



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: 01/21/2015  
Jurisdiction: City of Independence  
Local file no.: None  
DLCD file no.: 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/20/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)

DLCD FORM 2



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE <b>DEPT OF</b> File No.: Received: 0 2015
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Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Independence

Local file no.: **LA-01-2014**

Date of adoption: 01/13/2014

Date sent: 01/16/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): Sept. 2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes  No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Michael Danko, Community Development Director

Phone: 503.838.1212

E-mail: danko.michael@ci.independence.or.us

Street address: 555 South Main Str

City: Independence

Zip: 97351

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

**For a change to comprehensive plan text:** N/A

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

**For a change to a comprehensive plan map:** N/A

Identify the former and new map designations and the area affected:

Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary





BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE  
FOR THE COUNTY OF POLK, STATE OF OREGON

An Ordinance Amending the )  
Independence Development Code )  
Subchapter 58, Sign Ordinance )

Council Bill #2015-01

**ORDINANCE NO. 1538**

WHEREAS, the City of Independence conducted a review of Subchapter 58, Sign Ordinance, of the Independence Development Code; and

WHEREAS, on January 5, 2015, the Independence Planning Commission conducted a properly noticed public hearing concerning the proposed amendments to Subchapter 58 the Independence Development Code, at which time interested parties and the general public had an opportunity to be heard; and

WHEREAS, on January 13, 2015, the Independence City Council conducted a properly noticed public hearing, at which time interested parties and the general public had an opportunity to be heard, to review all matters presented regarding proposed amendments to Subchapter 58, of the Independence Development Code; reviewed the record and recommendations of the Planning Commission; and adopted findings, NOW THEREFORE

THE CITY OF INDEPENDENCE DOES ORDAIN AS FOLLOWS:

**Section 1. Findings.** The City of Independence hereby adopts the findings in support of these Subchapter 58 Development Code amendments to the City of Independence Sign Ordinance, as contained in the Staff Report attached hereto as Exhibit "A", and by this reference incorporated herein.

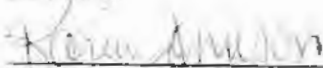
**Section 2** The Independence Development Code, Subchapter 58, Sign Ordinance, is hereby amended as contained in the attached Exhibit "B", and by this reference incorporated herein.

**Section 3** This ordinance shall become effective thirty days after final passage and its signature by the Mayor.

First Reading to the Council this 13<sup>th</sup> day of January, 2015  
Second Reading to the Council this 13<sup>th</sup> day of January, 2015  
Adopted this 13<sup>th</sup> day of January, 2015  
Signed by the Mayor this 13<sup>th</sup> day of January, 2015

  
JOHN McARDLE, MAYOR

ATTEST:

  
Karin Johnson, MMC, City Recorder

ORDINANCE NO. 1538/Amending the Independence Development Code, Subchapter 58

TO: INDEPENDENCE CITY COUNCIL  
FROM: MICHAEL DANKO, COMMUNITY DEVELOPMENT DIRECTOR  
SUBJ: TEXT AMENDMENT, LA-01-2014: ADOPT UPDATE TO INDEPENDENCE  
DEVELOPMENT CODE, SUBCHAPTER 58, SIGN ORDINANCE  
DATE: JANUARY 13, 2015

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### REQUEST

The City is proposing a legislative amendment to update and amend the Development Code, Subchapter 58, Sign Ordinance, to include definitions and standards for changing image signs.

### BACKGROUND/PURPOSE

The City has initiated an update to the Development Code based upon feedback received by staff since the last update in 2012. The purpose of this Memo is to provide a final copy of the proposed amendments for Planning Commission review and to allow feedback from the community on the proposed changes.

This Memo includes findings to support adoption of the proposed amendments and includes a summary of the proposed amendments and a proposed ordinance for adopting the amended Subchapter.

### FINDINGS AND CONCLUSIONS FOR TEXT AMENDMENT 12-01

1. Text Amendment, LA-01-2014 is a Legislative Amendment to the Independence Development Code (IDC). The IDC does not include approval criteria for text amendments to the IDC, but it does include procedural items that are addressed in Findings 2 – 4 below. Oregon Revised Statute 197 and the Independence Development Code govern legislative amendments and post acknowledgement plan amendments and require that legislative amendments comply with the Independence Comprehensive Plan and Statewide Planning Goals. Findings 5 and 6 address the applicable Comprehensive Plan Policies and the Statewide Planning Goals, respectively.
2. The IDC, Section 11.002.D, Type IV Actions, states a Type IV action must be initiated by the Planning Commission or the City Council. Proposed changes were submitted to the Planning Commission on September 15, 2014; proposed changes were reviewed at the October 6, 2014 Planning Commission meeting. The IDC proposed amendments comply with Section 11.002.D.
3. IDC Section 11.015.F, calls for the Planning Commission to hold a public hearing to make a recommendation to the City Council. The City Council shall also hold a public hearing to hear the Planning Commission's recommendation on the proposed amendments. The Planning

Commission held a hearing on January 5, 2015 and submitted its written recommendation to the City Council.

4. IDC Section 11.025.B, Type IV Actions, calls for the public hearing before Planning Commission or Council relating to a legislative amendment to be published in a newspaper of general circulation a minimum of 10 days prior to the date of the hearing. The Planning Commission public hearing on January 5, 2015, was published in the Itemizer Observer on December 17, 2014. Notice was also provided to the Department of Land Conservation and Development a minimum of 35 days prior to the first evidentiary hearing. This evening's City Council hearing was published in the Itemizer Observer on December 17, 2014.

