-way that are not approved.~~

~~Temporary signage such as seasonal decorations, banners and other signage related to community events and similar signage may be approved by the Public Works Director after consultation with the Zoning Administrator. The applicant shall show proof of insurance as necessary and shall agree to remove all signage by a specified date. The Public Works Director or his designee following consultation with the Zoning Administrator may remove signage not removed by the specified date from the right-of-way.~~

~~Long-term/permanent signs: With the exception of exempt signs under Florence City Code Section 10-26-7-2, all long-term signage proposed for location in the public right-of-way must be approved by the City Council pursuant to Florence City Code Section 8-2-4-1-C. Signs requiring approval by the Design Review Board pursuant to Florence City Code Section 10-26-1-C must receive approval from the Design Review Board prior to the application of the City Council.~~

~~Approvals shall be for a specified period: Applicants shall show proof of insurance for the sign prior to commencing installation and continuously as long as the sign remains in the right-of-way, with annual proof of renewal of the insurance to be submitted to the City. Installation shall be in accordance with the standards of the Building Code. The installation shall meet the approval of the building Official, the Public Works Director and the zoning Administrator.~~

~~**10-26-7: REQUIREMENTS, PROVISIONS:**~~

~~**10-26-7-1: SIGN IDENTIFICATION:** Each sign for which a sign permit is required shall specify the name of the sign erector, date of erection, electrical power consumption in amperes and Underwriters Laboratory label, if an electrical sign. Such information shall be of sufficient size and contrast to be readable upon inspection.~~

~~**10-26-7-2: MISCELLANEOUS REQUIREMENTS AND PROVISIONS:**~~

~~A. Home Occupation Signs: A home-occupation sign may not exceed 4 square feet in size.~~

~~**10-26-7-3: EXEMPT SIGNS:** The following signs are exempt from the provisions of this Chapter.~~

~~A. Credit card signs, ATM signs, parking lot signs, yard/garage sale sign on private property, and other incidental informational or directional signs not exceeding two (2) square feet in area, that do not promote clutter. If the Zoning Administrator determines that the signs are in such abundance as to create clutter or safety hazards, or that a sign or signs under this category is not informational or directional within the intent of this section, s/he may require one or more of the signs to be removed. Yard/garage sale signs shall indicate dates of sale and shall be removed within 24 hours of termination of such sale.~~

~~B. One temporary real estate sign per site, not exceeding six (6) square feet in residential areas or eight (8) square feet in commercial areas, may be placed on property offered for sale or for rent. Real estate signs must be removed within fourteen (14) days of sale, lease or rental of property.~~

~~C. One temporary real estate "open house" sign per site, not exceeding four (4) square feet, may be~~

~~placed on property offered for sale.~~

- ~~D. One temporary, nonilluminated sign on work under construction, not exceeding thirty two (32) square feet in area; sign shall be limited to the construction site and shall be removed within fourteen (14) days after the building is ready for occupancy. One temporary nonilluminated sign on the site where landscaping is being installed, not to exceed four (4) square feet. Such sign shall be removed upon the completion of the work.~~
- ~~E. Memorial signs or tablets, when cut into any masonry surface or when constructed of bronze or other noncombustible materials.~~
- ~~F. Public signs such as traffic signs and signals, hazard warning signs, directional signs and other similar essential signage. Signage on structures, or within yards of public buildings not meeting the essential signage test shall meet the same requirements as private signs.~~
- ~~G. Temporary "election oriented" signs, not exceeding eight (8) square feet may be erected on private property during a political campaign for a period of sixty (60) days prior to an election in which candidates or issues are to be voted upon. Such signs shall be removed not later than the fourth day following such election.~~
- ~~H. Flags: No more than 3 flags as defined in 10-26-2 may be permitted at any time for any business. All flags must be maintained in excellent condition. The Zoning Administrator may require that tattered or faded flags be removed. Size is limited to 12 square feet except for official flags of the U.S. or a state. Official flags of a state or of the United States, limited to two (2) per site. Such flag shall not exceed forty (40) square feet in size. Flag mounts or poles shall not exceed forty (40) feet in length or height.~~
- ~~I. U.S., State or other official flags, limited to two (2) of the same representation per site, and each flag not to exceed forty (40) sq. ft. nor a ground mounted pole height of forty feet (40'). No more than three (3) such flags on any one business site is allowed.~~
- ~~J. On premise holiday decorations and associated signage. Holidays shall include Rhody Days on the third weekend in May (12 noon on Thursday preceding the weekend through 12 noon on Monday following the weekend) and Chowder, Blues and Brews on the third weekend in September (8am on Friday of the weekend through 12 noon on the Monday following the weekend).~~
- ~~K. Vehicle Signs: Any sign attached to or imprinted upon a validly licensed motor vehicle operating legally upon the streets and highways of the State of Oregon shall be exempt from the provisions and regulations of this ordinance while such vehicle is traveling upon any road, street or highway, or while such vehicle is parked to carry out any activity incidental to interstate commerce. Any such sign or message attached to or imprinted upon any vehicle shall conform to the following requirements:
 - ~~a. The sign or message is painted or otherwise imprinted upon, or solidly affixed to, the surface of the vehicle with no projection at any point in excess of six inches from the surface of the vehicle.~~
 - ~~b. The vehicle, with the sign attached, complies with all applicable requirements of the Motor Vehicle Code required for the lawful operation thereof.~~~~
- ~~L. Fraternal/social or other non-profit organizational signs. One free-standing sign at the north, south and east entrances to the City will be allowed for shared use by local fraternal, social or other non-profit organizations. Such signs shall be erected on single or double posts no more than 10' in height, and no more than 6' in width. Individual organization signs affixed to the sign base shall not exceed 10" in height. (Amended by Ord. No. 5, Series 2000)~~

