

Milwaukie Municipal Code

[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [+ Expand](#) [? Search](#) [# Print](#)

Title 14 SIGNS

[Chapter 14.04 GENERAL PROVISIONS](#)

[Chapter 14.08 ADMINISTRATION AND ENFORCEMENT](#)

[Chapter 14.12 SIGNS PROHIBITED OR EXEMPTED](#)

[Chapter 14.16 SIGN DISTRICTS](#)

[Chapter 14.20 SIGNS IN PUBLIC RIGHTS-OF-WAY](#)

[Chapter 14.24 SIGN CONSTRUCTION, MAINTENANCE AND LIGHTING](#)

[Chapter 14.28 REMOVAL OF SIGNS IN VIOLATION](#)

[Chapter 14.32 VARIANCES](#)

Milwaukie Municipal Code

[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [+ Expand](#) [? Search](#) [# Print](#)

[Title 14 SIGNS](#)

Chapter 14.04 GENERAL PROVISIONS

[Show All](#)

[14.04.010 Title.](#)

[14.04.020 Purpose.](#)

[14.04.030 Definitions.](#)

[14.04.040 Zoning districts.](#)

Milwaukie Municipal Code[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [- Collapse](#) [? Search](#) [# Print](#)[Title 14 SIGNS](#)**Chapter 14.04 GENERAL PROVISIONS****14.04.010 Title.**

This chapter shall be known and may be cited as the “sign ordinance of the city of Milwaukie, Oregon.” (Ord. 1733 § 1(1) (Exh. A) (part), 1993)

14.04.020 Purpose.

The Council of the city of Milwaukie, Oregon, finds and declares that it is necessary to regulate the construction, erection, maintenance, electrification, illumination, type, size, number and location of signs in order to:

- A. Protect the health, safety, property and welfare of the public;
- B. Maintain the neat, clean, orderly and attractive appearance of the city;
- C. Provide for the safe erection and maintenance of signs;
- D. Eliminate signs that demand, rather than invite, public attention;
- E. Preserve and enhance the unique scenic beauty of Milwaukie. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

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:

“Area” or “area of a sign” means the area to and within an established sign edge, frame or perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter, or the area of a sign having an irregular shape, shall be computed by enclosing the surface area within a circle, square, rectangle and/or triangle. The area of all signs in existence at the time of the enactment of the ordinance codified in this chapter, whether conforming or nonconforming, shall be counted in establishing the permitted sign area of all new signs to be allowed for an individual business on a premises. Where a sign is of a three dimensional or round or irregular solid shape, the largest cross section shall be used, as though it were a flat surface,

to determine sign area.

“Awning” means either a permanent or retractable structural extension off a building or structure which has a minimum ground clearance of eight feet, an extension of at least three feet, and is intended for the purpose of pedestrian cover.

“Canopy” means a covered structural extension off a building or structure which has a minimum ground clearance of eight feet, an extension of less than three feet, and is generally not intended for the purpose of pedestrian cover.

“City” means the city of Milwaukie, Oregon.

“Clearance” is measured from the highest point of the grade below the sign to the lowermost point of the sign.

“Display surface” means the area made available by the sign structure for the purpose of displaying the message.

“Downtown zones” means the DS, downtown storefront; DC, downtown commercial; DO, downtown office; DR, downtown residential; and DOS, downtown open space zones as defined in the zoning ordinance.

“Erect” means to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs.

“Face of a building” means all window and wall area of a building in one plane.

“Flag” means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

“Frontage” means the length of the property line of any one premises along each public street it borders. Each portion of the premises abutting a separate street shall be considered as a separate frontage.

“Height” is measured from the highest point of the grade below the sign to the topmost point of the sign.

“Home occupation” means an occupation carried on at a dwelling as an accessory use to the dwelling, with the activity conducted in such a manner as to give no appearance of a business, and with no infringement upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

“Maintain” means to permit a sign, sign structure or part thereof to continue, or to repair or refurbish a sign, sign structure or part thereof.

“Manufacturing zones” are the M, manufacturing, and BI, business industrial, zones as defined in the zoning ordinance.

“Marquee” means a permanent roof-like structure attached to and supported by a building and projected therefrom.

“Neighborhood commercial zone” means the C-N, neighborhood commercial, zone as defined in the zoning ordinance.

“Other commercial zones” means the C-L, limited commercial; DS, downtown storefront; DC, downtown commercial; DO, downtown office; C-CS, community shopping commercial; and C-G, general commercial, zones as defined in the zoning ordinance.

“Parapet or parapet wall” means that part of any exterior wall which extends above the roofline.

“Permittee” means a person who has applied for a city sign permit to allow placement or erection of a sign covered by this ordinance, or a person who has not as yet applied for a sign permit, but will be required to do so due to an intent to place or erect a covered sign, or by the premature placement or erection of a covered sign.

“Person” means any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a syndicate, branch of government, or any other group or combination acting as a unit.

“Premises” means a lot, parcel or tract of land occupied, or to be occupied, by a building or unit or group of buildings and its accessory buildings. If more than one business or activity is located on the lot, parcel or tract of land, each separate business shall be considered as a separate premises.

“Projection” means the distance by which a sign extends from its supporting structure.

“Residential zones” means the R-10, R-7, R-5, R-3, R-2.5, R-2 and R-1 residential zones as defined in the zoning ordinance.

“Residential-office-commercial zone” means the R-O-C, R-1-B and DR zones as defined in the zoning ordinance.

“Sign” means a presentation or representation by words, letters, figures, designs, pictures or colors displayed out-of-doors in view of the general public so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation or a request for aid or other message. This definition includes, but is not limited to, billboards, ground signs, marquees, awnings, canopies and street clocks, and includes the surface upon which the message is displayed.