5. Findings related to the Comprehensive Plan Policies.

The Independence Comprehensive Plan Policies were reviewed and it was concluded that the proposed amendments are consistent with the following goals and policies in the Independence Comprehensive Plan.

#### **Citizen Involvement**

*To provide opportunities for citizen involvement and to encourage participation by area residents.*

The City followed the public process as outlined in the Oregon Revised Statutes and Independence Development Code, including advertising and posting on the internet the proposed changes and making them available for public review.

#### **Economy**

*To provide for and maintain a viable and diverse economy while preserving the present sense of community and high level of environmental quality.*

The legislative amendment addresses minor design principals, specifically signs, to allow for placement of changing image signs. The amendment does not propose restrictions that would hinder or impact economic viability or diversity within the City.

#### **Land Use**

*To encourage efficient land use, maintain land use designations appropriate to the character of Independence and meet future land use needs.*

The Goal Policies further state that the City shall "update and revise land use designations when necessary to accommodate demonstrated need for changing circumstances." The proposed legislative amendment seeks to add clarity to the Definitions section and standards for locating changing image signs. The proposed changes are seen as responding to information provided by the public and staff in clarifying permitted uses and identifying/responding to identified land use needs.

Comprehensive Plan Policies for Agricultural Lands; Forest Lands; Natural Resources; Air, Water and Land Resources; Natural Hazards; Recreational Needs; Housing; Public Facilities; Energy Conservation; Urbanization; Willamette River Greenway; Estuarine Resources; Coastal Shorelands; Beaches and Dunes; and Ocean Resources were found not to apply.

Staff finds the proposed amendments meet applicable Comprehensive Plan Policies.

6. Findings related to the Statewide Planning Goals.

A. Goal 1, Citizen Involvement.

Goal 1 applies. The proposed amendments to the development code were created following the public process as required by Oregon Revised Statute and the Independence Development Code. The Planning Commission public hearing followed proper noticing requirements and the City Council will conduct a properly noticed public hearing on January 13, 2015. All documents were made available to the public in hard copy and via the internet, and staff was available to assist with interpretation of the proposed amendments. Goal 1 is met.

B. Goal 2, Land Use Planning.

Goal 2 applies. The 35-day notice prior to the first evidentiary hearing (Planning Commission on January 5, 2015 to the Department of Land Conservation and Development (DLCD) was provided to notify and garner comments from those parties on the DLCD notification list. Goal 2 is met.

C. Goal 3, Agricultural Lands.

Goal 3 does not apply because agricultural lands are not affected by the proposed amendments.

D. Goal 4, Forest Lands.

Goal 4 does not apply because forest lands are not affected by the proposed amendments.

E. Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces.

Goal 5 does not apply because natural resources, scenic and historic and open spaces are not affected by the proposed amendments.

F. Goal 6, Air, Water and Land Resources Quality.

Goal 6 does not apply because air, water and land resource quality are not affected by the proposed amendments.

G. Goal 7, Areas Subject to Natural Hazards.

Goal 7 does not apply because development within hazard areas is neither reduced or expanded with the proposed amendments.

H. Goal 8, Recreation Needs.

Goal 8 does not apply because the proposed amendments do not relate to recreation.

I. Goal 9. Economic Development.

Goal 9 does not apply because the proposed amendments do not relate to economic development. .

J. Goal 10. Housing.

Goal 10 does not apply because the proposed amendments do not relate to housing.

K. Goal 11. Public Facilities and Services.

Goal 11 does not apply because the proposed amendments do not relate to public facilities or services.

L. Goal 12. Transportation.

Goal 12 does not apply because the proposed amendments do not relate to transportation facilities.

M. Goal 13. Energy Conservation.

Goal 13 does not apply because the proposed amendments do not relate to energy conservation or construction regulation.

N. Goal 14. Urbanization.

Goal 14 does not apply because the proposed amendments do not relate to the urban growth boundary.

O. Goal 15 for the Willamette River Greenway

Goal 15 is found not to apply because the proposed amendments do not increase development on or near the Willamette River.

P. Goals 16 – 19 for Estuarine, Coastal, Beach or Ocean Resource Goals.

Goals 16 – 19 do not apply because the City of Independence is not on the coast.



The proposed amendments are consistent with the applicable Statewide Planning Goals.

SUMMARY OF PROPOSED AMENDMENTS

The following lists the Sections proposed to be added or removed:

1. Section 58.015 – Definitions. “Changing Image Sign”, “Scroll or Scrolling”, “Static Display”, “Travel” and “Video Sign” are added to the section; “Electronic Message Center” is removed.
2. Section 58.070 – Changing Image Signs is added.
3. Section 58.210 – Advertising Limited on Awnings and Canopies is removed.
4. Sections 58.020 and 58.025 relating to permits is amended to provide authority to the city manager or designee.

Changes to grammar and references to other sections are also proposed throughout Subchapter 58.

RECOMMENDATION/SUGGESTED MOTIONS:

1. Approve LA-01-2014 as recommended by the Planning Commission, and adopt the proposed ordinance;
2. Approve LA-01-2014 with further changes,
3. Take no action.

