



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/23/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Milwaukie Plan Amendment
DLCD File Number 002-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 08, 2011

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

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

*NOTE: The 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: Ryan Marquardt, City of Milwaukie
Angela Lazarean, DLCD Urban Planning Specialist

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FORM **2**

DLCD

Notice of Adoption

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

In person electronic mailed

DATE STAMP

DEPT OF

NOV 18 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Milwaukie**

Local file number: **ZA-11-02**

Date of Adoption: **11/15/2011**

Date Mailed: **11/17/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 7/6/2011

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".

Amendments of Milwaukie Sign Ordinance related to electronic display signs. Amendments would allow limited placement of electronic display signs downtown, limit size of electronic display signs in some commercial and industrial zones, and add regulations about illumination and change of copy on electronic display signs.

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

Some revisions were made that exempt certain areas from the size limitations on electronic display signs. Other minor changes were made about how frequently electronic display signs can change copy and the percentage of a sign face that can be an electronic display sign. Overall adoption is very similar to the proposal.

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

to:

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

to:

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. _____

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

Oregon Department of Transportation

Local Contact: **Ryan Marquardt**

Phone: **(503) 786-7658** Extension:

Address: **6101 SE Johnson Creek Blvd**

Fax Number: **503-774-8236**

City: **Milwaukie** Zip: **97206-**

E-mail Address:

marquardtr@c.milwaukie.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.

ORDINANCE NO. 2040

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 14, SIGN ORDINANCE; TO REVISE STANDARDS AND REGULATIONS RELATED TO ELECTRONIC DISPLAY SIGNS (FILE #ZA-11-02).

WHEREAS, the City wishes to enable properties to have signage that is attractive and appropriate while preventing unsafe and unattractive signs; and

WHEREAS, the City has become aware of regulations that prohibit electronic signs with changeable copy in areas of downtown; and

WHEREAS, the City desires to place reasonable size limits on electronic signs with changeable copy in commercial and industrial areas of the city; and

WHEREAS, the City Council and Planning Commission directed staff to prepare amendments to address regulations related to electronic signs with changeable copy; and

WHEREAS, notification of the amendments has been provided on the city website, at city facilities, through a press release, to neighborhood leaders, to affected stakeholders, and to parties who own property affected by the proposed amendments; and

WHEREAS, the Planning Commission and City Council have held duly advertised public hearings on the amendments, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes; and

WHEREAS, the City finds that the amendments should be effective as immediately as possible to prevent the installation of unsafe signs;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. Findings of fact in support of the proposed amendments are attached as Exhibit A.

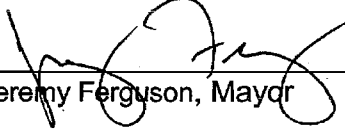
Section 2. Title 14, Sign Ordinance Text Amendment. The Sign Ordinance is amended as described in Exhibit B (underline/strikeout version) and Exhibit C (clean version).

Section 3: Emergency Declared. This ordinance is necessary for the immediate preservation of the peace, health and safety of the City and shall take effect immediately upon passage. Signs are visible from City streets and proper regulation is needed to assure public safety.

Read the first time on 11/15/11, and moved to second reading by 5-0 vote of the City Council.

Read the second time and adopted by the City Council on 11/15/11.


Signed by the Mayor on 11/15/11.



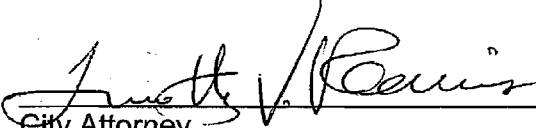
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder



Jordan Ramis
City Attorney

Document2 (Last revised 2/6/2008)