~~**10-26-7-4: PROHIBITED SIGNS:** It shall be unlawful for any person to erect, display or maintain, and no permit shall be issued for the erection, display or maintenance of any sign or advertising structure falling within any of the following descriptions:~~

- ~~A. Signs which are erected at the intersection of any street in such a manner as to substantially~~

~~obstruct free and clear vision of the traveling public; or at any location where, by reason of the position, shape, color or animation, it may interfere with, obstruct or be confused with any authorized traffic sign or highway identification sign.~~

~~B. Billboards.~~

~~C. Roof signs, except as provided for in Sections 10-26-8-1 and 10-26-8-2:~~

~~D. Signs which are flashing, moving or which have any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or kinetic means, including intermittent electrical pulsations or any movement or action by wind currents.~~

~~E. Strings of lights, banners, flags and pennants. Banners, other than decorative banners, and flags other than U.S., State and other official flags allowed only as temporary signs on private property subject to special permitting process. Banners shall be attached top and bottom (or two sides) to permanent structural members on a post or building erected for another purpose.~~

~~F. Signs on benches greater than one (1) square foot in size.~~

~~G. Off premise directional or advertising signs, except as provided for in Section 10-26-5-1-A.~~

~~H. A sign which, by its light, brilliance, type, design or character, creates a public or private nuisance or hazard.~~

~~I. Permanent vehicle signs, except as provided in Section 10-26-7-2-K.~~

~~J. Sandwich boards.~~

~~K. Attraction device signs.~~

~~L. Window signs that singularly or cumulatively exceed fifty (50%) percent of the total window area of a single building measured along each street frontage.~~

~~**10-26-7-5: SIGN LANDSCAPING:** Each freestanding sign for which a sign permit is required shall provide a landscape planter, or landscaping, at the sign base, unless the Sign Review Board finds that such a planter would interfere with the circulation and/or parking of vehicles and no other practical sign location exists.~~

~~**10-26-8: SIGN STANDARDS BY DISTRICT:** Except as otherwise provided in other sections of this Chapter, all signs shall conform to the standards in the tables, located at the end of this Chapter, which apply to signs within the specified Sign Districts.~~

~~**10-26-8-1: Highway Commercial:** Highway Commercial sign standards shall apply to all property zoned Highway District north of 21st Street.~~

~~**10-26-8-2: Commercial-Industrial:** Commercial-Industrial sign standards shall apply to property zoned Industrial, Airport Development, Commercial District, and property zoned Highway District south of 21st Street and along Highway 126.~~

~~**10-26-8-3: Pedestrian-Auto:** Pedestrian-Auto sign standards shall apply to property zoned Marine, Waterfront, or Waterfront/Marine District.~~

~~**10-26-8-4: Residential:** Residential sign standards shall apply to all property zoned Residential.~~