Hearing Decision:

*“I move to approve the recommendation from the Planning Commission to amend Subchapter 58, Sign Ordinance of the Independence Development Code and adopt findings as contained in the Staff Report dated 01-13-15.”*

Post-Hearing:

*“I move to read the proposed Ordinance, Council Bill #2015-01 in full as the text is contained in the Council packet, for the first time.”*

*“I move to read the proposed Ordinance, Council Bill #2015-01 for the second time by title only.”*

*“I move to adopt the proposed Ordinance, Council Bill #2015-01.”*

ATTACHMENTS:

1. Planning Commission written recommendation
2. Council Bill #2015-01

**SUBCHAPTER 58****SIGN ORDINANCE****58.005 Purpose**

The City Council of the City of Independence, Oregon, finds and declares that, in order to protect the health, safety, property and welfare of the public and to improve the neat, clean, orderly and attractive appearance of the community it is necessary to regulate the construction, erection, maintenance, electrification, illumination, type, size, number and location of signs.

**58.010 Scope**

No person shall erect, construct, enlarge, alter, move, improve, convert, equip, use, or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Sign Ordinance. No person in control of any premises within the City of Independence, Oregon shall permit thereon any sign which violates the provisions of the Sign Ordinance.

**58.015 Definitions**

For the purpose of this subchapter, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory and the word "building" includes "structures" except "sign structures". Any definitions included herein take precedence over the Uniform Sign Code definitions.

**Area**

"Area" means the area contained within lines drawn between or around the outermost points of a sign, including Cutouts, but does not include Essential Sign Structure, foundations or supports. The area of a sign having two display surfaces facing in opposite traffic directions shall be computed by measuring the largest face. For signs having two or more display surfaces, the area is the maximum area of the surfaces that can be seen from any one point.

**Awning**

"Awning" means a temporary shelter supported entirely from the exterior wall of a building.

**Banner Signs**

"Banner Signs," as used in this ordinance, shall mean and include every type of decoration or banners displayed over or upon the city streets of the City of Independence on a temporary or seasonal basis, whether attached to utility poles or any other structure.

### Billboard

"Billboard" means an advertising sign with sign height over ten feet from the ground surface, on which same is located, to the top of such Billboard, and sign area greater than seventy-two (72) square feet, on which the copy is designed to be periodically changed and which is not located on the premises to which such advertising copy pertains.

### Bulletin Board

"Bulletin Board" is a public service display for temporary messages.

### Canopy

"Canopy" is a structure, other than an Awning, made of cloth or metal with frames attached to a building and carried by a frame supported by the ground or sidewalk but shall not mean a completely enclosed structure.

### Changing Image Sign

"Changing Image Sign" is any sign which results in movement, the appearance of movement or change of sign image, text, or display through the use of: (a) moving structural elements; (b) flashing or sequential lights; (c) lights in a dot matrix or LED configuration, which may be changed intermittently; or (d) other automated method, results in movement, the appearance of movement or change of sign image, text, or display.

### Cutout

"Cutout" means every type of display in the form of letters, figures, character, representations or others in Cutout or irregular form attached to or superimposed upon an advertising sign.

### Directional and Safety Sign

"Directional and Safety Sign" means any sign intended solely for directing and establishing the safe and orderly passage of pedestrians and/or vehicles.

### Display Surface

"Display Surface" means the area made available by the sign structure for the purpose of displaying a message.

### Erect

"Erect" means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of Wall Signs.

### Essential Sign Structure

“Essential Sign Structure” is a reasonably minimal physical structure whose sole purpose is to adequately support the sign and which does not contain any message, light, or configuration which is intended to inform or attract the attention of the public. Sign structures which do not comply with this definition are considered as part of the sign for the purpose of computing sign area.

### Freestanding Sign

“Freestanding Sign” means a sign supported by one or more columns, uprights or braces in or on the ground, not attached to or forming part of a building.

### Grade

“Grade” means the elevation or level of the street measured at the center line of the street that the sign faces.

### Ground Sign

“Ground Sign” means any sign supported by one or more uprights or braces placed upon the ground and not attached to any building, limited to 5 feet in height.

### Height

“Height” means the distance between Grade and top of sign structure.

### Illuminated Sign

“Illuminated Sign” means a sign illuminated by an interior or exterior light source, which exterior light source is primarily designed to illuminate such sign.

### Incombustible Material

“Incombustible Material” means any material which will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit and will not continue to burn or glow at that temperature. Test for an Incombustible Material shall be conducted as specified in the Uniform Building Code.

### Integrated Shopping Center

“Integrated Shopping Center” means a premises planned and developed as a unit, which has an undivided or non-segregated parking area, that is advertised as a center and which has multiple occupancy.



Marquee

"Marquee" shall include any hood of permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare.

Nonstructural Trim

"Nonstructural Trim" means a molding, batten, cap, nailing strip, lattice, letter walkway attached to a sign structure.

Obscene Sign

"Obscene Sign" is a sign which contains words or pictures in which the dominant theme, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is without redeeming social value.

Off Premise

"Off Premise" means any sign, including but not limited to, a painted sign, Temporary Sign, permanent sign or outdoor advertising sign or Billboard, which sign advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities or not located on the premises on which the sign is located.

Pole Sign

"Pole Sign" includes any sign supported by one or more uprights or braces placed upon the ground and not attached to or forming part of a building.