EXHIBIT A

Recommended Findings in Support of Approval Land Use File ZA-11-02

1. The City of Milwaukie proposes to amend regulations in Title 14, Sign Ordinance, of the Milwaukie Municipal Code (MMC) The land use application for these amendments are ZA-11-02.
2. The purpose of the proposed code amendments is to address the topic of electronic display signs. Specifically, the proposed amendments would allow electronic display signs in limited area of downtown; limit the maximum size of electronic display signs in commercial and industrial areas outside of downtown, control the illumination and manner of display for electronic display signs, and coordinate review of Milwaukie's sign permit process with the Oregon Department of Transportation's Outdoor Advertising Sign program
3. The proposed amendments are subject to the following provisions of the MMC:
 - MMC Subsection 19.902.5, Zoning Text Amendments
 - MMC Subsection 19.1008, Type V Review Legislative Actions
4. Sections of the Milwaukie Municipal Code or Comprehensive Plan not addressed in these findings are found to be not applicable to the decision on this land use application.

5. Compliance with MMC Subsection 19.902.5, Zoning Text Amendments:

MMC Subsection 19.902.5.B states that Changes to the Milwaukie Municipal Code described by Subsection 19.902.2.B may be approved if the following criteria are met:

- A. *The proposed amendment is consistent with other provisions of the Milwaukie Municipal Code.*

The City Council finds that the proposed amendments are consistent with other provisions of the Milwaukie Municipal Code. No conflicts have been identified with the proposed amendments to Title 14 affecting electronic display signs and any other provisions of the Milwaukie Municipal Code.

- B. *The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.*

The City Council finds that the proposed amendments are consistent with the following portions of the Comprehensive Plan:

Chapter 4 – Land Use

ECONOMIC BASE AND INDUSTRIAL/ COMMERCIAL LAND USE ELEMENT
Objective #11 — Commercial Land Use: Highway Oriented Center; (3) Development and signage orientation, design, and lighting shall not produce adverse impacts upon adjacent residential areas.

The City Council finds that the proposed amendments help to minimize the impacts created by electronic readerboard signage by limiting the overall size, type of display, and illumination allowed for electronic readerboard signs.

Objective #13 — McLoughlin Boulevard: “To provide for limited highway service uses along McLoughlin Boulevard while improving the visual and pedestrian-oriented linkages between downtown and the Willamette River, and making McLoughlin Blvd. more attractive.”

The City Council finds that the proposed amendments allow signage that is appropriate for highway service uses along McLoughlin Blvd and allowing for replacement of dated signage with attractive, new, and up-to-date signage.

NEIGHBORHOOD ELEMENT

Goal Statement: To preserve and reinforce the stability and diversity of the City’s neighborhoods in order to attract and retain long-term residents and ensure the City’s residential quality and livability.

The City Council finds that the proposed amendments support this goal. Areas where electronic readerboard signs are allowed in Milwaukie are often in close proximity to residential neighborhoods. The proposed amendments help to limit the scale and impacts of such signs to ensure that these areas maintain a good residential quality and a high degree of livability.

Chapter 5- Transportation/Public Facilities/Energy Conservation TRANSPORTATION ELEMENT

Goal 2, Safety: Develop and maintain a safe and secure transportation system.

The City Council finds that the regulations would help to ensure signage that is not distracting or unsafe to persons traveling in the right-of-way.

- C. *The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.*

The City Council finds that there are no portions of the Metro Urban Growth Management Functional Plan or other regional policies that address signage.

- D. *The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.*

The City Council finds that the proposed amendments are consistent with Oregon Revised Statute 377 and Oregon Administrative Rule 734 in that they promote coordination between state requirements for permitting outdoor advertising signs and Milwaukie’s sign permitting. No other provisions of state statutes or rules have been identified as being applicable to the proposed amendments.

- E. *The proposed amendment is consistent with relevant federal regulations*

The City Council finds that there are no relevant federal regulations except those implemented by state statutes for signage along roadways that are applicable to the proposed amendments.