Sign, Abandoned. “Abandoned sign” means any sign located on a premises when the business or activity to which it relates is no longer conducted or in existence on the

premises.

Sign, Awning. “Awning sign” means a sign which is painted onto, attached or affixed to, the surface of an awning, or is suspended underneath an awning.

Sign, Banner. “Banner sign” means a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. A banner sign may be used as a wall sign provided appropriate wall sign standards are met. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, Bench Advertising. “Bench advertising sign” means a sidewalk bench which displays a message and is subject to the provisions of Chapter 12.20 of the Milwaukie Municipal Code.

Sign, Billboard or Outdoor Advertising. “Billboard or outdoor advertising sign” means a freestanding sign not pertaining to, or unrelated to, the activity of the premises on which it is located and with display surface or surfaces primarily designed for purposes of painting or posting a message thereon at periodic intervals.

Sign, Cabinet. “Cabinet sign” means a sign in which the display face is mounted on or attached to the front of a self contained “box like” structure, which usually houses a light source, and is affixed to a building or other structure.

Sign, Canopy. “Canopy sign” means a sign painted onto, or attached to, the face of a canopy. For purposes of calculating sign area, the entire exposed face of the canopy shall be designated the sign area. Canopy signs shall be considered to be wall signs for the purposes of determining size allowances.

Sign, Changing (Automatic). “Changing sign (automatic)” means a sign such as an electronically or electrically controlled public service, time, temperature and date sign, message center, or reader board, where different copy changes are shown on the same lamp bank.

Sign, Daily Display. “Daily display sign” means a nonpermanent on-premises sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors during off-hours. Daily display signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved.

Sign, Externally Illuminated. “Externally illuminated sign” means a sign illuminated by an exterior light source or luminous tubing which is primarily designed to illuminate only

the sign.

Sign, Fence. “Fence sign” means a sign attached to the side of a fence on a permanent basis.

Sign, Fin. “Fin sign” means a sign which is supported by a pole or poles and partly by a building.

Sign, Flashing. “Flashing sign” means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service, time, temperature and date signs or electronically controlled message centers are classed as changing signs, not flashing signs.

Sign, Freestanding. “Freestanding sign” means a sign wholly supported by a sign structure in the ground. Freestanding signs include pole signs and monument signs.

Sign, Hanging. “Hanging sign” is a sign that is suspended below a canopy, awning, or other portions of a building and typically oriented perpendicular to pedestrian or vehicular travel.

Sign, Internally Illuminated. “Internally illuminated sign” means a sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

Sign, Kiosk. “Kiosk sign” means any sign with multiple display surfaces for view by pedestrians, that illustrates the layout of a development and lists tenants and/or businesses in a specific area.

Sign, Monument. “Monument sign” means any sign affixed to a base which has a width that is equal to or greater than the width of the sign.

Sign, Noncomplying. “Noncomplying sign” means any sign which is constructed after the effective date of the ordinance codified in this chapter in violation of any of the provisions of this chapter.

Sign, Nonconforming. “Nonconforming sign” means a sign in existence or under construction on the effective date of the ordinance codified in this chapter which does not conform to the provisions of this chapter, but which was or is being constructed, erected or maintained in compliance with all previous regulations.

Sign, Notice. “Notice sign” means a sign posted by either a public agency or private individuals intended to convey information of a legal nature pertaining to specific properties. Examples of notice signs include building permits, no trespassing notices, public hearing notices and similar signs.

Sign, Off-Premises. “Off-premises sign” means a sign not pertaining to or unrelated to the activity of the premises on which it is located.

Sign, On-Premises. “On-premises sign” means a sign pertaining to or related to the activity of the premises on which it is located.

Sign, Pennant. “Pennant” means a shaped, lightweight sign made of plastic, fabric or other material (whether or not containing a message of any kind) suspended from a rope, wire or string, usually in a series and designed to move in the wind.

Sign, Pole. “Pole sign” means a freestanding sign in which the display face of the sign is supported on a base which may be tubular, columnar or rectangular in shape and in which any portion of the base or support structure has a width that is less than the width of the display surface of the sign.

Sign, Portable. “Portable sign” means a sign which is not permanently attached to the ground or other permanent structure and is intended to be transported to a site for purposes of display. A portable sign may or may not be mounted on wheels and may or may not include flashing or moving lights and removable lettering or display surface.

Sign, Projecting. “Projecting sign” means and includes any sign which is attached to a building and extends more than twelve inches beyond the line of the building or more than twelve inches beyond the surface of that portion of the building to which it is attached.

Sign, Public Service Information. “Public service information sign” means any sign intended primarily to promote items of general interest to the community, such as time, temperature, date, atmospheric conditions, news or traffic control, etc.

Sign, Roof. “Roof sign” means a sign erected upon or above a roof or parapet of a building.

Sign, Temporary. “Temporary sign” means any sign, regardless of construction materials, which is not permanently mounted and is intended to be displayed on an irregular basis for a limited period of time.

Sign, Time and Temperature. “Time and temperature sign” means a sign providing only time and/or temperature information.

Sign, Under-Marquee. “Under-marquee sign” means a sign which is erected or maintained under, and supported or partially supported by, a marquee.

Sign, Unsafe. “Unsafe sign” means any sign determined to be a hazard to the public by the city manager or duly authorized representative.

Sign, Wall. “Wall sign” means any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, the angle of said wall not to exceed thirty degrees from the vertical. Wall signs may not project more than twelve inches from the wall to which they are attached. Painted wall decorations which include a message are considered to be wall signs.

Sign, Window. “Window sign” means a sign, pictures, symbols, neon tubing or combination thereof, designed to communicate information, that is placed within a window and directed towards the outside of the window. Window signs do not include painted or printed displays of a temporary nature associated with holidays.

“Structural alteration” means any change in a sign or sign structure other than advertising message or normal maintenance.