Projecting Sign

"Projecting Sign" means a sign other than a Wall Sign which projects beyond the building face to which it is attached.

Projection

"Projection" means the distance by which a sign extends over public property or beyond the building line.

Reader Board

"Reader Board" means any sign not permanently attached to the ground or building and capable of being moved from place to place, including signs attached to vehicles and trailers.

### Roof Sign

“Roof Sign” shall mean a sign erected upon the roof.

### Scroll or Scrolling

“Scroll” or “Scrolling” means the changing of a sign text or display by the apparent vertical movement of the visual image, such that a new visual image appears to ascend or descend and disappear from the margins of the sign in a continuous or unfurling movement.

### Seasonal Sign

“Seasonal Sign” is a Temporary Sign relating to the celebration or observance of a holiday or special event placed at or around the time of the holiday or special event and removed within a reasonable time thereafter.

### Sign

“Sign” means any written message, light (other than a light used primarily to illuminate a building or premises), emblem, time-temperature display, street clock, figure or mannequin, painting, drawing, device, structure, fixture, portable merchandise display, placard, poster or any other thing that is designed, used or intended for advertising purposes or to inform or to attract the attention of the public and includes the sign structure, Display Surfaces and all other component parts of the sign.

### Static Display

“Static Display” is sign text or display which does not change.

### Temporary Sign

“Temporary Sign” means any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, plywood, wood, wall board, plastic, sheet metal or other similar light materials with or without frames, which is not permanently erected or permanently affixed to any sign structure, sign tower, or building and which is not an electric sign or an internally illuminated sign.

### Time and Temperature Sign

“Time and Temperature Sign” means an electronically controlled time and temperature display.

### Travel

"Travel" means the changing of a sign text or display by the apparent horizontal movement of the display.

### Uniform Sign Code

"Uniform Sign Code" means the Uniform Sign Code as adopted by the City of Independence, Oregon.

### Video Sign

"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 intensity.

### Wall Façade for Signs

"Wall Façade for Signs" means a sign structure designed for the placement of principal or secondary signs and erected upon the top of a wall or on a wall or parapet of a building in the same general plane as the wall.

### Wall Sign

"Wall Sign" means a sign which is painted on or attached to or erected against the wall, window, or parapet of a building or structure or against the faces or ends of a Marquee or Canopy or on a Wall Façade for signs with the exposed face of the sign in a plane parallel to the plane of said wall or face and projecting not more than 12 inches therefrom. Wall Sign also means and includes principal or secondary sign erected in supporting or ornamental columns attached to and located under an overhanging roof, which sign is erected in a plane generally parallel to the nearest face of the building.

### Window Sign

"Window Sign" means a sign that is applied to, attached to, or located within the interior of a window.

### 58.020 Permits Required, Information Required in Application.

It shall be unlawful for any person to Erect, alter or relocate within the City any sign without first obtaining any required sign permit from the City Manager or designee and paying any fee required by Section 58.035 hereof or to Erect a sign not specifically authorized by this ordinance. Applications for sign permits shall be made upon forms provided by the City Manager or designee. The City Manager or designee may require

the filing of sufficient information to determine compliance with the Sign Ordinance and the zoning ordinance.

58.025 Permit Issuance.

It shall be the duty of the City Manager or designee, upon the filing of an application for a permit, to examine such plans and specifications and other data and the premises upon which it is proposed to Erect the sign or other advertising structure and, if it shall appear that the proposed structure is in compliance with all the requirements of the Sign Ordinance and all other laws and ordinances of the City, the permit shall then be issued.

58.030 Permit Void if Sign Not Erected Within 120 Days.

If the work authorized under a permit has not been completed within 120 days after date of issuance, the permit shall become null and void. If reasonable cause for extension is approved by the City Manager or designee, an extension may be granted.

58.035 Permit Fees.

Every applicant, before being granted a permit hereunder, shall pay to the City of Independence a permit fee for each sign or other advertising structure regulated by the Sign Ordinance. Said fees shall be established by resolution of the City Council.

58.040 Fee and Permit Exemptions.

The following signs shall be constructed, located, erected, displayed, and maintained so as to comply with all provisions and regulations of this ordinance, provided, however, that no fee and no permit or application will be required for such signs:

- A. Temporary Signs for nonprofit organizations (58.155), temporary political signs not exceeding 4 square feet (58.160), and temporary Real Estate "for sale" signs not exceeding 4 square feet in residential zones or 32 square feet in commercial or industrial districts (58.165) when located on the owner's property and not on any power poles, street sign or traffic poles, or upon any public property.
- B. Professional name plates not exceeding two (2) square feet in area.
- C. On-Premise Bulletin Boards not over ten square feet in area for public, charitable or religious institutions.
- D. Signs denoting the architect, engineer or contractors engaged upon the project under construction when placed upon the job site and not exceeding 32 square feet in area.
- E. Occupational signs denoting only the name and profession of the occupant in a commercial building, public institutional building or dwelling house,



and not exceeding two (2) square feet in area, under limits of the Sign Ordinance.

F. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of Incombustible Materials and not to exceed 10 square feet in area.

G. Official traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary emergency or non-advertising signs as may be approved by the City Manager or designee.

