# NEWBERG ELECTRONIC SIGN
# AD HOC COMMITTEE AGENDA
# 3 p.m., Thursday, November 5, 2009
# Newberg City Hall, Permit Center Conference Room
# 414 E. First Street, Newberg, Oregon

**I. ROLL CALL**

**II. OPEN MEETING**

**III. MEETING MINUTES** – approve October 1, 2009 minutes

**IV. WORKSHOP:**
- **Follow-up: question from last meeting**
- **Review of other cities' sign codes**
  - **Spokane – recent code update**
  - **Salem – recent code update, staff report with review of other cities' codes**

**V. 4 pm: PILOT PROGRAM: Interview the participants in the pilot program & review public comments**

**VI. OTHER BUSINESS**

**VII. NEXT MEETINGS – tentative schedule**
- December 3, 2009: Safety/distraction issues, sign company representative – future trends
- January 7, 2010: Field trip in Newberg – sign experiments
- February 4, 2010: Discuss code amendments
- March 4, 2010: Vote on code amendments & recommendation

**VIII. ADJOURN**

Attachments: A. Public comments received regarding the pilot program
B. Spokane sign code
C. Salem sign information

FOR QUESTIONS PLEASE STOP BY, OR CALL 537-1240, PLANNING & BUILDING DEPT. - P.O. BOX 970 - 414 E. FIRST STREET

***ACCOMMODATION OF PHYSICAL IMPAIRMENTS***:
*In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements please contact the city recorder at (503)537-1283. For TTY service please call (503)554-7793.*

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**NEWBERG ELECTRONIC SIGN**
**AD HOC COMMITTEE AGENDA**
**3-5 p.m., Thursday, October 1, 2009**
**Newberg City Hall, Permit Center Conference Room**
**414 E. First Street, Newberg, Oregon**

## I. ROLL CALL:

Present: Nick Tri (Chair), Claudia Stewart, Stephen McKinney, Kristin Horn, Michael Sherwood, Dennis Lewis

Absent: Julie Want (excused), Loni Parrish (excused), Fred Gregory (excused)

Staff Present: Steve Olson, Associate Planner
Dawn Karen Bevill, Recording Secretary

## II. OPEN MEETING:

Chair Nick Tri opened the meeting at 3:08 p.m. and asked for roll call.

## III. MEETING MINUTES:

**MOTION #1: Sherwood/McKinney** moved to approve the September 3, 2009 minutes as submitted. (6 Yes/ 0 No/ 3 Absent [Want, Parrish, Gregory]) Motion carried.

Before beginning the workshop, Steve Olson addressed follow-up questions posed by committee members at the last meeting:

Where does the sign code fit? There is a summary of the sign code in the application packet, but the sign code is not a separate document. It's part of the Development Code, which is part of the Municipal Code. The Municipal Code includes the city charter and code of ordinances, which are the laws of the City.

Is there LEED for signs? No, but signs can help buildings earn LEED points (if the signs include recycled material, for example, or reduce energy usage).
ODOT regulations on off-premise signs are essentially that there can be no net gain in off-premise signs.

Claudia Stewart asked if Newberg High School wanted a sign at 99W and Elliott, would they need to take down the sign at the High School? Steve Olson replied no, but they would need to remove some other off-premise sign along 99W. ODOT wouldn't permit a new sign unless another one was taken down. ODOT's rule is probably aimed at billboards along the major state highways, but it applies in Newberg, as well.

## IV. WORKSHOP:

**REVIEW OF A MODEL SIGN CODE:**
Steve Olson began the overhead presentation by explaining the source of the model code. The code was funded by a grant from the Signage Industry Foundation; a non-profit foundation that supports the sign industry. Staff thought the model code was good for discussion, and included a good analysis of legal issues.

**Framework of a sign code:**
Readability and comprehension are influenced by the sign design and location. There isn't a "one size fits all" approach so the code should cover all sign types by being comprehensive and broad based, as well as content-neutral and allowing standards to vary by "character" area.

**Legal considerations:**
Local governments have authority to regulate signs but there are limits. Sign codes can sometimes conflict with the First Amendment's guarantee of freedom of expression, so it is best if the code is content-neutral. Sign regulations based on content or on the identity of the sign user are content based. Churches need to be treated the same as other institutional uses, such as schools.

Claudia Stewart asked if that is true if the zones are different. Steve Olson replied that standards can vary in different zones, but within each zone the institutional uses should be treated the same.

Steve Olson continued by reviewing the Fifth Amendment's protection of property rights. The "sunset clauses" requiring the removal of non-conforming signs are common and are considered legally sound if they have reasonable time limits. Signs typically must be brought into compliance if modified or rebuilt. The "sunset clause" is commonly acceptable to courts if the time allowed is substantial. Newberg's sunset clause is 10 years. Also, permit fees need to be reasonably related to costs of administration and enforcement.

The Fourteenth Amendment guarantees due process of law and equal protection under the law. The U.S. Supreme Court ruled that local governments could regulate signs based on concerns about traffic safety and aesthetics, including EMCs, (Electronic Message Centers), without providing any hard evidence of safety problems (Metromedia case).

Objective permit review standards for signs are best. A subjective design review process may be legally suspect, but could be okay if it is optional. Variances allow some flexibility, but can also be considered subjective (which is why Newberg does not allow sign variances). They are discretionary and may make an applicant more likely to challenge decisions on constitutional grounds.

The Lanham Act protects federally registered trademarks regarding changes to color, typescript or shape.

Stephen McKinney gave the example of the City of Sherwood not allowing Les Schwab to paint their building red and white; only allowing their sign to be in those colors. That mentality costs the City of Sherwood business.

**Model regulatory guidelines:**
Different types of signs may be permitted in each character area. A downtown area may favor projecting signs and limit freestanding signs, due to limited space. Wall signs with deep setbacks could be allowed to be larger. Height and size guidelines are included in the model code. Newberg's height and size limits generally fall in the low to middle area of each range. The "sunset clause" for removal of non-

conforming signs is in the best interests of the business community and the City. Spinning and flashing strobe signs are prohibited. EMCs should be allowed because they are cost effective advertising for businesses.
An EMC code can adapt to concerns regarding frequency of message change, limit EMC to certain percentage of sign area, can make motion unlimited for small signs, add automatic dimming capability requirements, and include definitions for EMCs and animation.

Newberg currently limits animated signs to 10 square feet in most areas, but the whole sign can be electronic. Animated signs are prohibited in the downtown C-3 zone. An animated sign is defined as one where the display changes more than once in a ten-minute period.

**REVIEW OF OTHER CITIES' SIGN CODES:**

**The City of Beaverton** prohibits signs with a changing electronic message except time and temperature signs. Their "sunset clause" is 10 years to remove non-conforming signs.

**The City of Tigard** prohibits flashings signs or animated signs, where the message interval is less than two seconds. Their sign illumination standard is quite obscure. EMCs are allowed in C-G (General Commercial) and CBD zones only. One EMC is permitted per premise. Traveling light patterns (chaser) are prohibited. The "sunset clause" is 10 years.

**City of Sherwood** states frequency must not change more than once in 30 seconds. Movement or flashing is not allowed. EMCs are limited to no more than 35% of sign area. Changing image signs (animated or video signs) are prohibited. In residential areas, EMCs are allowed under existing area, height, and setback standards.

**City of McMinnville** prohibits flashing and video signs. Video signs are defined as electronic changeable copy signs providing information in both a horizontal and vertical format, capable of continuously changing sign copy in a wide spectrum of color, shade and intensity. In residential areas, electronic changeable copy signs can be included in the sign but needs to be turned off between 8 p.m. – 7 a.m. Electronic changeable copy signs can be included in a sign at a church.

Electronic changeable copy (ECC) signs in the City of McMinnville allow one per site, as part of a freestanding or wall sign. ECC portion is to be no higher than 12'; not to exceed 24 square feet in area. The setback is to be at least 10' from all property lines and the ECC sign area is calculated at rate two times that of other signs. No temporary signs are allowed if there is an ECC and the ECC must be a permanent sign. The "sunset clause" is 8 years. There are no ECC signs permitted downtown.

Kristin Horn asked for clarification on how a sign is measured. Steve Olson explained in Newberg it's measured by a rectangle or triangle around where the letters are only, not the frame.

Claudia Stewart is curious to know how the McMinnville sign codes affect new facilities, such as McMinnville High School and whether they were allowed electronic reader boards.

**V. PILOT PROGRAM: Review of updates from the pilot program participants**

Steve Olson explained that the pilot program participants have been given authorization to experiment with animation and messages, and have agreed to collect data and comments. The Electronic Sign Ad Hoc Committee will interview participants and can work with the City Manager to direct experiments.

**Lewis Audio and Video: Dennis Lewis** reported it is difficult to ascertain the effective difference in business credited to a change in operation of the electronic sign; he will say they have been able to operate the sign in a much more efficient manner and their business for the same period compared to last year is even. They've been able to promote community events, give more accurate information about goods and services, and simply use the sign as an asset. Mr. Lewis stated he's willing to advertise community events as long as they are valid. There's a time clock that will stop advertising the event after the date it's finished.

**Mountain View Middle School: Wayne Strong** stated a survey was conducted of parents at the back to school nights with regard to font size. Sixty-one respondents chose the font with the larger size and one respondent chose the small font size. They've personally spoken with about half the residents that live in the neighborhood to determine if they have found the sign to be a nuisance. There's been no indication of a problem, even at night.

**A Storage Place: Scott Cassidy** reported no negative comments have been heard but rather positive comments. The sign is good advertising, but business is down, however.

**Walgreens: Dan Rouse** loves the ability to use the sign. They're using a five second delay. They've reported the flexibility is good, have advertised community messages, and have received no comments for or against. He gave specific percentages showing customer numbers have been up May – August.

**Questions and Comments:**

Claudia Stewart stated Mountain View Middle School is not a drive-by school. The sign can only be viewed from the parking lot. Reminders and messages are so important to schools.

Michael Sherwood offered his opinion as a business owner who has operated an electronic sign, himself. His business would skyrocket when advertised on his electronic sign. Radio advertisement was not as successful.

Stephen McKinney appreciates Dan Rouse showing the customer percentages in his letter. He represents an industry where they know the value of the electronic signs. A few banks in town are awaiting the decisions made by this committee with regard to the boards. Standards need to be set that will be beneficial to Newberg schools, as well.

Dennis Lewis stated signs could be used to notify citizens of City Council Meetings, School Board Meetings, etc. The community will be affected positively through advertising community events.

Claudia Stewart would like to hear from the participants on what would improve their signs and how a code change would benefit them, such as message intervals, whether to turn the sign off at night, etc. Steve Olson stated time limits could certainly be set up on signs in residential areas. Commercial would be treated differently. Dennis Lewis stated personally, he wants his message board available to drivers at all times of the day and night. Many drivers come through the community only at night and advertising all night is an advantage.

Kristin Horn stated in her experience, print ads are virtually dead. Businesses will have to become more and more creative in the way they advertise. Stephen McKinney agreed with Ms. Horn and stated as time goes on, fewer papers will be available to advertise.

Claudia Stewart asked when community aesthetics comes into play. Steve Olson replied that aesthetic issues can be considered anytime the committee sees fit. When we review other cities' codes we are looking at the balance they struck between business interests and community aesthetic interests.

Dennis Lewis' opinion is Newberg looks nothing like it did a long time ago, even though the downtown is considered to be a historical area. He's seen many stores disappear in Newberg. Personality is needed in business. Not every business should look alike downtown. Kristin Horn believes the sign code allows for a much more eclectic mix in Newberg and much time was spent in talking with the community when writing the code for downtown. People want an individual type of area and the code reflects that for better or not. Michael Sherwood stated customers like the downtown areas because they can park their cars and walk to stores.

Stephen McKinney understands the concerns. Different areas need different goals. City Council encourages this committee to be leaders in the community; building a standard applicable to the merchant's needs and that of the community. We all want to see a vibrant downtown. Maybe the upcoming cultural area should be the first area with a marquee advertising events, etc. Different signs for different areas are needed.

Dennis Lewis stated the electronic sign he has now is considered an antique. The performance of a sign today as compared to 3 years ago is very different. A marquee sign can be a work of art with a picture in high density color or low density with a message alone. Mr. Lewis asked the committee members to subscribe to the periodical he emailed to them so they can view examples.

Steve Olson will poll the pilot participants to see if they'll be available to attend the next scheduled meeting on November 5, 2009. Dennis Lewis will be out of town but can have someone else attend from his business, if needed.

**VI. OTHER BUSINESS:**
Steve Olson stated a possible field trip for the December meeting to view EMCs.

**VII. NEXT MEETING:** The next scheduled meeting is November 5, 2009.

**VIII. ADJOURN**: The meeting adjourned at 5:05 p.m.

**Approved by the Electronic Sign Ad Hoc Committee this 5th day of November, 2009.**

| AYES: | NO: | ABSENT: (List Name(s)) | ABSTAIN: (List Names(s)) |
|---|---|---|---|

Recording Secretary

Electronic Sign Ad Hoc Committee Chair

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City of Newberg

Planning and Building Department
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# Memorandum

**To:** Electronic Sign Ad Hoc Committee

**From:** Steve Olson, Associate Planner

**CC:** Barton Brierley, Dan Danicic, Mayor Bob Andrews

**Date:** October 29, 2009

**Re:** Sign code workshop on November 5, 2009

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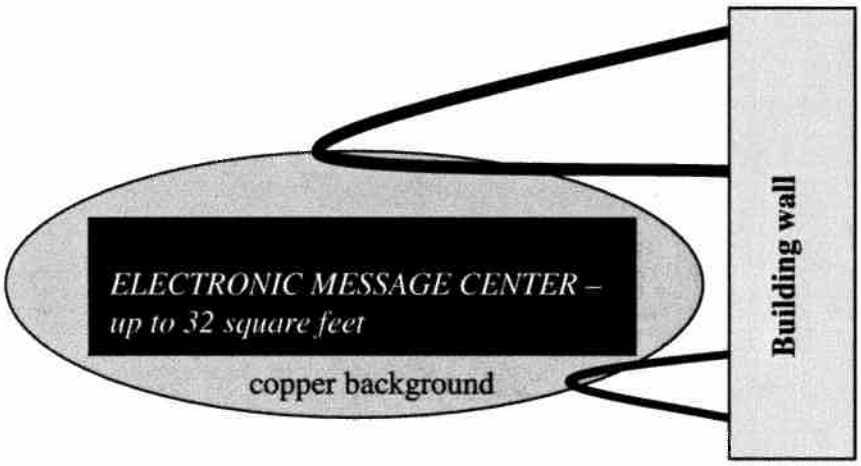
The next Electronic Sign Ad Hoc Committee meeting on November 5, 2009 will include a workshop on sign codes from Spokane and Salem, and a discussion with the pilot program participants.

**Follow-up question from the previous meeting:**

1. Can you have an electronic sign in the C-3 downtown commercial zone under the point system?
   Yes. Pardon the drawing skills – the picture below is meant to show a fin sign projecting from a wall, using decorative wrought iron supports. The EMC has a copper oval background.




The sign would earn points for: being a fin sign (3 points), including a copper background (4 points), having a curved outline (4 points), using decorative wrought iron (2 points), 20% size reduction below the allowed 40 square feet (1 point). The sign would lose 4 points for using blinking, flashing or chasing lights. Overall, it would earn 10 points and could be approved. This is just one example; there are other ways the EMC sign could be designed that would earn 10 or more points.

The sign could not be used as an animated sign, however. It could not be approved within the Civic Corridor overlay along Howard Street because of additional restrictions.

Many of the sign codes we have looked at from other cities have banned animated or electronic signs in their downtown and historic districts.

**City of Spokane's Sign Code: Summary of Electronic Sign Regulations (6/22/2009)**

Spokane recently updated their sign code and has a good summary on their website:

**Electronic Message Signs**

**Prohibited:**

**Not permitted** in the CBD and CC4 zones or for residential uses in the residential zones. (CBD is Central Business District zone; CC4 is a Mixed Use Transition zone between the core and residential areas)

**Allowed:**

**For institutional uses in the residential zones**

25 square feet max area (50% of total allowable sign area)
Shall be shut off between the hours of 10PM and 6AM

**For other zones**

All uses in the CC1 (pedestrian oriented center), O (office), OR (office retail) zones and NR (neighborhood retail) zoned property with frontage on an arterial

25 square feet max area (50% of total allowable sign area)
No limits to hours of operation

All uses in the CC2 (pedestrian enhanced center) and CB (community business) zones

48 square feet max area for a wall signs (50% of total allowable sign area)
37.5 square feet max area for freestanding signs
No limits to hours of operation

All uses in the GC (general commercial), LI (light industrial) and HI (heavy industrial) zones

48 square feet max area (50% of total allowable sign area)
No limits on hours of operation

**Brightness/dimming/interval:**

Electronic message signs shall comply with the standards of Table 4 of SMC 17C.240.240 J (below) for automatic dimming and brightness standards. A signed letter from the owner of a proposed electronic message sign certifying compliance with these standards shall be submitted with the sign permit application.

**[1] Brightness:**
- Electronic message centers in all zones shall come equipped with an automatic dimming, photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- The brightness level in all zones shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter at a pre-set distance.
- Brightness measurement process for electronic message centers shall be as follows:
a. At least 30 minutes past sunset, use a foot candle meter to record the ambient light reading for the area. This is done while the electronic message center is off or displaying all black copy.
b. The reading should be taken with the meter aimed directly at the electronic message center at the appropriate pre-set distance.
Measurement distance criteria follows:
0-100 square foot signs to be measured 100 feet from source,
101-350 square foot sign to be measured 150 feet from source,
351-650 square foot sign to be measured 200 feet from source,
651-1000 square foot sign to be measured 250 feet from source.

c. Turn on the electronic message center to full white copy and take another reading.
d. If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted.
- The owners of such signs shall include a signed letter accompanying their permit application, certifying that they will comply with the prescribed brightness limitations set by this ordinance.

Electronic message signs shall display **static images for not less than 2 seconds** before transitioning to another static image. Transitions may utilize **frame effects** but flashing signs are prohibited.

Except in the GC, LI and HI zones **no video** display methods are permitted. Where permitted the minimum duration of videos displays shall be 2 seconds and the maximum shall be five seconds.

## Definitions

**Frame Effect.**
A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade and dissolve. This term shall not include flashing.

**Sign.**
Materials placed or constructed, or light projected, that (1) conveys a message or image and (2) is used to inform or attract the attention of the public but not including any lawful display of merchandise. Some examples of 'signs' are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, murals, diagrams, banners, flags, or projected slides, images or **holograms**. The scope of the term 'sign' does not depend on the content of the message or image conveyed.

**Sign – Animated Sign.**
A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.

**Sign – Electronic Message Center Sign.**
An on-premises sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means including signs using a video display method.

**Sign – Flashing Sign.**
A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a strobe-like fashion for the purpose of drawing attention to the sign. Time and temperature signs are excluded from this definition. For the purpose of this Title, Electronic Message Centers consistent with the standards of Section 17C.240.240.J. shall not be considered flashing signs.

**Sign - off-premises.**
A sign relating, through its message and content, to a business activity, use, product or service not available on the premises upon which the sign is erected.

**Video Display Method.**
A video display method is a method of display characterized by real-time, fullmotion imagery.

**City of Salem's Sign Code: Summary of Electronic Sign Regulations (August, 2009)**
The City of Salem just revised their sign code after a thorough review process. The revised code is summarized below. The staff report that the City Council considered is also included in this packet because it contains a lot of good information about other cities and sign safety concerns; the staff report summary follows the sign code below.

**Revised Sign Code:**

**62.090. Electronic Display Signs.**
**(a)** No electronic display sign in a Residential zone may be erected without first obtaining a conditional use permit, as provided in SRC 62.375.
**(b)** No electronic display sign shall be allowed within a historic district.
**(c)** All electronic display signs shall meet the following standards:

**(1) Zones.**

**(A)** In all Industrial zones, Public zones, and Commercial zones, other than the Commercial Office Zone, the change from one electronic display to another electronic display shall be no more frequent than once every eight seconds, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds.

**(B)** In all Residential zones and in the Commercial Office Zone, the change from one electronic display to another electronic display shall be no more frequent than once every hour, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds.

**(2) Change of Display.** The actual change of display for an electronic display sign shall be completed in two seconds or less. Displays may change by dissolve, fade, or by instantaneous change from one static display to another, but shall remain as a static display after completing the change, and, once changed, shall remain static until the next

change. Unless specifically authorized by this Chapter, scrolling, travel, and video display are prohibited.

**(3) Brightness.** All electronic display signs must be constructed, operated, or otherwise function in such a way as to not exceed the provisions of this paragraph.

**(A)** At the time of installation, electronic display signs may be illuminated to a degree of brightness that is no greater than 7,500 nits between sunrise and sunset and that is no greater than 1,000 nits between sunset and sunrise; provided that an electronic display sign comprised solely of one color shall not exceed the following levels: **(i)** For a display comprised of red only, 3,150 nits between sunrise and sunset, and 450 between sunset and sunrise; **(ii)** For a display comprised of green only, 6,300 nits between sunrise and sunset, and 900 nits between sunset and sunrise; **(iii)** For a display comprised of amber only, 4,690 nits between sunrise and sunset, and 670 nits between sunset and sunrise.

**(B)** All electronic display signs must be maintained and operated to meet the following brightness standards: **(i)** No sign shall be brighter than is necessary for clear and adequate visibility. **(ii)** No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle. **(iii)** No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

**(C)** The person owning or controlling an electronic display sign must adjust the sign to meet the brightness standards in accordance with the Director's instructions. The adjustment must be made immediately upon notice of non-compliance from the Director. The person owning or controlling the sign may appeal the Director's determination to the Hearings Officer, using the contested case procedures set forth in SRC Chapter 20J.

**(D)** All electronic display signs must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions and equipped with a means to immediately turn off the display if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the Director that it is not complying with the standards in this section.

**(d)** Notwithstanding any other provision in this chapter, a municipal corporation providing transit services within the corporate limits of the City may erect one electronic display sign in each of the corporation's transit stops, which shall be limited to two square feet in area, screened from adjacent residential properties, and used only for the transmission of public information by the corporation. (Ord No. 1-09)

The code also allows large electronic display signs in stadiums when the signs are oriented toward the interior of the facility

**62.290. Limitation on Flashing Light, Animation or Rotation in Certain Areas.** If the adjacent property on the same side of the street contains a residence, apartment, hospital, or home for the aged or convalescent located within a 100 foot line sight distance of the sign or there is such land use within 100 feet sight distance on the opposite side of this street or intersection, no rotating sign, no sign with rotating parts, flashing sign, or sign illuminated by

flashing or intermittent light shall be permitted to be illuminated after 10:00 p.m. or before 7:00 a.m. unless the rotation is stopped and all light from such sign is steady and continuous. Such sign may be permitted to be illuminated without restriction if the residents and all the property owners within the prescribed area consent in writing to the erection and maintenance of such sign. (Ord No. 167-68)

**62.360. Signs Permitted in Residential Districts.**
**(a)** Illumination. No sign shall be illuminated internally or externally by a source connected to the sign, except that wall signs may be internally illuminated. No flashing signs shall be permitted. Sign illumination shall be directed away from and not be reflected upon adjacent premises. No sign shall be illuminated after 12:00 p.m. or before 7:00 a.m.
**(b)** Animation. No sign shall be mechanically or electrically animated or wind activated.
**(f)** Special uses. Where any of the following special uses is permitted in a residential district, a building housing such use shall be permitted either one wall sign for each facing or frontage on a street or parking lot, provided that the parking lot does not abut a residential area. Wall signs shall be limited to the greater of 32 square feet or 2 percent of the gross face area of the building face to which it is attached, or one freestanding sign limited in height to five feet and 24 square feet in total sign area: **(1)** Veterinary services for animal specialties. **(2)** Funeral services and crematories; and cemetery subdividers and developers. **(3)** Public golf courses and membership sports and recreation clubs with golf courses. **(4)** Elementary and secondary schools. **(5)** Child day care services in buildings other than dwellings. **(6)** Boat and recreational vehicles storage area. **(7)** Mixed uses buildings.

**Definitions**

**(15)** "Electronic display" means a display created by light emitting diodes, liquid crystal displays, plasma display panels, pixel or sub-pixel technology, or other similar technology. As used in this Chapter, electronic displays include, but are not limited to:

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

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

**(C)** "Scrolling": the changing of an electronic display by the apparent vertical movement of the visual image, such that a new visual image appears to ascend and descend, or appear and disappear from the margins of the sign in a continuous or unfurling movement.

**(D)** "Static display": an electronic display which does not change.

**(E)** "Travel": the changing of an electronic display by the apparent horizontal movement of the visual image.

**(F)** "Video display": providing an electronic display in horizontal or vertical formats to create continuously moving images.

**(16)** "Flashing" means sudden or intermittent electrical illumination.

**(19)** "Nit" means a measurement of luminance, where one nit is equal to one candela per square meter (1cd/m2). A candela means a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. By way of example, an ordinary wax candle generates approximately one candela.

**Summary of 7/13/09 staff report to Salem City Council regarding sign code changes:**

The staff report summarized the public process to that point, including numerous neighborhood meetings and the feedback that they received on proposed changes. The findings included a discussion of aesthetics, safety concerns, free speech concerns, brightness limitations, and a prohibition in historic areas. The attachments included the public comments that were received, and the votes by the sign committee on various changes to the code language.

**Other cities**: One attachment is a table summarizing the sign codes of: Salem; Keizer; Portland; Hillsboro; Gresham; Minnetonka, Mn; Bloomington, Mn; San Antonio, Tx; Seattle, Wa; Mesa, Az. If we don't have enough time to review the entire table we can finish it at the next meeting.

**Safety/distraction issues**: The Salem information includes a report by Jerry Wachtel regarding the safety impacts of electronic display signs, and a literature review of safety studies by Jon Lazarus of ODOT. The Minnetonka information includes a study by SRF Consulting Group on driver distraction and signs. This could be the basis for a good safety/distraction discussion, which I would like the committee to have at the December meeting.

**Discussion with members of the Pilot Program on animated signs (4-5 pm)**

The members of the pilot program will be at the meeting from 4-5 pm to answer any questions you have. We asked them to discuss the following questions:

- What other types of advertising do you use?
- If you could change your sign what would you change?
- Any specific suggestions for code changes?

We have received some negative public comments about the pilot program, which I have attached. They comment that animated signs are dangerous distractions, visual pollution, and make Newberg look like Anywhere, USA.