“Written message” means the lettering, wording, numbers and/or other symbols on a sign intended to convey a message. Written message does not include notation on the sign identifying the sign installer or artist, provided such identification is less than one square foot in area. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1880 § 6 (Exh. A) (part), 2000; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

[14.04.040 Zoning districts.](#)

The regulations regarding signs contained in Chapter 14.16 relate to zoning districts which are defined in the zoning ordinance map, which is part of the zoning ordinance of the city. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

Milwaukee Municipal Code

[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [+ Expand](#) [? Search](#) [# Print](#)

[Title 14 SIGNS](#)

Chapter 14.08 ADMINISTRATION AND ENFORCEMENT

[Show All](#)

14.08.010 Permit—Required.

14.08.020 Permit—Fee.

14.08.030 Interpretation.

14.08.040 Enforcement authority.

14.08.050 Appeal.

14.08.060 Permit—Expiration.

14.08.070 Permit—Suspension or revocation.

14.08.080 Inspection of signs.

14.08.090 Conditional and community service use signs.

Milwaukie Municipal Code[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [- Collapse](#) [? Search](#) [# Print](#)[Title 14 SIGNS](#)**Chapter 14.08 ADMINISTRATION AND ENFORCEMENT**

14.08.010 Permit—Required.

All signs erected after the effective date of the ordinance codified in this chapter, other than exempt signs, shall require a sign permit. All applications for sign permits shall be submitted to, and in such form as may be required by, the city manager or duly authorized representative. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.08.020 Permit—Fee.

A fee as established by resolution of the city council shall be paid to the city of Milwaukie upon the filing of an application. Such fees shall not be refundable. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.08.030 Interpretation.

This chapter supersedes any provision dealing with signs in any previously adopted ordinance, resolution or regulation. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.08.040 Enforcement authority.

The city manager or the community development director shall have the power and duty to interpret and enforce the provisions of this chapter. An appeal from a ruling by the city manager or the community development director regarding a requirement of this chapter may be made only to the planning commission, who may hold a public hearing per the provisions of Ordinance 1712, the zoning ordinance, section 1011.3, Minor Quasi-Judicial Review. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.08.050 Appeal.

Any action or ruling of the planning commission pursuant to this chapter may be appealed to the city council per the procedures in Section 1002 of the zoning ordinance.

(Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.08.060 Permit—Expiration.

Every permit issued by the building official under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has noted one year. (Ord. 1733 § 1 (1)(Exh. A) (part), 1993)

14.08.070 Permit—Suspension or revocation.

The city manager or duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of any applicable ordinance or regulation or any of the provisions of this chapter. (Ord. 1733 § 1(1) (Exh. A) (part), 1993)

14.08.080 Inspection of signs.

Within two years from the date of passage thereof, the city manager or duly authorized representative shall inspect the signs of each business. After the inspection is completed, the city manager or duly authorized representative shall issue a notice of inspection to each business, listing the signs of the business, and noting those signs which need repair or modification and those signs which do not conform to the provisions of this chapter, including the termination date of the grace period for the particular sign. After initial inspection, a periodic review and inspection of signs shall be made as determined necessary and desirable by the city manager. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.08.090 Conditional and community service use signs.

Signs for uses requiring conditional use or community service use reviews shall be reviewed by the planning commission regarding size, height and location at the time of

conditional use or community service use review. Signs for prior conditional or community service uses that did not include a sign review at the time of planning commission approval shall be limited to one monument or freestanding sign with a per-display surface area limit of sixteen square feet and a maximum overall height limit of six feet above grade, and one wall sign not exceeding a display surface area limit of sixteen square feet, and one daily display sign per business not exceeding twelve square feet per display surface. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

Milwaukie Municipal Code

[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [+ Expand](#) [? Search](#) [# Print](#)

[Title 14 SIGNS](#)

Chapter 14.12 SIGNS PROHIBITED OR EXEMPTED

[Show All](#)

14.12.010 Exempted signs.

14.12.020 Prohibited signs.

Milwaukie Municipal Code

^ Up	« Previous	» Next	* Main	- Collapse	? Search	# Print
----------------------	----------------------------	------------------------	------------------------	----------------------------	--------------------------	-------------------------

Title 14 SIGNS

Chapter 14.12 SIGNS PROHIBITED OR EXEMPTED**14.12.010 Exempted signs.**

The following signs shall not require a sign permit but shall conform to all other applicable provisions of this chapter and shall be permitted in all zones, except as otherwise noted:

A. On-premises signs not exceeding four square feet in area, nonilluminated and not exceeding three feet in height if ground-mounted. Such signs may include, but are not limited to, property address or building numbers, names of occupants or premises, professional or home occupation nameplates, on-site directional and similar signs;

B. Temporary signs which are nonilluminated, have an overall face area not exceeding sixteen square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, construction signs, garage sale, open house, special event and similar signs. Such signs shall only be posted for the duration of the activity. See also Section 14.12.020M;

C. Signs placed for purposes of public direction and safety. Such signs may include, but are not limited to, traffic and municipal signs, directional signs for emergency services (such as hospitals, police and fire stations), legal notices, railroad crossing signs, danger signals and similar signs. Such signs may be placed within the public right-of-way subject to right-of-way permit requirements of Section 12.16.020 of the Milwaukie Municipal Code and Section 14.20.020;

D. Bench advertising signs which comply with all regulations in Chapter 12.20 of the Milwaukie Municipal Code;

E. Banners not exceeding a total display area of forty square feet per face and pennants not to exceed a length of fifty feet per site, used on premises in conjunction with temporary events and not in place longer than a period of thirty days;

F. Painted wall decorations or embellishments, or decorated banners, which are not accompanied by a written message;

G. Flags;

H. Signs carved into a building or which are a part of materials which are an integral

part of the building such as cornerstones, building names and similar signs;

I. Signs of public or legal notice;

J. Window signs in the downtown zones which occupy a total display area of no more than twenty percent of the window area. In all other commercial and manufacturing zones, window signs which occupy a total display area of no more than fifty percent of the window area. Window signs may not use materials subject to Section 14.12.020A;

K. Painted or printed displays in windows of a temporary nature associated with holidays. (Ord. 1880 § 6 (Exh. A) (part), 2000; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.12.020 Prohibited signs.

