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John Day, OR 97845  
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## ORDINANCE NO. 20-183-04

### **AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE TO REVISE REQUIREMENTS FOR THE CONSTRUCTION AND PLACEMENT OF SIGNS IN THE CITY**

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The John Day City Council adopts the following findings:

**WHEREAS**, the City seeks to reduce staff time reviewing nondiscretionary permits; and

**WHEREAS**, the Development Code contains provisions regarding signs that have been determined to be overly restrictive;

**FINDINGS**, The City of John Day finds that the Staff Report AMD-20-04 proves consistent with the applicable requirements for the proposed amendments found in all exhibits attached hereto and incorporated by this reference.

**NOW THEREFORE**, based on the foregoing Findings, the John Day City Council adopts the findings in the Staff Report to Council and ordains as follows:

# ORDINANCE NO. 20-183-04

## Executive Summary

The City of John Day Development Code (the Code) contains standards restricting the type, location, size, and appearance of signs in all zoning districts.

In an effort to streamline and simplify the planning process, it has been proposed that less restrictive provisions be put in place. This will reduce the number of variance requests the planning commission must process. The proposed amendments are described herein.

- Comments are provided in **boldface** to prompt the reader
- Strikeout language (~~example~~) is shown where language is proposed for removal
- Underlined language shows a proposed addition

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### 5-3.5 Signs

#### 5-3.5.010 Purpose and Applicability

The purpose of this chapter is to regulate the design, placement, and maintenance of signs that are visible to the public in order to preserve the health, safety and aesthetic value of the community.

#### 5-3.5.020 Permit Requirements

- An application for a sign permit is a Type I procedure under section 5-4.1.020 of this code.
- Sign permits are required for all new signs with the exception of items 1-5 below
  - Official traffic control devices.
  - Government/Regulatory signs and legal notices
  - One temporary sign per lot not permanently attached to a building, structure, or the ground that otherwise meets sign standards and does not exceed 6 feet in height or 16 square feet in area
  - One nameplate for each dwelling unit, home occupation, or business, as applicable if the nameplate is not be more than 2 square feet in area and is not specifically illuminated.
  - Signs, decorations and displays inside of windows or attached to the inside of windows.

#### 5-3.5.010 General Sign Standards in all Zoning Areas

Signs are permitted in accordance with the following standards:

- ~~a. One nameplate for each dwelling unit, home occupation, or business, as applicable. In residential zones the nameplate shall not be more than one and one-half (1½) square feet in area and shall not be specifically illuminated.~~
- ~~b. One temporary sign advertising the sale, lease or rental of the property on which it is located. In residential zones, the sign shall not be more than six (6) square feet in area and shall not be specifically illuminated.~~
- ~~c. One temporary sign advertising the sale of a tract of land or subdivision or of lots in a subdivision. The sign shall not be more than thirty two (32) square feet in area, and shall be at least ten (10) feet from a street property line and at least ten (10) feet from all abutting properties.~~
- ~~d. One sign identifying a subdivision, commercial or industrial development, or PUD located at the main entrance thereto. The sign shall be subject to review by the Planning Commission during the site design review or subdivision review process. The Planning Commission may limit the size, height, or area of the sign, or require the use of specific building materials (e.g., wood, stone, or other natural appearing materials), lighting, setbacks, or other conditions of approval to ensure compatibility with the surrounding neighborhood.~~
- e. No sign shall encroach into the clear vision area at a street or driveway intersection.
- f. No sign shall be constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building.**
- g. No sign shall be constructed in such a manner or at such a location that it will interfere with surface or underground utility and communication lines or equipment.**
- h. Where a sign is subject to this Chapter and the provisions of Oregon Revised Statutes Chapter 377 – Highway Beautification; Motorist Information Signs, the most restrictive regulation shall apply.

#### 5-3.5.020 Sign Standards In The Commercial And Industrial Zoning Districts

The following sign standards shall apply to all property in Commercial and Industrial districts:

- a. No sign shall exceed twenty-five percent (25%) of the area of the wall to which it is attached, except historic signs lawfully installed and predating the effective date of this Code (November 24, 2005) may continue, provided they do not interfere with traffic operations or create a hazard to public health or safety.
- b. No sign shall be located within or protrude into or over a street or other roadway, except where awning or canopy signs, or similar building-mounted signs, have been approved by the Planning Commission. In such cases, a minimum clearance shall be maintained in accordance with applicable codes.
- c. No sign shall be located where it shines, reflects, or glares directly onto a lot in an abutting residential zone or onto a street right-of-way.
- d. Freestanding signs (e.g., pole signs, monument signs, and similar non-building-mounted signs) erected after November 24, 2005 shall not exceed a height of ~~eight (8)~~ **ten (10)** feet; such signs shall be setback a minimum of three (3) feet from property lines.