We should discuss the pros and cons of allowing larger animated signs, and whether there are any experiments we would like the pilot program members to try with their signs.

| Jurisdiction | Size Limitations | District | Dwell Time | Brightness | Mode of Operation |
|---|---|---|---|---|---|
| City of Salem | Limited to 35% of the display surface of the sign | Allowed in all Commercial, Public & Industrial zones.<br><br>Residential is by Conditional Use permit process | In Commercial, Public & Industrial zones, limited to 15 min.<br><br>In Residential zone, limited to 24 hours.<br><br>Conditional Use process would allow for a shorter dwell time.<br><br>Change must be completed in two seconds or less. | At time of installation:<br><br>INTENSITY LEVEL (NIT) / Daytime / Night time<br>Any Sign / 7,500 / 1,000<br>Color<br>Red Only / 3, 150 / 450<br>Green Only / 6,300 / 900<br>Amber Only / 4,690 / 670<br><br>And must be equipped with an automatically adjusting device.<br><br>After installation:<br><br>No sign shall be brighter than is necessary<br><br>No sign shall impair the vision of a motor vehicle driver<br><br>No sign shall interfere with the effectiveness of an official traffic sign, device or signal. | Displays may change by dissolve, fade, or by instantaneous change from one static display to another, but shall remain as a static display after completing the change, and, once changed, shall remain static until the next change.<br><br>Unless specifically authorized by this Chapter, scrolling, travel, video display is prohibited. |
| City of Keizer | The total allowed sign area for a business (up to 150 sq ft) shall be reduced by 25% if the business has a rotating or revolving, or electronic message sign. | Only with a Conditional Use.<br><br>Permit in an EG, P, IBP, CR, CO, MU, CM or a CG zone.<br><br>Not allowed in residential zones. | 15 min in all zones, except P.<br><br>In the P zone and if located adjacent to residential areas shall only be illuminated between the hours of 6:00 AM and 11:00 PM and may only be changed once in a 24 hour period and shall include mitigation measures such as screening and buffering or other measures to mitigate any impacts onto adjacent properties. | INTENSITY LEVEL (NIT) / Daytime / Night time<br>Any Sign / 7,500 / 1,000<br>Color<br>Red Only / 3, 150 / 450<br>Green Only / 6,300 / 900<br>Amber Only / 4,690 / 670<br><br>and must be equipped with an automatically adjusting device | No flashing or chaser effect.<br><br>Must remain Static. |
| City of Portland | Limited to a total combined area of 20 square feet per site.<br><br>No single sign may have more than 10 square feet of changing image sign features unless those features cover less than 60 percent of the face of the sign. | Only allowed in Commercial & Industrial zone (except Commercial Office abutting residential zones) | Does not limiting changing image signs.<br><br>Do not include otherwise static signs where illumination is turned off and back on not more than once every 24 hours. | **Glare Standard** – Glare may not directly or indirectly form reflection, or cause illumination on other properties in excess of a measurement of 0.50 foot candles of light. | |

| Jurisdiction | Size Limitations | District | Dwell Time | Brightness | Mode of Operation |
|---|---|---|---|---|---|
| City of Hillsboro | **In Commercial/ Industrial Districts** - shall not exceed 50 percent of the total sign face.<br><br>**In Station Community Commercial Sign District** -. Shall not exceed 35 percent of the total sign face.<br><br>**In Industrial Park & Research Park Districts** - shall not exceed 25 percent of the total sign face. | Commercial & Industrial Districts | Every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change. | May not be illuminated greater than necessary for adequate visibility.<br><br>May not exceed:<br><br>8,000 nits during daylight hours,<br><br>or<br><br>1,000 nits between dusk and dawn. | Video signs are prohibited.<br><br>May travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.<br><br>Shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights.<br><br>Shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face. |
| City of Gresham | The electronic message center shall be an integral part of the sign design and shall not exceed 8 square feet in area. | | | | Flashing and animated signs, or any signs which achieve apparent movement through electrical pulsations, including strobe lights, and bead lighting, or through animation and/or real images are prohibited. |
| City of Minnetonka, Mn | Limited to 35% of sign.<br><br>Limited to freestanding signs only<br><br>Line of copy is governed by speed of road | All zones, except residential.<br><br>Residential by conditional use only | 20 minutes | Must be equipped with an automatically adjusting device.<br><br>No sign shall be brighter than is necessary<br><br>No sign shall impair the vision of a motor vehicle driver<br><br>No sign shall interfere with the effectiveness of an official traffic sign, device or signal. | Static only |
| City of Bloomington, Mn | Size is not limited. Uses spacing between sign types. | Changeable Copy signs: All Zones<br><br>Changeable Graphic Signs – only in non-residential zone | <u>Changeable Copy :</u><br>All zones except residential – 8 seconds<br><br>Residential zone – 1 hour.<br><br><u>Changeable graphic</u> signs: 20 minutes - only in non-residential zones | Residential is limited to amber color only.<br><br>May not exceed:<br>5,000 nits during daylight hours,<br>500 nits between dusk and dawn.<br><br>Equipped with an automatic dimmer control. | Video display signs are prohibited.<br><br>Static only. |

| Jurisdiction | Size Limitations | District | Dwell Time | Brightness | Mode of Operation |
|---|---|---|---|---|---|
| City of San Antonio, Tx | On-premise- 25% of allowed sign area<br><br>Off-premise - 300 square feet | In all zones<br><br>Off-premise signs – limited to 15 signs within the city limits. | Ten (10) seconds, and a change of message must be accomplished within one (1) second or less for off premise signs.<br><br>Not allowed to change in residential areas | May not display light of such intensity or brilliance as to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.<br><br>Equipped with both a dimmer control<br><br>Factory pre-set not to exceed 7,000 NITS<br><br>Exceeding the following intensity levels (nits) constitutes "excessive intensity or brilliance":<br><br>INTENSITY LEVEL (NIT)<br>Color / Daytime / Night time<br>Red Only / 3, 150 / 1,125<br>Green Only / 6,300 / 2,250<br>Amber Only / 4,690 / 1,675<br>Full Color / 7,000 / 2,500 | Static only |
| City of Seattle, Wa | Video – limited to 7 sq ft | Allow in all zones, except residential and historic districts | Between dusk and dawn the - limited to no more than five hundred (500) units<br><br>Signs using a video display method may be used after dusk only until 11:00 p.m. or, for up to one hour after on premise event advertising the event. | | |
| City of Mesa, Arizona | No special size limitations | All districts except urban renewal overlay zones | 1 hour<br><br>Less dwell time is allowed by special use permit. | Requires factory pre-set not to exceed the levels specified in the chart below:<br><br>Intensity level is protected from end-user manipulation<br><br>INTENSITY LEVEL (NIT)<br>Color / Daytime / Night time<br>Red Only / 3, 150 / 1,125<br>Green Only / 6,300 / 2,250<br>Amber Only / 4,690 / 1,675<br>Full Color / 7,000 / 2,500 | Displays of static messages, where the message change sequence is accomplished immediately or by means of fade or dissolve modes |

Attachment A

**From:** Dan Danicic
**Sent:** Wednesday, May 13, 2009 12:52 PM
**To:** Steve Olson; Barton Brierley
**Cc:** Dan Danicic
**Subject:** FW: animated signs

Citizen comment for the record.

Daniel Danicic
City Manager
City of Newberg, Oregon
503-537-1207

dan.danicic@ci.newberg.or.us

-----Original Message-----
From: Bart Rierson
Sent: Wednesday, May 13, 2009 11:26 AM
To: Larry Hattan
Cc: Newberg City Council; Terry Mahr; Dan Danicic
Subject: RE: animated signs

Larry,

Thank you for your suggestions. I was on the planning commission when the original sign ordinance was crafted.
The council will consider your email with all other public testimony when we discuss this issue.

Bart Rierson
Newberg City Council District 4

---

From: Larry Hattan [larryhattan@yahoo.com]
Sent: Sunday, May 10, 2009 5:36 PM
To: Bart Rierson
Subject: animated signs

Mr. Rierson: I'm in favor of any ruling that limits drivers attention away from the road. I'ts bad enough that people talk on phones, eat, drink, etc. while driving; now there are animated signs to read. I also would like to see action taken to prevent those who are paid to stand at busy intersections waving large signs and using any tactic to get the attention of drivers. I see this frequently at 99w and Springbrook Rd. Larry Hattan

## Steve Olson

**From:** Dan Danicic
**Sent:** Monday, May 18, 2009 8:06 AM
**To:** Barton Brierley; Steve Olson; Bob Andrews
**Cc:** Dan Danicic
**Subject:** FW: The lighting standards in Newberg are changing for the worse.

FYI

DANIEL DANICIC
CITY MANAGER
CITY OF NEWBERG, OREGON
503-537-1207

dan.danicic@ci.newberg.or.us

**From:** Haug, Matson [mailto:matson_haug@mentor.com]
**Sent:** Monday, May 18, 2009 6:12 AM
**To:** gallen@eaglenewspapers.com
**Subject:** The lighting standards in Newberg are changing for the worse.

Gary,

Please publish my Letter-to-the-Editor below.

Mat

Letter to the editor,

The influx of outside business practices into Newberg is definitely changing the look of our community.

First we had the imposition of extreme overhead illumination of the Dodge and Chevy auto dealership lots. This lighting is much, much brighter than our city ordinance standards. City staff administratively approved this lighting as a hardship case, so all those cars would not get stolen off the lots.

Now the City Council is permitting us to be bombarded with a barrage of large, bright, flashing animated signs as we drive along hi-way 99. The excuse here seems to be another hardship case, where those business are pledging they'll go broke without this extra annoyance.

We are incrementally losing our comminute identify.

Welcome, everyone, to Anywhere, USA.

Thank you,

Matson Haug
1524 Hess Creek Court
Newberg, OR 97132
(w)503-685-7087
(h)503-538-1186
(c)503-550-6093

# Letters to the Editor

*Spend the bypass money on schools, balancing the budget*

To the editor:

Here we are faced with reducing our schools budget, cutting jobs and so forth. We are all struggling to make ends meet, pay our taxes and just get by. The state declares it is going to have a shortfall in its budget by some number I cannot imagine.

So why are our representatives in Salem going to raise our gas taxes and other taxes to pay to build the bypass, or at least part of the bypass?

The Oregon Department of Transportation has successfully spent millions of our tax dollars on studies. Why do we not believe that the same thing will not happen to the $132 million that our representatives are planning to give to ODOT?

Why not take that money and spend it on our schools and balance the state budget?

**Donnald Alexander, Newberg**

--

**City, CPRD should clean up these lots**

To the editor:

Well, a year has gone by and again I will complain about the Newberg fill along Hoover Park and at the intersection of First and River streets.

First, Hoover Park: the south side (fill) area looks bad. It's hard to understand why the Chehalem Park and Recreation District or anyone else has not made a real effort to clean it up and remove the overgrowth.

CPRD has said it's not theirs, the state says "it's not ours" and the city say it's not theirs, but then CPRD plants trees on the top, maybe with the idea to hide it. Since CPRD planted trees on the top, it is theirs. Don Clements, shame on you.

Second, the land near the First and River streets intersection: there was a bowling alley there years ago, it is one of the main entrances to Newberg's downtown and it is again overgrown. The city of Newberg bent over backwards to help Bret Veatch buy the land and develop it. Bret, maybe you at least should keep it looking better.

Bret and Don, maybe you should look at these properties through the eyes of visitors who travel through this town, or

Public Notices

CONTACT US!

Real Estate (PDF)

(mid-valley rehab logo)
AUTO SALES
JUVENILE DETENTION TECHNICIAN
NURSING OPPORTUNITIES
ONLINE SALES OPPORTUNITY
OPERATIONS/AGENCY SERVICES COORDINATOR
POLICE RESERVE OFFICER
WELDER

SUBSCRIPTION INFO
Select Link

SITE LINKS
Select Link

CITY/STATE
Select Link

EDUCATION
Select School

organize the people who could help clean these areas. I challenge anyone from the city or the private sector to look at these areas and see what they think could be done.

I think the city of Newberg should raise the bar and make this community look its best or better.

Also, I think the city should look at the contract with CPRD on the parks and have a stricter set of standards for the way our parks look today. Also, when the city of Newberg sells a piece of property the buyer should maintain it, period, and that should be in the contract.

**Mike Boyes, Newberg**

--

**Signs are a form of pollution in the city**

To the editor:

Have you noticed the subtle change on Highway 99W? The city council is running a multi-month test, allowing businesses with animated signs to increase the size and timing of the animation to see if this will increase their sales.

The plan is to make these changes permanent if sales increase. And if sales increase for one business, then the other businesses will follow suit. Gradually there will be more and more bright animated signs on Portland Road, and we will lose any character left of our community.

I believe that this change in signage is a form of pollution.

In the rules as they are currently written, a business gets 10-square-feet of animation. Amber Alerts, properly displayed, don't need any more than 10 square feet. As an example, the legal Best Western sign is all the space needed for a school or community message.

Please take a moment to reflect upon this ongoing sign test. And let your elected official know what you think is best for the community.

**Julie Isaacson, Newberg**

**GO TO TOP.**

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SPOKANE

Attachment B

## Sign Regulations

In order to balance the need to protect the public safety and maintain an attractive community and the need for adequate identification, communication and advertising, signs within the City of Spokane are regulated by Chapter 17C.240 of the Spokane Municipal Code.

Below is a summery of the sign code regulations please see Chapter 17C.240 of the Spokane Municipal Code for the complete regulations.

If you are considering installing signs on property within the City of Spokane the first step in determining what signs are permitted is to find out the zoning of the property. You can do this by using the Spokane City Map Viewer or by calling the Current Planning Department at 509 625-6300.

Once you know the zoning of the property use the following tables to determine the allowable signage.

| **Permitted Signs in the Residential Zones (RA, RSF, RTF, RMF, and RHD)** | | | | | |
|---|---|---|---|---|---|
| **Use Category/Structure Type** [2] | **Number of Signs** | **Max. Sign Face Area** | **Types of Signs Allowed** | **Maximum Sign Height** | **Additional Signs Allowed** [3] |
| Residential Household Living/Houses, Duplexes, Attached Houses | 1 per site | 3 sq. ft. | Fascia, Painted Wall | Top of wall, or 10 ft. whichever is less | directional signs |
| | | | Freestanding | 6 ft. | |
| Residential Household Living/Multi-family Residential Building, Group Living, Day Care, Nonresidential category uses not listed below. | 1 per building | 15 sq. ft. | Fascia, Painted Wall | Top of wall | directional signs |
| | | | Freestanding | 10 ft. | |
| Subdivisions, PUDs, Mobile Home Parks, Agricultural Uses. [4] | 1 per entrance | 32 sq. ft. | Monument | 10 ft. | directional signs |

| | | | | | |
|---|---|---|---|---|---|
| Parks and Open Areas [5] | 1 per street frontage | 10 sq. ft. | Monument | 10 ft. | directional signs |
| Colleges, Community Services, Medical Centers, Religious Institutions, Schools, Commercial Outdoor Recreation, Major Event Entertainments, nonconforming uses in Commercial and Industrial use categories, uses in the Office use category allowed as a Conditional Use in the RMF and RHD zones. | The sign standards of the NR zone apply. See Below. | | | | |

Notes:

[1] Temporary signs are regulated by SMC 17C.240.240. G. Temporary Signs.

[2] See Title 17C. Uses, Use Categories, and Structure Types.

[3] These signs are allowed in addition to other signs when they meet the standards of SMC 17C.240.240.

[4] These signs are allowed in addition to those for individual buildings.

[5] Signs in, or adjacent to and facing, a sports field associated with Parks and Open Areas are subject to the standards of the NR zone.

## Setbacks in Residential Zones

- Monument exceeding 3.5 feet in tall shall setback a minimum of 10 feet.
- Freestanding signs with structural support of less than 2 feet in width and the copy placed at a minimum height of 7 feet above grade may be placed at the front property line.
- Signs with structural supports of more than 2 feet wide shall be setback a minimum of 10 feet.
- All signs shall meet the requirements of SMC 17C.249.240 F for clearances.

| Commercial and Industrial Zones (CBD1-6, GC, CB, O, OR, NR and CC1- 4) | | | | | |
|---|---|---|---|---|---|
| **CBD, GC, LI & HI** | | **CC2 & CB [2]** | **O, OR, NR, NMU** | **CC1 [2]** | **CC4 [2]** |
| ***Signs Attached to Buildings*** | | | | | |
| Size Allocation | • 1-1/2 sq. ft. per 1 ft. of primary bldg. wall or 15 percent of the primary bldg. wall whichever is greater | • 1 sq. ft. per 1 ft. of primary bldg. wall if a freestanding sign is also on the same street frontage<br>• 1-1/2 sq. ft. per 1 ft. of primary bldg. wall if there is no freestanding sign on the same street frontage | Same | Same | 15 sq. ft. |
| Maximum Number | No limit within size allocation | Same | Same | Same | 1 |
| Maximum Area Per Sign | 250 sq. ft. In the CBD zones, the maximum area per sign attached to a building is not limited. | 100 sq. ft. | 50 sq. ft. | 50 sq. ft. | 15 sq. ft. |
| Min. Guaranteed Sign Area For A | 32 sq. ft. | Same | Same | Same | 15 sq. ft. |

| | | | | | |
|---|---|---|---|---|---|
| Ground Floor Tenant Space | | | | | |
| Types Allowed | | | | | |
| Fascia, Awning, Marquee, Pitched Roof, Painted Wall | Yes | Yes | Yes | Yes | Yes |
| Projecting | Yes, but no projecting signs if a freestanding sign is also on the same street frontage | Same | Same | Same | Same |
| Rooftop | Yes | No | No | No | No |
| ***Freestanding Signs*** | | | | | |
| Maximum Number | 1 per site or 1 per 300 ft. of arterial street frontage and 1 for each additional 300 ft. or fraction thereof [3]. | 1 per arterial street frontage [4] | 1 per arterial street frontage [4] | 1 monument sign per arterial street frontage | 1 monument sign per building |

| | | | | | |
|---|---|---|---|---|---|
| When Not Allowed | Not Limited | Not allowed if there is already a projecting sign on the same site frontage, or if existing signs attached to buildings exceed the limit of 1sq. ft. to 1 ft. of primary building wall. | Same | Same | Not allowed if there is already a wall or projecting sign |
| Size Allocation For All Freestanding Signs | 1 sq. ft. per 1 ft. of arterial street frontage. Local street frontage can be used if there are not arterial site frontages. | Same | Same | Same | 15 sq. ft. |
| Size Limit | 250 sq. ft. | 75 sq. ft. [5] | 50 sq. ft. [5] | 50 sq. ft. | 15 sq. ft. |
| Maximum Height [6] | 35 ft. In the CBD-5 zone, the maximum height is 60 ft. | 20 ft. | 20 ft. | 5 feet | 5 feet |

| ***Additional Signs Allowed*** | | | | | |
|---|---|---|---|---|---|
| Directional Signs, Temporary Signs | See Subsections 17C.240.240.H. and 17C.240.240.G. | | | | |

Yes = Allowed No = Prohibited

Notes:

[1] Temporary signs are regulated under 17C.240.240.H. Temporary Signs.

[2] Signs in CC zones are subject to the standards and guidelines contained in the Initial Design Standards and Guidelines for Centers and Corridors.

[3] On sites with frontages longer than 300 feet, sign area earned from the first 300 feet may not be used on the second sign. For example, a 350 foot street frontage may have a 200 sq. ft. and a 50 sq. ft. freestanding sign. Interstate freeways, United States highways, state routes that are not also City of Spokane Arterials are not considered arterial streets for purposes of this Title. Sites with frontage on more than one arterial are allowed a freestanding sign on each arterial. The size allocation for each freestanding sign shall be calculated independently using only the length of the arterial frontage adjacent to the freestanding sign. The square footage allowance for freestanding signs for one arterial shall not be transferred to other arterials.

[4] Where a site has no arterial street frontage, one freestanding sign is allowed.

[5] The maximum sign area may be an additional twenty-five square feet for each additional business on a site having more than one business, up to a maximum area of one hundred fifty square feet.

[6] This height limit is for the total height of the combined sign face and sign structure.

[7] These signs may be allowed in addition to signs attached to buildings and freestanding signs when they meet the standards of 17C.240.240.H. and 17C.240.240.G.

**Setbacks in Commercial and Industrial Zones**

- Freestanding signs shall not be located within the required setback from a residentially zoned property.

## Primary Building Wall

**FIGURE 1:**
**Primary and Secondary Building Walls**

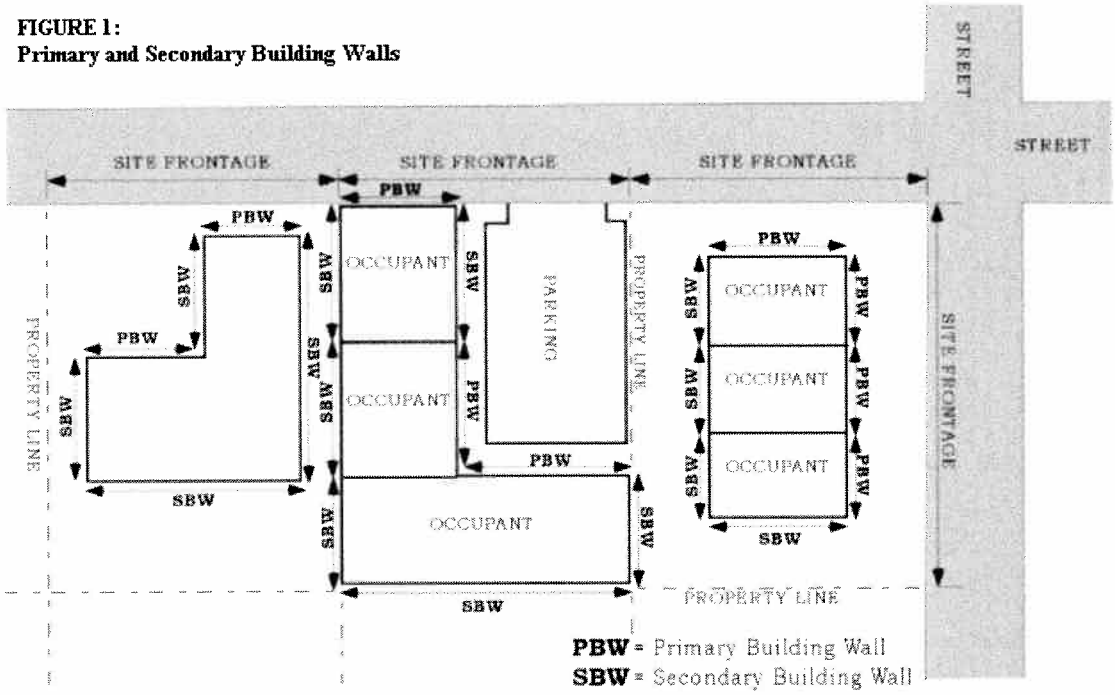
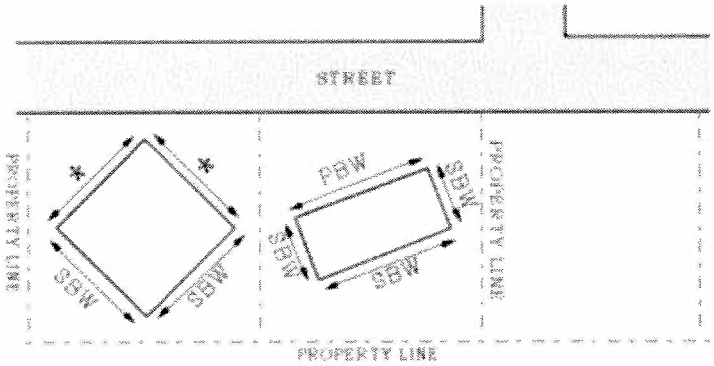



**FIGURE 8a**
**Building Wall Orientation**




**PBW** = Primary Building Wall
**SBW** = Secondary Building Wall

* Equal orientation - applicant chooses one for primary wall and one for the secondary wall

## Electronic Message Signs

Not permitted in the CBD and CC4 zones or for residential uses in the residential zones.

For institutional uses in the residential zones

- 25 square feet max area

- Shall be shut off between the hours of 10PM and 6AM

All uses in the CC1, O, OR zones and NR zoned property with frontage on an arterial

- 25 square feet max area
- No limits to hours of operation

All uses in the CC2 and CB zones

- 48 square feet max area for a wall signs
- 37.5 square feet max area for freestanding signs
- No limits to hours of operation

All uses in the GC, LI and HI zones

- 48 square feet max area
- No limits on hours of operation

Electronic message signs shall comply with the standards of Table 4 of SMC 17C.240.240 J for automatic dimming and brightness standards. A signed letter from the owner of a proposed electronic message sign certifying compliance with these standards shall be submitted with the sign permit application.

Electronic message signs shall display static images for not less than 2 seconds before transitioning to another static image. Transitions may utilize frame effects but flashing signs are prohibited.

Except in the GC, LI and HI zones no video display methods are permitted. Where permitted the minimum duration of videos displays shall be 2 seconds and the maximum shall be five seconds.

**Sign Permits**

All new permanent signs require a permit unless exempted by 17C.240.060 (make link). Changes to an existing legally permitted sign that do not structurally alter or relocate the sign do not require a permit. These changes may include painting, repainting, cleaning or changing the advertising copy. See below for temporary sign permitting requirements.

The Building Services Department administers sign permits. A sign permit application may be submitted on the 3rd floor of City Hall, 808 W Spokane Falls Blvd. between the hours of 8:00 AM and 4:30 PM and shall include the following information:

- ✓ Completed Building Department Application form
- ✓ The location of the affected lot, building(s) and sign(s);
- ✓ The scale of the site plan;

- ✓ A scaled drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination;
- ✓ The location of all existing signs on the site including size and height;
- ✓ For signs subject to spacing regulations, the location of neighboring signs on adjacent properties;
- ✓ Tax parcel number or correct parcel address where proposed sign will be located.
- ✓ A letter signed by the owner of a proposed electronic message sign certifying compliance with brightness standards if electronic message sign is proposed.
- ✓ Application review fee.

| ***Temporary Signs*** | | | | | |
|---|---|---|---|---|---|
| ***Type*** | ***Allowed?*** | ***Permit required?*** | ***Max Area*** | ***Max Height*** | ***Time Limit*** |
| Construction Sign | Yes. | No. | 32 sq. ft. or 15 sq. ft. in RSF Zones | 10 feet | Duration of construction after building permit is obtained. |
| Grand Opening Displays (signs, posters, banners, strings of lights, flags, balloons) | Yes, on premises of the business only, in zones where the use advertised is permitted. | No. | No maximum. | No maximum. | Thirty days prior to event, must be removed within 7 days after event. |
| Special event signs. | Yes, on premises of the business only. | No | 20 sq. ft. | No maximum. | Thirty days prior to event, must be removed within 7 days after event. |
| Balloon Signs | Yes, in commercial and industrial zones, on premises of the business only. | No. | No maximum. | The vertical dimension of the balloon may not exceed 25 feet. | One balloon sign is allowed per site for a maximum of one month at a showing twice per calendar year. |
| Real estate signs | Yes, on private property only. | No. | See rules for real estate signs below | | |
| Political Campaign Signs | Yes. | No. | 16 square feet in residential zones. 32 square feet in non-residential zones. | No maximum. | Signs shall be removed after the date election results are certified. |
| Community Banners | Yes, in city designated locations for promotion of a | Yes, requires permit from the City | Complies with all applicable codes and in the judgment of the street director does not | | As approved by permit. |

| | | | | | |
|---|---|---|---|---|---|
| | civic event, public service announcement and holiday decoration. | Administrator and approval by the arts commission. | present a traffic hazard. | | |
| Sandwich Board Signs | Yes, one sign per business is allowed, constructed and sited as outlined by SMC 17C.240.240. | Notification to the city prior to displaying a sandwich board sign is required. This includes an acknowledgement of requirements and a rendering of the sign. | 9 square feet in area and not exceeding 3 feet in any dimension. | 36 inches. | Signs may only be displayed during business hours. |
| Garage Sale Signs | Yes, one on site and ten-off premises signs are permitted. | No. | 4 square feet. | N/A | May be displayed only during the sale and must be removed the day the sale ends. |
| Seasonal sales (e.g. Christmas tree stands) | Yes, if a vender has valid license for the sales activities. The sign shall be placed on private property only. | No. | One sign of up to 20 square feet mounted on the booth or trailer used for sales. | N/A. | As long as the sales activity has a valid license. |

Temporary signs shall not be posted or attached to telephone poles, power poles or other public utility facilities.

No political campaign signs may be placed on private property without permission of the property owner.

All banners must be legible, made of durable materials, and must be well maintained.

## Rules for Real estate Signs

- Signs may only be placed on private property
- Signs must be of a durable material.

| Type | Restrictions | Max Number | Max Area | Max Height |
|---|---|---|---|---|
| Residential "for rent,", "for sale," "sold" | Must be placed on property for rent or sale. | One per street frontage. | 5 square feet | NA |
| Residential "open house" | Off premises signs may not be spaced closer than 200 feet together. Signs are permitted only during daylight hours and when the seller or agent is on the property for sale. | One sign per street frontage and up to 10 off-premises signs. | 5 square feet | NA |
| Undeveloped commercial and industrial property "for sale or rent" | NA | One sign per street frontage. | 32 square feet | 10 feet |
| Developed commercial and industrial property "for sale or rent" | If the face of the building is less than 10 feet from the building line, the sign shall be placed on the building or in the window. Freestanding signs must be setback 15 feet from any property line. | One sign per street frontage. | 32 square feet | 10 feet |
| Undeveloped Residential property "for sale" sign | Must be setback at least 30 feet from adjoining | One per street frontage. | 32 square feet | 10 feet |

| | | | | |
|---|---|---|---|---|
| | property. | | | |

## Prohibited Signs

- Flashing signs or signs containing strobe lights
- Abandoned sign structures
- Signs placed on or painted on a motor vehicle or trailer parked to provide signage not otherwise permitted.
- Permanent balloon signs.
- Temporary signs that are not explicitly listed as permitted.
- Signs that resemble or otherwise interfere with official traffic signals.
- Signs located on or above a public right-of-way except in accordance with SMC 17C.240.
- Off-premise signs unless explicitly permitted by the sign code.
- Strings of banners, pennants, and other graffiti-like material with advertising copy except within the allowance for grand opening displays and special events.
- Signs for which a permit is required but none is obtained.

## Signs in the Shorelines Jurisdiction

See SMC.17C.240.270 for additional standards for signs to be located within the Shoreline Jurisdiction (within 200 feet from the ordinary high-water mark of the Spokane River and Latah Creek).

ORDINANCE NO. C 34390

An ordinance relating to sign standards for the Unified Development Code; and adopting a new chapter 17C.240 to title 17C of the Spokane Municipal Code.