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

A. Moving signs or flashing signs, or any sign or advertising structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsations or by action of normal wind currents; excepting clocks, barber poles, public service information signs, including changing signs (automatic) and revolving signs which revolve at six revolutions per minute or less;

B. Signs erected within the right-of-way of any street, along any driveway, or in any other location which do not meet the requirements of Section 14.12.010C; or by reason of the location, shape, color, animation or message are likely to be confused with any traffic control device; or create a distracting or hazardous condition for motorists;

C. Such advertising devices as strings of lights, banners, pennants and balloons, except as permitted under Sections 14.12-.010E and F;

D. Temporary signs, except as permitted under Sections 14.12.010B, 14.12.010E and 14.12.010K;

E. Fin signs;

F. No sign shall be erected or maintained which by use of lights, illumination, sequential illumination or other form of total or partial illumination creates an unduly distracting or hazardous condition to a motorist or pedestrian;

G. Off-premises signs, except as defined elsewhere;

H. No sign or portion thereof shall be erected within future street right-of-way, unless

and until an agreement is recorded stipulating that the sign will be removed or relocated upon street widening at no expense to the city;

I. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway or standpipe; interferes with human exit through any window or any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation;

J. Portable signs, except as defined elsewhere;

K. Fence signs exceeding one square foot of sign face per fifty feet of fence length, excepting temporary signs intended for the sale or lease of the property containing the fence;

L. Window signs which obscure more than fifty percent of the window area or are not subject to the provisions of Section 14.12.010K;

M. Signs affixed to power, utility or traffic control poles other than city-approved traffic control signs and pole identification placards;

N. Searchlights.

O. Pole signs in the downtown zones. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

Milwaukie Municipal Code

[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [+ Expand](#) [? Search](#) [# Print](#)

[Title 14 SIGNS](#)

Chapter 14.16 SIGN DISTRICTS

[Show All](#)

14.16.010 Residential zone.

14.16.020 Residential-office- commercial zone.

14.16.030 Neighborhood commercial zone.

14.16.040 Commercial zone.

14.16.050 Manufacturing zone.

14.16.060 Downtown zones.

Milwaukee Municipal Code

^ Up	« Previous	» Next	* Main	- Collapse	? Search	# Print
----------------------	----------------------------	------------------------	------------------------	----------------------------	--------------------------	-------------------------

Title 14 SIGNS

Chapter 14.16 SIGN DISTRICTS**14.16.010 Residential zone.**

No sign shall be erected or maintained in an R zone, except as allowed under Section 14.12.010 or as otherwise noted in this section:

A. Permanent Subdivision or Mobile Home Park Signs.

1. Area. May have a maximum area of two square feet per dwelling unit to a maximum of thirty-two square feet for each sign and sixteen square feet per display surface, and total sign area for all display surfaces shall be no more than sixty-four square feet.

2. Height and/or Clearance. Freestanding sign limited to maximum height of six feet above grade.

3. Number. Limited to one sign per entrance.

B. Permanent Apartment or Condominium Signs. Either one freestanding or one wall sign per street frontage permitted.

1. Freestanding sign.

a. Area. Limited to two square feet per dwelling unit to a maximum area of thirty-two square feet, sixteen square feet per display surface.

b. Height and/or Clearance. Freestanding signs limited to a maximum height of six feet above grade.

c. Number. One freestanding sign per street frontage permitted.

2. Wall Sign.

a. Area. Limited to two square feet per dwelling unit to a maximum of thirty-two square feet.

b. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

c. Number. One wall sign per street frontage permitted.

C. Illumination. Signs in R zones may have external illumination only. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and

not be reflected upon, adjacent premises. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.16.020 Residential-office- commercial zone.

No sign shall be erected or maintained in an R-O-C or R-1-B zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Permanent Subdivision Signs.

1. Area. May have a maximum area of two square feet per dwelling unit to a maximum of thirty-two square feet for each sign and sixteen square feet per display surface, and total sign area for all display surfaces shall be no more than sixty-four square feet.

2. Height and/or Clearance. Freestanding sign limited to maximum height of six feet above grade.

3. Number. Limited to one sign per entrance.

B. Permanent Apartment or Condominium Signs. Either one freestanding or one wall sign per street frontage permitted.

1. Freestanding Sign.

a. Area. Limited to two square feet per dwelling unit to a maximum area of thirty-two square feet, sixteen square feet per display surface.

b. Height and/or Clearance. Freestanding signs limited to maximum height of six feet above grade.

c. Number. One freestanding sign per street frontage permitted.

2. Wall Sign.

a. Area. Limited to two square feet per dwelling unit to a maximum of thirty-two square feet.

b. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

c. Number. One wall sign per street frontage permitted.

C. Freestanding Business Sign.

1. Area. The maximum permitted area of a freestanding sign shall be thirty-two square feet per display surface and sixty-four square feet overall.

2. Height and/or Clearance. The maximum height of a freestanding sign shall be twelve feet.

3. Number. One freestanding sign is permitted in addition to one wall sign.

D. Wall Business Sign.

1. Area. The maximum permitted area of a wall sign shall be ten percent of the building face.

2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number. One wall sign is permitted in addition to one freestanding sign or two wall signs permitted.

E. Awning Sign.

1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to or affixed to the surface of an awning, is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.