6. Compliance with MMC Subsection 19.1008, Type V Review:

A. Type V Public Notice. The Planning Director notified the City's Neighborhood District Associations on August 15, 2011. On August 12, 2011, 30 days prior to the Planning Commission's first hearing on the amendments, staff posted information about the amendments on the City's website and at 4 City facilities that are open to the public. Staff posted notice 30 days prior to the City Council's hearing at the same facilities and on the website on September 16, 2011. Notice of the proposed amendments were sent to Metro and to the Department of Land Conservation and Development on July 6, 2011. A Measure 56 Notice was sent on August 19, 2011 to property owners for whom the proposed regulations would have an impact on the types of signs allowed.

The City Council finds that the requirements of MMC 19.1008.3 are met.

B. Type V Decision Authority; Recommendation and Decision. The Planning Commission conducted a public hearing on September 13, 2011 and prepared a recommendation to City Council. City Council held a public hearing on October 18, 2011 and its decision on the proposed amendments. City Council finds that the requirements of MMC 19.1008. 4 and 5 are met.

7. The proposed amendments were referred to various City departments, governmental agencies, neighborhood district associations (NDA), and stakeholders for review and comment. They were discussed at several Planning Commission and City Council meetings. Additionally, the most up-to-date draft of the proposed code amendments and commentary document was posted on the City's web site starting on August 12, 2011. Public comments received, including any City responses, are summarized in the staff report.

Underline/Strikeout Amendments**TITLE 14 SIGNS****CHAPTER 14.04 GENERAL PROVISIONS****14.04.020 PURPOSE**

The Council of the City of Milwaukie, Oregon, finds and declares that it is necessary to regulate the design, quality of materials, construction, installation, maintenance, electrification, illumination, type, size, number, and location of all signs visible from a right-of-way or lot under other ownership in order to:

- A. Protect the health, safety, property and welfare of the public;
- B. Promote the neat, clean, orderly and attractive appearance of the community;
- C. Provide for the safe installation and maintenance of signs;
- D. (Repealed by Ord. 1965);
- E. Preserve and enhance the unique scenic beauty of Milwaukie;
- F. Accommodate the need of sign installers while avoiding nuisances to nearby properties;
- G. Ensure safe construction, location, installation, and maintenance of signs;
- H. Prevent proliferation of sign clutter;
- I. Minimize distractions for motorists on public highways and streets; ~~and,~~
- J. Regulate solely on the basis of time, place, and manner of a sign, not on its content; ~~and,~~
- K. Coordinate review where multiple agencies have review authority for a sign permit.

14.04.030 DEFINITIONS

The following words and phrases where used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section:

"Dissolve" means the changing of an electronic display by means of varying light intensity or pattern, where one display gradually appears to dissipate or lose legibility simultaneously with the gradual appearance and legibility of a subsequent display.

"Fade" means the changing of an electronic display by means of varying light intensity, where one display gradually reduces intensity to the point of being illegible or imperceptible and the subsequent display gradually increases intensity to the point of being legible or capable of being perceived.

"Prohibited electronic display" means any part of the message or display on an electronic display sign that utilizes the following methods of presentation:

"Flash" means sudden or intermittent electrical illumination.

"Scroll" means the changing of an electronic display by the apparent movement of the visual image, such that a new visual image appears from the margins of the sign in a continuous or unfurling movement.

"Travel" means the changing of an electronic display by the apparent horizontal movement of the visual image.

Proposed Code Amendment

“Video display” means providing an electronic display in horizontal or vertical formats to create continuously moving images.

~~Sign, Changing (Automatic). “Changing sign (automatic)” means a sign in which the display on the sign face is changed by motors, clockwork, or other mechanical means; or by electric or electronic means, including changes in color or intensity of lights.~~

Sign, Electronic Display. “Electronic display sign” means a sign or portion of a sign on which the message or display is created by bulbs, light-emitting diodes, liquid crystal displays, plasma display panels, pixel or subpixel technology, or other similar technology.

Sign, Moving. “Moving sign” means a sign with a visible moving part or visible mechanical movement, including signs which move in the wind or forced air, or by motors, clockwork, or other mechanical means.