WHEREAS, the Sign Ordinance was identified as one of the development regulations that would be reviewed and updated following adoption of the Comprehensive Plan. The existing Sign Ordinance is in need of modernization to reflect new sign technology and the needs of the business community and the public. The existing Sign Ordinance has not undergone a thorough review since its adoption in the late 1950's; and

WHEREAS, on-premise advertising signs are mentioned in Comprehensive Plan Policy DP 3.13 On-Premise Advertising states: "Ensure on-premise business signs are of size, number, quality, and style to provide identification of the business they support while contributing a positive visual character to the community"; and

WHEREAS, Policy DP 3.13 of the Comprehensive Plan emphasizes that signs should not degrade the visual environment and that signs should not distract motorists; and

WHEREAS, a Sign Code Technical Advisory Committee (TAC) was involved in the review of the draft Sign Ordinance. The TAC included representatives from Scenic America; a local sign company; a church; the Community Assembly; the City Plan Commission; the Spokane Home Builders Association and Spokane Association of Realtors; the Chamber of Commerce; and Property Management and the Downtown Spokane Partnership. The TAC prepared a background "white paper" and has had the opportunity to review and comment on preliminary draft standards for permanent signs in all zoning categories and on sign dimension standards; and

WHEREAS, the Sign Ordinance addresses on-premises signs. On-premises signs are located on the site of the business they serve and are intended to advertise only the business located on the site. These include freestanding signs, wall signs, projecting signs, monument signs and other types of permanent signs; and

WHEREAS, off-premises signs (billboards) advertise businesses and services that are not on the site that the sign is located on. The draft ordinance continues the existing Sign Ordinance provisions which do not allow new off-premises signs. Maintenance of existing off-premises signs is allowed; and

WHEREAS, the Plan Commission held workshops on the draft Sign Ordinance on February 27, 2008, March 26, 2008, May 14, 2008, September 10, 2008, and October 22, 2008, and a public hearing on November 12, 2008; and

WHEREAS, the draft Sign Ordinance which was the subject of the November 12, 2008 Plan Commission public hearing proposed to allow changing image signs subject

to size limitations on size and brightness, minimum spacing requirements and limits on the duration of messages including minimum and maximum length; and

WHEREAS, the Plan Commission continued deliberation on December 10, 2008 and considered a total of twenty-four written and verbal comments received during the public hearing process. Sixteen comments suggested that changing image signs degrade the visual environment and that such signs distract motorists and are detrimental to traffic safety. Four comments favored changing image signs. The Plan Commission, on a 5 to 4 vote, recommends that the changing image signs not be permitted in the proposed sign ordinance; and

WHEREAS, based on written and verbal testimony that is a part of the record and is summarized in the City Plan Commission Recommendation, Findings and Conclusions adopted on January 14, 2009, the Plan Commission explicitly considered and rejected allowing changing image signs; and

WHEREAS, the City of Spokane City Council, after lengthy consideration of the issues and public testimony related to changing image signs (renamed Electronic Message Center signs in the adopted Sign Code Ordinances) finds that with adequate controls, changing image signs may be safely placed and avoid the impacts cited by the Plan Commission in their recommended Sign Code Ordinance; and

WHEREAS, on October 29, 2008, the responsible official issued a determination of non-significance (DNS) under SEPA (Chapter 43.21C RCW) relating to this Ordinance and notice of said DNS was published in the Spokesman Review on October 29, and November 5, 2008.

WHEREAS, these standards balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, and the need for adequate identification, communication and advertising; and

WHEREAS, these standards ensure that signs and awnings are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare; and

WHEREAS, these standards allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties; and

WHEREAS, these standards reflect and support the desired character and development patterns of the various zones, overlay zones and promote an attractive environment; and

WHEREAS, these standards allow for adequate and effective signs in residential, commercial and industrial zones while preventing signs from dominating the appearance of the area; and

WHEREAS, these standards ensure that the constitutionally guaranteed right of free speech is protected; and

WHEREAS, these standards avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and the community's appearance; and

WHEREAS, these standards allow for a variety of sign types and sizes for a site; and

WHEREAS, these standards do not ensure or provide for every property or business owner's desired level of visibility for the signs; and

WHEREAS, these standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not necessarily to streets and rights-of-way farther away; --

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That there is adopted a new chapter 17C.240 Signs to Division C of Title 17C of the Spokane Municipal Code to read as follows:

**SIGNS**


| | |
|---|---|
| 17C.240.010 | Purpose. |
| 17C.240.020 | Where These Regulations Apply. |
| 17C.240.030 | Hierarchy of Regulations. |
| 17C.240.040 | Relationship to Approved Land Use Reviews. |
| 17C.240.050 | Authority. |
| 17C.240.060 | Exemptions. |
| 17C.240.070 | Prohibitions. |
| 17C.240.080 | General Rules for Reading and Applying the Code Language. |
| 17C.240.090 | Sign Permit Required |
| 17C.240.100 | Applying the Code to Specific Situations. |
| 17C.240.120 | Measurements |
| 17C.240.130 | Primary Building Walls. |
| 17C.240.140 | Sign Face Area. |
| 17C.240.150 | Height of Signs. |
| 17C.240.160 | Clearances. |
| 17C.240.180 | Diagonal Corner Signs. |
| 17C.240.190 | Sign Standards Purpose. |
| 17C.240.200 | Official Zoning Maps. |
| 17C.240.210 | Uses, Use Categories, and Structure Types. |
| 17C.240.220 | Standards in the Residential Zones. |
| 17C.240.230 | Standards in the Commercial, and Industrial Zones. |
| 17C.240.240 | Additional Standards in All Zones. |

17C.240.250 Off-premises signs.
17C.240.260 Additional Standards for Specific Uses.
17C.240.270 Additional Standards in Overlay Zones.
17C.240.280 Nonconforming Signs
17C.240.290 Bonus Allowance for Outstanding Design
17C.240.300 Construction Provisions and Traffic Engineer Review

## 17C.240.010 Purpose.

These regulations balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs have the following specific objectives:

A. To ensure that signs and awnings are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;

B. To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties;

C. To reflect and support the desired character and development patterns of the various zones, overlay zones and promote an attractive environment;

D. To allow for adequate and effective signs in residential, commercial and industrial zones while preventing signs from dominating the appearance of the area;

E. To ensure that the constitutionally guaranteed right of free speech is protected; and

F. To avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and the community's appearance.

The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not necessarily to streets and rights-of-way farther away.

## 17C.240.020 Where These Regulations Apply.

A. General.
The requirements of this chapter apply to all signs, sign structures, awnings, and strobe lights located within the City of Spokane, except as specified in subsection B., below.

B. Clarification for rights-of-way.

1. Signs within public rights-of-way are regulated by Spokane Municipal Code chapter 12.02 Obstruction, Encroachment of Public Ways and not by title 17, Unified Development Code except in the following situations where both Titles apply:

   a. Signs, sign structures, and awnings that extend from private property over rights-of-way; and

   b. Temporary signs.

**17C.240.030 Hierarchy of Regulations.**

A. Conflicts within chapter 17C.240 SMC.
In general, an area with base zoning or overlay zoning, is subject to all of the sign regulations of each. When the regulations conflict, unless specifically indicated otherwise, the regulations for an overlay zone supersede regulations for base zones. The regulations for overlay zones also supersede conflicting regulations for a specific use or development unless specifically stated otherwise.

Where there is a conflict between regulations for a specific use or development and the base zone regulations, the specific use or development regulations supersede the base zone regulations.

**17C.240.040 Relationship to Approved Land Use Reviews.**

The sign-related provisions of any approved land use permit that applies to the site supersede the standards of this code. Examples of land use reviews include PUDs and binding site plans and conditional uses, and other discretionary permits.

**17C.240.050 Authority.**

A. Responsibility.
This chapter will be administered by the planning director and enforced by the code enforcement division and the street department.

B. Administration.
The director will administer these sign standards as set forth under title 17A SMC. The director may implement procedures, forms, and written policies for administering the provisions of this chapter.

C. Violations.
Violations of this chapter are civil infractions enforced under SMC 1.05.160.

**17C.240.060 Exemptions.**

The following signs do not require a sign permit (unless noted), nor shall the area and number of such signs be included in the area and number of signs permitted for any site or use. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance:

A. The flag, emblem or insignia of a nation or other governmental unit or nonprofit organization subject to the guidelines concerning their use set forth by the government or organization which they represent. Flag poles require a sign permit for structural review.

B. Memorial signs or tablets, names of buildings, stained glass windows and dates of erection when cut into the surface or the facade of the building or when projecting not more than two inches.

C. Traffic or other municipal signs, signs required by law or emergency, railroad crossing signs, legal notices, and any temporary signs as are authorized under policy approved by the city council.

D. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.

E. Flush mounted wall signs, used to identify the name and address of the occupant for each dwelling provided the sign does not exceed two square feet in sign area.

F. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses.

G. Decorations, such signs in the nature of a decoration, clearly incidental and customary and commonly associated with any national, local or religious holiday.

H. Painting, repainting or cleaning of an advertising structure or the changing of the advertising copy of message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.

I. Sculptures, fountains, mosaics, murals, and design features which do not incorporate advertising or identification.

J. "No trespassing", "no dumping", "no parking", "private", signs identifying essential public needs (i.e., restrooms, entrance, exit, telephone, etc.) and other informational warning signs, which shall not exceed three square feet in surface area.

K. Directional signs erected by the city on arterial streets directing the public to public, civic, or nonprofit facilities. Such signs shall be erected at the discretion of the director of public works and shall be subject to city design guidelines. In addition, with the approval of the design review committee, the director of public works may allow the erection of directional signs as are necessary to designate commercial areas or significant tourist sites within the city.

L. Publicly approved non-illuminated interpretive signs, or historical signs, or tablets displayed by a public, educational non-profit agency, or private development pursuant to SMC 17E.060.830 and SMC 17E.060.840, strictly for the purpose of informing or educating the public.

M. Illuminated wall highlights.

**17C.240.070 Prohibitions.**

The following are prohibited and existing ones must be removed:

A. Signs containing strobe lights;

B. Abandoned sign structures;

C. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signs not otherwise allowed by the code;

D. Permanent balloon signs;

E. Temporary signs (except as provided for in SMC 17C.240.240.G. Temporary Signs);

F. Signs that imitate or resemble official traffic lights, signs or signals or signs that interfere with the effectiveness of any official traffic light, sign or signal;

G. Signs which are located upon or projecting over public streets, sidewalks, or rights-of-way except as provided for awnings and marquees in SMC 17F.040.140, and sandwich board signs in SMC 17C.240.240.G.9. and signs extending into the right-of-way allowed in SMC 17C.240.240.C.;

H. Off-premises signs (except as provided for in SMC 17C.240.240.G. Temporary signs such as real estate signs and community banners, SMC12.02.0755 Signs permitted in conjunction with bus bench signs and SMC 17C.240.250 Off-premises signs);

I. Strings of banners, pennants, and other graffiti-like material with advertising copy except grand opening displays and special event signs as allowed in SMC 17C.240.240.G.;

J. Signs erected, constructed or structurally altered that are required to have a permit that were erected, constructed or altered without a permit.

K. It shall be unlawful for any person, except a public officer or employee in the performance of his public duty, to affix, post, paint, nail, fasten, place or locate any sign, card, banner, handbill, poster or advertising or notice of any kind, or cause the same to be done, upon public streets, highways, bridges or upon any curbstone, traffic control device, street sign, utility pole, hydrant, fence, lamp post, guardrail, City-owned structure or City-owned tree or shrubbery in any public place, or to affix the same to a wire or appurtenance thereof, except as may be authorized by the ordinances, laws or regulations, the State of Washington or the United States. City-owned structures include, but are not limited to, bridges, overpasses, retaining walls, fences, street furniture and shelters, among other structures.

The prohibition contained herein shall not apply to political campaign signs, which shall be regulated pursuant to SMC 17C.240.240.G.6.

L. Flashing signs.

**17C.240.080 General Rules for Reading and Applying the Code Language.**

A. Reading and applying the code.
Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Application of the regulations that are consistent with the rules of chapters 17C.240.080 through 17C.240.180 SMC are non-discretionary actions of the planning director to implement the code. The action of the planning director is final.

B. Situations where the code is silent.
Proposals for signs where the code is silent, or where the rules of this chapter do not provide a basis for concluding that the sign is allowed, are prohibited.

C. Substitution clause.
Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

**17C.240.090 Sign Permit Required**

A. Permit requirements.
No sign governed by the provisions of this code shall be erected, structurally altered or relocated by any person, firm or corporation after the date of adoption of this code without a permit issued by the city (with the exceptions as noted). No new permit is required for signs which have permits and which conform with the requirements of this code on the date of its adoption unless and until the sign is structurally altered or relocated.

B. Permit applications.
Permit applications shall include a site plan that provides the following information:

1. The location of the affected lot, building(s) and sign(s);

2. The scale of the site plan;

3. A scaled drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination;

4. The location of all existing signs on the site including size and height;

5. For signs subject to spacing regulations, the location of neighboring signs on adjacent properties;

6. Tax parcel number or correct address where proposed sign will be located.

C. Fee schedule.
Fees for sign permits are as provided by SMC 8.02.031.G.

**17C.240.100 Applying the Code to Specific Situations.**

Generally, while the code cannot list every situation or be totally definitive, it provides guidance through the use of descriptions and examples. In situations where the code provides this guidance, the descriptions and examples are used to determine the applicable regulations for the situation. If the code regulations, descriptions, and examples do not provide adequate guidance to clearly address a specific situation, the stated intent of the regulation and its relationship to other regulations and situations are considered.

**17C.240.120 Measurements.**

The standards contained in chapters 17C.240.130 through 17C.240.180 SMC address how the signs allowed in the various zoning categories are measured including sign area, height, and other parameters. These standards work in combination with the standards of chapters 17C.240.190 through 17C.240.300 SMC regarding allowed sign size, number, type and other provisions.

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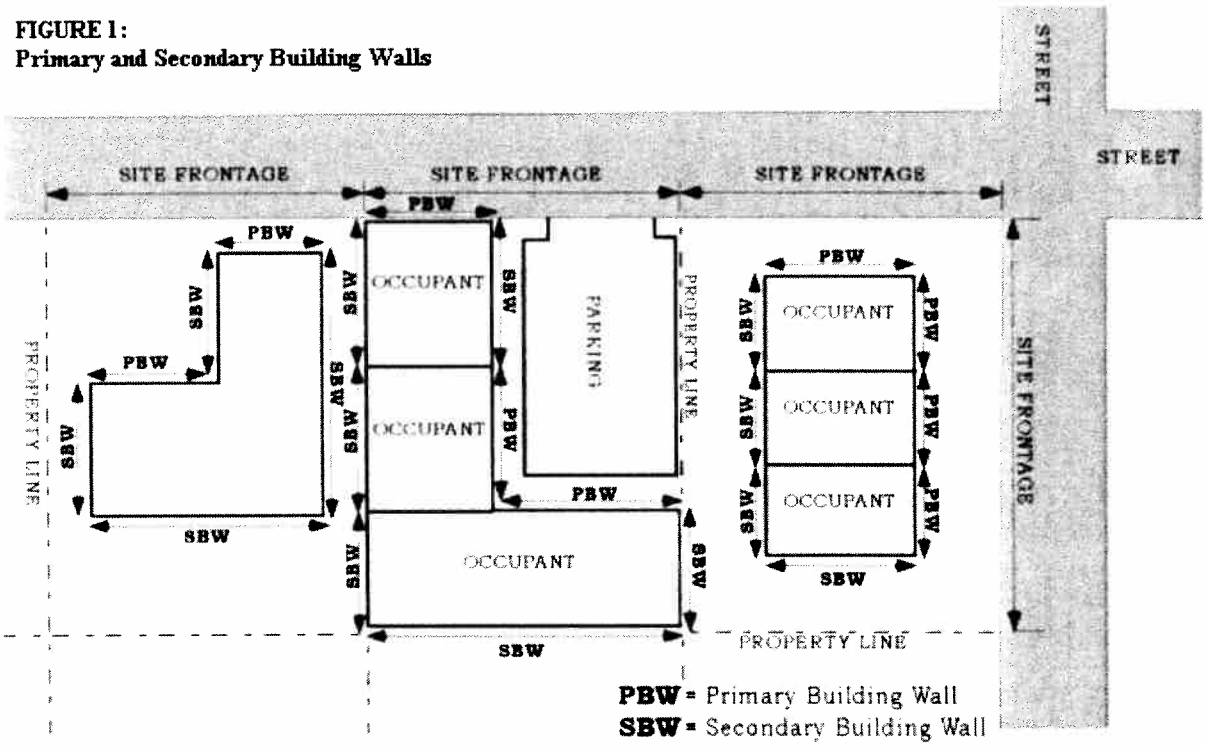
### 17C.240.130 Primary Building Walls.

The length of a primary building wall is derived for each tenant space's ground floor exterior wall. See Figure 1. When walls are not parallel to a street, they are assigned to the street frontage to which they are most oriented. See Figure 8a. When the primary entrance is located in a building wall that is adjacent to, at an angle from, and shorter than the street-facing wall, the primary building wall will be measured as a combination of the street wall and the wall containing the entrance. Where the angled wall is on the corner of the building between two street-facing walls, the applicant may choose which street facing wall to combine with the wall containing the entrance to be considered the primary building wall. The length of the primary building wall will be measured in a straight line parallel to the street-facing wall. See Figure 8b.

**FIGURE 1:**
**Primary and Secondary Building Walls**



## 17C.240.140 Sign Face Area.

A. Sign cabinets.
The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. See Figure 2.

B. Backed signs.
Only one side of a backed sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area. See Figure 3.

**FIGURE 2**
**Sign Face Measurement**

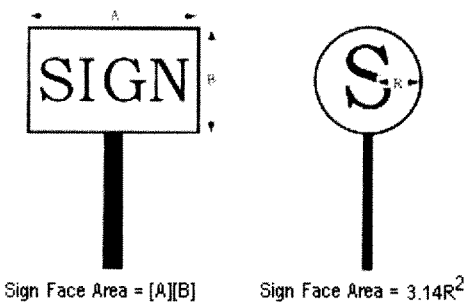
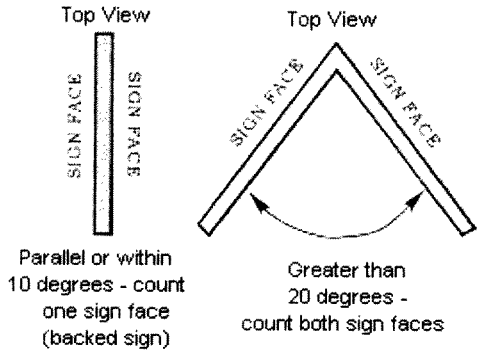



**FIGURE 3**
**Sign Face Measurement**



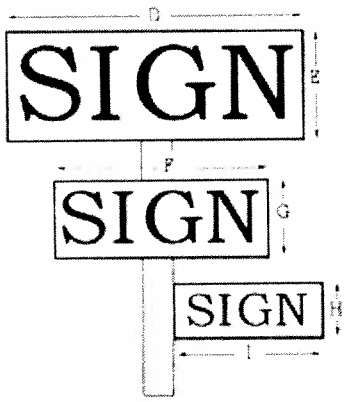

C. Multiple cabinets.
For freestanding and projecting signs that contain multiple cabinets on one structure and oriented in the same direction, the modules together are counted as one sign face. See Figure 4.

D. Round signs.
The maximum surface area visible at one time of a round, three dimensional or three or more sided sign is counted to determine sign area.

E. Signs on a base material.
When a sign is on a background panel and attached without a cabinet, such as a wood board or Plexiglas background panel, the dimensions of the background panel are to be used.

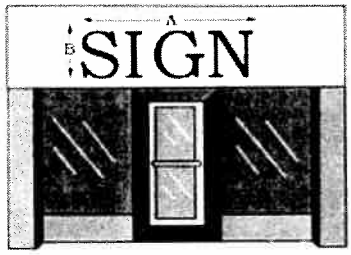
F. Individual elements.
When signs are constructed of individual elements attached to a building wall, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements. See Figure 5. Sign elements will be measured as one unit when the distance between the elements is less than ~~two times~~ the dimension of the smallest element. See Figure 6.

**FIGURE 4**
**Sign Face Measurements**




Sign Face Area = [D][E] + [F][G] + [H][I]

**FIGURE 5**
**Sign Face Measurements**




Sign Face Area = [A][B]

G. Painted wall signs.
Painted wall signs are measured by drawing an imaginary rectangle around the edge of each of the sign elements. Sign elements will be measured as one unit when the distance between the elements is less than two times the length of each element. See Figure 6. Visible wall area includes windows and doors, but not openings such as loading entrances.

H. Awnings and marquees.
When signs are incorporated into awnings, the sign area is determined by computing the area of an imaginary rectangle drawn around the sign face. When the ends of awnings or marquees are parallel and contain sign faces, only one side is counted in addition to the sign face area on the front.

**17C.240.150 Height of Signs.**

The overall height of a sign or sign structure is measured from the finish grade to the highest point of the sign or sign structure. See Figure 7.

**17C.240.160 Clearances.**

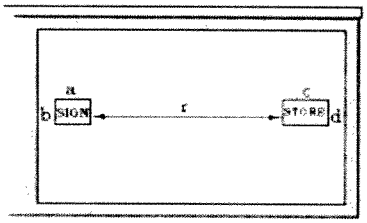
Clearances are measured from the highest point of the ground directly below the sign to the bottom of the sign structure enclosing the sign face. See Figure 7.

**17C.240.180 Diagonal Corner Signs.**

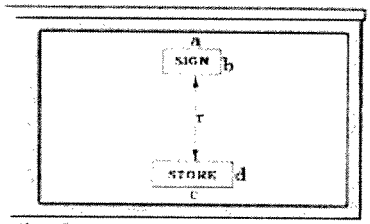
Diagonal corner signs that face more than one street must be assigned to a street and building frontage by the applicant. The sign must meet all standards for the street and building frontage to which it is assigned. See Figure 8.

**FIGURE 6**
**Multiple Elements in a Painted Wall Sign or Fascia Sign**

Sign elements counted as two sign faces

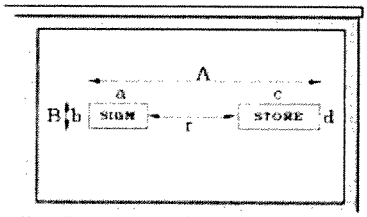



r > the dimension of the smallest element

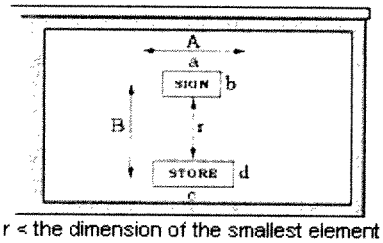



r > the dimension of the smallest element

Sign elements counted as one sign face

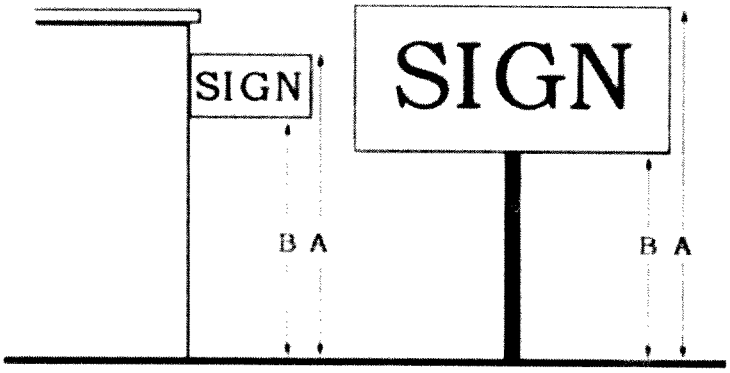



r < the dimension of the smallest element



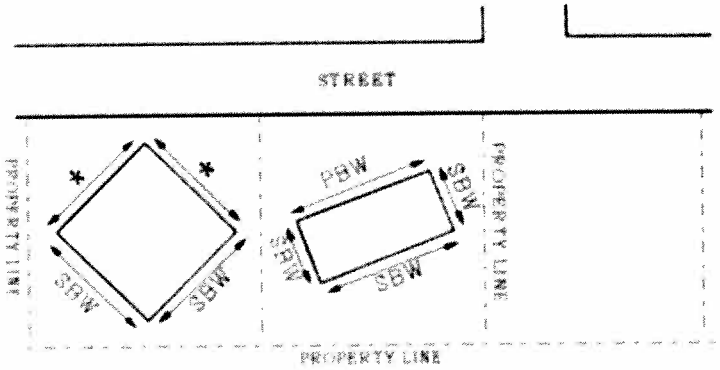

r < the dimension of the smallest element

**FIGURE 7**
**Sign Heights and Clearances**




A = Height B = Clearance

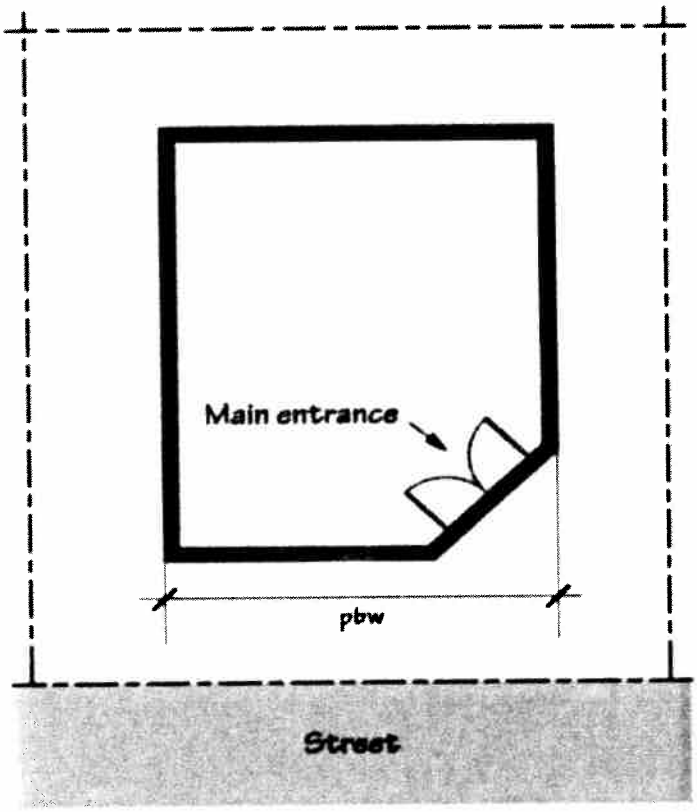
**FIGURE 8a**
**Building Wall Orientation**




**PBW** = Primary Building Wall
**SBW** = Secondary Building Wall

* Equal orientation - applicant chooses one for primary wall and one for the secondary wall

**FIGURE 8b**
**Primary Building Wall - Angled Entrance**



**17C.240.190 Sign Standards Purpose.**

The regulations contained in chapters 17C.240.190 through 17C.240.300 SMC are sign standards which work in combination with chapters 17C.110 through 17C.130 SMC Land Use Standards, to implement Spokane's Comprehensive Plan.

**17C.240.200 Official Zoning Maps.**

The boundaries and locations of all base zones, and overlay zones are shown on the City's Official Zoning Maps. See Title 17C. Land Use Standards for additional information.

**17C.240.210 Uses, Use Categories, and Structure Types.**

In some cases, sign regulations are applied based on the land use or use category of a site, or structure type on the site. All of these are described or defined in Title 17C.

**17C.240.220 Standards in the Residential Zones.**

A. General standards. The standards for permanent signs in the RA through RHD zones are stated in Table 1. All signs must conform to the regulations of SMC 17C.240.240.

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**Table 1 Standards for Permanent Signs in RA, RSF, RTF, RMF, and RHD Zones [1]**

| Use Category/Structure Type [2] | Number of Signs | Max. Sign Face Area | Types of Signs Allowed | Maximum Sign Height | Additional Signs Allowed [3] |
|---|---|---|---|---|---|
| Residential Household Living/Houses, Duplexes, Attached Houses | 1 per site | 3 sq. ft. | Fascia, Painted Wall | Top of wall, or 10 ft. whichever is less | directional signs |
| | | | Freestanding | 6 ft. | |
| Residential Household Living/Multi-family Residential Building, Group Living, Day Care, Nonresidential category uses not listed below. | 1 per building | 15 sq. ft. | Fascia, Painted Wall | Top of wall | directional signs |
| | | | Freestanding | 10 ft. | |
| Subdivisions, PUDs, Mobile Home Parks, Agricultural Uses. [4] | 1 per entrance | 32 sq. ft. | Monument | 10 ft. | directional signs |
| Parks and Open Areas [5] | 1 per street frontage | 10 sq. ft. | Monument | 10 ft. | directional signs |
| Colleges, Community Services, Medical Centers, Religious Institutions, Schools, Commercial Outdoor Recreation, Major Event Entertainments, nonconforming uses in Commercial and Industrial use categories, uses in the Office use category allowed as a Conditional Use in the RMF and RHD zones. | The sign standards of the NR zone apply. See SMC 17C.240.230. | | | | |

Notes:

[1] Temporary signs are regulated by SMC 17C.240.240.G. Temporary Signs.

[2] See Title 17C. Uses, Use Categories, and Structure Types.

[3] These signs are allowed in addition to other signs when they meet the standards of SMC 17C.240.240.

[4] These signs are allowed in addition to those for individual buildings.

[5] Signs in, or adjacent to and facing, a sports field associated with Parks and Open Areas are subject to the standards of the NR zone. See SMC 17C.240.230.

B. Sign features.
Signs in the RA, RSF, RMF and RHD zones, except for those subject to the NR zone sign standards, are subject to the standards of this subsection. Illuminated signs placed in windows are subject to these sign regulations. Extensions into the right-of-way are prohibited.

**17C.240.230 Standards in the Commercial, and Industrial Zones.**

A. General standards and sign features. The standards for permanent signs and sign features in the Commercial and Industrial zones are stated in Tables 2 and 3. All signs must conform to the regulations of SMC 17C.240.240.