H. Structures intended for a separate use such as phone booths, Goodwill containers, etc.

I. Temporary Signs not exceeding four (4) square feet.

J. Window Signs.

K. Historical site plaques.

L. Official flags of the United States of America, counties, municipalities, official flags of foreign nations, and flags of internationally and nationally recognized organizations.

M. Directional and Safety Signs.

N. Sandwich (A-frame) Board, Reader Board or Temporary Signs – provided that:

1. The height does not exceed 48 inches (30 inches if within 20 feet of an intersecting street).
2. The width does not exceed 30 inches (24 inches if within 20 feet of an intersecting street).
3. No more than one sign per business.
4. The sign is located immediately adjacent to the building or immediately adjacent to the curb and not on the sidewalk proper.
5. The sign is displayed only during hours when the business is open to the public.
6. The sign is located within a reasonable distance of the actual business and in no case more than one block away.
7. The sign is made by a person or firm that is lawfully established to manufacture and/or produce commercial signs including signs painted freehand.

58.045 Permit – Revocable at Will.

All rights and privileges acquired under the provisions of this ordinance or any amendment thereto, are mere permits revocable at any time by the City Council.

58.050 Revocation of Permits.

The City Manager or designee is hereby authorized and empowered to revoke any permit issued under §58.025, above, upon failure of the holder thereof to comply with any provision of the Sign Ordinance. Sign permits issued based on inaccurate information shall be null and void.

58.055 Construction Standards.

All signs shall be designed and constructed to withstand wind pressure loads and seismic loads and dead loads as required in the Uniform Sign Code.

58.060 Construction Standards for Temporary Signs.

All Temporary Signs shall be constructed to the following standards: All exposed parts of the sign shall be constructed of such materials or treated in such a manner that normal rainfall or other moisture shall not harm, deface or otherwise affect the sign.

58.065 Unsafe, Damaged, Obsolete, or Illegal Signs to be Removed and/or Repaired; Procedure for Removal by City.

All signs, including exempt signs, together with their supports, braces, and guys shall be maintained in a safe and secure manner. If the City Manager or designee shall find that any sign or other advertising structure regulated by Independence Sign Code is unsafe or insecure or has been constructed or erected or is being maintained in violation of the provisions of this ordinance or of the Uniform Sign Code, he shall give written notice to the permittee or owner thereof. If the permittee or owner fails to remove or alter the structure so as to comply with the standards herein set forth within 30 days after such notice, such sign or other advertising structure which is an immediate peril to persons or property [is] to be removed summarily and without notice by the City. Any cost incurred by the City shall be the responsibility of the property owner. Should the permittee or owner of the property fail to remove or alter the sign or advertising structure as directed, the permittee/owner shall become subject to punishment, upon conviction thereof, under the provisions of Section 58.240.

58.070 Changing Image Signs.A) Location.

- 1) Changing Image Signs shall be allowed in all Industrial Zones (IH), (IL), (IP), the Public Service zone (PS), and the Mixed use Pedestrian Friendly Zone and Downtown Overlay Zone (MUPC).
- 2) Changing Image Signs are prohibited on property within the Independence Historic District, and on property abutting and adjacent to the Independence Historic District without approval from the Independence Historic Preservation District Commission.
- 3) One (1) Changing Image Sign is permitted per site or multi-tenant complex and shall only be allowed as part of a permanent Freestanding Sign or Wall Sign.
- 4) The Changing Image Sign portion of any Freestanding Sign shall be no higher than ten (10) feet above the existing ground level.
- 5) Changing Image Signs must be permanently mounted to the ground or a structure.
- 6) A double sided Changing Image Sign is permitted as part of a permanent Freestanding Sign.

B) Design Standards.

- 1) Maximum sign Area: 24 square feet.
- 2) Maximum height: Four (4) feet.
- 3) Maximum length: Twelve (12) feet.
- 4) A maximum of two (2) lines of text shall be displayed at once.
- 5) Scrolling text is not allowed
- 6) The sign shall only display letters, numbers and punctuation marks or an LED image, intended to convey a message in a narrative form. Said message shall be limited to advertising items available on the premises, conveying information pertinent to services provided on the premises, promoting community events and displaying time and temperature.
- 7) The sign may not be illuminated by a flashing light or a light that varies in intensity.

- 8) The sign may not have a Display Surface that creates the appearance of movement.
- 9) The sign must not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of 150 feet.
- 10) The sign must be equipped with a light sensor that automatically adjusts the intensity of the sign lighting according to the amount of ambient light.
- 11) The sign must be designed, constructed, and operated to freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.

#### C) Change of Display

- 1) The actual change of display for a Changing Image Sign shall be completed in two seconds or less. Displays may change by fade or by instantaneous change from one display to another, but shall remain as a static display after completing the change, and, once changed, shall remain static for 30 seconds, per §58.070.B.8, above.
- 2) The use of dissolve, Travel and video display are prohibited. The display image may be depicted in full color.

#### 58.120 Non-Conforming Signs.

If, at the time of passage of this Ordinance, a sign does not conform to the provisions of the Ordinance, said sign may be continued and maintained in reasonable repair. This "grandfather" status, however, shall not prevent the City from taking action where a clear and immediate threat to the public safety and welfare exists. Non-conforming signs, which are structurally altered, relocated, or replaced, shall comply immediately with all provisions of this ordinance. If a non-conforming sign is destroyed by any cause to the extent of more than 60 percent of its value, then and without further action by the Planning Commission, the sign shall be subject to all applicable regulations of the Sign Ordinance. For the purpose of this Ordinance, the value of any sign shall be the estimated cost to replace the sign in kind, as determined by the Building Inspector. Independence City Code Section 12.25.150(14)(g) supersedes and takes precedence over this section of the Independence Sign Ordinance.