~~**10-26-9: BUILDING REQUIREMENTS:**~~

~~**10-26-9-1: NONCONFORMING SIGNS:** Nonconforming signs are those signs lawfully installed prior to the effective date of the 1997 Revised Sign Code or signs on property annexed to the City, which do not conform to the requirements of this Revised Code.~~

~~A. Amortization:~~

~~1. Except as provided in subsection three (3), legally nonconforming signs inside the City limits on the date the revised regulations are adopted may remain.~~

~~C. Any nonconforming sign shall be made to comply with the provisions of Sign Regulations in effect at the time that any of the following occurs:~~

- ~~a. Structural alteration of the sign~~
- ~~b. Change of business use~~
- ~~c. Relocation or replacement of a sign~~
- ~~d. Change of business ownership.~~

~~However, changes in copy in readerboards shall be permitted without loss of nonconforming status. On-site or off-site repairs or restoration of any part of a sign or sign structure to a safe condition, shall be permitted without loss of nonconforming status provided that the total cost of such repairs do not exceed \$500.00, or 25% of the sign's total replacement value, whichever is greater, in a calendar year. If these limits are exceeded, the sign shall conform to the currently adopted Sign Regulations.~~

~~3. Signs in areas of future annexations shall comply with the provisions of 10-26-9-1-A.~~

~~4. Vacant Businesses: Signage on vacant, non-residential structures shall conform to the current Sign Regulations at such time as the business use or ownership changes. All business identification signage shall be removed after a consecutive vacancy of 30 days.~~

~~**10-26-9-2: UNSAFE SIGNS:** No person shall construct or maintain any sign or supporting structure except in a safe and structurally sound condition. If the Building Official or Zoning Administrator shall find any sign regulated herein is so unsafe or insecure as to constitute a real and present danger to the public, she/he shall mail written notice to the last known address of the sign owner and the property owner. If such is not removed or altered so as to comply with the standards herein set forth within thirty (30) days after such notice, the Building Official or Zoning Administrator may cause such sign to be removed, or altered to comply at the expense of the sign owner or the property owner of the property upon which it is located. The Building Official or Zoning Administrator may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.~~

~~**10-26-9-3: MAINTENANCE PERMITTED:** Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure is permitted unless a structural change is made.~~

~~**10-26-9-4: CONFLICTING PROVISIONS:** In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the City existing on the effective date hereof, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or code of the City, existing on the effective date hereof, which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Chapter. (Ord. 526, 5-15-72).~~

EXHIBIT 4E
For Ordinance 4, Series 2011

***Proposed Miscellaneous Amendments to
Title 10 Chapters 1 through 34 of the Florence City Code (FCC)***

CHAPTER 1: ZONING ADMINISTRATION

10-1-1-4: APPLICATION:

A. Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City.

B. Except when this Code provides to the contrary, an application or petition regulated by Titles 10 and 11 of this Code:

3. Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than ~~three hundred (6300)~~ feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size.

10-1-1-5: LAND USE HEARINGS:

H. Consolidated Procedures: Whenever possible an application for development such as a Conditional Use, Variance, or other action requiring Planning Commission, ~~or Design Review Board or Sign-Review Board~~ approvals be consolidated to provide faster service to the applicant.

10-1-4: DEFINITIONS: For the purpose of this Title, certain words, terms and phrases are defined below. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. Definition contained in the Florence Comprehensive Plan shall also be used to define terms used in this Title of the Florence City Code, and, where conflicts exist, the terms used in this Code shall apply to the respective Code requirements. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

~~**SIGN:** Any fabricated emblem or display including its structure, consisting of any letter(s), character, design, stroke, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. The term "sign" shall not include any display of~~

~~official court or public notices, nor shall it include the flag, emblem or insignia of a nation, government unit, school or religious group; except such emblems shall conform to the illumination standards set forth in Chapter 4 of Title 4 of this Code.~~

CHAPTER 2: GENERAL ZONING PROVISIONS

10-2-7: CONTRACT PURCHASERS DEEMED OWNERS: A person or persons purchasing property under contract, for the purpose of this Title, shall be deemed to be the owner or owners of the property covered by the contract. The City may require satisfactory evidence of such contract of purchase.