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| Table 2 Standards for Permanent Signs in Commercial, Center and Corridor and Industrial Zones [1] | | | | | |
|---|---|---|---|---|---|
| | **CBD, GC, LI & HI** | **CC2 & CB [2]** | **O, OR, NR, NMU** | **CC1 [2]** | **CC4 [2]** |
| ***Signs Attached to Buildings*** | | | | | |
| Size Allocation | 1-1/2 sq. ft. per 1 ft. of primary bldg. wall or 15 percent of the primary bldg. wall whichever is greater | • 1 sq. ft. per 1 ft. of primary bldg. wall if a freestanding sign is also on the same street frontage<br>• 1-1/2 sq. ft. per 1 ft. of primary bldg. wall if there is no freestanding sign on the same street frontage | Same | Same | 15 sq. ft. |
| Maximum Number | No limit within size allocation | Same | Same | Same | 1 |
| Maximum Area Per Sign | 250 sq. ft. In the CBD zones, the maximum area per sign attached to a building is not limited. | 100 sq. ft. | 50 sq. ft. | 50 sq. ft. | 15 sq. ft. |
| Min. Guaranteed Sign Area For A Ground Floor Tenant Space | 32 sq. ft. | Same | Same | Same | 15 sq. ft. |
| ***Types Allowed*** | | | | | |
| Fascia, Awning, Marquee, Pitched Roof, Painted Wall | Yes | Yes | Yes | Yes | Yes |
| Projecting | Yes, but no projecting signs if a freestanding sign is also on the same street frontage | Same | Same | Same | Same |
| Rooftop | Yes | No | No | No | No |
| ***Freestanding Signs*** | | | | | |
| Maximum Number | 1 per site or 1 per 300 ft. of arterial street frontage and 1 for each additional 300 ft. or fraction thereof [3]. | 1 per arterial street frontage [4] | 1 per arterial street frontage [4] | 1 monument sign per arterial street frontage | 1 monument sign per building |
| When Not Allowed | Not allowed if there is already a projecting sign on the same site frontage, or if existing signs attached to buildings exceed the limit of 1 sq. ft. to 1 ft. of primary building wall | Same | Same | Same | Not allowed if there is already a wall or projecting sign |
| Size Allocation For All Freestanding Signs | 1 sq. ft. per 1 ft. of arterial street frontage. Local street frontage can be used if there are not arterial site frontages. | Same | Same | Same | 15 sq. ft. |
| Size Limit | 250 sq. ft. | 75 sq. ft. [5] | 50 sq. ft. [5] | 50 sq. ft. | 15 sq. ft. |
| Maximum Height [6] | 35 ft. In the CBD-5 zone, the maximum height is 60 ft. | 20 ft. | 20 ft. | 5 feet | 5 feet |

| ***Additional Signs Allowed*** [7] | | | | | |
|---|---|---|---|---|---|
| Directional Signs, Temporary Signs | See Subsections 17C.240.240.H. and 17C.240.240.G. | | | | |

Yes = Allowed No = Prohibited

Notes:

[1] Temporary signs are regulated under 17C.240.240.H. Temporary Signs.

[2] Signs in CC zones are subject to the standards and guidelines contained in the Initial Design Standards and Guidelines for Centers and Corridors.

[3] On sites with frontages longer than 300 feet, sign area earned from the first 300 feet may not be used on the second sign. For example, a 350 foot street frontage may have a 200 sq. ft. and a 50 sq. ft. freestanding sign. Interstate freeways, United States highways, state routes that are not also City of Spokane Arterials are not considered arterial streets for purposes of this Title. Sites with frontage on more than one arterial are allowed a freestanding sign on each arterial. The size allocation for each freestanding sign shall be calculated independently using only the length of the arterial frontage adjacent to the freestanding sign. The square footage allowance for freestanding signs for one arterial shall not be transferred to other arterials.

[4] Where a site has no arterial street frontage, one freestanding sign is allowed.

[5] The maximum sign area may be an additional twenty-five square feet for each additional business on a site having more than one business, up to a maximum area of one hundred fifty square feet.

[6] This height limit is for the total height of the combined sign face and sign structure.

[7] These signs may be allowed in addition to signs attached to buildings and freestanding signs when they meet the standards of 17C.240.240.H. and 17C.240.240.G.

**Table 3 Sign Features for All Signs In Table 1 and 2**

| | **GC, CC2, CBD, CB, LI & HI** | **O, OR, NR, NMU, CC1 & CC4** |
|---|---|---|
| Electronic Message Center Sign Features (see 17C.240.240.J) | Yes [1] | Yes [1]. Not permitted in CC4 zone |
| Lighting | Direct, Indirect, or Internal | Same |
| Maximum Distance Extending into R-O-W | See SMC 17C.240.240.C. | Same |
| Maximum Area Extending into R-O-W (see 17C.240.240.C.) | See SMC 17C.240.240.C. | Same |
| Bonus Allowance for Outstanding Design. | See SMC 17C.240.290 | Same |

Yes = Allowed No = Prohibited

Notes:

[1] Electronic Message Center sign features are allowed in the GC, CC2, CBD, CB, LI, HI O, OR, NR, NMU, & CC1 zones if they meet the standards of 17C.240.240.J. Electronic Message Center sign features.

## 17C.240.240 Additional Standards in All Zones.

A. Where these regulations apply.
These regulations apply to all signs regulated by this chapter.

B. Sign placement.
All signs and sign structures must be erected and attached totally within the site except when allowed to extend into the right-of-way by this chapter.

C. Signs extending into the right-of-way.
The standards of this subsection apply to permanent signs that are erected on private property and that extend into the right-of-way and temporary signs that are in the right-of-way.

1. Projecting signs.
Projecting signs that extend into the right-of-way must meet the following standards:

a. Distance into the right-of-way.

1) Where allowed, signs may extend into the right-of-way not more than ten feet or within two feet of the curbline, whichever is the smaller projection.

2) Diagonal corner signs may extend into the right-of-way to a point that is determined by extending a line from the maximum points allowed for projecting signs on each street frontage. See Figure 9.

b. Maximum sign face area in the right-of-way.
The area of a sign is limited by the amount the sign extends into the right-of-way, as follows:

1) A sign extending more than six feet cannot have a total area of projection in excess of sixty square feet; and

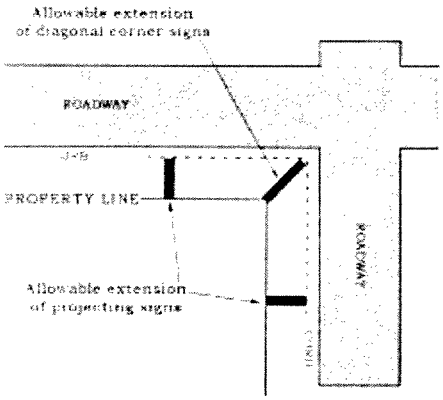
2) A sign extending less than six feet may not exceed one hundred square feet in area.

c. Blanketing.
A projecting sign that extends into the right-of-way more than three feet may not be within twenty feet of another projecting or freestanding sign that extends more than three feet into the right-of-way if the new sign is within horizontal lines drawn from the top and bottom of the prior sign.

2. Awnings and marquees.
Awnings and marquees that contain signs may extend into the right-of-way the same distance as awnings and marquees that do not contain signs. See SMC 17F.040.140, Awnings.

3. Temporary signs.
Temporary signs allowed to be placed in the right-of-way in SMC 17C.240.240.G shall meet the following standards:

**FIGURE 9**
**Diagonal Corner Signs**




a. The sign is entirely outside the roadway;

b. The sign is no larger than nine square feet in size. The sign face is no wider than three feet and no taller than thirty-six inches;

c. The sign is entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. See Figure 10a;

d. The sign is entirely outside the area of a sidewalk that is between the lines created by extending the edges of any curb ramp across the sidewalk to the property line;

e. The sign is within six inches of the curb. See Figure 10b;

f. The sign does not obstruct a continuous through pedestrian zone of at least six feet in width except in Center and Corridor zones, sandwich board signs which are located on the sidewalk shall be located in such a manner as to leave a pathway at least 4 feet wide that is free of obstructions.

g. The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:

1) transit stop areas;

2) designated disabled parking spaces;

3) disabled access ramps; or

4) building exits including fire escapes.

h. Physical attachment to public property.
Except as allowed for Community Banners, temporary signs placed in the right-of-way must remain portable and may not be attached or anchored in any way to trees or to public property including utility or light poles, parking meters, the ground or pavement.

i. Additional placement standards for temporary signs.
Temporary signs placed in the right-of-way must meet the following additional standards:

1) Where no curb exists, the sign must be placed outside the roadway at least five feet from the edge of the roadway. Temporary signs may not be placed in medians, traffic islands, or other areas within the roadway.

2) Temporary signs must not be placed in parking spaces, pedestrian pathways, or bicycle paths.

4. Removal of signs.
The city engineer may require signs extending into the right-of-way to be modified or moved if streets are widened, or other improvements made in the right-of-way, which result in the creation of unsafe conditions. The modification or moving will be at the owner's expense. If a nonconforming sign is moved under this requirement, it may be re-erected on the site without being brought into conformance.

**FIGURE 10a**
**Placement of Portable Signs in the R-O-W**

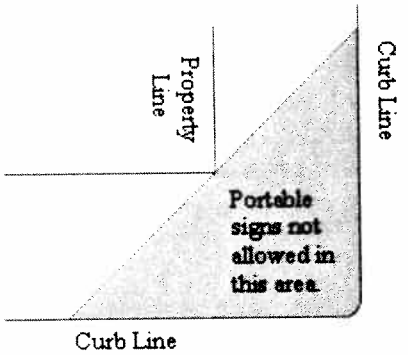
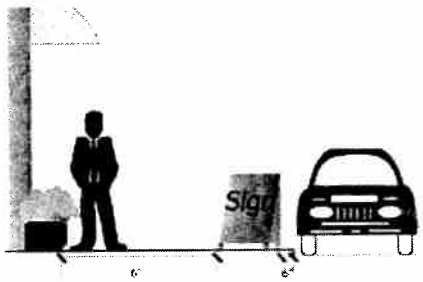



**FIGURE 10b**
**Placement of Portable Signs in the R-O-W**



D. Signs attached to buildings or structures.

1. Placement. Signs attached to buildings or structures that are based on the sign rights of a primary building wall may be placed on that primary building wall, on a secondary building wall or on another structure. They may not be placed on another primary building wall.

2. Awnings and marquees. Signs attached to an awning or marquee that extends into the right-of-way must comply with the pedestrian clearance and right-of-way extension standards of SMC 17F.040.140 Awnings.

3. Fascia signs.

   a. Vertical extensions.
   Fascia signs may not extend more than six inches above the top of the building wall. Fascia signs attached to other structures may not extend above the top of the structure.

   b. Horizontal extensions.
   A fascia sign may not extend more than eighteen inches out from the wall or structure to which it is attached. Fascia signs may not extend beyond the corner of buildings or other structures.

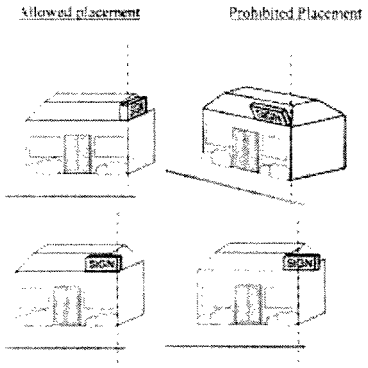
4. Pitched roof signs.

   a. Vertical extensions.

   The face of pitched roof signs may not extend more than six inches above the roofline.

   b. Placement and angle.
   Pitched roof signs must be parallel to the building face. They may not extend beyond the building wall. See Figure 11.

**FIGURE 11**
**Pitched Roof Sign Placement**



5. Projecting signs

a. Vertical extensions.
The face of a projecting sign may not extend more than six inches above the roof line.

b. Placement.
Projecting signs that extend over the right-of-way must meet the placement standards of SMC 17C.240.240.C, Signs extending into the right-of-way.

E. Freestanding signs and monument signs.

1. Setbacks.

Freestanding signs are regulated as follows:

a. Residential zones.
i. In residential zones, freestanding signs are allowed in required setbacks, however, in required front setbacks, monument signs exceeding three and one-half feet tall shall be setback 10 feet from the front property line provided, that the requirements of SMC 17C.240.240.F. are met.

ii. Freestanding signs with structural supports less than two feet in width, with copy area placed at a height of seven feet or more above grade, may be located at the front property line; provided, that the requirements of SMC 17C.240.240.F. are met.

iii. Freestanding signs with structural supports of more than two feet shall be set back not less than 10 feet from the front property line; provided, that the requirements of SMC 17C.240.240.F. are met.

b. Commercial and Industrial zones.
In O, OR, NR, NMU, CB, CC-2, GC, LI and HI zones, freestanding signs are allowed in required setbacks for buildings and parking areas. However, freestanding signs are prohibited in the setback between a property line abutting a residentially zoned site and the building line or parking area setback line.

2. Frontages.
Freestanding signs must be placed on arterial street frontages unless there are none. Freestanding signs that are allowed based on the length of one arterial street frontage may not be placed on another arterial street frontage. Frontage on a freeway is not considered arterial street frontage.

3. Extensions into the right-of-way.
Freestanding signs may project into the public right-of-way as follows:

a. No more than ten feet beyond the property line; or

b. Within two feet of the curbline; whichever is the smaller projection.

c. The area of a sign is limited by the amount of projection beyond the property line, as follows:

i. A sign projecting more than six feet cannot have a total area of projection in excess of sixty square feet; and

ii. A sign projecting less than six feet may not exceed one hundred square feet in area.

d. All supports of a freestanding sign must be on private property.

F. Clearances.

1. Vision clearance areas.

a. Vision clearance areas.
Vision clearance areas are triangular-shaped areas located at the intersection of any combination of rights-of-way, alleys or driveways. The sides of the triangle extend fifteen feet from the intersection of the vehicle travel areas. See Figure 12a and b. The height of the vision clearance area is from thirty-six inches above the ground to ten feet above the ground immediately below the sign or awning. See Figure 12c.

b. Signs in vision clearance areas.
Signs may not be located within a vision clearance area as defined in this paragraph. Support structures for a sign may only be located in a vision clearance area if the combined total width is twelve inches or less and the combined total depth is twelve inches or less.

2. Vehicle area clearances.
In areas outside of rights-of-way, when a sign or awning extends over where vehicles travel or are parked, the bottom of the structure must be at least fourteen feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.

3. Pedestrian area clearances.
When a sign or awning extends over a sidewalk, walkway or other space used by pedestrians, the bottom of the structure must be at least eight feet

above the ground. Free-hanging valances made of fabric or other non-rigid material hung on signs, awnings, and marquees must be at least seven feet above of a sidewalk, walkway or other space used by pedestrians.

4. Clearances from fire escapes, means of egress or standpipes.
   Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress or standpipe. Attaching signs, sign structures or awnings to a fire escape is prohibited.

5. Obstruction of windows and ventilation.
   Signs, sign structures and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation or exhaust are reduced to a level below that required by the Building Code.

6. Access to signs.
   Access clear of all obstructions must be provided to all signs.

**FIGURE 12a**
**Vision Clearance Area**

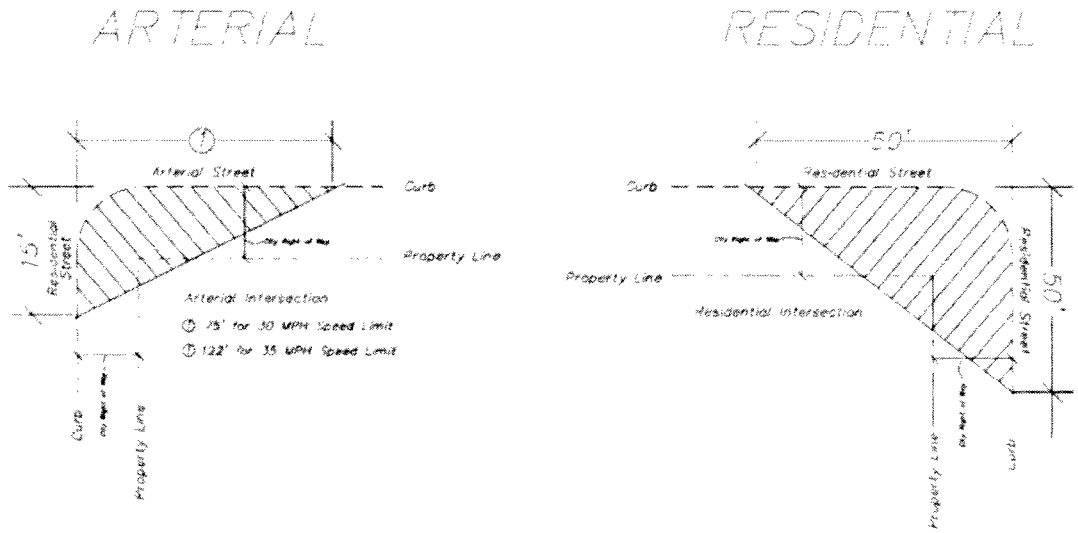



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**FIGURE 12b**
**Vision Clearance for Driveways**

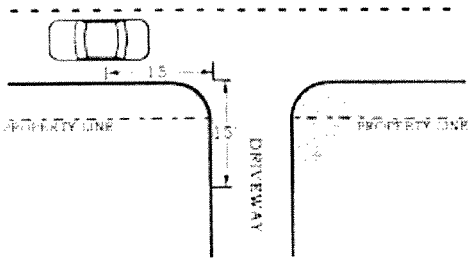
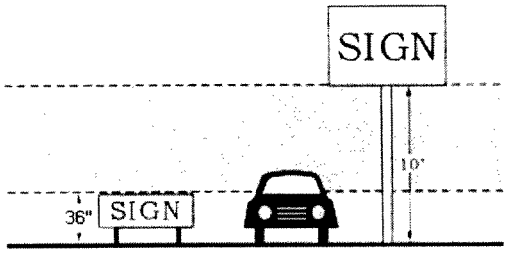



**FIGURE 12c**
**Vision Clearance Area Height**




G. Temporary signs.
The following signs are classified as temporary (non-permanent). Temporary signs are permitted subject to the applicable limitations:

1. Construction signs.
No sign permit is required. Such signs may be placed on the property on which construction is occurring upon private property only and may be displayed only after a building permit is obtained and during the period of construction on the construction site. The applicable limits are as follows:
   a. In all zones other than single-family residential zones, no construction sign shall exceed thirty-two square feet in sign area or ten feet in height.,
   b. In single-family residential zones, no construction sign shall exceed fifteen square feet in sign area

2. Grand opening displays.
No sign permit is required. Such signs may be placed upon the premises of the business only. Such temporary signs, posters, banners, strings of lights, clusters of flags, balloons or other air or gas filled figures, and searchlights are permitted for a period of thirty days only to announce the opening of a completely new business. All such materials shall be removed immediately upon the expiration of seven days after the event's conclusion. Such displays are permitted only in districts where the business so advertised is allowed under district zoning regulations. Searchlights may be permitted by any business provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical. All banners must be legible, made of durable materials, and must be well maintained.

3. Special event signs.
No sign permit is required. Such temporary signs may be placed upon the premises of the business only and shall not be larger than twenty square feet. Said signs shall not be posted or attached to telephone poles, power poles or other public utility facilities. Such signs may be displayed thirty days prior to an event and must be removed within seven days after the event's conclusion. The event committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code. Searchlights may be permitted by any business provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical. All banners must be legible, made of durable materials, and must be well maintained.

4. Balloon signs.
No sign permit is required. Such signs may be placed upon the premises of the business only. One balloon sign is allowed per site for a maximum of one month at a showing twice per calendar year in the Commercial and Industrial zones. Temporary balloon signs may be located on a building rooftop. The vertical dimension of the balloon may not exceed 25 feet.

5. Real estate signs.
No sign permit is required. Such signs may be placed upon private property only. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits are as follows:

a. Residential "for sale", “for rent” and "sold" signs.
Such signs shall be limited to one sign per street frontage not to exceed five square feet in sign area, placed wholly on the property for sale or rent, and not to exceed a height of seven feet.

b. Residential "open house" signs.
Such signs shall be limited to one sign per street frontage on the premises for sale and up to ten off-premises signs spaced not closer than two hundred feet. Such signs are permitted only during daylight hours and when the real estate professional or seller or an agent is in attendance at the property for sale. No such sign shall exceed five square feet in sign area.

c. Undeveloped commercial and industrial property "for sale or rent" signs.
One sign per street frontage advertising undeveloped commercial and industrial property for sale or rent. The sign shall not exceed thirty-two square feet in sign area and ten feet in height.

d. Developed commercial and industrial property "for sale or rent" signs.
One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than ten feet from the building line, the sign shall be placed on the building or in a window. The sign shall not exceed ten feet in height and, if free-standing, shall be located more than fifteen feet from any abutting property line or a public right-of-way line. Said sign shall not exceed thirty-two square feet in sign area.

e. Undeveloped residential property "for sale" signs.
One sign per street frontage advertising undeveloped residential property for sale is permitted not exceeding thirty-two square feet in sign area. The sign must be placed more than thirty feet from the abutting owner's property line and may not exceed a height of ten feet.

f. Subdivisions approved after the effective date of this chapter are permitted one cluster of flagpoles (not to exceed five flagpoles) in front of sales offices to advertise the new development.

6. Political Campaign Signs.
All signs which are relating to promoting or publicizing the nomination or election of any individual for a public political office to be voted on in any general or special election or advocating any measure to be voted on in any general or special election, hereinafter referred to as political campaign signs, shall be subject to the following regulations:

a. Size of Signs.
Political campaign signs located in a residential zone shall be limited to a maximum surface area of sixteen square feet. Political campaign signs located in zones other than residential zones shall be limited to a maximum surface area of thirty-two square feet. The maximum square footage shall be based upon one side of the sign. Signs may be two-sided.

b. Signs on Private Property.
No political campaign signs shall be erected upon any private property without the permission of the property owner, resident or respective agent. In cases of vacant property, or where there is no occupied structure on the property, no political sign shall be placed thereon without the written consent of the property owner or his agent.

c. Political Campaign Signs on the Public Right-of-way.
Political campaign signs may be posted within traditional public forums located on improved public right-of-way only if the signs do not create a traffic obstruction or hazard or impair or impede pedestrian thoroughfares and comply with all requirements of this section. Political campaign signs located in the public right-of-way shall only be attached to a self-supporting wood stick(s), metal post or other such devices, shall not be attached to any other structures and shall not be erected in any manner which would damage the surface infrastructure in which the sign is located. Placement of political campaign signs on the improved public right-of-way adjacent to private property shall be subject to all existing private property ownership rights.

d. Unauthorized Signs.
Unauthorized signs of any nature located either on City-owned property, whether occupied or vacant, that is beyond the public right-of-way or on any portion of park property under the jurisdiction of the park board is prohibited and shall be immediately removed.

e. Removal of Signs.
Political campaign signs on either public or private property shall not be displayed after the date the election results have been certified for the election for which it was intended. In cases where a general election follows a primary election, those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up to the date the general election results are certified. In all instances herein in which political campaign signs are required to be removed, or if the signs have become detached from their support device or damaged, it shall be the responsibility of the property owner or occupant, if the sign is located on private property, or the respective candidate, if the sign is located on the public right-of-way, to have the signs removed.

Failure to remove political campaign signs located on the public right-of-way shall result in a one time sign removal fee of twenty five dollars per sign under fifteen square feet and fifty dollars for signs over fifteen square feet being assessed against the respective responsible campaign official. For the purpose of recovering the costs of removal there is a rebuttable presumption that the candidate seeking office or the sponsor of a measure is the responsible campaign official who is responsible for the placement of a political campaign sign in the public right-of-way. Removal of signs located in the public right-of-way shall be under the direction of the director of public works and utilities or his or her designee.

Failure to remove political campaign signs located on private property shall result in a civil infraction assessed pursuant to SMC 1.05.160 against the property owner or occupant for each sign. Each day shall be a separate violation. A notice to remove the sign shall be issued by the code enforcement department to the property owner and/or occupant prior to the issuance of a civil infraction pursuant to SMC 1.05.040.

The sign removal fee may be appealed to the hearing examiner within ten days of a letter assessing the fee. A civil infraction may be contested in the Municipal Court.

f. Signs Related to Constitutionally Protected Free Speech.
Signs expressing constitutionally protected free speech unrelated to promoting or publicizing the nomination or election of any individual for a public political office or advocating any measure to be voted on in any general or special election shall not be subject to the time period for the removal of political campaign signs, but shall otherwise be subject to all other provisions of this section.

g. Public Notice.
Nothing in this chapter shall be construed to prohibit or modify the requirements for placement of public notices required by law.

h. Exemption.
Nothing in this chapter shall limit the promotion or publication of a political message by other means lawfully permitted under the City's sign code, chapter 17C.240 SMC.

i. Permit or Permit Fees.
There shall be no permit or fee requirement for political campaign signs erected under this section unless the sign is attached to a sign structure permitted under other provisions of the sign code that requires a permit and fee.

7. Community Banners.
Such signs may be permitted and extend into the public right-of-way by permission of the city administrator or appointed representative. Such signs may only be placed at city designated locations provided that the banner:

a. is not commercial advertising but, rather, has as its principal purpose the promotion of a civic event, public service announcement, holiday decoration, or similar community interests;

b. has been approved by the arts commission;

c. complies with all applicable codes; and

d. does not, in the judgment of the street director, present a traffic hazard.

8. Banners. See 17C.240.240.G.2. for grand opening displays and G.3. for special event signs.

9. Sandwich Board Signs.
Businesses will only be allowed a maximum of one sandwich board sign. These signs are subject to the following conditions:

a. Notification.
Notification to the city is required prior to displaying a sandwich board sign. This notification shall include acknowledgement of the sandwich board sign requirements, list of materials used, and rendering of the sign, including the dimensions.

b. Size.
The area of the sign shall not exceed nine square feet per side in size and shall not exceed three feet in any dimension.

c. Maintenance Standards.
Signs shall be constructed out of materials able to withstand typical northwest weather. Such materials may be metal, finished wood, chalkboard, whiteboard or plastic; signs and copy shall be of professional quality. Owners of sandwich board signs shall be required to keep their signs in a legible, intact, and well maintained manner.

d. Display Time.
Signs may only be displayed during business hours. If business hours continue past daylight hours, precautions should be taken to place the sign in a location where it is readily visible after dark. This shall not be construed to allow the wiring of a sign for lighting.

e. Location.
Signs may be located no further than twelve feet from the entrance to the business. Such signs shall not be placed in a location which is within the vision triangle or any location which will impede vehicular traffic. Further, such signs shall not be placed in a manner which will block or otherwise obstruct the safe use of sidewalks, building entrances or stairs by pedestrians, including pedestrians who are visually impaired or otherwise handicapped.

10. Garage sale (yard sales, moving sales, patio sales).
No sign permit is required. Such sign shall be limited to one sign on the premises and ten off-premises signs. No such sign shall exceed four square feet in sign area. Signs shall not be posted or attached to telephone poles, power poles or other public utility facilities. The sign or signs may be displayed only during the sale and must be removed the day the sale ends. The person or persons for which the sign or signs are displayed shall be responsible for its removal and subject to the penalties as provided in this code.

11. Seasonal sales.
No sign permit is required. Such temporary signs may be placed upon private property only. Vendors who receive a license as defined in chapter 8.01 SMC for seasonal or temporary sales activities (e.g. Christmas trees) are permitted one sign not to exceed twenty square feet in sign area. This sign shall be mounted to the booth or trailer used for temporary sales.

H. Directional signs.

1. General standards.
Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.

2. Size.
Freestanding directional signs may be up to six square feet in area and forty two inches in height. Fascia directional signs may be up to six square feet in area and eight feet in height.

3. Sign features.
Direct, internal or indirect lighting is allowed. Extensions into the right-of-way are prohibited.

4. Directional signs that do not meet the standards of this subsection. Directional signs that do not meet the standards of this subsection must meet either the standards for signs attached to buildings or the standards for freestanding signs.

I. Permanent banners.

1. General.
Banners used as permanent signs are allowed in all zones and will be included in the total square footage of permanent signage allowed on the site. Temporary banners are regulated under subsection G., above.

2. Standards.
Permanent banners are subject to the standards for either fascia signs or projecting signs depending on how the banner is supported or anchored.

J. Electronic Message Center signs
Electronic message center signs are permitted subject to the limitations in Table 4.

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**Table 4 Electronic Message Center Sign Features**

| Zoning category | Maximum allowed sign size by zoning designation: freestanding/ wall | Electronic Message Center sign size | Hours of operation | Brightness | Timing | Content | Signs using video display methods permitted? | Flashing Signs |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |
| CC4 | wall: 15 sq. ft<br>freestanding: 15 sq. ft. | Not allowed | | | | | | |
| RA, RSF, RTF, RMF, & RHD | residential use: 15 sq. ft.<br><br>institutional use:<br>wall: 50 sq. ft<br>freestanding: 50 sq. ft. | not allowed for residential use.<br><br>Not greater than 50% of the allowed sign size for institutional uses. | shall be turned off between the hours of 10 pm and 6 am | [1] | [2] [3] | on premises advertising only | No | No |
| CC1 | wall: 50 sq. ft<br>freestanding: 50 sq. ft. | no greater than 50% maximum total allowable sign area | not limited | " | " | " | " | " |
| O,OR, NR [4], NMU | wall: 50 sq. ft<br>freestanding: 50 sq. ft. | no greater than 50% maximum total allowable sign area | not limited | " | " | " | " | " |
| CC2, CB | wall: 100 sq. ft<br>freestanding: 75 sq. ft. | no greater than 50% maximum total allowable sign area or 48 sq. feet. (the lesser of the two) | not limited | " | " | " | " | " |
| CBD [5], GC, LI, HI | wall: 250 sq. ft<br>freestanding: 250 sq. ft. | " | not limited | " | " | " | Yes | " |

**Notes:**

**[1] Brightness:**

- Electronic message centers in all zones shall come equipped with an automatic dimming, photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- The brightness level in all zones shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter at a pre-set distance.
- Brightness measurement process for electronic message centers shall be as follows:

a. At least 30 minutes past sunset, use a foot candle meter to record the ambient light reading for the area. This is done while the electronic message center is off or displaying all black copy.

b. The reading should be taken with the meter aimed directly at the electronic message center at the appropriate pre-set distance.

i. Measurement distance criteria follows:
0-100 square foot signs to be measured 100 feet from source,
101-350 square foot sign to be measured 150 feet from source,
351-650 square foot sign to be measured 200 feet from source,
651-1000 square foot sign to be measured 250 feet from source.

c. Turn on the electronic message center to full white copy and take another reading.

d. If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted.