Sign, Outdoor Advertising. “Outdoor advertising sign” means a sign that meets the definition of Oregon Revised Statute 377.710(2).

“State highway” means the entire width between the boundary lines of every State highway as defined in ORS 366.005, including but not limited to the Interstate System and the federal-aid primary system.

CHAPTER 14.08 ADMINISTRATION AND ENFORCEMENT

14.08.100 SIGNS VISIBLE FROM STATE HIGHWAYS

A proposed sign that would be visible from a State highway may require a permit from the Oregon Department of Transportation. The Planning Director may require an applicant for a sign that would be visible from a State highway to submit documentation from the Oregon Department of Transportation indicating whether the proposed sign is considered an outdoor advertising sign that requires a permit from the Oregon Department of Transportation and whether the site is legal for an outdoor advertising sign. The Planning Director will withhold issuance of the permit if there is not conclusive evidence that the sign could be approved, or could be conditioned to be approved, by the Oregon Department of Transportation.

CHAPTER 14.12 SIGNS PROHIBITED OR EXEMPTED

14.12.020 PROHIBITED SIGNS

It is unlawful for any person to install, display or maintain, and no permit shall be issued for the installation, display or maintenance of, any sign or advertising structure falling within any of the following descriptions:

- A. Moving signs that change more frequently than once every 10 seconds, revolving signs that rotate at more than 6 revolutions per minute, or signs that move in the wind or by forced air, or flashing signs, or any other sign with a visible moving part or visible mechanical movement, including signs which move in the wind or move or change electrically or electronically. These signs are prohibited in order to prevent unduly distracting or hazardous conditions to motorists, cyclists, or pedestrians. Automatic changing signs that change no more than once every 10 seconds, and revolving signs that revolve at 6 revolutions per minute or less, are exempt from this prohibition. Switching the power for illuminated signs on and off 4 or fewer times in one day does not constitute a flashing sign.
- R. Electronic display signs that display message or copy using any prohibited electronic display methods, as defined in Section 14.04.030.

CHAPTER 14.16 SIGN DISTRICTS

14.16.060 DOWNTOWN ZONES

No sign shall be installed or maintained in the DC, DS, DO, DR and DOS Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in this section.

H. Illumination

Illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted.
2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
3. Awning signs shall not be internally illuminated. Features on an awning sign may be externally illuminated subject to review by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings, and approval by the Planning Commission, per Section 19.1006 Type III review, according to the following criteria:
 - a. Sign lighting should be designed as an integral component of the building and sign composition.
 - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
 - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
4. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.
5. Internally illuminated cabinet signs are discouraged in the downtown zones. Internal illumination of cabinet signs may be permitted subject to review by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings, and approval by the Planning Commission, per Section 19.1006 Type III review, according to the following criteria:
 - a. The sign should be a unique design that responds to the Milwaukie Downtown Design Guidelines.
 - b. The sign copy should be lighter than the sign background.
 - c. The sign background should use a predominance of dark color or be opaque when the light source is on.
6. Electronic display signs are permitted for properties that have frontage on McLoughlin Blvd, subject to the following standards:
 - a. An electronic display sign may be included only as part of a larger sign, and the electronic display portion of the sign is subject to the more restrictive of the following size limitations:
 - (1) 25% of the size of the sign face that contains the electronic display sign, abuts the electronic display sign, or is on the same sign structure as the electronic display sign.
 - (2) 20 sq ft.

Proposed Code Amendment

- b. An electronic display sign shall be primarily visible from, and oriented toward, McLoughlin Blvd and not toward any other street on which the property has frontage.
- c. Illumination for an electronic display sign is subject to the standards of Subsection 14.24.020.G.1.
- d. The manner of display on electronic display signs shall comply with the standards of Subsection 14.24.020.G.3.
- e. Incorporating an electronic display sign within an existing nonconforming sign is allowed subject to the regulations of Subsection 14.28.020.A.3.b.