#### 58.125 Banner Signs.

##### A. Permits.

1. No person, firm, corporation, or association shall display or cause to be displayed over or upon the city streets of the City of Independence, Oregon, any Banner Signs without having first obtained a permit, said



permit being subject to the approval and authorization of the Public Works Superintendent.

2. A request for a banner permit shall be on forms provided by the City and shall show the approximate location of the proposed installation or installations, height above street or sidewalk, location on pole or building, the approximate size of banner sign to be displayed; whether the banner sign is to be attached to utility poles, buildings or other structures, together with the date of installation and the date of removal.

3. Upon satisfactory evidence that all requirements of this ordinance have been fully complied with by the applicant, and upon satisfactorily showing that permission of the property owner has been obtained and that all conditions, rules, and regulations required by said property owner have been complied with, the Public Works Superintendent shall issue a permit for the installation as requested, providing that, in his judgment, no other requirements or additional safeguards other than those mentioned herein, would be in the interest of the public safety.

**B. Insurance Requirement.**

The grantee shall file with the permit application a certificate of insurance naming the City of Independence and the property owner as additional insured at a minimum of \$1,000,000 combined single limit bodily injury and property damage. Said insurance to be for the protection of any persons sustaining bodily injury or property damage resulting from the placement, maintenance, or removal of said Banner Signs.

**C. Installation/Removal Requirements.**

1. Banner Signs, other than those installed by utility company crews, are to be installed from a mechanical hoist or OSHA approved procedures and equipment, so that the individuals making installations do not have to climb utility poles.

2. The holder of a permit for a banner sign shall be responsible for the maintenance of said banner sign in a safe condition at all times and for its safe and prompt removal upon the expiration of the permit authorized or in the event said sign may become a hazard upon the public streets at any time.

3. Banners shall be prohibited as a permanent sign and are limited to 30 days, unless an extension is approved by the Planning Commission.

4. The City Manager or designee as well as the property owner involved, shall have the right to remove or cause to be removed any

unauthorized, not maintained, improperly hung banners, or banners that are a hazard upon the public street without notice to the person, firm, corporation or association responsible for the display of the banner sign.

D. Private Commercial Advertising.

Section 58.125(A-C) does not apply to banners used for private commercial advertising that are contained wholly on private property. Other sections of the Sign Ordinance apply as appropriate.

58.130 Procedure for Obtaining Variance and Appeals.

Any person desiring a variance of the Sign Ordinance must first make application for a sign permit and have such permit denied or have the City Manager or designee fail to issue the permit. The applicant may appeal the decision to the Planning Commission, with or without a request for a variance.

58.135 Jurisdiction and Power of Planning Commission.

The Planning Commission shall have the power and duty to hear and decide appeals by the sign permit applicant from a decision of the City manager or designee denying or failing to grant, vary or revoke a sign permit. The Planning Commission may also make recommendations to the Council for changes to the Sign Ordinance.

58.140 Appeals Without Petition for Variance.

In appeals to the Planning Commission from decision of the City Manager or designee denying a sign permit in connection with which no petition for variance has been filed, the Planning Commission's scope of review shall be limited to determining whether or not the decision is in accordance with the requirements of the Sign Ordinance and accordingly, affirm or reverse his decision. No variance from the requirements of the Sign Ordinance shall be granted or allowed. If the decision is reversed, a copy of said decision shall be forwarded to the City Manager or designee.

58.145 Appeals With Petition for Variance.

In appeals from decision of the City Manager or designee denying or refusing to grant a sign permit in connection with which the appealing party or any other interested party has filed a Petition for Variance, the Planning Commission shall have the power and duty to hear, decide and grant or deny the requested variance from the provisions or requirements of the Sign Ordinance. The Planning Commission shall follow the requirements of the Independence Zoning and Development Code pertaining to Variances, except that the Planning Commission shall also be required to find that the granting of the variance will not be contrary to the general objective of the Sign Ordinance of moderating the size, number and obtrusive placement of signs and the reduction of clutter. Variances can be granted under the variance procedures herein to

alleviate unusual hardships or extraordinary circumstances which exist. The variance granted shall be the minimum required to alleviate the hardship or extraordinary circumstances and the hardship or circumstance shall not be self-imposed.

58.150 Prohibited Signs.

No sign shall be constructed or erected:

- A. Which purports to be, or is an imitation of, or resembles an official traffic sign or signal, which bears the words "STOP", "GO SLOW", "CAUTION", "DANGER", "WARNING", or similar words.
- B. Which, by reason of its size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control device; or which hides from view any traffic or street sign or signal.
- C. Which are off-premise signs and Billboards which advertises or publicizes an activity, business, product or service not conducted on the premises upon which such signs are maintained.
- D. Which rotates or has a rotating or moving part except those that conform to Section 58.125 of this ordinance and have all moving parts at least eight (8) feet above ground level. Rotating signs must conform to all sections of this ordinance including those relating to size and height restrictions. Reader Board signs shall not be allowed to rotate. Barber poles are excepted from this provision.
- E. Which consists of banners, flags, posters, pennants, ribbons, streamers, strings or light bulbs, spinners or elements creating sound or smell which are signs defined by the code, except holiday decorations.
- F. Which shall be located so as to substantially obstruct the view of a sign on adjoining property when viewed from a distance of 200 feet at any point four (4) feet above the roadway Grade of the traffic lane closest to the street property line.
- G. Which shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision.
- H. Which flash; except for signs conveying time, temperature, no sign shall be wholly or partially illuminated by an internal or external light source that is flashing or intermittent.
- I. Wall graphics or murals except by permission of the City Council.