- The owners of such signs shall include a signed letter accompanying their permit application, certifying that they will comply with the prescribed brightness limitations set by this ordinance.

**[2] Timing:** Electronic message centers shall display static images for not less than 2 seconds before transitioning to another static image. Transitions may utilize frame effects but flashing signs are prohibited.

**[3] Duration:** An animated sign or any portion of a sign that uses a video display method shall have a minimum duration of two seconds and a maximum duration of five seconds.

**[4] NR Zone Limitation:** In the NR Zone, electronic message centers are allowed only on sites that have frontage on a Minor or a Principal Arterial as designated on the Official Arterial Street Map, SMC 12.08.040.

**[5] CBD Zone Prohibition:** Electronic message centers are prohibited in CBD 1-6 zones. Existing electronic message center signs are nonconforming signs and are subject to the provisions of 17C.240.280.

**17C.240.250 Off-premises Signs.**

A. No new off-premises signs may be constructed, on any site.

B. Off-premises signs now in existence in any zone are declared nonconforming uses and may remain, subject to the following restrictions:

1. A nonconforming off-premises signs may not be increased in size or elevation, relocated to another site or to a new location on the same site or expanded, enlarged, or extended in any way, including, but not limited to, the addition of advertising faces or the addition of rotating faces with movable panels designed to create additional advertising, except as provided for in the public works exception below.

2. Public Works Exception:
An existing off-premises sign that is allowed to remain in conformance with SMC section 17C.240.250.B shall be allowed to be relocated if necessitated for the accomplishment of a governmental public works project. This relocation of these off-premises signs for public works projects shall be subject to the limitations in a. through e. below:

   a. No increase in square footage of outdoor advertising display copy shall be permitted. These signs shall be replaced at the same size they existed at immediately prior to relocation;

   b. No additional outdoor advertising faces shall be added;

   c. No increase in height of the existing outdoor advertising display shall be permitted except where needed to provide for minimum height clearance (from the ground to the bottom of the off-premises signs) to comply with roadway safety;

   d. The outdoor advertising display shall be relocated along the same roadway it was removed from in the geographical vicinity and shall comply with the Scenic Vistas Act of 1971 (chapter 47.42 RCW and chapter 468-66 WAC) if located along a state highway;

   e. The relocation of the outdoor advertising shall be subject to all current City of Spokane rules, regulations, and procedures relating to the regulation and control of off-premises signs.

3. A nonconforming off-premises sign may not be structurally altered. Structural alterations mean alterations to, including replacement of, either the off-premises sign face or the supporting structure. Normal maintenance and repair including painting, cleaning or replacing damaged parts of the off-premises sign, shall not be considered a structural alteration.

4. Any nonconforming off-premises sign which is damaged or destroyed by fire, explosion, wind, act of nature or other accidental means may be restored if the cost thereof does not exceed fifty percent of its replacement cost. Off-premises signs damaged in an amount in excess of fifty percent of replacement cost shall be removed.

5. All nonconforming off-premises signs shall be kept in good repair and maintained in a neat, clean, attractive and safe condition. Any work required to repair or maintain an off-premises sign shall be completed promptly so long as the off-premises sign is not structurally altered.

**17C.240.260 Additional Standards for Specific Uses.**

A. Bed and Breakfast facilities.
Sites with bed and breakfast facilities must meet the sign regulations for household living.

B. Temporary Activities.
Permanent signs associated with temporary activities are prohibited. All signs associated with a temporary activity must be removed when the activity ends.

C. Home Occupations.
Sites with home occupations must meet the sign regulations for household living.

**17C.240.270 Additional Standards in Overlay Zones.**

A. General Shoreline Regulations.

1. In addition to any restrictions and conditions in this chapter, signs in the Shoreline Jurisdiction, are subject to special regulations as set forth in SMC 17C.240.270.A. through SMC 17C.240.270.D. These special regulations address general shoreline sign requirements and those that are specific to shoreline districts as generally represented on the Shoreline Districts Map.

2. The following regulations apply in all shoreline districts:

a. No sign may front directly on the watercourse.

b. No sign may be located on the water side of a street parallel and adjacent to the watercourse or any place where it would impair a vista or visual access to the water.

c. Off-premises signs, permanent banners and roof signs are not allowed.

d. In the shoreline Natural Environment or those areas identified under SMC 17E.060.630, Natural Land Forms, all signs may be prohibited at the discretion of the Director, with exceptions made for signs giving directions to viewpoints or trails and signs describing special flora, fauna, or historical or cultural features.

e. Directional and interpretive signs accessory to park uses shall be allowed within the shoreline buffer.

f. Directional signs may not exceed an area of twelve square feet or a height of nine feet.

g. Pursuant to SMC 17E.060.290.R, required access signs that indicate the public's right of access and hours of access shall be installed and maintained by the property owner and shall not exceed an area of twelve square feet or a height of nine feet.

h. Pre-existing signs are governed by the nonconforming use provisions of SMC 17C.240.280.

B. Upriver District

1. Signs must be flat against the building or a variation of a flat sign, such as a "V" sign, and may not project more than eighteen inches into a required yard or public right-of-way.

2. No sign may exceed thirty-five feet in height above average grade along the front of the building.

3. Signs are subject to maximum area limitations based on lineal frontage and building size as follows:

   a. One square foot of sign area is allowed for every lineal foot of street frontage, to a maximum sign area of twenty square feet.

   b. On corner lots, additional signs up to one-half square foot in area are permitted for each lineal foot of frontage on the side street, to a maximum of twenty square feet of sign area.

   c. The maximum sign area for a building over two stories is ten percent of the building facade on the principal street, to a maximum of sixty square feet.

4. Signs may be directly, internally or indirectly illuminated but not animated, flashing, or rotating.

5. The illumination of a sign may not exceed the equivalent of:

   a. Eight-hundred MA fluorescent lamps spaced on twelve inch centers penetrating a three-sixteenths inch white Plexiglas facing; or

   b. Sixty MA neon tubing in an individual letter with no more than three tubes per letter.

C. Downtown and Campus Districts

1. Signs must be flat against the building, or a variation of a flat sign such as a "V" sign, and may not project more than eighteen inches into a required yard or public right-of-way.

2. No sign may exceed thirty-five feet in height above average grade along the front of the building.

3. Signs are subject to maximum area limitations based on lineal frontage and building size as follows:

   a. One square foot of sign area is allowed for every lineal foot of street frontage, to a maximum sign area of fifty square feet.

   b. Additional signs may be allowed up to one-half square foot in area for each lineal foot of frontage measured along the side street, to a maximum of fifty square feet of sign area.

   c. The maximum sign area for a building over two stories is ten percent of the area of the building facade on the principal street, up to a maximum sign area of one hundred fifty square feet.

4. Signs may be directly, internally or indirectly illuminated but not animated, flashing, or rotating.

5. The illumination of a sign may not exceed the equivalent of:

   a. Eight hundred MA fluorescent lamps spaced on eight inch centers penetrating a three-sixteenth inch Plexiglas facing material; or

   b. Sixty MA neon tubing in an individual letter with no more than four tubes per letter.

D. Great Gorge Park, Downriver, and Latah Creek Districts

1. No sign may be illuminated, animated, flashing, or rotating.

2. Up to two signs of an area of six square feet or less each may be used to advertise the sale of products raised or grown on the premises.

3. Any Peaceful Valley commercial area is governed by regulations of the Upriver District.

**17C.240.280 Nonconforming Signs**

A. Any sign legally existing at the time of passage of this ordinance that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered nonconforming and may continue in such status until such time as it is removed by its owner.

B. Regulations That Apply to All Nonconforming Signs.

1. Sign maintenance, sign repair, and changing of permanent sign faces is allowed so long as structural alterations are not made and the sign is not increased in size. In the CBD-5 zone, for existing signs that are 60 feet or more in height, the replacement of the sign cabinet with a sign cabinet of equal or smaller sign area is permitted if the sign height is not more than the existing sign.

2. Permanent signs and sign structures that are moved, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right of way improvements may be re-established. See SMC 17C.240.240.C.4, Removal of signs.

3. Nonconforming temporary signs must be removed.

4. Ownership.
The status of a nonconforming sign is not affected by changes in ownership.

5. Change to a conforming sign.
A nonconforming sign may be altered to become conforming or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established. Unless prohibited, proposed changes that are not in conformance are subject to the adjustment process.

6. Loss of nonconforming sign status.

a. Discontinuance.
If there is no sign face in place on a sign structure or building wall for six continuous months, the nonconforming rights are lost and a nonconforming sign may not be re-established.

b. Destruction.
When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards. However:

1) Repair and maintenance.
A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair. In order to preserve the nonconforming sign status, the person removing the sign must inform the director, in writing, before the sign is removed. If the responsible party fails to inform the director, any re-erected sign will be considered a new sign.

2) Unintentional destruction.
When a sign or sign structure that has nonconforming elements is damaged or destroyed by fire, explosion, wind, act of nature or other accidental means it may rebuilt to the same size and height using the same or similar materials.

C. Documenting a Nonconforming Sign.

To document legal nonconforming status, the applicant must provide evidence to show that the sign was established prior to the effective date of this chapter or allowed when established, and that the sign has been maintained over time. If the applicant provides standard evidence from the lists below, the director will determine if the evidence is satisfactory.

1. Sign established before effective date of this chapter.
If the sign was established before the effective date of this chapter, the applicant must provide evidence to show that the sign was established before the effective date of this chapter. Standard evidence that the sign was established before the effective date of this chapter is:

a. A building, zoning, sign or development permit;

b. A date-stamped photograph of the sign at its current location.

2. Sign maintained over time.
The applicant must provide evidence to show that the sign has been maintained over time. Standard evidence that the sign has been maintained over time is:

a. Utility bills;

b. Sign-specific property or income tax records;

c. Business licenses;

d. Listings in telephone, business, or Polk directories;

e. Advertisements in dated publications;

f. Building, sign, land use, or development permits; or

g. Records of sign lease agreements.

h. Tax returns or schedules.

**17C.240.290 Bonus Allowance for Outstanding Design**

A. General.

1. Procedures.
Land use reviews of signs are administered under the provisions of title 17, Unified Development Code as modified by this chapter.

2. Content-Neutral Administration of Land Use Reviews.
Notwithstanding any other provision of this chapter or of related standards referenced in this chapter, applications will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color or typeface and excluding any reference to message, category, subject, topic, or viewpoint.

B. Review.

1. Purpose.
A bonus allowance for outstanding design is intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area.

2. Procedures.
A request for a bonus allowance for outstanding design shall follow the procedures of chapter 17G.060 SMC Land Use Application Procedures for a Type II permit application. However, the approval criteria of this section are used, rather than of those of SMC 17G.060.170. In accordance with SMC 17G.060.210.B. appeal or request for reconsideration of the director's decision on a Type II project permit application is to the hearing examiner as an open record appeal.

3. Approval criteria.
A bonus allowance for outstanding design sign will be approved if the planning director finds that the applicant has shown that the criteria below are met.

a. Sign Area Bonus.
A sign area bonus may be granted if the applicant meets the criteria 3.a.(1), (2), and (3) below.

1) The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of an overlay zone or adopted sub-area plan; and

2) The sign will not create a traffic or safety hazard; and

3) The adjustment will allow a unique sign of exceptional design or style that will:

i. Achieve a positive and tasteful image;

ii. Have good legibility;

iii. Exhibit technical competence and quality in design, construction, durability, and have standard details uncluttered by wires, angles, or other elements that detract from the appearance;

iv. Relate to architectural features rather than obscure or disregard building planes;

v. Present a harmonious relationship to other graphics and street furniture in the vicinity;

vi. Be of a size that is in scale with the setting, building, or structure where located; and

vii. Avoid glare.

b. Other Code Adjustments.
Through the bonus allowance for outstanding design procedure, the planning director may allow roof signs, adjustment to maximum sign height standards of the underlying zone and electronic message center sign features. Approval of an adjustment to these standards may be granted if the applicant meets the approval criteria 3.a.(1), (2), and (3) above.

**17C.240.300 Construction Provisions and Traffic Engineer Review**

A. Construction Provisions.

1. Each sign shall be adequately constructed in accordance with the requirements of the Building Code, as amended;

2. Signs containing electrical circuitry shall meet the requirements of the Electrical Code and all state laws, and shall include an approved testing lab sticker;

B. Traffic Engineer Review.
All signs abutting or projecting into the public right-of-way shall be subject to review by the traffic engineer to determine that there will be no hazards created for motorists or pedestrians.

ADOPTED BY THE CITY COUNCIL ON _____

_____
Council President

Attest:

_____
City Clerk

Approved as to form:

_____
Assistant City Attorney

_____
Mayor

_____
Date

Bab1-26-09

_____
Effective Date

ORDINANCE NO. C 34394

An ordinance relating to definitions for the Unified Development Code; amending SMC sections 17A.020.010, 17A.020.020, 17A.020.030, 17A.020.040, 17A.020.050, 17A.020.060, 17A.020.090, 17A.020.120, 17A.020.130, 17A.020.140, 17A.020.160, 17A.020.180, 17A.020.190, and 17A.020.200.

WHEREAS, the City of Spokane is required under RCW 36.70A.040(4)(D) to implement the goals and policies of the City's Comprehensive Plan by adoptions of implementing land use regulations; and

WHEREAS, there is a need to have clear definition of certain terms used in title 17 of the Spokane Municipal Code; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 17A.020.010 is amended to read as follows:

**17A.020.010 "A" Definitions.**

A. Abandoned sign structure. A sign structure where no sign has been in place for a continuous period of at least 6 months.

((~~A.~~)) B. Aboveground Storage Tank or AST.
Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected.

1. Tanks located in vaults or buildings that are be visually inspected are considered to be aboveground tanks.

((~~B.~~)) C. Accessory Dwelling Unit (ADU).
An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. "mother-in-law apartments",

2. "accessory apartments", or

3. "second units".

((~~C.~~)) D. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.

2. Examples of accessory structures include:

   a. garages,

   b. decks,

   c. fences,

   d. trellises,

   e. flag poles,

   f. stairways,

   g. heat pumps,

   h. awnings, and

   i. other structures.

3. See also SMC 17A.020.160 ("Primary Structure").

((~~D.~~)) E. Accessory Use.
A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

((~~E.~~)) F. Activity.
See Regulated Activity.

((~~F.~~)) G. Administrative Decision.
A permit decision by an officer authorized by the local government. The decision may be for approval, denial or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

((~~G.~~)) H. Adult Entertainment Establishment.

1. An "adult entertainment establishment" is an enclosed building, or any portion thereof, used for presenting performances, activities or material relating to "specified sexual activities" as defined in SMC 17A.020.190 or

"specified anatomical areas" as defined in SMC 17A.020.190 for observation by patrons therein.

2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of "specified sexual activities" or "specified anatomical areas."

3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

((~~H.~~)) I. Adult Family Home.
A residential use as defined and licensed by the State of Washington in a dwelling unit.

((~~I.~~)) J. Adult-oriented Merchandise.
Any goods, products, commodities or other ware, including, but not limited to, videos, CD ROMs, DVDs, computer disks or other storage devices, magazines, books, pamphlets, posters, cards, periodicals or non-clothing novelties which depict, describe or simulate "specified anatomical area", as defined in SMC 17A.020.190, or "specified sexual activities", as defined in SMC 17A.020.190.

((~~J.~~)) K. Adult Retail Use Establishment.

1. An "adult retail use establishment" is an enclosed building, or any portion thereof which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade to the sale, exchange, rental, loan, trade, transfer or viewing of "adult-oriented merchandise".

2. For purposes of this definition, a retail establishment devotes a significant or substantial portion of its stock-in-trade to adult-oriented merchandise if the sale, exchange, rental, loan, trade, transfer or viewing of such adult-oriented merchandise is clearly material to the economic viability of the business.

3. It is rebuttably presumed that such adult-oriented merchandise is clearly material to the viability of the business if adult-oriented merchandise accounts for thirty percent or more of the:

   a. retail dollar value of gross sales over any quarterly period,

   b. floor area of the store open to the public,

   c. retail dollar value of all merchandise displayed in the store,

d. store's inventory (whether measured by retail dollar value or number of items), or

e. store's stock in trade.

4. In no event shall a retailer whose transactions only incidentally or marginally relate to adult-oriented merchandise be considered an adult retail use establishment.

((~~K.~~)) L. Agency or Agencies.
The adopting jurisdiction(s), depending on the context.

((~~L.~~)) M. Alkali Wetlands.
Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

((~~M.~~)) N. Alley.
See "Public Way" (SMC 17A.020.160).

((~~N.~~)) O. Alteration.
A physical change to a structure or site.

1. Alteration does not include normal maintenance and repair or total demolition.

2. Alteration does include the following:

a. Changes to the facade of a building.

b. Changes to the interior of a building.

c. Increases or decreases in floor area of a building; or

d. Changes to other structures on the site, or the development of new structures.

((~~O.~~)) P. Alteration of Plat, Short Plat or Binding Site Plan.
The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat.

1. An alteration does not include a boundary line adjustment subject to SMC 17G.080.030.

((~~P.~~)) Q. Alternative or Post-incarceration Facility.
A group living use where the residents are on probation or parole.

((~~Q.~~)) R. Alternative Tower Structure ("Stealth" Technology).
Manmade trees, clock towers, bell steeples, light poles, flag poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also "Low Visual Impact Facility" – SMC 17A.020.120).

((~~R.~~)) S. Antenna Array (Wireless Communication Antenna Array).

1. One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

2. Wireless communication antenna array shall be considered an accessory use provided they are located upon an existing structure.

((~~S.~~)) T. Antenna Height.
The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including the antenna.

((~~T.~~)) U. Antenna Support Structure.
Any pole, telescoping mast, tower tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

((~~U.~~)) V. API 653.
The American Petroleum Institute's standards for tank inspection, repair, alteration and reconstruction.

((~~V.~~)) W. Appeal.
A request for review of the interpretation of any provision of Title 17 SMC.

((~~W.~~)) X. Appeal – Standing For.
As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and

2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

   a. The land use decision has prejudiced or is likely to prejudice that person.

   b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision.

   c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and

   d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

((~~X.~~)) Y. Applicant.
An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements.

1. "Owners" are all persons having a real property interest. Owners include:

   a. holder of fee title or a life estate;

   b. holder of purchaser's interest in a sale contract in good standing;

   c. holder of seller's interest in a sale contract in breach or in default;

   d. grantor of deed of trust;

   e. presumptively, a legal owner and a taxpayer of record;

   f. fiduciary representative of an owner;

   g. person having a right of possession or control; or

   h. any one of a number of co-owners, including joint, in common, by entireties and spouses as to community property.

((~~Y.~~)) Z. Application, Complete.
An application that is both counter-complete and determined to be substantially complete as set forth in SMC 17G.060.090.

((~~Z.~~)) AA. Aquifer or Spokane Aquifer.
A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

((~~AA.~~)) AB. Aquifer Sensitive Area (ASA).
That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The ((~~are~~)) area is shown in the map adopted as part of SMC 17E.050.260.

((~~AB.~~)) AC. Aquifer Water Quality Indicators.
Common chemicals used for aquifer water quality screening. These are:

1. calcium,
2. magnesium,
3. sodium,
4. total hardness,
5. chloride,
6. nitrate-nitrogen, and
7. phosphorus.

((~~AC.~~)) AD. Area of Shallow Flooding.
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.

AO is characterized as sheet flow and AH indicates ponding.

((~~AD.~~)) AE. Area of Special Flood Hazard.
The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

1. Designation on maps always includes the letters A or V.

((~~AE.~~)) AF. Arterial.
See:

1. "Principal Arterials" – SMC 17A.020.160,

2. "Minor Arterials" – SMC 17A.020.130,

3. "Collector Arterial" – SMC 17A.020.030, or

4. "Parkway" – SMC 17A.020.160.

((~~AF.~~)) AG. Assisted Living Facility.
A multi-family residential use licensed by the State of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath] and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.

2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

((~~AG.~~)) AH. Attached Housing.
Two or more dwelling units attached by a common wall at a shared property line. These include:

1. townhouses,

2. row houses, and

3. other similar structures

that are single-family residences on individual lots, sharing a common wall at a shared property line.

((~~AH.~~)) AI. Attached Structure.
Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.

2. A breezeway is not considered a common wall.

3. Structures including garages, carports and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

((~~AI.~~)) AJ. Available Capacity.
Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion or modification (RCW 76.70A.020).

Section 2. That SMC section 17A.020.020 is amended to read as follows:

**17A.020.020 "B" Definitions.**

A. Backed Sign.
A sign where the faces of the sign are parallel or within twenty degrees of parallel to each other.

B. Balloon Sign.
A sign that is blown up with air or gas.

((~~A.~~)) C. Bank Carving.
The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

((~~B.~~)) D. Bank Erosion.
The incorporation of masses of alluvium or other weak bank materials into a stream channel.

((~~C.~~)) E. Bankfull Width.

1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.

2. For lakes, ponds and impoundments, line of mean high water.

3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

F. Banner.
A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind. See also Flag.

((~~D.~~)) G. Base Flood.

1. The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the "one hundred year flood."

2. Designation on maps always includes the letters A or V.

((~~E.~~)) H. Basement.
The portion of a building having its floor sub-grade (below ground level) on all sides.

((~~F.~~)) I. Bee.
Any stage of development of the common domestic honeybee, Apis mellifera species.

((~~G.~~)) J. Beekeeper.
A person owning, possession or controlling one or more colonies of bees.

((~~H.~~)) K. Best Available Science.
Current scientific information used in the process to designate, protect or restore critical areas, which is derived from a valid scientific process.

((~~I.~~)) L. Best Management Practices.
The utilization of methods, techniques or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.

((~~J.~~)) M. Bikeways/Pathways.
Facilities designated for use by commuters and recreational users on foot or bicycle. The following types of bikeway facilities are identified and further defined in the Spokane Regional Pedestrian/Bikeway Plan published by the Spokane Regional Transportation Council:

1. Residential Bikeway.

2. Shared-use Lane.

3. Paved Shoulder.

4. Bicycle Lane.

5. Shared-use Pathway.

((~~K.~~)) N. Binding Site Plan – Final.
A drawing to a scale which:

1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters provided in SMC 17G.080.060;

2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and

3. contains provisions making any development be in conformity with the site plan.

A binding site plan can only be used on property zoned commercial or industrial.

((~~L.~~)) O. Binding Site Plan – Preliminary.
A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.

((~~M.~~)) P. Block.
A group of lots, tracts or parcels within well defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.

((~~N.~~)) Q. Block Frontage.
All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

((~~O.~~)) R. Board.
The board of county commissioners of Spokane County.

((~~P.~~)) S. Boundary Line Adjustment.
A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

((~~Q.~~)) T. Breakaway Wall.
A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

((~~R.~~)) U. Breezeway.
A breezeway is a roofed passageway joining two separate structures.

((~~S.~~)) V. Building.

1. A "building" is a structure, or part, used or intended for supporting or sheltering any use or occupancy.

2. The term includes "factory-built structure" and "mobile home".

3. "Building" does not include a recreational vehicle.

4. "Building" means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

((~~T.~~)) W. Building Coverage.
Building coverage is the total amount of ground area covered by a structure or structures.

1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.

2. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than forty-two inches above grade.

3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.

((~~U.~~)) X. Building Envelope.
The area of a lot that delineates where a building may be placed.

Section 3. That SMC section 17A.020.030 is amended to read as follows:

**17A.020.030 "C" Definitions.**

A. Candidate Species.
A species of fish or wildlife, which is being reviewed, for possible classification as threatened or endangered.

B. Carport.
A carport is a garage not entirely enclosed on all sides by sight-obscuring walls and/or doors.

C. Cellular Telecommunications Facility.
They consist of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

D. Certificate of Appropriateness.
Written authorization issued by the commission or its designee permitting an alteration or significant change to the controlled features of a landmark or landmark site after its nomination has been approved by the commission.

E. Certificate of Capacity.
A document issued by the planning services department indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

F. Change of Use.
For purposes of modification of a preliminary plat, "change of use" shall mean a change in the proposed use of lots (e.g., residential to commercial).

G. Channel Migration Zone (CMZ).
A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.

H. City.
The City of Spokane, Washington.

I. Clear Street Width.
The width of a street from curb to curb minus the width of on-street parking lanes.

J. Clear Zone.

An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles.

K. Cliffs.

1. A type of habitat in the Washington department of fish and wildlife (WDFW) priority habitat and species system that is considered a priority due to its limited availability, unique species usage, and significance as breeding habitat. Cliffs are greater than twenty-five feet high and below five thousand feet elevation.

2. A "cliff" is a steep slope of earth materials, or near vertical, rock exposure. Cliffs are categorized as erosion landforms due to the processes of erosion and weathering that produce them. Structural cliffs may form as the result of fault displacement or the resistance of a cap rock to uniform downcutting. Erosional cliffs form along shorelines or valley walls where the most extensive erosion takes place at the base of the slope.

L. Closed Record Appeal Hearing.
A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application.

1. No new testimony or submission of new evidence and information is allowed.

M. Collector Arterial.
A relatively low speed street serving an individual neighborhood.

1. Collector arterials are typically two-lane roads with on-street parking.

2. Their function is to collect and distribute traffic from local access streets to principal and minor arterials.

N. Co-location.
Is the locating of wireless communications equipment from more than one provider on one structure at one site.

O. Colony.
A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen and brood.

P. Commercial Driveway.
Any driveway access to a public street other than one serving a single-family or duplex residence on a single lot.

Q. Commission – Historic Landmarks.
The City/County historic landmarks commission.

R. Community Banner.
A temporary banner made of sturdy cloth or vinyl that is not commercial advertising that has the purpose of the promotion of a civic event, public service announcement, holiday decorations, or similar community and cultural interests and is placed on a structure located in the public right-of-way, subject to procedures authorized by city administrator.

((~~R.~~)) S. Community Meeting.
An informal meeting, workshop or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.

1. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.

2. A community meeting does not constitute an open record hearing.

3. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

((~~S.~~)) T. Compensatory Mitigation.
Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

1. Restoration.
The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.

2. Re-establishment.
The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches or breaking drain tiles.

3. Rehabilitation.
The manipulation of the physical, chemical or biological characteristics of

a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

4. Creation (Establishment).
The manipulations of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils and support the growth of hydrophytic plant species.

5. Enhancement.
The manipulation of the physical, chemical or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

6. Protection/Maintenance (Preservation).
Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term *preservation*. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

((~~T.~~)) U. Comprehensive Plan.
The City of Spokane comprehensive plan, a document adopted pursuant to chapter 36.70A RCW providing land use designations, goals and policies regarding land use, housing, capital facilities, housing, transportation and utilities.

((~~U.~~)) V. Conceptual Landscape Plan.
A scale drawing showing the same information as a general site plan plus the location, type, size and width of landscape areas as required by the provisions of chapter 17C.200 SMC.

1. The type of landscaping, L1, L2 or L3, is required to be labeled.

2. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.

((~~V.~~)) W. Concurrency Certificate.
A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to chapter 17D.010 SMC, Concurrency Certification.

((~~W.~~)) X. Concurrency Facilities.
Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:

1. transportation,

2. public water,

3. fire protection,

4. police protection,

5. parks and recreation,

6. libraries,

7. solid waste disposal and recycling,

8. schools, and

9. public wastewater (sewer and stormwater).

((~~X.~~)) Y. Concurrency Test.
The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in SMC 17D.010.020.

((~~Y.~~)) Z. Conditional Use Permit.
A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.

((~~Z.~~)) AA. Condominium.
Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions.

1. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

((~~AA.~~)) AB. Confidential Shelter.
Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.

((~~AB.~~)) AC. Congregate Residence.
A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.

((~~AC.~~)) AD. Conservancy Environments.
Those areas designated as the most environmentally sensitive and requiring the most protection in the current shoreline master program or as hereafter amended.

((~~AD.~~)) AE. Container.
Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.

AF. Copy.
Letters, characters, illustrations, logos, graphics, symbols, writing or any combination thereof designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental or lease of premises.

((~~AE.~~)) AG. Cottage Housing.

1. A grouping of individual structures where each structure contains one dwelling unit.

2. The land underneath the structures is not divided into separate lots.

3. A cottage housing development may contain no less than six and no more than twelve individual structures in addition to detached accessory buildings for storing vehicles.

   a. It may also include a community building, garden shed or other facility for use of the residents.

((~~AF.~~)) AH. Council.
The city council of the City of Spokane.

((~~AG.~~)) AI. County.
Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.

((~~AH.~~)) AJ. Covenants, Conditions and Restrictions (CC&Rs).
A document setting forth the covenants, conditions and restrictions applicable to a development, recorded with the Spokane County auditor and, typically, enforced by a property owner's association or other legal entity.

((~~AI.~~)) AK. Creep.
Slow, downslope movement of the layer of loose rock and soil resting on bedrock due to gravity.

((~~AJ.~~)) AL. Critical Amount.
The quantity component of the definition of critical material.