~~**10-2-8: SIGNS:** In accordance with the sign regulations of the City and amendments thereto.~~

CHAPTER 3: OFF-STREET PARKING AND LOADING

10-3-4: MINIMUM REQUIRED PARKING BY USE:

C. Commercial and Retail Trace Types:

Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	None
Offices <u>Call centers, data centers, and other similar telecommunications or internet businesses</u>	1 space per 400 sq. ft. floor area
Parking Lot (when not an accessory use)	as determined by the Design Review Board
Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses)	2 spaces, or as determined by the Design Review Board
Retail Sales and Service (See also Drive-Up Uses)	<u>Retail:</u> 1 spaces per 333 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 per 500 sq. ft.
	<u>Restaurants and Bars:</u> 1 spaces per 125 sq. ft. floor area
	<u>Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys):</u> 1 space per 333 sq. ft.
	<u>Theaters and Cinemas:</u> 1 per 6 seats
Self-Service Storage	None

10-3-11: LOADING AREAS:

F. Placement, setbacks, and landscaping. Loading areas shall conform to the setback and perimeter landscaping standards of FCC 10-34 Landscaping-in City of Florence Site Design Policies and Standards. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit review, as

applicable, where it finds that loading and unloading operations are short in duration (i.e., less than one hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services

CHAPTER 4: CONDITIONAL USES

10-4-3: APPLICATIONS: The application for a conditional use permit shall be made in writing to the Planning Commission by the owner of the land in consideration or his agent, duly authorized in writing. The application shall include the following information:

A. Site and building plans and elevations.

B. Existing conditions on the site and within three hundred feet (300') of ~~a the~~ site that is one (1) acre or larger and within 100 feet from a site that is less than one (1) acres in size.

10-4-10: GENERAL CONDITIONS: The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the other district. In addition, conditions may be required by the Design Review Board. Such conditions may include:

- A. Regulation of uses, special yard setbacks, coverage and height.
- B. Requiring fences, walls, screens and landscaping plus their maintenance.
- C. Regulation and control of points of vehicular ingress and egress.
- ~~D. Regulation of signs.~~

10-4-11: ADDITIONAL CONDITIONS: Some land uses by the nature of the activity associated with them require separate and intense consideration by the Planning Commission prior to their establishment. Such uses and additional conditions are as follows:

D. Service Stations: as used herein, service station means a facility designed to provide fuel and automotive services for passenger-type vehicles. Truck stops or service centers will be treated separately and distinctly from service stations.

1. Location: Service stations shall be located adjacent to and integrated with other commercial uses, but not allowed in "spot" locations. They shall be located adjacent to an arterial street.

2. Site Dimensions: The minimum size for a service station shall be one hundred fifty foot (150') frontage and one hundred foot (100') depth. They shall not abut existing residential districts and there shall be a minimum distance of four

hundred feet (400') between service stations except at intersections. No more than two (2) service stations will be allowed at any intersection.

3. Landscaping: ~~Shall be installed in accordance with the standards set forth in FCC 10-34 Landscaping. No less than ten percent (10%) of the total site area will be landscaped. The Design Review Board shall consider aesthetic and maintenance factors.~~

4. Curb Cuts: No more than two (2) curb cuts will be allowed off any arterial street and these shall be located a distance no less than thirty feet (30') from any point of intersection with a public right of way.

5. Signs: Signs shall be in accordance with the sign regulations of Title 4 Chapter 7 of this Code. ~~the City, 1 and amendments thereto.~~

CHAPTER 5: ZONING VARIANCES

10-5-2: LIMITATIONS: A variance shall not be granted as a substitute for, or in lieu of, a change in zone. A variance does not apply to use regulations. The Planning Commission may grant a variance to a regulation prescribed by this Title with respect to the following:

- A. Fences, hedges, walls or landscaping.
- B. Site area, width, depth, square footage, frontage and building coverage.
- C. Front, side or rear yards.
- D. Height of structures.
- E. Distance between structures.
- F. Accessory buildings.
- G. Parking requirements.
- H. Width of rights of way and roadways.
- ~~I. Suitability of alternate sign materials or methods of construction; interpretation and enforcement; height, or location of signs~~
- J. Grant only the minimum variance necessary to meet the hardship or practical difficulties.
- K. Attach such conditions to the granting of all or a portion of any variance as necessary to achieve the purpose of this chapter.