- J. Signs attached to utility, streetlights, or traffic control standard poles or otherwise located in the public right-of-way without a permit.
- K. Signs in a dilapidated or hazardous condition.
- L. Signs on doors, windows, or fire escapes that restrict free ingress or egress.
- M. Swinging signs.
- N. Signs which focus or flash a beam of light into the eyes of a driver of a motor vehicle upon a street within 200 feet from such sign.

#### 58.155 Temporary Signs for Nonprofit Organizations.

Temporary advertising signs, advertising picnics, bazaars, luncheons, breakfasts, etc., of churches, service clubs, fraternal organizations and other non-profit or charitable organizations, may be erected for a period not to exceed two (2) weeks before the event advertised. Each such sign shall conform to all provisions of the Sign Ordinance. All such signs shall be removed by the sponsoring organization not later than five (5) days following the event. Any such signs which have not been removed within five (5) days after the event shall be removed by the City of Independence, and the sponsoring organization, or, if such cannot be found, the owner of the property upon which the sign was erected, shall be charged the cost of removing such sign.

#### 58.160 Temporary Political Signs.

Temporary political signs, purporting to advertise candidates or issues, may be erected on private property, during the campaign for a period of 60 days prior to the election in which such candidates or issues are to be voted upon. Such signs shall conform to all other applicable provisions of the Sign Ordinance, and shall be removed not later than the fifth day following such election. Any such signs which have not been removed by the sixth day following such election may be removed by the City of Independence, and the owner of the property upon which the sign was erected shall be charged the cost of removing such sign. Such signs shall not exceed four (4) square feet in area.

#### 58.165 Temporary "For Sale" Signs.

A temporary "For Sale" sign, not exceeding 4 square feet in area or a maximum dimension of four (4) feet, may be erected on private property, provided that it advertises the sale, lease or rental of only the property upon which it is erected. One additional "For Sale" or "Open House" sign limited to the same size may be placed on private property with consent of the person in possession of the property and outside of vision clearance areas.

58.170 Temporary Subdivision Signs.

A temporary subdivision sign may be erected upon a tract of land or a subdivision advertising the sale of the tract or the lots in the tract and not exceeding 42 square feet in area. The sign shall be reduced in size by six (6) square feet for each lot less than seven (7) in the subdivision.

58.175 Temporary Garage and Lawn Sale Signs.

Temporary advertising sign advertising a garage or lawn sale may be erected as provided under Independence City Code Sections 58.060, 58.180, and 58.185.

58.180 Specific Signs Permitted in any Residential Zone.

The following signs and no other are permitted in any residential zone:

- A. One permanent Ground Sign for each subdivision or Planned Unit Development, not exceeding 24 square feet in sign area, five (5) feet in height or six (6) feet in length; or one Wall Sign not exceeding 32 square feet in area. Such sign shall denote only the name of the subdivision or Planned Unit Development. It shall be located only at the principal entrance to a subdivision or Planned Unit Development.
- B. One permanent sign for apartment houses, rest homes, and churches which may be one Ground Sign not exceeding 24 square feet in sign area, eight (8) feet in height or six (6) feet in length or one Wall Sign not exceeding 24 square feet in area.

58.185 General Requirements of Signs in any Residential Zone. Shall conform to the following requirements:

- A. No sign shall be illuminated with or by a flashing or intermittent light source. All lights shall be directed away from and not be reflected upon adjacent premises. All illumination shall be indirect.
- B. No permitted sign shall be animated, shall rotate, or shall contain moving parts.
- C. Where a building fronts on two or more streets, the permitted sign shall be erected and maintained on or in front of the principal side of the building.
- D. No Ground Sign shall be erected or maintained within seven (7) feet from back of sidewalk. If no sidewalk exists the sign shall be placed 25 feet from approximate centerline of abutting street. Permitted signs shall conform to all other location requirements of the Sign Ordinance.

58.190 General Requirements for Signs in Commercial and Industrial Zones.

A. Every business shall be allowed a total sign area, including both permanent and Temporary Signs, but excluding Directional and Safety Signs; of  $\frac{3}{4}$  square feet per property frontage foot to a maximum of 150 square feet. If all signs are Wall Signs, a total of 1.5 square feet to a total maximum of 300 square feet are allowed. Signs in commercial and industrial zones shall also conform to the requirements of Section 58.070 and Sections 58.190 through 58.225.

B. In addition, every business shall be allowed a temporary display of signs and banners for special promotions provided that the promotional displays are used no more than one time per month and for no more than 10 consecutive days and do not exceed the area allotted in subsection (A).

58.195 Projecting Sign Requirements.

A. Distance. The minimum clearance from the Grade or sidewalk below to the lowest portion of the sign shall be eight (8) feet, except barber poles which may have a six-foot minimum. Barber poles may not project more than 18 inches from the building surface.