((~~AK.~~)) AM. Critical Areas.
Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas or wetlands as defined under chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC and chapter 17E.070.SMC.

((~~AL.~~)) AN. Critical Facility.
A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to:

1. schools;

2. nursing homes;

3. hospitals;

4. police;

5. fire;

6. emergency response installations; and

7. installations which produce, use or store hazardous materials or hazardous waste.

((~~AM.~~)) AO. Critical Material.

1. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:

   a. domestic and industrial water supply,

   b. agricultural irrigation,

   c. stock water, and

   d. fish propagation.

   Used herein, the designation is distinguished from state or other designation.

2. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

((~~AN.~~)) AP. Critical Material Activity.

1. A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials.

2. A list of critical materials activities is contained in the Critical Materials Handbook.

((~~AO.~~)) AQ. Critical Materials Handbook.

1. The latest edition of a publication as approved and amended by the division director of public works and utilities from time to time to accomplish the purposes of this chapter. The handbook is based on the original prepared by the Spokane water quality management program ("208") coordination office, with the assistance of its technical advisory committee. It is on file with the director of engineering services and available for public inspection and purchase.

2. The handbook, as approved and modified by the division director of public works and utilities , contains:

   a. a critical materials list,

   b. a critical materials activities list, and

c. other technical specifications and information.

3. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

((~~AP.~~)) AR. Critical Review.
The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer and/or implementation of the Spokane aquifer water quality management plan.

((~~AQ.~~)) AS. Critical Review Action.

1. An action by a municipal official or body upon an application as follows:

a. Application for a building permit where plans and specifications are required, except for Group R and M occupancies (SMC 17G.010.140 and SMC 17G.010.150).

b. Application for a shoreline substantial development permit (SMC 17G.060.070(B)(1)).

c. Application for a certificate of occupancy (SMC 17G.010.170).

d. Application for a variance or a certificate of compliance (SMC 17G.060.070(A) or SMC 17G.060.070(B)(1)).

e. Application for rezoning (SMC 17G.060.070(A)).

f. Application for conditional permit (SMC 17G.060.070(A)).

g. Application for a business license (SMC 8.01.120).

h. Application for a permit under the Fire Code (SMC 17F.080.060).

i. Application for a permit or approval requiring environmental review in an environmentally sensitive area (SMC 17E.050.260).

j. Application for connection to the City sewer or water system.

k. Application for construction or continuing use of an onsite sewage disposal system (SMC 13.03.0149 and SMC 13.03.0304).

l. Application for sewer service with non-conforming or non-standard sewage (SMC 13.03.0145, SMC 13.03.0314 and SMC 13.03.0324).

m. Application involving a project identified in SMC 17E.010.120.

n. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.

o. Application for an underground storage tank permit (SMC 17E.010.210); and

p. Application for permit to install or retrofit aboveground storage tank(s) (SMC 17E.010.060(A) and SMC 17E.010.400(D)).

2. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

((~~AR.~~)) AT. Critical Review Applicant.
A person or entity seeking a critical review action.

((~~AS.~~)) AU. Critical Review Officer – Authority.

a. The building official or other official designated by the director of public works and utilities.

b. For matters relating to the fire code, the critical review officer is the fire official.

c. The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.

d. The critical review officer imposes requirements based upon this chapter, regulations and the critical materials handbook.

e. The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter.

((~~AT.~~)) AV. Critical Review Statement.

A checklist, disclosure form or part of an application for a critical review action, disclosing the result of critical review.

1. Where not otherwise provided as part of the application process, the critical review officer may provide forms and a time and place to file the statement.

((~~AU.~~)) AW. Curb Ramp.
A ramp constructed in the sidewalk to allow wheelchair access from the sidewalk to the street.

((~~AV.~~)) AX. Cutbank.
The concave bank of a moving body of water that is maintained as a steep or even overhanging cliff by the actions of water at its base.

Section 4. That SMC section 17A.020.040 is amended to read as follows:

**17A.020.040 "D" Definitions.**

A. Day.
A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.
Slow moving, sediment gravity flow composed of large rock fragments and soil supported and carried by a mud-water mixture.

C. Debris Slide.
A shallow landslide within rock debris with the slide usually occurring within a relatively narrow zone.

D. Dedication.
The deliberate appropriation of land, or an easement therein, by its owner for any general and public uses, reserving to the owner no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been devoted, and accepted for such use by or on behalf of the public. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan showing the dedication thereon or by dedication deed to the City. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan or at the City's option, by the City recording such dedication deed with the Spokane County auditor.

E. Degraded Wetland.
A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.

F. Demolition or Partial Demolition.
The destruction, removal or relocation, in whole or in part, of a building or structure or a significant feature of a building or structure that is of important historical character. Demolition (or partial demolition) does not include the removal of past additions for the express purpose of restoration of a structure to its historic appearance, form or function. Demolition (or partial demolition) does not include the destruction or removal of portions of a building or structure that are not significant to defining its historic character. This exclusion is valid so long as the demolition is done as part of a design review application approved pursuant to chapter 4.13 SMC.

G. Density.
The number of housing units per acre as permitted by the zoning code.

H. Department.
Any of the departments of engineering services, planning services, fire department, or parks and recreation for which responsibility has been assigned by charter or code for administration.

I. Design Departure.
Any change that is sought to modify or waive a design requirement (R) or waive a design presumption (P) contained within the design standards. The design departure process is found in chapter 17G.030 SMC, Design Departures.

J. Design Guidelines.
A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

K. Designation.
The declaration of a building, district, object, site or structure as a landmark or historic district.

L. Desired character.
The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted subarea plans or design guidelines for an area.

((~~L.~~)) M. Detailed Site Plan.
A general site plan to which the following detailed information has been added:

1. Natural vegetation, landscaping and open spaces.

2. Ingress, egress, circulation, parking areas and walkways.

3. Utility services.

4. Lighting.

5. Signs.

6. Flood plains, waterways, wetlands and drainage.

7. Berms, buffers and screening devices; and

8. Such other elements as required in this chapter.

((~~M.~~)) N. Developable Area.
Land outside of a critical area and associated buffer including wetlands, fish and wildlife habitat conservation areas, riparian habitat area, landslide areas, steep slope areas, floodplain, floodway, shallow flooding, channel migration zone and associated buffers, or any other restricted area on a particular piece of property.

((~~N.~~)) O. Development.
Any proposed land use, zoning or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

((~~O.~~)) P. Development Activity – Floodplain.
Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

((~~P.~~)) Q. Development Approval.
Any recommendation or approval for development required or permitted by this code.

((~~Q.~~)) R. Development Codes.
The state adopted codes, boiler and pressure vessel, building, electrical, elevator, fire, mechanical, plumbing and related publications adopted by the City, along with other provisions of this code that relate to private access to, use and obstruction of public right-of-way, and engineering standards that relate to private construction of public utilities and facilities.

((~~R.~~)) S. Development Permit.
Any permit issued by the City authorizing construction, including a building permit, conditional use permit, substantial development permit, or other permit required by the City.

((~~S.~~)) T. Direct Impact.
An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.

((~~T.~~)) U. Directional.
Any of the four basic compass directions, abbreviated as follows: N, S, E, W. SE, NE, SW, NW shall also be considered as a directional. A directional is placed in front of the root roadway name.

V. Directional sign.
A sign exclusively limited to guiding the circulation of motorists or pedestrians on the site.

((~~U.~~)) W. Director.
The administrative official of the department responsible for compliance with this code, the development codes and the land use codes. These include the director of building services, director of engineering services and the director of planning services.

((~~V.~~)) X. District.
A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of buildings, objects, sites and/or structures united by past events or aesthetically by plan or physical development.

((~~W.~~)) Y. Documented Habitat.
Habitat classified by state or federal agencies as critical to the survival of endangered or threatened or sensitive animal, fish or plant species.

((~~X.~~)) Z. Domestic Animal.

1. Large.
Animals including, but not limited to, horses, donkeys, burros, llamas, bovines, goats, sheep, swine and other animals or livestock of similar size and type. Young of horses, mules, donkeys, burros and llamas under one year in age; bovines under ten months in age, and sheep, goats and swine under three months in age are not included when counting large animals. Miniature large animals are considered large animals.

2. Small.
Animals or fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons and other fowl not listed or otherwise

defined; mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type. Young small animals or fowl under three months in age are not included when counting small animal or fowl.

((~~Y.~~)) AA. Driveway.
An all-weather surface driveway structure as shown in the standard plans.

((~~Z.~~)) AB. Duplex.
A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

((~~AA.~~)) AC. Dwelling Unit.
A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

Section 5. That SMC section 17A.020.050 is amended to read as follows:

**17A.020.050 "E" Definitions.**

A. Early Notice.
The lead agency's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (Mitigated Determination of Nonsignificance [DNS] procedures).

B. Easement.
A right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes.

C. Economic Hardship.
An owner's inability to make reasonable economic use of a historic structure as determined pursuant to SMC 17D.040.230.

D. Electric sign. Any sign containing electrical wiring, lighting or other electrical components, but not including signs illuminated by a detached exterior light source.

((~~D.~~)) E. Elevated Building.
For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns.

((~~E.~~)) F. Emergent Wetland.

A wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous wetland vegetation as the uppermost vegetative strata.

((~~F.~~)) G. Endangered Species.
A wildlife species whose prospects for survival are in immediate danger because of a loss or change in habitat, exploitation, predation, competition, disease, disturbance or contamination and that are designated as such by a governmental agency.

((~~G.~~)) H. Enhancement.
See "Compensatory Mitigation."

((~~H.~~)) I. Erosion.
The wearing away of the ground surface as a result of mass wasting or the movement of wind, water, soil and/or ice.

((~~I.~~)) J. Essential Habitat.
Habitat necessary for the survival of federally listed threatened, endangered and sensitive species and state listed priority species.

((~~J.~~)) K. Ex Parte Communication.
Any oral or written communication made by any person, including a City employee or official, pertaining to a matter that is or will be within the jurisdiction of the hearing examiner made outside of a public record.

((~~K.~~)) L. Existing Manufactured Home Park or Subdivision – Floodplain.
A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 1, 2004.

((~~L.~~)) M. Exotic.
Any species of plants or animals that are not indigenous and are foreign to the planning area.

((~~M.~~)) N. Expansion to an Existing Manufactured Home Park or Subdivision – Floodplain.
The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

((~~N.~~)) O. Extirpation.
The local destruction of or extermination of a species.

((~~O.~~)) P. Extraordinary Hardship.
That the strict application of the provisions of this code and/or rules adopted to implement this code would prevent all economically viable use of the property.

Section 6. That SMC section 17A.020.060 is amended to read as follows:

**17A.020.060 "F" Definitions.**

A. Facade.
All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.
A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner's exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.
The department, district or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.

1. "Factory-built housing" is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

E. Fascia sign.
A single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other structure. Fascia signs do not include signs that are attached to or projected onto structures defined as sign structures by this chapter.

F. Financial Guarantee.
A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter 17D.020 SMC, Financial Guarantees: performance guarantee and performance/warranty retainer.

G. Flag.
A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also Banner.

H. Flood Insurance Rate Map or FIRM.
The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

I. Flood Insurance Study (FIS).
The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

J. Flood or Flooding.
A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland waters; or

2. the unusual and rapid accumulation of runoff of surface waters from any source.

K. Floodway.
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

L. Floor Area.
The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.

2. Roof area, including roof top parking.

3. Roof top mechanical equipment.

4. Attic area with a ceiling height less than six feet nine inches.

5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and

6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).

M. Floor Area Ratio (FAR).
The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

N. Focused Growth Area.
Includes mixed-use district centers, neighborhood centers and employment centers.

O. Frame Effect.
A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade and dissolve. This term shall not include flashing.

P. Freestanding sign.
A sign on a frame, pole, or other support structure that is not attached to any building.

Q. Frontage.
The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

Section 7. That SMC section 17A.020.090 is amended to read as follows:

**17A.020.090 "I" Definitions.**

A. Illuminated wall highlights.
Lighted areas that highlight a building's architectural or structural features and that do not convey a message or image. Illuminated wall highlights can either be created by light projected onto a feature or highlighting a feature with neon tubing or other light fixture.

((~~A.~~)) B. Impact Fee.
A charge or fee assessed by the City which mitigates all or nay portion of a direct impact.

((~~B.~~)) C. Impermeable Sediment.
Sediment restricting the flow of water.

((~~C.~~)) D. Improvements.
Improvements require under conditions of approval such as streets, drainage facilities and utilities.

((~~D.~~)) E. Incentives.
Such rights or privileges as may from time to time exist to compensate the owner for the imposition of controls on a designated district or landmark.

((~~E.~~)) F. In-ground Storage Tank (IST).
Any one or a connected combination of tanks that is used to contain an accumulation of liquid critical materials, the aggregate of which (including the volume of piping connected thereto) is more than sixty gallons that is situated to any degree within the ground, and the entire exterior surface of the tank cannot be fully visually inspected. The surface area of tank located above the ground will be treated as an aboveground storage tank (AST), and the area below the ground will be treated as an underground storage tank (UST).

((~~F.~~)) G. In-kind Compensation.
The restoration or replacement of a wetland with hydrogeomorphic characteristics closely approximating those of a specified wetland.

((~~G.~~)) H. Inner Gorge Slope.
Canyon walls created by a combination of stream downcutting/undercutting and mass wasting on the slope walls. Inner gorges may show evidence of recent movement, such as landslides, surface erosion, vertical tracks of disturbance vegetation or areas that are concave in contour and/or profile. The steepness of inner gorges varies with the underlying materials. Slope gradients as gentle as about twenty-eight degrees (fifty-three percent) can be unstable in gorges, cut into incompetent bedrock, weathered materials or unconsolidated deposits. A

minimum vertical height of ten feet is usually applied to distinguish between inner gorges and slightly incised streams. The top edge of an inner gorge is typically distinguished by a distinct break in slope. The upper boundary of an inner gorge is assumed to be a line along the first break in slope of at least ten degrees (seventeen percent).

((~~H.~~)) I. Integral Curb and Gutter.
Concrete curb and gutter which is formed and placed as one unit.

J. Interpretive Signs.
A sign that identifies historic buildings or sites where important events occurred or which serve educational, cultural, historical, or scientific purposes.

((~~I.~~)) K. Interstitial Monitoring.
A method of leak detection based on determining if there has been a failure of one of the containment layers surrounding an interstitial space. Monitoring methods may include the:

1. detection of pressure changes within the space;

2. detection of vapors from the contained material within the space; or

3. physical detection of contained material, or water from outside the container, within the space.

((~~J.~~)) L. Interstitial Space.
The volume between two separate layers of a secondary or multiple containment system. The space may be filled with air or other gas or it may be filled with a porous material.

((~~K.~~)) M. Isolated Wetlands.
Those wetlands which:

1. are outside of and not contiguous to any hundred-year floodplain of a lake, river or stream; and

2. have no contiguous hydric soil or hydrophytic vegetation between the wetland and any waters of the United States.

Section 8. That SMC section 17A.020.120 is amended to read as follows:

**17A.020.120 "L" Definitions.**

A. Land Surveyor.
An individual licensed as a land surveyor pursuant to chapter 18.43 RCW.

B. Land Use Codes.
Those provisions of this code that relate to:

1. zoning,

2. subdivision,

3. shorelines management,

4. stormwater control,

5. flood zones,

6. critical areas,

7. signs,

8. skywalks, and

include chapter 11.12 SMC, chapter 11.17 SMC, chapter 11.19 SMC, chapter 17D.020 SMC, chapter 17D.050 SMC, chapter 17D.060 SMC, chapter 17D.090 SMC, chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC and chapter 17G.080 SMC.

C. Landscape Plan.
A scale drawing showing site improvements and landscaping required under chapter 17C.200 SMC the following elements:

1. Footprint of all structures.

2. Final site grading.

3. All parking areas and driveways.

4. All sidewalks, pedestrian walkways and other pedestrian areas.

5. Location, height and materials for all fences and walls.

6. Common and scientific names of all plant materials used, along with their size at planting and location of all plant materials on the site.

D. Landslide.
Rapid sliding of large masses of rock, soil, or material on steep mountain slopes or from high cliffs.

E. Latah Formation.
Sedimentary layer of claystone to fine grained sandstone in which very finely laminated siltstone is predominant. The fresh rock ranges in color from various shades of gray to almost white, tan and rust. Much of the finer grained layers contain leaf imprints and other plant debris. Because of its generally poorly consolidated state, the Latah rarely outcrops. It erodes rapidly and therefore is usually covered with later deposits or in steeper terrain hidden under the rubble of overlying basaltic rocks.

F. Leak Detection.
A procedure for determining if the material in a primary container has escaped into the outside environment or has invaded an interstitial space in a multiple containment system.

G. Level of Service Standard.
The number of units of capacity per unit of demand. The level of service standards used on concurrency tests are those standards specified in the adopted City of Spokane comprehensive plan.

H. Lighting methods:

1. Direct.
Exposed lighting or neon tubes on the sign face. Direct lighting also includes signs whose message or image is created by light projected onto a surface.

2. Indirect.
The light source is separate from the sign face or cabinet and is directed to shine onto the sign.

3. Internal.
The light source is concealed within the sign.

((~~H.~~)) I. Lighting Plan.
A general site plan that includes:

1. location of all lighting fixtures on the site;

2. manufacturer's model identification of each lighting fixture;

3. manufacturer's performance specifications of each fixture;

4. a photometric plan of the installed fixtures, which demonstrates that all illumination is confined within the boundaries of the site.

((~~I.~~)) J. Limited Industrial.

Establishments primarily engaged in on-site production or assembly of goods by hand manufacturing involving the use of hand tools and small-scale equipment and may have the incidental direct sale to consumers of those goods produced on-site. Typical uses include:

1. on-site production of goods by hand or artistic endeavor;

2. placement of digital or analog information on a physical or electronic medium;

3. manufacture, predominantly from previously prepared materials, of finished products or parts, provided the noise, light, smell or vibration does not extend beyond the site; and

4. research of an industrial or biotechnical nature.

All activity must be conducted totally within the structure with no outdoor storage.

((~~J.~~)) K. Listed Species.

A fish or wildlife species on a state or federal species of concern list. Possible designations could include endangered, threatened and sensitive.

((~~K.~~)) L. Local Access Street.

A street that provides access from individual properties to collector and minor arterials.

((~~L.~~)) M. Lot.

1. "Lot" is a parcel or tract of land so designated on a recorded plat or assessors plat, or:

   a. in an unplatted area, a tract having frontage on a public street or private street within a planned unit development or binding site plan and having the minimum size and dimensions required for a building site by the zoning code; or

   b. a building site designated as such on an approved planned development plan; or

   c. an unplatted area, legally created, and having the minimum size and dimensions required for a building site by the zoning code, but that does not have frontage on a public street.

2. A tract consisting of more than one contiguous lot may be considered as one lot for development purposes, subject to interpretation of the location of the front and rear yards.

3. A "corner lot" is a lot bounded on two adjacent sides by intersecting public streets.

4. An "inside lot" is a lot other than a corner lot.

5. A "through lot" is a lot bounded on opposite sides by parallel or approximately parallel public streets.

((~~M.~~)) N. Lot Depth.
The depth of a lot is the horizontal distance between the front lot line and the rear lot line measured in the mean direction of the side lot lines.

((~~N.~~)) O. Lot Lines.
The property lines along the edge of a lot or site.

1. "Front lot line" means a lot line, or segment of a lot line, that abuts a street.

   a. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.

   b. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.

2. "Rear lot line" means a lot line that is opposite a front lot line.

   a. A triangular lot has two side lot lines but no rear lot line.

   b. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

3. "Side lot line" means a lot line that is neither a front nor rear lot line.

   a. On a corner lot, the longer lot line, which abuts a street, is a side lot line.

4. "Side street lot line" means a lot line that is both a side lot line and a street lot line.

5. "Street lot line" means a lot line, or segment of a lot line, that abuts a street.

a. Street lot line" does not include lot lines that abut an alley.

b. On a corner lot, there are two (or more) street lot lines.

c. Street lot lines can include front lot lines and side lot lines.

((~~O.~~)) P. Lot Width.
The width of a lot is the horizontal distance between the side lot lines measured on a line intersecting at right angles the line of the lot depth thirty feet from the front lot line.

((~~P.~~)) Q. Low Visual Impact Facility.
For the purposes of administration of this code, a low visual impact facility includes a small diameter (three feet or less) antenna or antenna array located on top of an existing pole or on a replacement pole. (See also SMC 17A.020.010, Alternative Tower Structure.)

((~~Q.~~)) R. Lowest Floor.
The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of SMC 17E.030.140.

Section 9. That SMC section 17A.020.130 is amended to read as follows:

**17A.020.130 "M" Definitions.**

A. Manufactured Home.

1. "Manufactured home" is a single-family dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.

2. "Manufactured home accessory structure" is any attached or detached addition to a manufactured home, such as an awning, basement, carport, garage, porch or storage structure, which is ordinarily appurtenant.

B. Manufactured Home Park.
Two or more manufactured homes or mobile homes used as dwelling units on a single parcel or lot.

C. Marquee sign.
A sign incorporated into or attached to a marquee or permanent canopy.

((~~C.~~)) D. Minor Arterials.
A two- to four-lane facility which collects and distributes traffic from principal arterials to collector arterials and local access streets.

((~~D.~~)) E. Mitigation – Mitigate.
An action which avoids a negative adverse impact and is reasonable and capable of being accomplished.

((~~E.~~)) F. Mitigation – Mitigation Sequencing.
The use of any or all of the following actions listed in descending order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment.

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or

6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation may include a combination of the above measures.

((~~F.~~)) G. Mobile Home.
A factory-built dwelling built prior to June 15, 1976, to standards other than the housing and urban development code, and acceptable under applicable state codes in effect at the time of construction of introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development Manufactured Home Construction and Safety Standards Act.

((~~G.~~)) H. Mobile Home Park.
Any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes or park models for the

primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

((~~H.~~)) I. Modification to a Preliminary Plat, Short Plat or Binding Site Plan.
A change, prior to recording, of an approved preliminary plat, preliminary short plat or binding site plan that includes, but is not limited to, the addition of new lots or tracts, or a change of the boundaries or dimensions of lots or tracts.

((~~I.~~)) J. Modular Home.
A single-family dwelling unit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) constructed in a factory in accordance with International Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes "pre-fabricated", "panelized" and "factory-built" units.

((~~J.~~)) K. Monitoring.
Periodic evaluation of a wetlands restoration, creation or enhancement site or habitat management plan area to determine changes at the site, such as vegetation growth, hydrologic changes, soil development and use of the site by birds and animals.

((~~K.~~)) L. Monument.
A physical survey monument as shown in the City's standard plans.

M. Monument sign.
A freestanding sign where the base of the sign structure is on the ground or a maximum of twelve inches above the lowest point of the ground adjacent to the sign. The width of the top of the sign structure can be no more than one hundred twenty percent of the width of the base.

((~~L.~~)) N. Multi-family Residential Building.
A common wall dwelling or apartment house that consists of three or more dwelling units.

((~~M.~~)) O. Multiple Containment.
A means of spill or leak control involving a containment structure having one or more layers of material between the primary container and the environment.

1. Containment layers must be resistant to the material stored.

2. The volume within the containment system must be at least as large as the primary container.

3. Containment layers may be separated by an interstitial space.

((~~N.~~)) P. MUTCD.
The U.S. department of transportation Manual on Uniform Traffic Control Devices.

Section 10. That SMC section 17A.020.140 is amended to read as follows:

**17A.020.140 "N" Definitions.**

A. National Register.
The register maintained pursuant to P.L. 89-655, 80 Stat. 915, as amended.

B. Native Plant Community.
The collective product of individual plants indigenous to a particular locale responding to shared habitats.

C. Native Vegetation.
Plant species, which are indigenous to the planning area.

D. Natural Location of Drainage Systems.
The location of those predominate channels, swales, and pre-existing and established systems as defined by the earliest documented topographic contours existing for the subject property, either from maps or photographs, site inspections or other appropriate means.

E. New Construction – Floodplain.
Structures for which the date of complete application for permit commenced on or after July 1, 2004.

F. New Manufactured Home Park or Subdivision – Floodplain.
A manufactured home park or subdivision for which a complete application, as defined by SMC 17G.060.090, for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the permit for the individual unit.

G. NFPA 30.
The National Fire Prevention Association's flammable and combustible liquids code.

H. Nominal Driveway Width.
The driveway width measured at the face of curb, from driveway joint to driveway joint, as shown in the standard plans.

I. Nomination.
The process by which a building, district, object, site or structure is recommended for placement on a register.

J. Nonbuildable Tract.
Land reserved for specified uses including, but not limited to:

1. reserve tracts,

2. recreation,

3. open space,

4. critical areas,

5. surface water retention,

6. utility facilities and access.

Nonbuildable tracts are not considered lots or building sites.

K. Nonconforming Development.
An element of a development, such as a setback, height or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.

L. Nonconforming sign.
A sign that was created and issued a permit in conformance with development regulations, but which subsequently, due to a change in the zone or land use regulations, is no longer in conformance with the current applicable development standards.

((~~L.~~)) M. Nonconforming Situation.
A nonconforming residential density, nonconforming development or nonconforming use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development.

((~~M.~~)) N. Nonconforming Use.
A use or the amount of floor area of a use that was allowed by right when established or a use that obtained a required land use approval when established, that is now prohibited in the zone due to a subsequent change in the zone or zoning regulations.

((~~N.~~)) O. Noxious Weeds.
Those plants which are non-native, highly destructive and competitive as defined by chapter 17.10 RCW, or as amended.

((~~O.~~)) P. Nursing Home.
A residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves.

1. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence.

2. This definition excludes hospitals or sanitariums.

Section 11. That SMC section 17A.020.160 is amended to read as follows:

**17A.020.160 "P" Definitions.**

A. Painted wall highlights.
Painted areas that highlight a building's architectural or structural features and that do not convey a message or image.

B. Painted wall sign.
A sign applied to a building wall with paint or a thin layer of vinyl, paper or similar material adhered directly to the building surface and that has no sign structure.

((~~A.~~)) C. Parcel.
See "Lot." (SMC 17A.020.120)

((~~B.~~)) D. Parkway.

1. A street serving as a principal, minor or collector arterial, typically with recreational or scenic opportunities.

2. Parkways will often have landscaped medians.

((~~C.~~)) E. Party of Record.
Any person who has appeared at a hearing of the hearing examiner by presenting testimony or making written comment.

((~~D.~~)) F. Paved Area.

1. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses.

2. Graveled areas are not paved areas.

((~~E.~~)) G. Pedestrian Buffer Strips (PBS).
A hard-surfaced or planted area(s) between travel or parking lanes and sidewalks, also called planting strips. PBS improves safety by separating vehicles and pedestrians and provide space for drainage, street trees and snow storage.

((~~F.~~)) H. Pedestrian Street.

1. A street designated on the official zoning map as a pedestrian street where development standards are required to promote a pedestrian friendly street. Pedestrian streets offer a pleasant and safe walking environment.

2. Design features include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables and bike racks, and visually interesting buildings close to the sidewalk.

((~~G.~~)) I. Performance Guarantee.
A "financial guarantee" providing for and securing to the City the actual construction and installation of the required improvements.

((~~H.~~)) J. Performance/Warranty Retainer.
A "financial guarantee" both providing for and securing to the City the actual construction and installation of such improvements, and securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of the improvements.

K. Permanent sign.
Any sign not classified as a temporary sign.

((~~I.~~)) L. Permeable Sediment
Sediment permitting the flow of water.

((~~J.~~)) M. Person.
Any natural person, whether acting individually or in a representative capacity, partnership, joint venture, corporation or other legal entity.

N. Pitched roof sign.
A sign attached to a roof with a pitch of one-to-four or greater and placed parallel to the building wall.

((~~K.~~)) O. Planned Capacity.
For all capital facilities, except transportation, capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion or modification project is contained in the current adopted City of Spokane comprehensive plan, capital improvement program and scheduled to be completed within six years. (RCW 36.70A.020).

((~~L.~~)) P. Planned Capacity for Transportation Facilities.
Capacity for transportation facilities, including roads and transit, that does not exist, but where transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

1. These strategies may include:

   a. increased public transportation service,

   b. ride sharing programs,

   c. demand management, and

   d. other transportation systems management strategies.

2. For transportation facilities, "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(b)).

((~~M.~~)) Q. Planned Unit Development (PUD).

1. A planned unit development is a project permit for an overlay zone, approved by the hearing examiner, which does not fully comply with all of the development standards of the base zone in which it is located, but is approved based on superior or innovative design.

2. The City may permit a variety of types, design and arrangement of structures; and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety and welfare.

((~~N.~~)) R. Plans.
Planning documents, which are developed by the various departments of the City, pertaining to the orderly development of public facilities.

((~~O.~~)) S. Plat – Final.
A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys or other divisions and

dedications and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

((~~P.~~)) T. Plat – Preliminary.

1. A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks and other elements of a subdivision required by this chapter and chapter 58.17 RCW.

2. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

((~~Q.~~)) U. Plaza.

1. Areas generally open to the public on a controlled basis and used for passive recreational activities and relaxation.

2. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees and landscaping, for use by pedestrians.

((~~R.~~)) V. Pollution.
Contamination, or other alteration of the physical, chemical or biological properties of wetlands, or such discharge of any liquid, gaseous, solid, radioactive or other substance into wetlands as will or is likely to cause a nuisance or render such wetlands harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation or other aquatic life.