10-5-4: CONDITIONS: The Planning Commission may grant a variance to a regulation prescribed by this Title if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

- A. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.
- B. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district, or

- C. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district, and
- D. The granting of a the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
- ~~E. In the case of a variance to the sign provisions, the power to grant variances does not extend to the convenience of the applicant, nor is it intended to extend to the convenience of regional or national businesses which wish to use a standard sign when these do not conform to these provisions.~~

CHAPTER 6 DESIGN REVIEW

10-6-3: GENERAL APPLICABILITY:

- A. The Design Review Board shall, in exercising or performing its duties or functions, determine whether the proposed development (other than single-family and duplex residences if allowed as a permitted use) is appropriate to the character of the neighborhood, according to the general criteria listed in Section 10-6-5. The Design Review Board shall provide this monitoring in the Multiple-Family Residential, Neighborhood Commercial, Commercial, Highway, Waterfront, Marine, and Open Space Districts for all ~~signs~~, new construction, alterations to the exterior of structures or additions involving twenty five percent (25%) or more of the floor area of a building, prior to the issuance of a building permit. In addition, all conditional use permits granted by the Planning Commission and any expansion of a pre-existing, nonconforming use requires approval by the Design Review Board. Permitted land uses in the Limited Industrial and Pacific View Business Park Districts are exempt from Design Review requirements, but conditional uses in those districts require Design Review.
- B. Conditional uses are subject to design review in accordance with Section 10-6-5 of this Chapter.
- C. When a use changes in the Commercial, Highway, Waterfront, or Marine Districts, the applicant will be required to receive approval of the site and structures in accordance with Section 10-6-5 of this Chapter.
- D. The Design Review Board shall have authority to require changes in the planned appearances of proposed ~~signs~~, buildings, structures and alterations in accordance with Section 10-6-1 hereof.

10-6-5: GENERAL CRITERIA: The Planning Commission or Design Review Board may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Board shall, consider the effect of its

action on the availability and cost of needed housing. The Board shall not use the requirements of this Section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval if the costs of such conditions shall not unduly increase the cost of housing. The Board shall have no authority to affect dwelling unit densities. The Board shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following: (Ord. 680, 1-11-83)

- A. Setbacks, yards, height, density and similar design features according to the underlying zoning district.
- B. Lot area, dimensions and percentage of coverage according to the underlying zoning district.
- C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district.
- D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.
- E. Noise, vibration, smoke, dust, odor, light intensity and electrical interference's.
- F. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.
- ~~G. Signs according to standards set forth in FCC 10-26 Sign Regulations and Matrix.~~

10-6-6: DRAWING SUBMITTAL: The owner or authorized agent shall submit the following drawings to the City for review:

- A. A site plan, drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, locations of entrances and exists, the direction of traffic flow into and out of off-street parking space and loading berth, and areas for turning and maneuvering vehicles. The site plan shall indicate how utility services and drainage are to be provided.
- B. A landscape plan, drawn to scale, in conformance with FCC 10-34-3-2.
- C. Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.
- ~~D. Scale drawings of all signs that are subject to design review showing size, location, materials, colors and illumination, if any.~~

CHAPTER 10: RESTRICTED RESIDENTIAL DISTRICT

10-10-5: SITE DEVELOPMENT PROVISIONS:

E. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code.10,
~~Chapter 26 of this Code, and amendments thereto.~~ (Ord. 625, 6-30-80)

CHAPTER 11: SINGLE FAMILY RESIDENTIAL

10-11-5: SITE DEVELOPMENT PROVISIONS:

E. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code.
~~10, Chapter 26 of this Title.~~ (Ord. 26, 2008)

CHAPTER 12: MOBILE HOME/MANUFACTURED HOME REGULATIONS

10-12-1-5: SITE AND DEVELOPMENT PROVISIONS:

E. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code.10,
~~Chapter 26 of this Code.~~

10-12-3-6: BASIC REGULATIONS AND PROVISIONS:

O. Signs: All signs within the park shall be located so as to not be hazardous to passers-by. Sufficient signs for proper traffic direction shall be required. Signs advertising the park must comply with Title 4 Chapter 7 4, Chapter 4 of this Code.