3. Number. One awning sign per frontage per occupancy is permitted.

F. Daily Display Sign.

1. Area. The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.

2. Number. One daily display sign per business is permitted.

3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.

G. Illumination. Signs in R-O-C or R-1-B zones may have external illumination only. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. (Ord. 1917 § 3 (Exh. B) (part), 2003;

Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1880 § 6 (Exh. A) (part), 2000; Ord. 1733 § 1(1) (Exh. A) (part), 1993)

14.16.030 Neighborhood commercial zone.

No sign shall be erected or maintained in a C-N zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Freestanding Sign.

1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one and one-half square feet of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding forty square feet per display surface and eighty square feet over all.

2. Height and/or Clearance. Freestanding signs may not project over the top of a building or twenty feet, whichever is less.

3. Number. One freestanding sign is permitted in addition to one wall sign.

B. Wall Sign.

1. Area. The maximum permitted area of a wall sign shall be 20 percent of the building face.

2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number. Dictated by area requirements. Wall signs are permitted in addition to one freestanding sign.

4. Location. Limited to the building surface or surfaces facing the public right-of-way only.

C. Awning Sign.

1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to, or affixed to, the surface of an awning, is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight

feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.

3. Number. One awning sign per frontage per occupancy is permitted.

D. Daily Display Sign.

1. Area. The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.

2. Number. One daily display sign per business is permitted.

3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.

E. Illumination. Signs in C-N zones may have external illumination, in addition to lighting as noted in Section 14.24.020. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. (Ord. 1733 § 1(1) (Exh. A) (part), 1993)

14.16.040 Commercial zone.

No sign shall be erected or maintained in the C-L, C-G and C-CS zones, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Freestanding Sign.

1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one and one-half square feet of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage, plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding three hundred square feet of sign area per display surface for each sign, or a total of one thousand two hundred square feet for all display surfaces as authorized in Section 14.16.040A4.

2. Height and/or Clearance. The maximum height of any portion of a sign or sign structure shall be twenty-five feet from ground level at its base regardless of location. The minimum clearance below the lowest portion of a freestanding sign and the ground below shall be fourteen feet in any driveway or parking area.

3. Location. No freestanding sign, or any portion of any freestanding sign, shall be

located on or be projected over any portion of a street, sidewalk or other public right-of-way or property, except that those currently existing may project over such right-of-way for a distance not to exceed two feet.

4. Number. One multifaced freestanding sign shall be permitted on a street or highway frontage. Where a frontage exceeds three hundred feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a projected or roof sign.

B. Wall Sign.

1. Area. Wall signs shall not exceed in gross area twenty percent of the face of the building to which the sign is attached or on which the sign is maintained. This includes signs painted directly on the building surface.

2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number. No limit, dictated by area requirements.

C. Projecting Signs.

1. Area. Projecting signs shall not exceed in gross area twenty percent of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed twenty percent of the face of the building.

2. Height and/or Clearance. No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within two feet of the curb nor beyond the distances specified in the following table:

Table 14.16.040

**Projection of Signs Into Public
Rights-of-Way**

Clearance	Maximum Projection Into Public Right-of-Way
Less than eight feet	Not permitted
Eight feet	One foot
Eight to sixteen feet	One foot plus six inches for each foot of clearance in excess of eight feet

Over sixteen feet

Five feet

3. Location. No projecting sign shall be located within twenty feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully erected sign may remain.

4. Number. Only one projecting sign will be permitted on the same business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding sign or roof sign.

D. Roof Signs.

1. Area. Total sign area for roof signs shall not exceed one square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.

2. Height and/or Clearance. The maximum height of a roof sign shall not exceed eight feet above the highest point of the building. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron or similar sign support structure.

3. Location. No roof sign shall be erected unless and until approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting. Roof signs may not project over the parapet wall.

4. Number. Roof signs are permitted instead of, but not in addition to, projecting signs or freestanding signs.

E. Awning Sign.

1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to or affixed to the surface of an awning is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning, or suspended sign, whichever is lowest.

3. Number. One awning sign per frontage per occupancy is permitted.

F. Under-Marquee Signs.

1. Area. Under-marquee signs shall not exceed six square feet per display surface or

twelve square feet in overall sign area.

2. Height and/or Clearance. Under-marquee signs must have eight feet of clearance below the lowest portion of the sign and the ground below.

3. Location. Under-marquee signs shall not project within two feet of the curb.

4. Number. No limit, dictated by area requirements.

G. Billboard Signs. Billboard signs existing at the effective date of the ordinance codified in this chapter shall be permitted to remain and be maintained in reasonable repair, but may not be replaced or relocated.

H. Daily Display Sign.

1. Area. The maximum permitted area of a daily display sign shall be twelve square feet per display surface and twenty-four square feet overall, with a maximum height limit of six feet above ground level.

2. Number. One daily display sign per business is permitted.

3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.

I. Illumination. Signs in commercial zones may be illuminated. Within five hundred feet of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to four hundred twenty-five milliamperes rating tubes behind a plexiglass face with tubes spaced at least seven inches, center to center. No exposed incandescent lamp which exceeds fifteen watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1880 § 6 (Exh. A) (part), 2000; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.16.050 Manufacturing zone.

No sign shall be erected or maintained in an M or BI zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Freestanding Sign.

1. Area. The maximum permitted area of a freestanding sign shall be computed on one

and one-half square feet of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding two hundred fifty square feet of sign area per display surface for each sign, or a total of one thousand square feet for all display surfaces.

2. Height and/or Clearance. The maximum height of any portion of a sign or sign structure shall be twenty-five feet from ground level at its base regardless of location. The minimum clearance below the lowest portion of a freestanding sign and the ground below shall be fourteen feet in any driveway or parking area.