((~~S.~~)) W. Potential Geologically Hazardous Areas.
Areas designated on maps maintained in the City's planning services department. They are classified "potential" because they have not been confirmed by field investigation nor do they necessarily include the full extent of all geologically hazardous areas within the City. The maps are intended to alert property owners, purchasers, developers, etc., to the possible existence of significant geological hazards, which may warrant further geotechnical study.

((~~T.~~)) X. Practicable Alternative.
An alternative that is available and capable of being carried out after taking into consideration cost, existing technology and logistics in light of overall project purposes and having less impact to critical areas. It may involve using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.

((~~U.~~)) Y. Predevelopment Meetings.
Meetings between City or agency staff and an applicant or their representatives prior to formal submission of a detailed application. They are intended to provide an overview of the regulatory requirements, application process and procedural submission requirements.

Z. Primary building walls.
Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. See Figure 1, SMC 17C.240.130 Primary Building Walls.

((~~V.~~)) AA. Primary Container.
The container that is in direct contact with the material of concern during the course of normal transport, use or storage.

((~~W.~~)) AB. Primary Drainage Basin.
The basin of the stream or tributary within which a project is proposed, not including basins of major tributaries. For the purpose of this regulation the primary drainage basin of:

1. Latah Creek is not a part of the primary drainage basin of the Spokane River,

2. Marshall Creek is not a part of the primary drainage basin of Latah Creek.

((~~X.~~)) AC. Primary Structure.

1. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.

2. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

((~~Y.~~)) AD. Primary Use.

1. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed or ordinarily used.

2. A site may have more than one primary use.

((~~Z.~~)) AE. Principal Arterials.
A four- to six-lane street serving as a primary facility for access between the central business district, major employment districts and major shopping centers.

((~~AA.~~)) AF. Priority Habitats.
Habitat areas determined by WDFW to have unique or significant value to many species and that meet one or more of the following criteria:

1. High wildlife density.

2. High species diversity.

3. Important wildlife breeding habitat.

4. Important wildlife seasonal ranges.

5. Important movement corridors.

6. Limited availability.

7. High vulnerability to habitat alteration.

((~~AB.~~)) AG. Priority Species.
A wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration and/or their recreational importance.

((~~AC.~~)) AH. Private Street.
Roadway which is not controlled or maintained by a public authority, and which serve two or more properties.

((~~AD.~~)) AI. Project Permit or Project Permit Application.
Any land use or environmental permit or license required for a project action, including, but not limited to, building permits, short plats, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by the critical area ordinance, and site specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan or development regulations, except as otherwise specifically identified under RCW 36.70B.140.

((~~AE.~~)) AJ. Protected Species.
A general classification of animals by WDFW that includes all those species not classified as listed, game, fur-bearing or non-protected. This also includes all birds not classified as game or non-protected.

AK. Projecting sign.
A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

((~~AF.~~)) AL. Proximity.
That two or more properties are either adjacent or separated by a street or alley.

((~~AG.~~)) AM. Public Facilities.
Any City-owned, operated or contracted public facility or service in whole, or in part, whether existing or planned, including, but not limited to:

1. parks,
2. recreation facilities,
3. playgrounds,
4. streets,
5. transportation facilities,
6. open spaces,
7. fire facilities,
8. storm water drainage ponds, and
9. all such appurtenances and improvements.

((~~AH.~~)) AN. Public Property.
Any City-owned real property, air space, or other interest in real estate, including streets, alleys or other public rights-of-way, owned by or controlled by this municipality or any other governmental unit.

((~~AI.~~)) AO. Public Way.

1. A dedicated "public way" is a tract of land:
   a. conveyed or reserved by deed,
   b. dedicated by plat, or
   c. acquired by decree of court,

which has been accepted and dedicated by action of the city council to the public right-of-way and for secondary use as an easement for public utilities.

2. An "alley" is a public way, usually not exceeding sixteen feet in width, designed or intended to provide secondary access to abutting properties.

Section 12. That SMC section 17A.020.180 is amended to read as follows:

**17A.020.180 "R" Definitions.**

A. RCW.
The Revised Code of Washington, as amended.

B. Real estate sign.
A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent.

((~~B.~~)) C. Reasonable Cause.
A reasonable basis to believe or suspect that there is storage, seepage, spillage, accumulation or use of critical materials or the pursuit of critical materials activities at a site or premises.

((~~C.~~)) D. Reconsideration – Request For.
A request to the appeal body to consider again or reverse the decision on the permit application.

((~~D.~~)) E. Recreational Vehicle.
A vehicle, which is:

1. built on a single chassis;

2. four hundred square feet or less when measured at the largest horizontal projection;

3. designed to be self-propelled or permanently towable by a light duty truck; and

4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

((~~E.~~)) F. Recycling Drop-off Center.
A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil.

1. Processing of materials is limited to glass breaking and separation.

2. Recycling materials are not sold to a recycling drop-off center.

3. A recycling drop-off center is intended for household or consumer use.

4. Use by commercial or industrial establishments is not included.

5. Unattended drop-off stations for single materials, such as newsprint, are also not included.

((~~F.~~)) G. Recycling Operation.
A use where one or more recycling materials are accumulated, stored, sorted or processed.

1. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses.

2. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors.

3. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

((~~G.~~)) H. Redivision.
The redivision of a lot located within a previously recorded plat or short plat.

((~~H.~~)) I. Registered Neighborhood Organization.
A community development block grant (CDBG) neighborhood steering committee, a neighborhood council, or other neighborhood or community group within the City that:

1. represents a specifically designated geographic area,

2. is governed by by-laws and has elected officers, and

3. has registered as such with the City and is on the current list of registered neighborhood organizations.

((~~I.~~)) J. Regulated Substance.
"Regulated substance" means a critical material as referred to in 42 U.S.C. 6991(2).

((~~J.~~)) K. Related Persons.
One or more persons related either by blood, marriage, adoption or guardianship, and including foster children and exchange students; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendment Act of 1988, 42 U.S.C. 3604(f)(3)(b) and the Washington Housing Policy Act, RCW 35.63.220.

((~~K.~~)) L. Repair (see also "Maintenance").
An activity that restores the character, scope, size and design of a serviceable area, structure or land use to its previously authorized and undamaged condition. Activities that change the character, size or scope of a project beyond the original design, and drain, dredge, fill, flood or otherwise alter additional wetlands are not included in this definition.

((~~L.~~)) M. Residential Zone.
Those zones from RA through RHD.

N. Responsible party.
A person who is either:

1. The property owner or person authorized to act on the owner's behalf; or

2. Any person causing or contributing to a violation of this chapter.

((~~M.~~)) O. Restoration.
See "Compensatory Mitigation."

P. Right-of-way.
A public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

((~~N.~~)) Q. Riparian.

1. Riparian habitat is defined as an area that contains elements of both aquatic and terrestrial ecosystems, which mutually influence each other.

2. It is the area where the vegetation, water tables, soils, microclimate and wildlife inhabitants of terrestrial ecosystems are influenced by perennial or intermittent water, and the biological and physical properties of the adjacent aquatic ecosystems are influenced by adjacent vegetation,

nutrient and sediment loading, terrestrial wildlife and organic debris from the land.

3. Riparian vegetation includes not only streamside vegetation that is dependent upon presence of water, but also on the upland vegetation that is part of the zone of influence in the riparian area.

4. Riparian habitats have high wildlife density and high species diversity. They serve as important wildlife breeding and seasonal ranges. They are important movement corridors and are highly vulnerable to habitat alteration.

((~~O.~~)) R. Riparian Habitat Area (RHA).
A defined area used to manage and buffer impacts to wildlife habitat and consists of landscape features that support fish and wildlife in areas near water bodies such as streams, rivers, wetlands and lakes.

((~~P.~~)) S. Riparian Wetland.
Wetlands located at the shore of a lake or river. The transitional area between aquatic and upland ecosystems that is identified by the presence of vegetation that requires or tolerates free or unbound water or conditions that are more moist than normally found in the area.

((~~Q.~~)) T. Riverine.
Situated alongside or associated with a river.

((~~R.~~)) U. Roadway.

1. Curbed roadways within the City limits and other urbanized areas are commonly and generically referred to as "streets". Roadways outside the urban areas are most often not curbed, and are commonly and generically referred to as "roads".

2. Within the context of this code, "roadway" refers to any traveled way, either public or private, that has been platted or otherwise specifically dedicated for the purpose of circulation and will require a name in accordance with chapter 17D.050 SMC.

((~~S.~~)) V. Roadway Name.
Roadway names consist of three parts:

1. Direction.

2. Root name; and

3. Suffix.

((~~T.~~)) W. Rockfall.
The falling of rocks from near vertical cliffs.

X. Roof line.
The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.

Y. Roof top sign.
A sign on a roof that has a pitch of less than one-to-four.

((~~U.~~)) Z. Root Name.
A maximum of two words, which are not considered part of the directional or suffix.

((V.)) AA. Runoff and Infiltration Controls.
Measures adopted to prevent damage due to flooding and erosion problems.

Section 13. That SMC section 17A.020.190 is amended to read as follows:

**17A.020.190 "S" Definitions.**

A. Salmonid.
Belonging to the family of Salmonidae, including the salmons, trouts, chars and whitefishes.

B. Sandwich Board Sign.
A self-supporting A-shaped freestanding temporary sign with only two visible sides that are situated adjacent to a business, typically on a sidewalk.

((~~B.~~)) C. Scrub-shrub Wetland.
An area of vegetated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height at the uppermost strata.

D. Secondary building walls.
Exterior building walls that are not classified as primary building walls.

((~~C.~~)) E. Secondary Containment.
A means of spill or leak containment involving a second barrier or tank constructed outside the primary container and capable of holding the contents of the primary container.

((~~D.~~)) F. Sedimentation.
The settling and accumulation of particles such as soil, sand and gravel, suspended in water or in the air.

((~~E.~~)) G. SEPA Rules.
Chapter 197-11 WAC adopted by the department of ecology.

((~~F.~~)) H. Service Area.
A geographic area defined by the City, which encompasses public facilities that are part of a plan.

((~~G.~~)) I. Serviceable.
Means presently useable.

((~~H.~~)) J. Setback.
The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. In addition, the following setbacks indicate where each setback is measured from:

1. "Front setback" means a setback that is measured from a front lot line.

2. "Rear setback" means a setback that is measured from a rear lot line.

3. "Side setback" means a setback that is measured from a side lot line.

4. "Street setback" means a setback that is measured from a street lot line.

((~~I.~~)) K. Shall.
Unless the context indicates otherwise the term "shall" means:

1. in reference to the obligations imposed by this title upon owners or occupants of premises or their agents, a mandatory obligation to act, or when used with a negative term to refrain from acting, in compliance with this code at the risk of denial of approval or civil or criminal liability upon failure so to act, the term being synonymous with "must";

2. with respect to the functions of officers and agents of the City, a direction and authorization to act in the exercise of sound discretion; or

3. the future tense of the verb "to be."

((~~J.~~)) L. Shallow Groundwater.
Naturally occurring water within an unconfined (water table) aquifer, partially confined aquifer or perched groundwater aquifer, and which is present at depth

of fifteen feet or less below the ground surface, at any time, under natural conditions.

((~~K.~~)) M. Short Plat – Final.
The final drawing of the short subdivision and dedication, prepared for filing for record with the Spokane County auditor and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

((~~L.~~)) N. Short Plat – Preliminary.

1. A neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks and other elements of a short subdivision required by this title and chapter 58.17 RCW.

2. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a short subdivision.

((~~M.~~)) O. Short Subdivision.
A division or redivision of land into nine or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer of ownership. (RCW 58.17.020(6)).

P. Sign.
Materials placed or constructed, or light projected, that (1) conveys a message or image and (2) is used to inform or attract the attention of the public but not including any lawful display of merchandise. Some examples of 'signs' are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, murals, diagrams, banners, flags, or projected slides, images or holograms. The scope of the term 'sign' does not depend on the content of the message or image conveyed.

((~~N.~~)) Q. Sign – Animated Sign.
A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.

((~~O.~~)) R. Sign – ((~~Changing~~)) Electronic Message Center Sign.

~~((An electronically controlled sign, message center or readerboard where copy changes of a public service or commercial nature are shown on the same lamp bank (i.e., time, temperature, date, news or commercial information of interest to the traveling public)))~~ An on-premises sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means including signs using a video display method.

~~((P)). Sign – Chasing Sign.~~
~~A sign that includes one or more rows of lights which light up in sequence.))~~

((~~Q.~~)) T. Sign – Flashing ((~~or Pulsating~~)) Sign.

((~~1. An electrical sign or portion of an electrical sign which changes light intensity in sudden transitory bursts, not including signs where the change in light intensity occurs at intervals of more than one second.~~

~~2. Flashing signs do not include chasing signs.~~))
A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a strobe-like fashion for the purpose of drawing attention to the sign. Time and temperature signs are excluded from this definition. For the purpose of this Title, Electronic Message Centers consistent with the standards of Section 17C.240.240.J. shall not be considered flashing signs.

U. Sign - off-premises.
A sign relating, through its message and content, to a business activity, use, product or service not available on the premises upon which the sign is erected.

V. Sign face.
The portion of a sign which contains lettering, logo, trademark, or other graphic representations. See SMC 17C.240.140 Sign Face Area.

W. Sign maintenance.
Normal care needed to keep a sign functional, such as cleaning, painting, oiling, and changing of light bulbs.

X. Sign repair.
Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.

Y. Sign structure.
A structure specifically intended for supporting or containing a sign.

((~~R.~~)) Z. Single-family Residential Building.
A dwelling containing only one dwelling unit.

((~~S.~~)) AA. Single-room Occupancy Housing (SRO).
A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities.

1. The structure may or may not have separate or shared cooking facilities for the residents.

2. SRO includes structures commonly called residential hotels and rooming houses.

((T.)) AB. Site.
Any parcel of land recognized by the Spokane County assessor's office for taxing purposes. A parcel may contain multiple lots.

((~~U.~~)) AC. Site – Archaeological.
A place where a significant event or pattern of events occurred. It may be the:

1. location of prehistoric or historic occupation or activities that may be marked by physical remains; or

2. symbolic focus of a significant event or pattern of events that may not have been actively occupied.

A site may be the location of a ruined or now non-extant building or structure if the location itself possesses historic, cultural or archaeological significance.

((~~V.~~)) AD. Slump.
The intermittent movement (slip) of a mass of earth or rock along a curved plane.

((~~W.~~)) AE. SMC.
The Spokane Municipal Code, as amended.

((~~X.~~)) AF. Special Drainage District (SDD).
An area associated with shallow groundwater, intermittent standing water or steep slopes where infiltration of water and dispersion of water into the soils may be difficult or delayed, creating drainage or potential drainage problems. SDDs are designated in SMC 17D.060.130.

AG. Special event sign.
A temporary sign used to announce a circus, a carnival, festivals or other similar events.

((~~Y.~~)) AH. Species of Concern.
Species native to Washington State listed as state endangered, state threatened, state sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

((~~Z.~~)) AI. Specified Anatomical Areas.
They are human:

1. genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, when such areas are less than completely and opaquely covered;

2. male genitals in a discernibly turgid state, even if completely and opaquely covered.

((~~AA.~~)) AJ. Specified Sexual Activities.
Any of the following:

1. Human genitals in a state of sexual stimulation or arousal.

2. Acts of human masturbation, sexual intercourse or sodomy; and

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

((~~AB.~~)) AK. Spokane Register of Historic Places.
The register maintained by the historic preservation office, which includes historic landmarks and districts in the City and County.

AL. Sports field.
An open area or stadium in which scheduled sports events occur on a regular basis. Sports events include both competitive and noncompetitive events such as track and field activities, soccer, baseball, or football games.

((~~AC.~~)) AM. Standard Plans.
Refers to the City of Spokane's standard plans.

((~~AD.~~)) AN. Standard References.
Standard engineering and design references identified in SMC 17D.060.030.

((~~AE.~~)) AO. State Candidate Species.
Fish and wildlife species that WDFW will review for possible listing as state endangered, threatened or sensitive.

((~~AF.~~)) AP. State Endangered Species.
Any wildlife species native to the State of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.

((~~AG.~~)) AQ. State Register.
The register maintained pursuant to Chapter 195, Laws of 1977, 1st ex. sess., section 6 (chapter 27.34 RCW).

((~~AH.~~)) AR. State Sensitive Species.
Any wildlife species native to the State of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats.

((~~AI.~~)) AS. State Threatened Species.
Any wildlife species native to the State of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.

((~~AJ.~~)) AT. Stealth Facilities.
Any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. architecturally screened roof-mounted antennas;

2. building-mounted antennas painted to match the existing structure;

3. antennas integrated into architectural elements; and

4. antenna structures designed to look like light poles, trees, clock towers, bell steeples or flag poles.

((~~AK.~~)) AU. Stewardship.
Acting as supervisor or manager of the City and County's historic properties.

((~~AL.~~)) AV. Stormwater.

1. Any runoff flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

2. "Stormwater" further includes any locally accumulating ground or surface waters, even if not directly associated with natural precipitation events, where such waters contribute or have a potential to contribute to runoff onto the public right-of-way, public storm or sanitary sewers, or flooding or erosion on public or private property.

((~~AM.~~)) AW. Story.
That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except:

1. the topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above;

2. that portion of a building between the eaves and the ridge, when over twenty feet in height, is considered a story;

3. that portion of a building below the eaves which exceeds fourteen feet in height is considered a story, each fourteen feet of height (or major part of fourteen feet) being an additional story; and

4. a basement or unused under-floor space is a story if the finished floor level directly above is either more than:

5. six feet above grade for more than half of the total perimeter, or

6. twelve feet above grade at any point.

((~~AN.~~)) AX. Street.
See "Public Way" (SMC 17A.020.160).

((~~AO.~~)) AY. Street Classifications.
Arterial and local access streets are classified in Section ((~~of~~)) 4.5 of the comprehensive plan as follows:

1. Principal arterial.

2. Minor arterial.

3. Collector arterial.

4. Local access street.

5. Parkway.

Definitions of all of the above classifications are included herein. Private streets are not classified but are defined under SMC 17A.020.160, "P" Definitions.

AZ. Street frontage.
The lot line abutting a street.

BA. Strobe light.
A lamp capable of producing an extremely short, brilliant burst of light.

BB. Structural alteration.
Modification of a sign, sign structure or awning that affects size, shape, height, or sign location; changes in structural materials; or replacement of electrical components with other than comparable materials. The replacement of wood parts with metal parts, the replacement of incandescent bulbs with light emitting diodes (LED), or the addition of electronic elements to an non-electrified sign

would all be structural alterations. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

((~~AP.~~)) BC. Structure.
Any object constructed in or on the ground, including a gas or liquid storage tank that is principally above ground.

1. Structure includes:

   a. buildings,

   b. decks,

   c. fences,

   d. towers,

   e. flag poles,

   f. signs, and

   g. other similar objects.

2. Structure does not include paved areas or vegetative landscaping materials.

((~~AQ.~~)) BD. Structure – Historic.
A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

((~~AR.~~)) BE. Subdivision.
A division or redivision of land into ten or more lots, tracts or parcels for the purpose of sale, lease or transfer of ownership. (RCW 58.17.020)

((~~AS.~~)) BF. Subject Property.
The site where an activity requiring a permit or approval under this code will occur.

((~~AT.~~)) BG. Sublevel Construction Controls.
Design and construction requirements provided in SMC 17F.100.090.

((~~AU.~~)) BH. Submerged Aquatic Beds.

Wildlife habitat area made up of those areas permanently under water, including the submerged beds of rivers and lakes and their aquatic plant life.

((~~AV.~~)) BI. Substantial Damage – Floodplain.
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-existing condition would equal or exceed fifty percent of the assessed value of the structure before the damage occurred.

((~~AW.~~)) BJ. Substantial Improvement – Floodplain.

1. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:

   a. before the improvement or repair is started, or

   b. if the structure has been damaged and is being restored, before the damage occurred.

   For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

2. The term does not, however, include either any:

   a. project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

   b. alteration of a structure listed on the National Register of Historic or State Inventory of Historic Places.

((~~AX.~~)) BK. Suffix.
Describes the roadway type and is located after the root roadway name (i.e., street, avenue, court, lane, way, etc.). The appropriate suffix shall be used in accordance with SMC 17D.050.020(C).

Section 14. That SMC section 17A.020.200 is amended to read as follows:

**17A.020.200 "T" Definitions.**

A. Temporary sign.
A sign placed on a structure or the ground for a specifically limited period of time as provided in section 17C.240.240.G.

B. Temporary Structure.
A structure approved for location on a lot by the department for a period not to exceed six months with the intent to remove such structure after the time period expires.

C. Tenant space.
Portion of a structure occupied by a single commercial lease holder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

D. Through pedestrian zone.
The portion of a sidewalk that is intended for pedestrian travel and is entirely free of permanent and temporary objects.

E. Tower (Wireless Communication Support Tower).
Any structure that is designed and constructed specifically to support a wireless communication antenna array. Towers include self-supporting towers, guyed towers, a single pole structure (monopole), lattice tower and other similar structures.

F. Tower Compound.
The area containing support tower and ground equipment. The fence surrounding the equipment is the outer extent of the compound.

G. Tower Height.
The vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.

H. Tract.
A piece of land created and designated as part of a land division that is not a lot, lot of record or a public right-of-way. Tracts are created and designated for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, in maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs).

I. Traveled Way.

The area of street which is intended to carry vehicular traffic, including any shoulders.

J. Type I Application.
An application for a project permit that is subject to an administrative approval and is not categorically exempt from environmental review under chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance chapter 17E.050 SMC, and does not require a public hearing. Type I applications are identified in Table 17G.060-1 in chapter 17G.060 SMC. These applications may include, but are not limited to, building permits and grading permits.

K. Type II Application.
An application for a project permit that is subject to a quasi-judicial decision of a department director, that may or may not be categorically exempt from chapter 43.21C RCW (SEPA), but does not require a public hearing. The Type II applications are identified in Table 17G.060-1 in chapter 17G.060 SMC. These applications may include, but are not limited to, short plats, binding site plans or shoreline substantial development permits.

L. Type III Application.
An application for a project permit that is subject to a quasi-judicial decision of the hearing examiner that may or may not be categorically exempt from chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance chapter 17E.050 SMC and requires a public hearing. Type III applications are identified in Table 17G.060-1 in chapter 17G.060 SMC. These applications may include, but are not limited to, rezones, conditional use permits, preliminary long plats or shoreline conditional use permits.

**17A.020.220 "V" Definitions.**

A. Variance.
A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by Title 17 SMC.

B. Vegetative Classes.
Certain types of wetlands as defined by the U. S. fish and wildlife service's classification of wetlands and deepwater habitats of the United States, FWS/OBS-79-31 (Cowardin et al., 1979) and which are at least one-half acre in size or comprise at least ten percent of the entire wetland.

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C. Vehicle Types.

1. Motor Vehicle.
Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes:

a. motorcycles,

b. passenger vehicles,

c. trucks, and

d. recreational vehicles

with motive power. See also Passenger Vehicle, Recreational Vehicle, and Truck.

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2. Passenger Vehicle.

a. A motor vehicle designed to carry ten persons or less including the driver.

b. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road use.

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c. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans and jeeps.

d. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multi-purpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.

3. Recreational Vehicle.
See "Recreational Vehicle".

4. Truck.

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a. A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons.

b. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles.

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c. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.

d. Trucks are divided into three categories by size as stated below.

i. Light Truck.
Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.

ii. Medium Truck.
Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the "Heavy Truck" category.

iii. Heavy Truck.
Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.

iv. Utility Trailer.
A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash or special equipment and that is sixteen feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than sixteen feet in length are considered industrial vehicles and are regulated as heavy trucks.

e. See also Passenger Vehicle, and Recreational Vehicle.

D. Vernal Wetland System.
Seasonal depressional wetlands typically occurring high in the drainage that derive their hydrology from rainfall and snow and a small immediate watershed. Vernal systems are formed as a result of accumulation of surface water in an isolated basin that at no time of the year would have a natural inlet or outlet and water is entirely absent from the surface part of the year.

E. Vested.
The right to development or continue development in accordance with the laws, rules and other regulations in effect at the time vesting is achieved.

F. Video Display Method.
A video display method is a method of display characterized by real-time, full-motion imagery.

((~~F.~~)) G. Vulnerable Species.
Those species susceptible to significant population declines because they are uncommon either within a specific area or statewide, have a very limited distribution, or have special space or habitat requirements.

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ADOPTED BY THE CITY COUNCIL ON _____

_____
Council President

Attest:

Approved as to form:

_____
City Clerk

_____
Assistant City Attorney

_____
Mayor
Bab1-30-09

_____
Date

_____
Effective Date

**Spokane Municipal Code** Tuesday, October 27, 2009 - 10:43 AM



**Title 17C Land Use Standards**

**Chapter 17C.120 Commercial Zones**

**Section 17C.120.030 Characteristics of Commercial Zones**

A. Office (O).
The office zoning category is located in areas designated office on the land use plan map of the comprehensive plan. The office (O) zone is used on small sites in or near residential areas or between residential and commercial areas. It is intended to be a low intensity office zone that allows for small-scale offices in or adjacent to residential neighborhoods. The allowed uses are intended to serve nearby neighborhoods and/or have few detrimental impacts on the neighborhood. Development is intended to be of a scale and character similar to nearby residential development to promote compatibility with the surrounding area.

B. Office Retail (OR).
The office retail zoning category is located in areas designated office on the land use plan map of the comprehensive plan that are within the higher intensity office areas around downtown Spokane in the North Bank and Medical Districts shown in the Downtown Plan. The office retail zone is also applied to sites outside of the areas designated for higher intensity office use that are already developed with higher intensity retail and services uses. It is intended to be a higher intensity office zone that allows for larger scale offices and supporting retail and service uses. The size of retail uses is limited to reduce detrimental impacts on nearby residential uses and to assure that the commercial uses are supporting rather than primary uses.

C. Neighborhood Retail (NR).
The neighborhood retail zoning category is located in areas designated neighborhood retail or neighborhood mini-center on the land use plan map of the comprehensive plan. Businesses that are neighborhood serving and pedestrian-oriented are encouraged in neighborhood retail locations. Drive-through facilities, including gas stations and similar auto-oriented uses are subject to limitations to reduce the impact of these activities on nearby residential uses.

D. Neighborhood Mixed Use (NMU).
The neighborhood mixed use zoning category may be located in areas designated neighborhood mini center on the land use plan map of the comprehensive plan. The uses permitted and the development standards are comparable to the neighborhood retail zoning category. New residential development is encouraged in these areas by allowing greater floor area for commercial uses when residential uses are constructed in conjunction with commercial development.

E. Community Business (CB).
The community business zoning category is located in areas designated general commercial on the land use plan map of the comprehensive plan. These areas are already predominantly developed with auto-accommodating commercial uses. A full range of retail and service businesses with a local or regional market are allowed. Because this zoning category is usually located near residential neighborhoods, the size of some allowed uses is more limited than the general commercial zoning category.

F. General Commercial (GC).
The general commercial zoning category is located in areas designated general commercial on the land use plan map of the comprehensive plan. A full range of retail and service businesses with a local or regional market as well as industrial uses are allowed. Industrial uses are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area.

Date Passed: Tuesday, May 31, 2005

ORD C33636 Section 1

**Title 11 Regulation of Building and Land Use**

**Chapter 11.19 Zoning Code**

Article II: Zones and Uses

**Section 11.19.194 CBD Central Business District Zone.**

A. Purpose. The CBD Central Business District Zone is intended to implement Charting the Future: The Plan for a New Downtown, with a land-use pattern of medium- and high-intensity structures with a mix of residential, commercial, office, light industrial, and recreational uses. This mix of uses is intended to foster a lively, pedestrian-friendly and safe urban environment unique to the downtown. The downtown area is intended to serve as both a community within Spokane and a destination for all residents of Spokane and the surrounding region. The Central Business District zone is described by the following boundary:

Beginning at the intersection of the centerlines of Division Street and US I-90; thence north to the centerline of Boone Avenue; thence west to the centerline of Monroe Street; thence south to the centerline of Main Avenue; thence west to the centerline of Cedar Street; thence south to the centerline of Wilson Avenue; thence west to the centerline of the Maple Street on-ramp; thence southeast to the centerline of Riverside Avenue; thence westerly to the centerline of Maple Street; thence south to the centerline of US I-90; thence east to the point of beginning.

B. Categories. There are six categories within the CBD zone classification. These categories are summarized in Subsections "C" through "H" below and are graphically depicted on illustration 11.19.194-1.

C. CBD-1 Category. The CBD-1 category is applied to the Downtown Core. This area is the mixed-use, high-intensity, pedestrian-oriented center of the city. Generally all uses are allowed, except auto-oriented and industrial.

D. CBD-2 Category. The CBD-2 category is applied to the West End, the area immediately west of the Downtown Core. This is a medium-to-high-density mixed-use area in which residential uses are encouraged; community-serving retail uses are encouraged, especially at street level; and office uses are encouraged, especially as part of mixed use. Generally all uses are allowed, except auto-oriented and industrial.

E. CBD-3 Category. The CBD-3 category is applied to the East End, the area immediately east of the Downtown Core. This is a high-density, mixed-use area in which community-serving retail uses are encouraged, especially at street level; and residential and office uses are encouraged, especially as part of mixed use. Generally all uses are allowed, except auto-oriented and industrial.