CHAPTER 13: MULTI-FAMILY RESIDENTIAL DISTRICT (RM)

10-13-5: SITE AND DEVELOPMENT PROVISIONS:

H. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code10,
~~Chapter 26 of this Code, and amendments thereto.~~ (Ord. 26, 2008)

CHAPTER 14: NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

10-14-5: SITE AND DEVELOPMENT PROVISIONS:

C. Signs: Shall be in accordance with Title 4 Chapter 7 of this Code. 10,
~~Chapter 26 of this Code, and amendments thereto.~~

CHAPTER 15: COMMERCIAL DISTRICT (C)

10-15-5: SITE AND DEVELOPMENT PROVISIONS:

E. Signs shall be in accordance with Title 4 Chapter 7 of this Code.10,
~~Chapter 26 of this Code, and amendments thereto.~~ (Ord. 26, 2008)

CHAPTER 16: HIGHWAY DISTRICT (H)

10-16-5: DEVELOPMENT STANDARDS:

F. Signs shall be in accordance with Title 4 Chapter 7 of this Code, according to FCC 10-26

10-16-7: DESIGN SPECIFICATIONS:

- F. Signs: Shall be in accordance with Title 4 Chapter 7 of this Code, 10, Chapter 26 of this Code, and amendments thereto.

CHAPTER 17: OLD TOWN DISTRICT

10-17A-4, 10-17B-4 and 10-17C-4 SITE AND DEVELOPMENT PROVISIONS

- G. **Signs:** Signs shall be in accordance with Title 4 Chapter 7 of this Code. Where a building abuts the sidewalk, only awning, projecting, window and wall signs are permitted. Size and placement shall conform to the standards of the Sign Code, Section 10-26 of the City Code. Signs may not be internally illuminated. Use of readerboard signs is prohibited.

CHAPTER 18: MARINE DISTRICT

10-18-5: PROPERTY DEVELOPMENT STANDARDS:

- I. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code.

CHAPTER 20: LIMITED INDUSTRIAL DISTRICT

10-20-5: SITE AND DEVELOPMENT PROVISIONS:

- F. Signs: Signs shall be in accordance with Title Signs shall be in accordance with Title 4 Chapter 7 of this Code, 10, Chapter 26 of this Code, except that free standing signs are restricted to externally lit monument signs only.

CHAPTER 25: PROFESSIONAL OFFICE/INSTITUTIONAL ZONING DISTRICT

10-25-4: DEVELOPMENT STANDARDS:

- H. Signs shall be in accordance with Title 4 Chapter 7 of this Code, Chapter 26 of this Title.

CHAPTER 27: MAINSTREET DISTRICT

10-27-5 Site and Development Provisions

- F. **Signs.** Signs shall be in accordance with Title 4 Chapter 7 of this Code. Where a building abuts a sidewalk, only awning, projecting, window and wall signs are permitted. Size and placement shall conform to the City's Sign Code (Title 10, Chapter 26). Signs that will be internally illuminated are subject to approval as part of Design Review.

CHAPTER 28: PACIFIC VIEW BUSINESS PARK

10-28-2: PERMITTED BUILDINGS AND USES:

For the purpose of this Title terms are defined in Title 10 Chapter 1 Section 5, "Land Use Category Definitions." If any permitted building or use has the potential to be hazardous, obnoxious, offensive or unsightly by reason of emission of odor, sound, vibration, radioactivity, electrical interference, flare, liquid or solid wastes, smoke or other air pollutants, said buildings or uses shall be required to obtain a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapter 4 of this Title.

Commercial Uses:

Animal Clinic or Grooming Facility
Educational Services (e.g. tutoring or training center)
Offices

Call centers, data centers, and other similar telecommunications or internet businesses

10-28-5: SITE AND DEVELOPMENT PROVISIONS:

- L. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code. ~~All signs must comply with Chapter 26 of this Title, except that free-standing signs are restricted to externally lit monument signs only.~~

CHAPTER 30: NORTH COMMERCIAL DISTRICT

10-30-5: DEVELOPMENT STANDARDS:

- F. Signs: Shall be in accordance with Title 4 Chapter 7 of this Code. ~~Chapter 26 of this Title.~~

CHAPTER 31: SERVICE INDUSTRIAL DISTRICT

10-31-7 Signs

Signs shall be in accordance with Title 4 Chapter 7 of this Code. ~~Signs shall be monument signs or wall signs only. One monument sign shall be permitted at each shared access driveway. The sign shall contain all the names of the business served by that driveway.~~

CHAPTER 34: LANDSCAPING

10-34-3-1: Applicability. Except for single-family and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements.