3. Location. No freestanding sign, or any portion of any freestanding sign, shall be located on or be projected over any portion of a street, sidewalk or other public right-of-way or property except that those currently existing may project over such right-of-way for a distance not to exceed two feet.

4. Number. One multifaced freestanding sign designating the principal goods, products, facilities or services available on the premises shall be permitted on a street or highway frontage. Where a frontage exceeds three hundred feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a roof sign.

B. Wall Sign.

1. Area. Wall signs shall not exceed in gross area ten percent of the face of the building to which the sign is attached or on which the sign is maintained. This includes signs painted directly on the building surface.

2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number. No limit, dictated by area requirements.

C. Roof Signs.

1. Area. Total sign area for roof signs shall not exceed one square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.

2. Height and/or Clearance. The maximum height of a roof sign shall not exceed eight feet above the highest point of the building. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron or similar sign support structure.

3. Location. No roof sign shall be erected unless and until approved by the fire marshal after a finding that the site, type and location of the sign will not substantially interfere with fire fighting. Roof signs may not project over the parapet wall.

4. Number. Roof signs are permitted instead of, but not in addition to, freestanding

signs.

D. Awning Sign.

1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to or affixed to the surface of an awning is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.

3. Number. One awning sign per frontage per occupancy is permitted.

E. Billboard Signs. Billboard signs existing at the effective date of the ordinance codified in this chapter shall be permitted to remain and be maintained in reasonable repair, but may not be replaced or relocated.

F. Daily Display Sign.

1. Area. The maximum permitted area of a daily display sign shall be twelve square feet per display surface and twenty-four square feet overall, with a maximum height limit of six feet above ground level.

2. Number. One daily display sign per business is permitted.

3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.

G. Illumination. Signs in manufacturing zones may be illuminated. Within five hundred feet of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to four hundred twenty-five milliamperes rating tubes behind a plexiglass face with tubes spaced at least seven inches, center to center. No exposed incandescent lamp which exceeds fifteen watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets or other property. (Ord. 1880 Exh. A (part), 2000: Ord. 1733 § 1(1) (Exh. A)

(part), 1993)

14.16.060 Downtown zones.

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

A. Freestanding Sign. In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than sixty percent of the total area of the monument. Pole signs are prohibited.

1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one square foot of area per lineal foot of street or highway frontage.

a. In the DO zone the maximum area shall not exceed forty square feet per display surface and eighty square feet overall.

b. In the DR and DOS zones the maximum area shall not exceed thirty-two square feet per display surface and sixty-four square feet overall.

2. Height and/or Clearance.

a. In the DC, DS and DO zones, freestanding signs are limited to a maximum height of seven feet. Properties with frontage on McLoughlin Boulevard may have freestanding signs with a maximum height of fifteen feet and shall only be located along the McLoughlin Boulevard frontage. Freestanding sign height shall be measured from the top of the sign to the lowest finished grade within a six foot horizontal distance from the sign.

b. In the DR and DOS zones freestanding signs are limited to a maximum height of six feet above grade.

3. Number. One freestanding sign is permitted on a street or highway frontage.

B. Wall Sign.

1. Area. The maximum permitted area of a wall sign shall be twenty percent of the building face.

a. In the DR and DOS zones the maximum permitted area of a wall sign shall be sixteen square feet.

2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number.

a. Dictated by area requirements.

b. In the DR and DOS zones one wall sign is permitted in addition to one freestanding sign.

4. Location. Limited to the building surface or surfaces facing the public right-of-way only.

C. Awning Sign.

1. **Area.** The maximum permitted display surface of an awning sign which is painted onto, attached to, or affixed to, the surface of an awning, is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. **Height and/or Clearance.** An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. An awning sign may not be located higher than the first floor of a building or fifteen feet, whichever is less. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.

3. **Number.** One awning sign per frontage per occupancy is permitted.

D. Daily Display Sign.

1. **Area.** The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.

2. **Number.** One daily display sign per business is permitted.

3. **Location.** A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.

E. Projecting Signs.

1. **Area.** Projecting signs shall not exceed in gross area twenty percent of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed twenty percent of the face of the building.

2. **Height and/or Clearance.** No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. No projecting sign shall project more than five feet from a building. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within two feet of the curb nor beyond the distances specified in the following table:

Table 14.16.050

Projection of Signs Into Public Rights-of-Way

Overhead Clearance	Maximum Projection Into Public Right-of-Way
Less than eight feet above finished floor/grade	Not permitted

Eight feet above finished floor/grade	One foot
Eight to sixteen feet above finished floor/grade	One foot plus six inches for each foot of clearance in excess of eight feet
Over sixteen feet above finished floor/grade	Five feet

3. Location. No projecting sign shall be located within twenty feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully erected sign may remain.

4. Number. Only one projecting sign will be permitted on the same business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding sign.

F. Under-Marquee Signs.

1. Area. Under-marquee signs shall not exceed six square feet per display surface or twelve square feet in overall sign area.

2. Height and/or Clearance. Under-marquee signs must have eight feet of clearance below the lowest portion of the sign and the ground below.

3. Location. Under-marquee signs shall not project within two feet of the curb.

4. Number. No limit, dictated by area requirements.

G. Illumination. Internally illuminated cabinet signs are discouraged in the downtown zones. Internally illuminated signs may be permitted subject to design review approval by the design and landmarks commission per the procedures outlined in Section 19.1011.3. In considering internally illuminated signs, the design and landmarks commission shall use the downtown design guidelines as approval criteria, as provided under subsection 19.312.7F. All other illuminated signs may be permitted subject to the following:

1. Backlit or “halo” illuminated signs with individual letters are permitted as illuminated signs.

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 illuminated, either internally or externally unless approved by the design and landmarks commission.

4. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1) (Exh. A) (part), 1993)

Milwaukie Municipal Code

[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [+ Expand](#) [? Search](#) [# Print](#)

[Title 14 SIGNS](#)

Chapter 14.20 SIGNS IN PUBLIC RIGHTS-OF-WAY

[Show All](#)

[14.20.010 Signs prohibited.](#)

[14.20.020 Exempted signs.](#)

[14.20.030 Bench advertising signs.](#)

[14.20.040 Daily display signs.](#)

Milwaukie Municipal Code[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [- Collapse](#) [? Search](#) [# Print](#)[Title 14 SIGNS](#)**Chapter 14.20 SIGNS IN PUBLIC RIGHTS-OF-WAY**

14.20.010 Signs prohibited.

Signs are prohibited within public rights-of-way, except as allowed by this chapter. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.20.020 Exempted signs.

As referenced in Section 14.12.010C, signs for purposes of public direction and safety may be allowed within the public right-of-way, subject to right-of-way permit requirements of Section 12.16.020 of the Milwaukie Municipal Code and the following standards:

A. Sign sizes and configurations shall be subject to the general standards of the Oregon Department of Transportation Sign Policy and Guidelines and the Federal Manual on Uniform Traffic Control Devices. Such standards may be deviated by the city public works director upon determination that such deviation is necessary for purposes of message visibility, clear vision maintenance or other similar factors. Applicants desiring to vary from the public works director's standards determination may apply for a variance following the procedures of Chapter 14.32.

B. Direction signs shall be generic in nature so as not to unduly distract traffic. Such signs may include, but are not limited to, signs for emergency services (such as hospitals, police and fire stations), traffic control signs, legal notices, railroad crossing signs, signs for nonspecific locations (such as downtown, business area, industrial area, theatre, food services, etc.), danger signals and similar signs.

C. Maintenance and upkeep of non-city-owned direction and safety signs shall be the responsibility of the sign owner. Failure to maintain such signs may be cause for permit revocation and/or sign removal. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.20.030 Bench advertising signs.

These are permitted subject to the standards of Section 12.16.020 of the Milwaukie Municipal Code. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.20.040 Daily display signs.

A. In sign districts that permit daily display signs (reference Chapter 14.16), a daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated, provided all of the following conditions are met:

1. A city right-of-way permit is obtained. This permit shall be revocable in case of condition noncompliance.

2. The sign is to be set back behind the curb so as not to interfere with on-street parking, or, a minimum of ten feet from the edge of the nearest street travel lane where curbs are not in place.

3. The sign is to be placed so as to allow at least five feet of unimpeded pedestrian sidewalk maneuvering space.

4. The sign is to meet clear vision requirements of Chapter 12.24 of the Milwaukie Municipal Code.

5. The sign is properly maintained as per requirements of Section 14.24.010

6. The applicant shall assume all liability for incidents involving the sign by signing a document exempting the city from liability.

7. Sign dimension shall not exceed a maximum width of four feet nor a maximum above-ground level height of four an one-half feet.

8. One sign per business is allowed.

B. Daily display signs may be allowed off the premises, or within the public right-of-way in front of a business with which the sign is not associated, subject to the following standards:

1. All applicable standards of Section 14.20.040A;

2. Both the sign owner and owner of the business where the sign is placed must sign a city liability exemption document;

3. The off-premises daily display sign will take the place of the daily display sign allowance for both the business site where it is placed and the business placing the sign. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

Milwaukie Municipal Code

[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [+ Expand](#) [? Search](#) [# Print](#)

[Title 14 SIGNS](#)

Chapter 14.24 SIGN CONSTRUCTION, MAINTENANCE AND LIGHTING

[Show All](#)

14.24.010 Construction and maintenance requirements.

14.24.020 Sign lighting.

Milwaukee Municipal Code

^ Up	« Previous	» Next	* Main	- Collapse	? Search	# Print
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Title 14 SIGNS

Chapter 14.24 SIGN CONSTRUCTION, MAINTENANCE AND LIGHTING**14.24.010 Construction and maintenance requirements.**

- A. Except as otherwise provided in this chapter, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code, Uniform Fire Code and electrical code.
- B. All signs, together with their supports, braces, guys and anchors, shall be constructed of materials that are durable and weather-resistant, and shall be regularly maintained so as to exist at all times in a state of good repair. No person shall maintain, or permit to be maintained on any premises owned or controlled by him or her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated or other dilapidated or unsafe condition.
- C. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from rust, corrosion, peeling paint or other surface deterioration. Broken or missing sign and lighting panels shall be replaced within thirty days of notification by the city. The display surfaces of all signs shall be kept neatly painted or posted. Reflective backgrounds and materials are not allowed.
- D. Each sign for which a sign permit is required shall specify the name of sign erector, date of erection, electrical power consumption in amperes, and Underwriters Laboratory label, if applicable. Such information shall be in sufficient size and contrast to be readable upon inspection. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.24.020 Sign lighting.

- A. All lamps or bulbs exposed to direct view shall be limited to twenty-five watts or less capacity. On time and temperature signs, such bulb is limited to thirty-three watts capacity.
- B. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three hundred milliamperes rating for white tubing nor one hundred 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 eight hundred milliamperes rating tubes behind a plexiglass face with tubes spaced at least nine inches, center to center.

D. These general lighting provisions are applicable for all sign districts, except as noted elsewhere. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

Milwaukie Municipal Code

[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [+ Expand](#) [? Search](#) [# Print](#)

[Title 14 SIGNS](#)

Chapter 14.28 REMOVAL OF SIGNS IN VIOLATION

[Show All](#)

14.28.010 Abandoned sign.

14.28.020 Nonconforming sign.

14.28.030 Unsafe sign.

14.28.040 Noncomplying sign.

14.28.050 Administrative procedures for notification of violation.

Milwaukie Municipal Code[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [- Collapse](#) [? Search](#) [# Print](#)[Title 14 SIGNS](#)**Chapter 14.28 REMOVAL OF SIGNS IN VIOLATION****14.28.010 Abandoned sign.**

A. Time Limit. Abandoned signs and their supporting structures shall be removed within one hundred eighty days by the owner or lessee when the business which it advertises is no longer conducted on the premises.