- e. No building-mounted signs shall project more than three (3) feet above the highest roof elevation of the building to which it is mounted.

Signs exceeding these standards may be approved as a conditional use and shall be processed as a Type III procedure, per Section 5-4.1.040. The Planning Commission may limit the size, height, or area of the sign, or require the use of specific building materials (e.g., wood, stone, or other natural appearing materials), lighting, setbacks, or other conditions of approval to ensure compatibility with the surrounding neighborhood.

**APPROVED AND ADOPTED** by the City Council of City of John Day and signed by the mayor this 12th day of May, 2020.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Vacancies: \_\_\_\_\_

\_\_\_\_\_  
Ron Lundbom, Mayor

ATTEST:

\_\_\_\_\_  
Nicholas Green, City Manager



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## **STAFF REPORT**

**Date Submitted:** May 11, 2020

**Agenda Date Requested:** May 12, 2020

**To:** John Day City Council

**From:** Daisy Goebel, City of John Day  
Associate Planner

**Subject:** An ordinance to adopt Development Code amendments clarifying and loosening restrictions on sign placement in all zones.

**Location:** Citywide

### **Type of Action Requested**

|                          |                          |                      |                                     |                          |                    |
|--------------------------|--------------------------|----------------------|-------------------------------------|--------------------------|--------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Resolution</b>    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>Ordinance</b>   |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Formal Action</b> | <input type="checkbox"/>            | <input type="checkbox"/> | <b>Report Only</b> |

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### **1. BACKGROUND**

The City of John Day Development Code (the Code) contains provisions for the construction and installation of signs within the City. The planning commission has been processing a large number of sign permits that often do not seem discretionary in nature. This is in part due to the current code criteria necessitating a type III process for signs exceeding a relatively low threshold. Additionally, the code does not provide a standard for signs that do not require a permit at all such as traffic control devices and temporary signs. This code update will correct these oversights and reduce the time spent by staff as well as the planning commission on processing sign permits.

### **2. APPLICABLE CRITERIA**

This request is a legislative amendment to amend the John Day Development Code. The approval criteria in section 5-4.1.050.G apply.

**3. STAFF RECOMMENDATION**

Staff recommends the City Council **adopt Ordinance 20-183-04, as presented.**

**4. PUBLIC NOTIFICATION**

The City of John Day mailed public notice to all affected property owners on April 14<sup>th</sup>, 2020 and notice was posted in the Blue Mountain Eagle on April 22<sup>nd</sup> and 29<sup>th</sup> as required by the Development Code.

Public comments received: ODOT requested the ordinance language make clear that signs placed on state highways must conform to state regulations.

**5. ADOPTION PROCEDURE AND FINDINGS**

The following section shown in italics and boldface provides the decision making criteria as required by John Day Development Code Section 5-4.1.050.G.

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***Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:***

- 1. Approval of the request is consistent with the Statewide Planning Goals;***
- 2. Approval of the request is consistent with the Comprehensive Plan; and***
- 3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.***

**Finding:** Statewide Planning Goals and the City of John Day Comprehensive Plan mirror one another. Therefore, compliance with one document means compliance with the other. This request is consistent with both documents and does not substantially impact any of the stated goals. The third criterion concerning adequate public facilities and services does not apply in this request because the amendment does not change zoning or development in a way that would substantially affect or conflict with current public services.

This ordinance is primarily administrative and intended to reduce staff and planning commission time spent approving sign permits.

**6. CITY COUNCIL OPTIONS**

After hearing the staff presentation, Planning Commission recommendation and any public testimony, including any rebuttal, the commission will close the hearing and deliberate. The City Council has three options:

1. Adopt Ordinance No. 20-183-04, as presented.
2. Amend Ordinance No. 20-183-04 and adopt as amended.
3. Adopt findings demonstrating that the ordinance does not comply with the John Day Comprehensive Plan and do not adopt Ordinance No. 20-183-04.

*The staff report may be amended during the course of the hearing.*