CHAPTER 14.24 SIGN CONSTRUCTION, MAINTENANCE, AND LIGHTING

14.24.020 SIGN LIGHTING

- A. All lamps or bulbs exposed to direct view shall be limited to 25 watts or less capacity.
- B. When neon tubing is employed on the exterior or ~~inferior~~ interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for colored tubing.
- C. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 800 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 9 inches apart, center to center.
- D. Lighting from any sign may not directly, or indirectly from reflection, cause illumination on other properties in excess of ~~0.5 foot-candles~~ footcandles of light.
- E. In the event of a conflict between the standards in this section and a specific standard in the regulations for a sign district, the sign district regulations shall prevail.
- F. Other types of illumination not described by Subsections 14.24.020.A-C, such as light-emitting diodes and other similar technology, are allowed for interior or exterior illumination of a sign if all other regulations of Title 14 are met.
- G. Electronic display signs are allowed in the Commercial Zone sign district (Section 14.16.040) and the Manufacturing Zone sign district (Section 14.16.050), subject to the standards below. Electronic display signs are allowed in the Downtown Zones sign district per Subsection 14.16.060.H.6 and the standards below.

1. Illumination

- a. An electronic display sign may not have an illumination intensity of more than 0.3 footcandles over ambient light, measured at the distance specified by the following calculation:

$$\text{Measurement distance} = \sqrt{\text{sign face area} \times 100}$$

The measurement shall be taken as the difference in illumination between the electronic display sign turned off and the electronic display sign displaying either a solid white screen (for multicolor displays) or a solid single-color screen (for single-color display). To the degree practicable, the measuring device shall be parallel to the plane of the sign face and the measurement shall be made from a location that is perpendicular to the plane of the sign face. The specified distance shall be the shortest straight-line distance to the sign face, including horizontal and vertical distance from the sign if the sign is elevated.

- b. The sign shall have a mechanism that automatically adjusts the illumination level to comply with the standards in Subsection 14.24.020.G.1.a.
- c. In addition to the standards of Subsection 14.24.020.G.1.a, no electronic display sign shall be brighter than necessary for clear and adequate visibility, or of such brilliance or intensity as to present a hazard to persons traveling in the right-of-way. Upon notice by the Planning Director that a sign is out of compliance with these standards, the owner or operator of an electronic display sign shall immediately adjust the illumination of the sign.

2. Size

- a. Electronic display signs on properties north of the centerline of Highway 224 which also have frontage on McLoughlin Blvd, Main St, or Frontage Rd are subject only to the applicable size limits elsewhere in Title 14. Subsection 14.24.020.G.2.b does not apply.
- b. An electronic display sign in the Commercial Zone sign district or Manufacturing Zone sign district, with the exception of the McLoughlin Blvd corridor described in Subsection 14.24.020.G.2.a, may be included only as part of a larger sign, and the electronic display portion of the sign is subject to the more restrictive of the size limitations below:
 - (1) 50% of the size of the sign face that contains the electronic display sign, abuts the electronic display sign, or is on the same sign structure as the electronic display sign.
 - (2) 50 sq ft.
- c. Size regulations for signs in the Downtown Zones sign district are as described in Subsection 14.16.060.H.6.

3. Display

- a. The message or copy on an electronic display sign is allowed to change no more frequently than described below:
 - (1) Not more than once every 10 seconds for an electronic display sign with a sign face of 20 sq ft or less, or for any size of electronic display sign on a property in the McLoughlin Blvd corridor described by Subsection 14.24.020.G.2.a.
 - (2) Not more than once every 2 minutes for electronic display signs not described by Subsection 14.24.020.G.3.a(1).
- b. The change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than 2 seconds between each separate message or display.

H. Shielding

The purpose of the regulations below is to prevent light pollution from illuminated signs into the sky. The light source for externally illuminated signs with a sign face of 100 sq ft or more shall have a cutoff angle of 90 degrees or greater to ensure that lighting is not directed upward.