- A. For new developments ~~requiring a public hearing~~, all landscaping shall meet be brought up to current code requirements.
- B. For modifications or additions to existing developments ~~s not requiring a public hearing~~, landscaping shall be brought up to current code

requirements in the same proportion as the increase in use and/or building size.

10-34-3-4: Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, existing native vegetation, outdoor hardscape features and storm water features, as described below.

10-34-3-4-A-1 Ground Cover. Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a ~~maximum~~ minimum of 18 inches on center, and 1-2 gallon size plants shall be spaced a minimum of 3 feet on center.

10-34-5: FENCES AND WALLS: Construction of fences and walls shall conform to all of the following requirements:

10-34-5-B. Dimensions.

1. Residential ~~and Commercial~~-Zones: Except as provided below, the height of fences and walls between the building and the front lot line shall not exceed three (3) feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless the front door is located on the longer side of the lot, in which case the fence shall not exceed three (3) feet in height or taller fences or walls are allowed through Design Review approval. (See Figure 10-34(2))
2. Commercial and Industrial Zones: Except as provided below, the height of fences and walls in any required front yard shall not exceed three (3) feet as measured from the grade and no greater than eight (8) feet elsewhere on site.

**CITY OF FLORENCE
ORDINANCE NO. 9, SERIES 2011**

IN THE MATTER OF LEGISLATIVE AMENDMENTS TO THE FLORENCE CITY CODE (FCC) FOR TITLE 4 TO ADOPT REGULATIONS FOR SIGNS IN RESIDENTIAL SIGN DISTRICTS.

WHEREAS, the Planning Commission began working on updating the City zoning code in 2006 to implement the Realization 2020 Comprehensive Plan and to address problems of the current code;

WHEREAS, the City Council prioritized an update to the sign code in March of 2010;

WHEREAS, the City Council directed staff to update the sign code as a structural code in Title 4 with clear and objective standards on April 19, 2010;

WHEREAS, the Planning Commission initiated amendments to the City code and Comprehensive Plan on October 26, 2010, by approving resolutions for initiation after five work-sessions on the proposed code changes;

WHEREAS, the City sent notice of the proposed code amendments to the Department of Land, Conservation and Development on October 29, 2010, not less than 45 days prior to the first evidentiary hearing as required by state law and the Florence City Code;

WHEREAS, the City published a notice in the Siuslaw News on November 24, 2010 prior to the Planning Commission conducting a public hearing December 14, 2010 and deliberated to a decision on January 11, 2011;

WHEREAS, on February 7, 2011, the City sent notice to interested parties, organizations and the media of the City Council public hearing, as well as posted the proposed code amendments on the web site;

WHEREAS, the City published a notice in the Siuslaw News on February 12, 2011 prior to the City Council conducting a public hearing on February 28, 2011;

WHEREAS, the City Council deliberated to a decision on the sign code on March 21, 2011, adopting Ordinance 4, Series 2011 and directing staff to return to the Council to address signs for home-occupations at the next regularly scheduled meeting;

WHEREAS, on April 4, 2011 the City Council determined it is necessary to allow an individual with a home occupation to display a small sign in the window, door, or entryway in order to meet any legal requirements of their profession and that in doing so, it would not change the character of the dwelling and would not adversely affect the uses permitted in residential zoning districts and therefore remain consistent with the definition of Home Occupation in Title 10 Chapter 1;

NOW, THEREFORE, THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

Section 1. Title 4 Chapter 7 "Sign Regulations," Sub-Section 7 "Exemptions from Requirement for Permit" is amended to add the following provision"

N. Non-illuminated signs in residential sign districts designed primarily to be viewed from a sidewalk or street provided the sign does not obscure more than one (1) square foot of any individual window, door, or entryway.

Section 2. This Ordinance will take effect on April 22, 2011 which is the date that Ordinance 4, Series 2011 will take effect.

Passed by the Florence City Council this 4th day of April, 2011.

AYES Councilor Jagoe, Xavier, Rovers, Holman, and Mayor Brubaker
NAYS None
ABSTAIN None
ABSENT None

APPROVED BY THE MAYOR, this ____th day of April, 2011.

Phil Brubaker, MAYOR

ATTEST:

Kelli Weese, CITY RECORDER



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