B. Notice Given. if the owner or lessee fails to remove it, the city manager or duly authorized representative shall give the owner fifteen days' written notice to remove it. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.28.020 Nonconforming sign.

A. Time Limit.

1. Nonconforming signs may be continued for a period of ten years from the effective date of the ordinance codified in this chapter.

2. Signs located on premises annexed into the city after the effective date of the ordinance codified in this chapter, and which signs do not comply with the provisions of this chapter, shall be brought into compliance with this chapter within a period of seven years after the effective date of the annexation.

3. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all of the provisions of this chapter.

4. Signs in existence on the effective date of the ordinance codified in this chapter which do not comply with provisions regulating flashing signs, use of par spot lights or revolving beacons, revolving signs, or flags, banners, or streamers or strings of lights, temporary or incidental signs, shall be made to conform within ninety days from the effective date of the ordinance codified in this chapter.

B. Notice Given. The city manager or duly authorized representative shall give thirty days' written notice to the owner or lessee of the sign to remove the sign and its supporting structures or to bring it into compliance with this chapter. (Ord. 1870 § 1, 2000; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.28.030 Unsafe sign.

A. Time Limit. The city manager or duly authorized representative may cause any sign and/or sign support structure which they determine to be a hazard to persons or property, by reason of it or its support structure being or becoming of unsound and unsafe condition, i.e., weakened or broken support, broken parts, including tubing, wiring, plastic, etc., to be removed summarily.

B. Notice Given. Two days' notice, except that no notice is required if a determination is made that the sign and/or sign support structure poses an immediate peril to persons or property. (Ord. 1733 § 1(1) (Exh. A) (part), 1993)

14.28.040 Noncomplying sign.

A. Time Limit. Noncomplying signs shall be removed or brought into compliance within thirty days of notification.

B. Notice Given. The city manager or duly authorized representative shall give thirty days' written notice, except that noncomplying signs which create a traffic or other safety hazard may be removed by the city manager or his or her representative without notice. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.28.050 Administrative procedures for notification of violation.

A. If the city manager or duly authorized representative shall find that any sign or sign structure regulated has been constructed or erected, or is being constructed or maintained, in violation of the provisions of this chapter, he or she shall give written notice to the permittee thereof or, if unknown, to the owner or occupant of the building or premises upon which the sign is located.

B. If the permittee fails to remove or alter the structure so as to comply with the standards set forth within thirty days after such notice, such sign or sign structure is declared a nuisance and the owner may be issued a citation into municipal court, as per procedures of Chapter 1.08 of the Milwaukie Municipal Code, and subjected to enforcement fines as established by the city council.

C. Signs in violation of this chapter which create a safety or traffic hazard may be removed by the city without prior notice and removal costs billed to the sign or property owner.

D. Such fines and costs may be a lien against the land or premises on which the sign is located and

may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the city. (Ord. 1733 § 1(1)(Exh. A) (part), 1993)

Milwaukie Municipal Code

[^ Up](#) [« Previous](#) [» Next](#) [* Main](#) [+ Expand](#) [? Search](#) [# Print](#)

[Title 14 SIGNS](#)

Chapter 14.32 VARIANCES

[Show All](#)

14.32.010 Authorization to grant or deny variance.

14.32.020 Variance procedure.

14.32.030 Circumstances for granting variance.

14.32.040 Time limit.

14.32.050 Appeals.

Milwaukee Municipal Code

^ Up	« Previous	» Next	* Main	- Collapse	? Search	# Print
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Title 14 SIGNS

Chapter 14.32 VARIANCES**14.32.010 Authorization to grant or deny variance.**

A. The planning commission may authorize variances from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. In granting a variance, the planning commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.

B. In the downtown zones the design and landmarks commission is the review authority and may authorize variances from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. In granting a variance, the design and landmarks commission in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.32.020 Variance procedure.

The following procedures shall be followed in applying for and acting on a variance:

A. A property owner may initiate a request for a variance by filing an application with the city manager, using forms required by the city manager or duly authorized agent. The application shall be accompanied by a site plan drawn to approximate scale showing the condition to be varied and the dimensions and arrangement of the proposed sign, support structure, buildings and real property. The review authority may request other drawings or material essential to an understanding of the variance request.

B. The review authority shall hold a public hearing per the provisions of Ordinance 1712, the zoning ordinance, Section 19.1011.3, Minor Quasi-Judicial Review, for any variance request which is twenty-five percent or more of the required standard. Variance requests of less than twenty-five percent from the standard required shall be reviewed by the community development director per the provisions outlined in Section 19.1011.2, Administrative Type II Review, of Ordinance 1712, the zoning ordinance. Within five days

after a decision has been rendered with reference to a request for a variance, the city manager or duly authorized representative shall provide the applicant with notice of the decision of the review authority. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.32.030 Circumstances for granting variance.

The review authority shall consider and make findings with respect to each of the following:

- A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the sign ordinance;
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district;
- C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
- D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and
- E. That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

14.32.040 Time limit.

- A. Authorization of a variance shall be void if the building or work approved by such variance is not commenced within six months of the date of approval.
- B. The review authority may, upon receiving a written request from the applicant prior to the variance expiration date, extend the variance for a period not to exceed one year. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1) (Exh. A) (part), 1993)

14.32.050 Appeals.

Appeals of planning commission or design and landmarks commission decisions shall follow the procedures of Section 19.1000 of the Milwaukie zoning ordinance. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1)(Exh. A) (part), 1993)