CHAPTER 14.28 REMOVAL OF SIGNS IN VIOLATION

14.28.020 NONCONFORMING SIGN

A. Time Limit

1. Except as provided in Subsection 14.28.020.A.4, signs that were in compliance with applicable regulations when installed; but that become nonconforming as a result of adoption, modification, or applicability of the City's sign regulations; may remain in place for 10 years after the date they became nonconforming but shall be removed or brought into compliance on or before 10 years plus 1 day of the date they became nonconforming.
2. (Repealed by Ord. 1965)
3. Any sign which is structurally altered, relocated, or replaced shall immediately be brought into conformance with all of the provisions of this chapter. with the following exceptions:
 - a. A nonconforming sign in all zones may be maintained or undergo a change of copy or image without complying with the requirements of this chapter.
 - b. The inclusion of an electronic display sign within the existing display area of a nonconforming sign is allowed if the addition of the electronic message sign does not cause the sign to go further out of conformance.
4. ~~The provisions of this code relating to flashing signs, par spot lights, revolving beacons, revolving signs, banners, streamers, strings of lights, and temporary signs are applicable to all signs, notwithstanding Subsection 14.28.020.A.1.~~

Clean Amendments**TITLE 14 SIGNS****CHAPTER 14.04 GENERAL PROVISIONS****14.04.020 PURPOSE**

The Council of the City of Milwaukie, Oregon, finds and declares that it is necessary to regulate the design, quality of materials, construction, installation, maintenance, electrification, illumination, type, size, number, and location of all signs visible from a right-of-way or lot under other ownership in order to:

- A. Protect the health, safety, property and welfare of the public;
- B. Promote the neat, clean, orderly and attractive appearance of the community;
- C. Provide for the safe installation and maintenance of signs;
- D. (Repealed by Ord. 1965);
- E. Preserve and enhance the unique scenic beauty of Milwaukie;
- F. Accommodate the need of sign installers while avoiding nuisances to nearby properties;
- G. Ensure safe construction, location, installation, and maintenance of signs;
- H. Prevent proliferation of sign clutter;
- I. Minimize distractions for motorists on public highways and streets;
- J. Regulate solely on the basis of time, place, and manner of a sign, not on its content; and,
- K. Coordinate review where multiple agencies have review authority for a sign permit.

14.04.030 DEFINITIONS

The following words and phrases where used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section:

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"Fade" means the changing of an electronic display by means of varying light intensity, where one display gradually reduces intensity to the point of being illegible or imperceptible and the subsequent display gradually increases intensity to the point of being legible or capable of being perceived.

"Prohibited electronic display" means any part of the message or display on an electronic display sign that utilizes the following methods of presentation:

"Flash" means sudden or intermittent electrical illumination.

"Scroll" means the changing of an electronic display by the apparent movement of the visual image, such that a new visual image appears from the margins of the sign in a continuous or unfurling movement.

"Travel" means the changing of an electronic display by the apparent horizontal movement of the visual image.

Proposed Code Amendment

“Video display” means providing an electronic display in horizontal or vertical formats to create continuously moving images.

Sign, Electronic Display. “Electronic display sign” means a sign or portion of a sign on which the message or display is created by bulbs, light-emitting diodes, liquid crystal displays, plasma display panels, pixel or subpixel technology, or other similar technology.

Sign, Moving. “Moving sign” means a sign with a visible moving part or visible mechanical movement, including signs which move in the wind or forced air, or by motors, clockwork, or other mechanical means.

Sign, Outdoor Advertising. “Outdoor advertising sign” means a sign that meets the definition of Oregon Revised Statute 377.710(2).

“State highway” means the entire width between the boundary lines of every State highway as defined in ORS 366.005, including but not limited to the Interstate System and the federal-aid primary system.