B. Height. The maximum height of the sign shall be not more than 25 feet from the level of the street. It must also not be more than three (3) feet above the top of the parapet wall or the roof line of the wall, whichever is higher.

C. Projection Limitation. Projection shall conform with Table 4 of the Uniform Sign Code.

D. Each business shall be allowed a maximum of three (3) Wall Signs.

58.200 Wall Facades for Signs.

A. Except as provided in subsection (B) of this section, Wall Façades for signs may extend the full length of the wall to which they are attached but shall not exceed a height above the roof line of the wall or the top of the parapet greater than four (4) feet.

B. If a Wall Façade for signs extends the full length of the wall, the maximum height of the Wall Façade shall not exceed four (4) feet measured from the roof line directly behind the wall to the top of the Wall Façade. If it is less than full length, there shall be five (5) feet clearance at the end of a wall and such façade shall conform to the Uniform Building Code.

C. The supporting structure for all Wall Façades for signs shall be completely enclosed so as not to be visible from any public street, alley or adjacent property.

58.205 Limitation on Signs Attached to Marquees.

Signs attached to, or hung from a Marquee shall be completely within the borderline of the Marquee outer edge. Signs located on the faces of a Marquee shall be regulated as Wall Signs. Signs may be located under a Marquee if a vertical clearance of eight (8) feet is maintained between the sign and the Grade below. No supporting member of any sign suspended under a Marquee shall pierce or extend through the Marquee. Under-the-Marquee signs shall be limited to a vertical height of 14 inches and a maximum sign area of six (6) square feet.

58.215 Signs Permitted for Second Story Business.

Businesses maintained on the second floor of a two-story building, except businesses which also occupy all of a portion of the first floor, shall be entitled to fifty percent of the dimensions and distances set forth in this sign regulation, excepting no Projecting Signs shall be permitted above the second story of the building, unless otherwise provided in the Sign Ordinance.

58.220 Signs for Integrated Shopping Centers.

A. Signs permitted by this section shall be the only signs permitted in an Integrated Shopping Center. Specific permitted signs are:

1. One Freestanding Sign for the center for each street frontage on a designated arterial or designated collector street. The height of such sign is limited to 25 feet. The maximum height may be increased five (5) additional feet if the added portion is used solely for ornamental sign design and if it does not contain any advertising message or symbol. Portions of such sign used solely for ornamental sign design erected in the area above the principal portion of the sign and within the five (5) additional feet of maximum height permitted by this paragraph shall not be computed in determining sign area. Sign area of such sign is limited to 150 square feet.
2. Temporary promotional or sign displays for a center-wide promotion or event, to be removed immediately upon cessation of such event or promotion.
3. Directional signs identifying vehicle entrance and exists, limited to eight (8) square feet in area and four (4) feet in height.
4. On-premise directional sign limited to eight (8) square feet in area, designed primarily to be used only to identify and locate an office, entrance, exit, telephone or similar place.
5. Temporary Signs as provided in sections 58.150 through 58.475.



B. Special signs for individual businesses in Integrated Shopping Centers are:

1. One Wall Sign for each facing or frontage on a designated arterial or designated collector street or parking lot.
2. One under-Marquee sign for each frontage for each business.

58.225 Signs Within Setbacks.

Where the supporting member of any sign is to be erected within a special setback area established pursuant to the Independence Zoning and Development Ordinance, no permit shall be issued for such sign until the person who will own the sign and the owner of the premises upon which the sign will be erected, enter into a written agreement with the City of Independence, Oregon, providing for removal of such supporting member when necessary. The agreement shall provide that the sign owner and the owner of the premises, their administrators, executors, heirs, successors and assigns shall be jointly and severally liable for removal of the sign after 60 days written notice from the Building Official. Such notice shall be given by the City of Independence when necessary. The agreement shall further provide that if the persons responsible for removal of the supporting member do not remove it, the City of Independence may do so at expense of such persons and that the cost of expense may be a lien against such land or premises and may be collected or foreclosed in the same manner as liens entered in the docket of the City. The agreement shall also provide that the owner of the affected premises and the owner of the sign shall not be entitled to any damages or compensation on account of moving or removing of the supporting member or portion thereof. This provision shall not be construed as denying the owner of such property of the right to compensate for any land taken for the widening of any street. The agreement shall be acknowledged before an officer authorized to take acknowledgements to deeds and who is to authorize the same to be of record. The City of Independence shall cause such agreement to be recorded at the office of the county officer having custody of the deed records for Polk County.

58.230 Uniform Sign Code Still in Effect.

The provisions of the Uniform Sign Code, as adopted from time to time are still in full force and effect.

58.235 Periodic Review and Assessment.

The Code Enforcement Officer of the City of Independence will periodically review and assess the conformity of existing signs to this Ordinance.

58.240 Penalties.

Any violation of the provisions of this chapter shall be a violation of the Independence City Code and shall result in a restraining order, stop-work order or fine and any other remedy authorized by the laws of the State of Oregon. None of the remedies listed above shall be exclusive.

City of Independence  
PO Box 7  
Independence, OR 97351

DEPT OF

JAN 20 2015

LAND CONSERVATION  
AND DEVELOPMENT



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635 Capitol St NE, Su. 150  
Salem OR 97301-2540