CHAPTER 14.08 ADMINISTRATION AND ENFORCEMENT

14.08.100 SIGNS VISIBLE FROM STATE HIGHWAYS

A proposed sign that would be visible from a State highway may require a permit from the Oregon Department of Transportation. The Planning Director may require an applicant for a sign that would be visible from a State highway to submit documentation from the Oregon Department of Transportation indicating whether the proposed sign is considered an outdoor advertising sign that requires a permit from the Oregon Department of Transportation and whether the site is legal for an outdoor advertising sign. The Planning Director will withhold issuance of the permit if there is not conclusive evidence that the sign could be approved, or could be conditioned to be approved, by the Oregon Department of Transportation.

CHAPTER 14.12 SIGNS PROHIBITED OR EXEMPTED

14.12.020 PROHIBITED SIGNS

It is unlawful for any person to install, display or maintain, and no permit shall be issued for the installation, display or maintenance of, any sign or advertising structure falling within any of the following descriptions:

- A. Moving signs that change more frequently than once every 10 seconds, revolving signs that rotate at more than 6 revolutions per minute, or signs that move in the wind or by forced air. These signs are prohibited in order to prevent unduly distracting or hazardous conditions to motorists, cyclists, or pedestrians.
- R. Electronic display signs that display message or copy using any prohibited electronic display methods, as defined in Section 14.04.030.

CHAPTER 14.16 SIGN DISTRICTS

14.16.060 DOWNTOWN ZONES

No sign shall be installed or maintained in the DC, DS, DO, DR and DOS Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in this section.

H. Illumination

Illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted.
2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
3. Awning signs shall not be internally illuminated. Features on an awning sign may be externally illuminated subject to review by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings, and approval by the Planning Commission, per Section 19.1006 Type III review, according to the following criteria:
 - a. Sign lighting should be designed as an integral component of the building and sign composition.
 - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
 - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
4. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.
5. Internally illuminated cabinet signs are discouraged in the downtown zones. Internal illumination of cabinet signs may be permitted subject to review by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings, and approval by the Planning Commission, per Section 19.1006 Type III review, according to the following criteria:
 - a. The sign should be a unique design that responds to the Milwaukie Downtown Design Guidelines.
 - b. The sign copy should be lighter than the sign background.
 - c. The sign background should use a predominance of dark color or be opaque when the light source is on.
6. Electronic display signs are permitted for properties that have frontage on McLoughlin Blvd, subject to the following standards:
 - a. An electronic display sign may be included only as part of a larger sign, and the electronic display portion of the sign is subject to the more restrictive of the following size limitations:
 - (1) 25% of the size of the sign face that contains the electronic display sign, abuts the electronic display sign, or is on the same sign structure as the electronic display sign.
 - (2) 20 sq ft.

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- b. An electronic display sign shall be primarily visible from, and oriented toward, McLoughlin Blvd and not toward any other street on which the property has frontage.
- c. Illumination for an electronic display sign is subject to the standards of Subsection 14.24.020.G.1.
- d. The manner of display on electronic display signs shall comply with the standards of Subsection 14.24.020.G.3.
- e. Incorporating an electronic display sign within an existing nonconforming sign is allowed subject to the regulations of Subsection 14.28.020.A.3.b.

CHAPTER 14.24 SIGN CONSTRUCTION, MAINTENANCE, AND LIGHTING

14.24.020 SIGN LIGHTING

- A. All lamps or bulbs exposed to direct view shall be limited to 25 watts or less capacity.
- B. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for colored tubing.
- C. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 800 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 9 inches apart, center to center.
- D. Lighting from any sign may not directly, or indirectly from reflection, cause illumination on other properties in excess of 0.5 footcandles of light.
- E. In the event of a conflict between the standards in this section and a specific standard in the regulations for a sign district, the sign district regulations shall prevail.
- F. Other types of illumination not described by Subsections 14.24.020.A-C, such as light-emitting diodes and other similar technology, are allowed for interior or exterior illumination of a sign if all other regulations of Title 14 are met.
- G. Electronic display signs are allowed in the Commercial Zone sign district (Section 14.16.040) and the Manufacturing Zone sign district (Section 14.16.050), subject to the standards below. Electronic display signs are allowed in the Downtown Zones sign district per Subsection 14.16.060.H.6 and the standards below.

1. Illumination

- a. An electronic display sign may not have an illumination intensity of more than 0.3 footcandles over ambient light, measured at the distance specified by the following calculation:

$$\text{Measurement distance} = \sqrt{\text{sign face area} \times 100}$$

The measurement shall be taken as the difference in illumination between the electronic display sign turned off and the electronic display sign displaying either a solid white screen (for multicolor displays) or a solid single-color screen (for single-color display). To the degree practicable, the measuring device shall be parallel to the plane of the sign face and the measurement shall be made from a location that is perpendicular to the plane of the sign face. The specified distance shall be the shortest straight-line distance to the sign face, including horizontal and vertical distance from the sign if the sign is elevated.

- b. The sign shall have a mechanism that automatically adjusts the illumination level to comply with the standards in Subsection 14.24.020.G.1.a.
- c. In addition to the standards of Subsection 14.24.020.G.1.a, no electronic display sign shall be brighter than necessary for clear and adequate visibility, or of such brilliance or intensity as to present a hazard to persons traveling in the right-of-way. Upon notice by the Planning Director that a sign is out of compliance with these standards, the owner or operator of an electronic display sign shall immediately adjust the illumination of the sign.

2. Size

- a. Electronic display signs on properties north of the centerline of Highway 224 which also have frontage on McLoughlin Blvd, Main St, or Frontage Rd are subject only to the applicable size limits elsewhere in Title 14. Subsection 14.24.020.G.2.b does not apply.
- b. An electronic display sign in the Commercial Zone sign district or Manufacturing Zone sign district, with the exception of the McLoughlin Blvd corridor described in Subsection 14.24.020.G.2.a, may be included only as part of a larger sign, and the electronic display portion of the sign is subject to the more restrictive of the size limitations below:
 - (1) 50% of the size of the sign face that contains the electronic display sign, abuts the electronic display sign, or is on the same sign structure as the electronic display sign.
 - (2) 50 sq ft.
- c. Size regulations for signs in the Downtown Zones sign district are as described in Subsection 14.16.060.H.6.

3. Display

- a. The message or copy on an electronic display sign is allowed to change no more frequently than described below:
 - (1) Not more than once every 10 seconds for an electronic display sign with a sign face of 20 sq ft or less, or for any size of electronic display sign on a property in the McLoughlin Blvd corridor described by Subsection 14.24.020.G.2.a.
 - (2) Not more than once every 2 minutes for electronic display signs not described by Subsection 14.24.020.G.3.a(1).
- b. The change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than 2 seconds between each separate message or display.

H. Shielding

The purpose of the regulations below is to prevent light pollution from illuminated signs into the sky. The light source for externally illuminated signs with a sign face of 100 sq ft or more shall have a cutoff angle of 90 degrees or greater to ensure that lighting is not directed upward.

CHAPTER 14.28 REMOVAL OF SIGNS IN VIOLATION

14.28.020 NONCONFORMING SIGN

A. Time Limit

1. Except as provided in Subsection 14.28.020.A.4, signs that were in compliance with applicable regulations when installed; but that become nonconforming as a result of adoption, modification, or applicability of the City's sign regulations; may remain in place for 10 years after the date they became nonconforming but shall be removed or brought into compliance on or before 10 years plus 1 day of the date they became nonconforming.
2. (Repealed by Ord. 1965)
3. Any sign which is structurally altered, relocated, or replaced shall immediately be brought into conformance with all of the provisions of this chapter , with the following exceptions:
 - a. A nonconforming sign in all zones may be maintained or undergo a change of copy or image without complying with the requirements of this chapter.
 - b. The inclusion of an electronic display sign within the existing display area of a nonconforming sign is allowed if the addition of the electronic message sign does not cause the sign to go further out of conformance.



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