F. CBD-4 Category. The CBD-4 category is applied to the South End, the area immediately south of the Downtown Core, West End and East End. This is a mixed-use area in which multi-family and live-work studios are encouraged; warehousing and light industrial uses are allowed; and artist-related uses are encouraged. Generally all uses are allowed, except auto-oriented and heavy industrial.

G. CBD-5 Category. The CBD-5 category is applied to the Freeway Area, the area immediately south of the South End. This is an auto-oriented commercial area. Residential uses are not allowed; commercial uses are generally allowed; heavy industrial uses are not allowed; auto body repair is prohibited except as accessory to new car sales.

H. CBD-6 Category. The CBD-6 category is applied to the North Bank, the area immediately north of the Spokane River. This is a mixed-use residential, commercial, hotel, recreation and entertainment area. Generally all uses are allowed, except auto-oriented and industrial.

I. Applicability. The provisions of Section 11.19.195 through Section 11.19.198, inclusive, apply to all categories unless otherwise indicated.

J. Green Streets. Green Streets are well-landscaped, tree-lined corridors designed for both pedestrian and vehicular use. They are an integral part of Charting the Future: The Plan for a New Downtown. The types of Green Streets, depicted on illustration 11.19.194-2, are as follows:

1. Type I Green Streets are slow two-way streets with wide, well maintained sidewalks and pedestrian amenities to encourage strolling, walking and shopping.
2. Type II Green Streets move traffic and pedestrians into and around downtown and are major pedestrian connections to surrounding neighborhoods and districts.

ORD C33774 Section 1

Section 17C.122.020 Types of Centers/Corridors

A. Type 1 (CC1): Pedestrian Emphasis/Auto Accommodating.
The Type 1 center and corridor zone promotes the greatest pedestrian orientation of the center and corridor zones. To accomplish this, some limitations are placed on auto-oriented activities and some types and the allowable size of some uses are controlled.

B. Type 2 (CC2): Pedestrian Enhanced/Auto Accommodating.
The Type 2 center and corridor zone promotes new development and redevelopment that is pedestrian oriented while accommodating the automobile. Incentives allowing a higher floor area ratio in exchange for the provision of greater public amenities as land is developed and redeveloped are encouraged in these areas.

C. Type 3 (CC3): Center and Corridor Overlay Zone.
The Type 3 centers and corridors zone is applied in areas that have pre-existing zoning designations that allow different uses and have different development standards than those prescribed for the Type 1 and 2 centers and corridors. This overlay zone is intended to allow development within these areas to take advantage of the opportunities allowed in the Type 1 and 2 centers and corridors. Development within Type 3 centers is either allowed to use the existing zoning regulations or may develop according to the standards for Type 1 or Type 2 centers and corridors.

D. Type 4 (CC4): Mixed Use Transition Zone.
The Type 4 centers and corridors zone is applied in areas that are designated CC4 transition as a result of a neighborhood center and corridor planning process. The intent of this zone is to provide a transition of mixed uses (office, small retail and multi-family residential) between the core of the center or corridor and existing or designated residential areas. Residential uses are allowed outright. Residential uses are required to be mixed on the same parcel as proposed office and retail uses. Retail uses are limited to three thousand square feet per parcel. In neighborhood centers, retail uses will only be allowed on parcels with frontage on an arterial street. Nonresidential uses in the CC4 zone are not allowed within sixty feet of a single-family and two-family residential zones or further than three hundred feet (neighborhood center only) from a CC core comprehensive plan designation.

ORD C33830 Section 1

Section 17C.110.030 Characteristics of Residential Zones

A. Residential Agriculture (RA).
The RA zone is a low-density single-family residential zone that is applied to areas that are designated agriculture on the land use plan map of the comprehensive plan. Uses allowed in this zone include farming, green house farming, single-family residences and minor structures used for sales of agricultural products produced on the premises.

B. Residential Single-family (RSF).
The RSF zone is a low-density single-family residential zone. It allows a minimum of four and a maximum of ten dwelling units per acre. One- and two-story buildings characterize the allowed housing. The major type of new development will be attached and detached single-family residences. The RSF zone is applied to areas that are designated residential 4-10 on the land use plan map of the comprehensive plan.

C. Residential Two-family (RTF).
The RTF zone is a low-density residential zone. It allows a minimum of ten and a maximum of twenty dwelling units per acre. Allowed housing is characterized by one and two story buildings but at a slightly larger amount of building coverage than the RSF zone. The major type of new development will be duplexes, townhouses, row houses and attached and detached single-family residences. The RTF zone is applied to areas that are designated residential 10-20 on the land use plan map of the comprehensive plan. Generally, the RTF zone is applied to areas in which the predominant form of development is trending toward duplexes rather than single-family residences.

D. Residential Multifamily (RMF).
The RMF is a medium-density residential zone. Allowed housing is characterized by one to four story structures and a higher percentage of building coverage than in the RTF zone. The major types of development will include attached and detached single-family residential, condominiums, apartments, duplexes, townhouses and row houses. The minimum and maximum densities are fifteen and thirty units per acre.

E. Residential High Density (RHD).
The RHD is a high-density residential zone that allows the highest density of dwelling units in the residential zones. The allowed housing developments are characterized by high amount of building coverage. The major types of new housing development will be attached and detached single-family residential, duplexes, medium and high-rise apartments, condominiums (often with allowed accessory uses). The minimum density is fifteen units per acre; the maximum is limited by other code provisions (i.e., setbacks, height, parking, etc.).

Salem Code
Revised 8/2009

# CHAPTER 62
# SIGN CODE

Attachment C


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## GENERAL PROVISIONS

**62.001. Short Title.** This Chapter shall be known as the Salem Sign Code. (Ord No. 167-68; Ord No. 4-08)

**62.005. Purpose.** The purpose of this Chapter is: to protect the health, safety, property, and welfare of the public, to improve the neat, clean, orderly, and attractive appearance of the community, to improve the effectiveness of signs in identifying and advertising businesses, to provide for safe construction, location, erection and maintenance of signs, and to eliminate signs that demand, rather than invite, public attention, to prevent proliferation of sign clutter, to minimize adverse visual safety factors to travelers on public highways, to minimize adverse impacts on adjacent properties, and to achieve these purposes consistent with state and federal constitutional limits on the regulation of speech. To achieve these purposes, it is necessary to regulate the construction, erection, maintenance, illumination, type, size, number, and location of signs. (Ord No. 167-68; Ord No. 51-96; Ord No. 4-08)

**62.010. Definitions; Rules of Construction.**

**(a)** As used in this Chapter, unless the context specifically requires otherwise:

**(1)** "Approved plastic" means a plastic that meets the standards of an approved testing agency for use in construction of an electronic display sign, externally illuminated sign, or internally illuminated sign.

**(2)** "Approved testing agency" means a nationally recognized organization primarily established for the purpose of testing methods and materials to approved standards, and accepted as such by the Director.

**(3)** "Blanketing" means blocking a motorist's view of one projecting sign by another projecting sign.
**(4)** "Building" or "Structure" means a combination of materials to form a construction used for occupancy, use or ornamentation, whether installed on, above, or below the surface of land. As used in this Chapter, "building" includes all structures other than sign structures.
**(5)** "Building frontage" or "building face" means a building facade facing a street or a parking lot.
**(6)** "Building Official" means the head of the Building and Safety Division of the Department of Community Development for the City, or the Building Official's designee.
**(7)** "Canopy" means a permanent roofed structure, which may be freestanding or partially attached to a building, which is erected for the purpose of providing shelter to patrons in automobiles, and which is not completely enclosed.
**(8)** "Curb line" means the line indicating the edge of the vehicular roadway within the overall right-of-way.
**(9)** "Cutout" means every type of display in cutout or irregular form attached to or superimposed upon a sign.
**(10)** "Designated arterial or designated collector" means those streets designated as arterials and collectors in the Salem Transportation System Plan adopted under SRC 64.230, and all streets included in the area bounded by 13th Street, Mission Street, the Willamette River, and D Street.
**(11)** "Director" means the City Manager, or the City Manager's designee. The City Manager's designee may subdelegate any or all authority, duties and powers conferred under this Chapter.
**(12)** "Display" means any identifiable visual form or character, and which may be comprised solely, or be comprised of a combination of, words, symbols, images, and graphic elements.
**(13)** "Display surface" means the area on a sign carrying the display. Display surface does not include sign structure, foundations or supports.
**(14)** "Effect" means sequential, flashing, or simultaneous illumination by electrical means other than by an electronic display. As used in this Chapter, effects include, but are not limited to:

**(A)** "Animated effect": illumination that depicts a moving object, thing, person, animal, or happening or depicts an ongoing series of images.
**(B)** "Chaser effect": illumination that is intended to lead the eye by producing lineal or circular movement.
**(C)** "Scintillating effect": illumination that provides a random twinkling of lights, including illumination that forms images, words or sentences at the end of the sequence of twinkling lights.
**(D)** "Speller effect": illumination that spells a word, one letter, sentence, number, or character at a time, including flashing a complete word or words or sentence.

**(15)** "Electronic display" means a display created by light emitting diodes, liquid crystal displays, plasma display panels, pixel or sub-pixel technology, or other similar technology. As used in this Chapter, electronic displays include, but are not limited to:

**(A)** "Dissolve": the changing of an electronic display by means of

varying light intensity or pattern, where one display gradually appears to dissipate or lose legibility simultaneously with the gradual appearance and legibility of a subsequent display.

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

**(C)** "Scrolling": the changing of an electronic display by the apparent vertical movement of the visual image, such that a new visual image appears to ascend and descend, or appear and disappear from the margins of the sign in a continuous or unfurling movement.

**(D)** "Static display": an electronic display which does not change.

**(E)** "Travel": the changing of an electronic display by the apparent horizontal movement of the visual image.

**(F)** "Video display": providing an electronic display in horizontal or vertical formats to create continuously moving images.

**(16)** "Flashing" means sudden or intermittent electrical illumination.

**(17)** "Market Street Interchange" means the area within six hundred and sixty feet from the edge of the pavement of the main-traveled way, excluding exit or entrance ramps of Interstate Freeway 5, within one thousand feet of the centerline of Market Street that is zoned for retail or general business or industrial use.

**(18)** "Marquee" means a permanent roof-like structure projecting over the entrance of a building, which is not freestanding, which is attached to or supported by the building, which is erected for the purpose of providing shelter to persons entering the building, and which is not completely enclosed.

**(19)** "Nit" means a measurement of luminance, where one nit is equal to one candela per square meter ($1cd/m^2$). A candela means a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. By way of example, an ordinary wax candle generates approximately one candela.

**(20)** "Noncombustible" means a material that, in the form in which it is used and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat.

**(21)** "Nonstructural trim" means a molding, batten, cap, nailing strip, lattice, or letter walkway attached to a sign.

**(22)** "Office complex" means a premises that has multiple occupancies by business or service firms; that fronts on a designated arterial or collector street; and that does not include any retail outlets.

**(23)** "Pedestrian pathway" means an area located on a public sidewalk that is maintained for the purpose of free and unobstructed pedestrian movement.

**(24)** "Person" means an individual, corporation, limited liability company, firm, partnership, co-operative, association, joint venture, joint stock company, or other entity in law or fact.

**(25)** "Shopping center" or "integrated shopping center" means a premises planned and developed as a unit, that has parking area for use by patrons of the premises; that is identified by a name that characterizes the development as a unitary premises; that has multiple occupancies by retail, business or

service firms and that does not include a business which does not participate in the maintenance and promotional activities of the premises; that fronts on a designated arterial or collector street.

**(26)** "Sidewalk Intersection" means the sidewalk area located at an intersection on a street corner that is created by extending intersecting property lines to the edge of a roadway at a street intersection (Appendix 7, Figure 1). The sidewalk intersection is a pedestrian-only area with the purpose of allowing free and unobstructed pedestrian movement while maintaining a safe vision clearance triangle for motor vehicles at roadway intersections.

**(27)** "Sign" means any structure, board, poster, placard or device which contains or comprises a display that is designed, used, or intended to attract the attention of the public. As used in this Chapter, "sign" includes the structure, display surface, and all other components. For purposes of this Chapter, the specific types of signs are defined as follows:

**(A)** Temporary signs. A sign that is not permanently affixed or attached to a building, structure, or the ground and that is intended to be used for a limited time. Temporary signs are comprised of the following types:

**(i)** Lawn sign. A temporary sign which is made of a corrugated plastic, greyboard or similar type material.

**(ii)** Portable Sign. Any sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames, designed to be self-supporting and moveable, and further including trailer reader boards.

**(iii)** Rigid sign. A temporary sign meeting a wind load factor and constructed of materials of a grade and quality consistent with the requirements for structural materials in SRC Chapter 56.

**(iv)** Sidewalk Sign. A temporary sign that is portable and self-supporting, and which is made of corrugated cardboard, plastic, greyboard or similar type material which does not meet an eighty mph wind load factor. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames that are designed to be self-supporting and moveable, but do not include trailer reader boards.

**(v)** Temporary sign display. An attention attracting device or devices, including, but not limited to, flags, pennants, banners, streamers, valences or balloons.

**(B)** Permanent sign. Any sign that is permanently affixed or attached to a building, structure, or the ground and that is intended to be used for an ongoing, indefinite period of time. Permanent signs are comprised of the following types:

**(i)** Building directory. An attached wall sign giving the name and room number of the occupants of a building.

Where secondary signs are permitted, a building directory may be a secondary sign.

**(ii)** Interior sign. A sign located inside an enclosed building or structure, regardless of whether the sign is visible from the exterior of the building.

**(iii)** On-premise sign. A permanent sign which is used by the owner or lessee of the property upon which the sign is located. On-premise signs are not restricted as to content, but are normally and customarily used to advertise the business or facility located on the property or the goods, products, or services provided by the business or facility located on the property.

**(iv)** Outdoor advertising sign or advertising sign. A permanent sign which is a substantial permanent structure with a display surface or surfaces normally and customarily used primarily for painting or posting a display thereon at periodic intervals and which is located on property other than the property owned or leased by the person constructing, erecting or using the sign. Outdoor advertising signs are not limited as to content, but are usually and customarily used to advertise goods, products, businesses, services, or facilities which are not sold, manufactured, or distributed on or from the property or facilities on which the sign is located, to present messages dealing with political, public interest, public service, education, an election, a candidate for election, a ballot measure, religious matters, health, and other similar subjects.

**(v)** Principal sign. The principal permanent, on-premise sign. Principal signs are not limited as to content, but are normally and customarily used to identify or advertise a business or facility located on the property to approaching motorists or pedestrians.

**(vi)** Secondary sign. An incidental, permanent, on-premise attached wall sign or sign on the face or ends of a marquee, canopy, or wall facade for signs.

**(C)** Categories of Permanent Signs Based on Structure.

**(i)** Freestanding sign. A sign supported by one or more upright poles or braces, or placed upon a foundation, in or upon the ground and wholly detached from or only incidentally attached to any building or other structure.

**(ii)** Projecting sign. A sign, other than a wall sign, that projects beyond the building frontage to which it is attached. "Projecting" means the distance which a sign extends from the building frontage to which it is attached.

**(iii)** Roof sign. A sign erected upon or painted upon the roof of a building, a roof structure, or a canopy roof.

**(iv)** Under marquee sign. A sign which is erected or maintained under a marquee.

**(v)** Wall sign. A sign painted on or attached to or erected against the wall or parapet of a building or structure or

against the faces or ends of a marquee or canopy or on a wall facade for signs with the exposed face of the sign in a plane parallel to the plane of the wall or face and projecting not more than eighteen inches therefrom. "Wall sign" also means and includes a principal or secondary sign erected in supporting or ornamental columns attached to and located under an overhanging roof and which sign is erected in a plane generally parallel to the nearest face of the building.

**(D)** Categories of Illuminated Signs.

**(i)** Electronic display sign. A sign including, or comprised solely or partially of an electronic display which can be changed by automatic means, including, but not limited to, the operation of computer software.

**(ii)** Electronic time and temperature sign. A sign, or portion thereof, that announces time, temperature, or date.

**(iii)** Externally illuminated sign. A sign illuminated by an exterior light source which is primarily designed to illuminate such sign, including a sign illuminated by an exterior flood light source.

**(iv)** Internally illuminated sign. A sign that is wholly or partially illuminated by an internal light source that passes through the display surface of the sign.

**(28)** "Street frontage" means that portion of a lot which abuts a street. Unless the premises has only one street frontage, the width shall be at least fifty feet to qualify as a street frontage. An access easement shall not qualify as a street frontage. Access to a street is not required to establish a street frontage.

**(29)** "Unobstructed" means an area does not have any physical obstructions to free passage, tripping hazards, or people standing or sitting. "Unobstructed" does not include a pedestrian pathway through which persons actively travel.

**(30)** "Vehicle accessway" means driveway that gives access to a window whereby goods or services are provided to a patron of a business, typically including queuing lanes, service windows or service islands.

**(31)** "Vehicle buffer zone" means an area that runs parallel to and abuts a roadway. Its purpose is to create a pedestrian safety zone and unobstructed accessibility to parked vehicles (See Appendix 7, Figure 3a and 3b).

**(b)** As used in this Chapter, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory. (Ord No. 167-68; Ord No. 173-71; Ord No. 34-72; Ord No. 95-73; Ord No. 49-81; Ord No. 54-83; Ord No. 44-88; Ord No. 92-94; Ord No. 51-96; Ord No. 91-99; Ord No. 39-2003; Ord No. 4-08; Ord No. 1-09)

**62.015. General Rule.**

**(a)** All signs shall be constructed in accordance with the provisions of this Chapter and all the requirements specified pursuant to SRC Chapter 56 that are in effect at the time of the application is submitted and deemed complete.

**(b)** Except as provided in SRC 62.020, no person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, 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 this Chapter.

**(c)** Except as provided in SRC 62.020, no person shall erect, construct, enlarge or alter a sign or permit the same to be done, unless a sign permit therefor has been issued by the City.

**(d)** Nothing in this Chapter is intended, nor shall be construed, to permit the erection, construction, enlargement, alteration or maintenance of any sign at any place or in any manner unlawful under any other federal, state or local law. If any part of this Chapter conflicts with another provision of the Salem Revised Code, the provision that establishes the stricter standard shall control.

**(e)** Nothing in this Chapter is intended, and shall not be construed, to restrict speech on the basis of its speaker, content, or viewpoint, and, to the extent that any provision of this Chapter is ambiguous, the provision shall not be interpreted to regulate on the basis of speaker, content, or viewpoint. (Ord No. 167-68; Ord No 4-08)

## EXEMPT AND PROHIBITED SIGNS

**62.020. Exempt Signs.** The following signs are exempt from the provisions of this Chapter:

**(a)** Official traffic signs, signals, and notices.

**(b)** Directional signs erected by proper public authority.

**(c)** A warning sign erected on private property to warn the public of a danger on or prohibiting or limiting access to the premises on which the sign is located, provided such sign does not exceed four square feet in area and six feet in height and is not located in the vision clearance area.

**(d)** Permanent building plaques, corner stones, name plates, and similar building identifications.

**(e)** House and building numbers, provided that the height of the numerals does not exceed six inches.

**(f)** Historical markers erected or maintained by public authority or by a recognized historical society or organization identifying sites, buildings, or structures of recognized historical value and not located in the vision clearance area.

**(g)** Notices and signs erected by public officers performing official duties including those erected pursuant to law, administrative order, or court order.

**(h)** One non-illuminated sign per single family dwelling unit, or per dwelling unit in a duplex, in a residential zone not exceeding one square foot in sign area.

**(i)** Non-illuminated signs not visible from a public sidewalk, street, highway, or alley.

**(j)** Interior signs.

**(1)** Non-illuminated interior signs in commercial and industrial zones designed primarily to be viewed from a sidewalk or street when erected and maintained inside a building, including, but not limited to, signs attached to or painted on the inside of a window.

**(2)** Electrical interior signs intended to be viewed from the public right-of-way, provided such sign: is plugged into an approved grounded outlet; is not animated; does not flash; burns steady; conforms to the illumination requirements of this Chapter; does not exceed eight square feet in sign area. (Note: If a sign is wired in with a building's approved electrical wiring in conduit and connected to a power source, an electrical permit must be obtained.)

**(3)** Electrical interior signs not intended to be viewed from the public right-or-way. (Note: If a sign is wired in with a building's approved electrical wiring in conduit and connected to a power source, an electrical permit must be obtained.)

**(k)** On-premise directional signs designed primarily to be read by a person on the premises on which the sign is located and used only to identify and locate an office, entrance, exit, telephone, or similar place, service, or route, and limited to eight square feet in area.

**(l)** Directional signs in commercial and industrial districts, designating an automobile service entrance onto the premises, limited to a maximum sign area of twenty-two square feet for freestanding signs. Such signs shall be limited to one per business per premise. Other vehicle directional signs designating an automobile entrance onto or exits from the

property limited to eight square feet in area. If located on a building where projecting signs would be permitted, for a principal sign under SRC 62.390, such directional sign may project not more than four feet six inches over public property.

**(m)** For businesses with canopies, including but not limited to gasoline stations, twenty-four square feet of sign area per canopy for the display of temporary signs, such signs may be attached to the supporting structure of the canopy providing that they are not installed in any manner that would present a hazard to vehicles driving under said canopy.

**(n)** Temporary signs located in Wallace Marine Park's Sports Field Complex erected pursuant to a park use permit with the City.

**(o)** Temporary signs authorized by a park use permit issued under SRC 94.200. (Ord No. 167-68; Ord No. 173-71; Ord No. 115-74; Ord No. 54-83; Ord No. 28-87; Ord No. 44-88; Ord No. 18-94; Ord No. 92-94; Ord No. 35-2002; Ord No. 4-08)

**62.025. Prohibited Signs.** The following signs are prohibited:

**(a)** Any sign which creates a public nuisance due to statements, words, or pictures of an obscene or pornographic character.

**(b)** Any sign which violates any provision of ORS Chapter 377.

**(c)** Any sign which is placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer and placed on public or private property with the primary purpose of providing a sign not otherwise permitted by this Chapter.

**(d)** Other than lawfully established non-conforming signs, any sign which does not conform to all provisions of this Chapter.

**(e)** Any sign which is a portable sign not approved by the City.

**(f)** Any sign which employs a "speller effect."

**(g)** Any sign located in a manner which could impede traffic on any street, alley, bikeway or other vehicular travel way.

**(h)** Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.

**(i)** Any non-public sign constructed or maintained which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or which hides any traffic control device from view.

**(j)** Any non-public sign located within a vision clearance area, as defined by SRC 76.170.

**(k)** Any sign that employs structures, materials, or placements that are not specifically allowed under the provisions of this Chapter. (Ord No. 167-68; Ord No. 173-71; Ord No. 72-74; Ord No. 49-81; Ord No. 54-83; Ord No. 44-88; Ord No. 4-08)

## PERMITS, LICENSES, CONSTRUCTION AND MAINTENANCE STANDARDS

**62.030. Sign Permits.**

**(a)** Except as provided in SRC 62.035, no person shall construct, erect, alter, or relocate any sign, or install electrical parts, wiring, or illumination in or upon a sign until all required permits have been obtained, including but not limited to, sign permits, building permits, and any other permit required under federal, state or local law.

**(b)** Each sign shall be authorized by a separate permit.

**(c)** Applications for a sign permit shall be made upon forms furnished by the Director. The application shall contain the location of the sign or display by street and number, as well as the name and address of the sign owner and of the sign erector. Two complete sets of plans for each proposed sign prepared in a graphic form must be submitted with each sign permit application. A sign permit application will only be deemed complete when all required materials have been submitted. The plans must be detailed enough and be of sufficient clarity to show compliance with this Chapter, and shall include, but are not limited to:

**(1)** A detailed drawing of the proposed sign, drawn to scale.
**(2)** Plot plan drawn to scale, including location of all existing signs and sizes.
**(3)** Elevation(s).
**(4)** Identification of type of sign, such as painted, wood, metal, neon, illuminated, or other.
**(5)** A statement whether the sign is located on property owned or leased by the person constructing, erecting or using the sign.

**(d)** Sign permits which also require a building permit shall be valid for not more than one hundred and eighty days after the date of issuance. All other sign permits shall be valid for not more than ninety days after the date of issuance. The Director may grant a one-time extension for a sign permit, not to exceed ninety days, upon showing that there was reasonable cause for the delay and that the construction, erection, alteration, or other work still complies with this Chapter and other applicable provisions of the Salem Revised Code.

**(e)** The Director shall issue a permit for a sign unless the sign is in violation of this Chapter or other provisions of the Salem Revised Code.

**(f)** Sign permits issued in violation of this Chapter or of other provisions of the Salem Revised Code are void.

**(g)** The Director may revoke a sign permit if there was a material and misleading or false statement of fact in the application for the permit or notice given to the Director pursuant to subsection (h) of this section.

**(h)** A person who constructs, erects, re-erects or structurally alters any sign for which a sign permit is required shall notify the Director of completion of the work thereon and request final inspection. (Ord No. 167-68; Ord No.173-71; Ord No. 54-83; Ord No. 92-83; Ord No. 44-88; Ord No. 4-08)

**62.035. Sign Permit Exceptions.** The following signs or activities do not require a sign permit:

**(a)** Lawn signs and rigid signs, other than lawn signs and rigid signs located in the public right-of-way.

**(b)** The changing of copy or the message on a printed or painted sign or sign specifically designed for the use of replaceable copy.

**(c)** Painting, repainting, cleaning, and normal maintenance and repair of an existing sign, unless a substantial structural alteration to the existing sign is made. (Ord No. 173-71; Ord No. 54-83; Ord No. 29-92; Ord No. 92-94; Ord No. 39-2003; Ord No. 4-08)

**62.045. Inspections.** The Director shall perform sign inspection upon notification by the permittee. Failure of the permittee to notify the Director of the progress of construction for inspection purposes shall be cause to revoke the sign permit. A final inspection of all signs shall be made upon completion of all construction work and prior to the illumination of any sign. (Ord No. 54-83; Ord No. 4-08)

**62.050. Measurements.**

**(a) Sign Area.** Sign area shall be expressed in square feet and shall be that area lying within a line drawn around the outermost points of the display surface of the sign. Where the display surface of a sign is three dimensional, including, but not limited to, round~~,~~ or irregular solid shapes, the sign area shall be calculated by taking the largest cross-section of the display surface, and drawing a line around the outermost points of the cross-section. Where open area is employed between sections or modules forming the display surface of a sign, the open area shall be deducted from the calculation of sign area.

**(b) Gross Face Area of Building Frontage.** The gross face area of a building frontage shall be expressed in square feet and shall be that area lying within a line around the outermost points of the building frontage including any wall façade. Where a building houses more than one business, gross face area for each business shall be that area lying within a line drawn around the outermost points of that portion of the building frontage that is actually occupied

by the business.

**(c) Height.** Sign height shall be measured from the average level of the grade below the sign to the topmost point of the sign structure.

**(d) Clearance.** Clearance shall be measured from the average grade below the sign to the lower most point of the sign structure.

**(e) Size.** Size includes the height, length, width, and area of a sign. Measurements shall be rounded up to the nearest square foot.

**(f) Spacing and Density.**

**(1)** For the purpose of applying spacing requirements or density limits to signs, distances shall be measured along a line parallel to the centerline of the adjacent street or highway and between the nearest edges of the display surfaces of the signs.

**(2)** A back-to-back sign is counted as a single sign for the purpose of spacing and density limits. (Ord No. 173-71; Ord 4-08; Ord No. 1-09)

**62.055. Sign Location for Safety.**

**(a)** No signs shall be erected or maintained so as to obstruct any building opening to such an extent that light or ventilation is reduced below minimums required by any applicable law or other provision of the Salem Revised Code.

**(b)** No sign shall be erected within five feet of an exterior wall in which there are openings that lie within the sign area unless the sign conforms to all the requirements specified by SRC Chapter 56 and the sign is constructed of noncombustible materials or approved plastics.

**(c)** Any sign located on a sidewalk shall have a safety barrier not less than 18 inches as measured from the bottom of the sidewalk surface, constructed of a solid and seamless material to assist the visually impaired. (Ord No. 167-68; Ord No. 35-06; Ord No. 4-08)

**62.060. Sign Maintenance.**

**(a)** All signs, together with all supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted. Materials used for temporary signs shall not fade, tear, rip or otherwise become unsightly during the period of display.

**(b)** No person required to obtain a sign permit under this Chapter shall scatter, daub, or leave any paint, paste, glue, or other substances used for painting or affixing copy, photos, or other matter to the sign, or scatter or throw or permit to be scattered or thrown any bills, waste matter, paper, cloth, or materials of whatsoever kind removed from signs on any public or private property. (Ord No. 167-68; Ord No. 44-88; Ord No. 4-08)

**62.065. Materials.**

**(a)** Materials for construction of signs shall be of the quality and grade as specified for buildings and structures pursuant to SRC Chapter 56.

**(b)** Except for lamps, tubes, bulbs, or neon tubing, no glass shall be used in the face of any sign. (Ord No. 167-68; Ord No. 4-08)

**62.070. Noncombustible and Combustible Materials.**

**(a)** Roof signs, wall signs, projecting signs, and signs on marquees shall be constructed of noncombustible materials except for nonstructural trim, display surfaces and cutouts which may be constructed of wood, metal, approved plastics, or any combination thereof. Except as provided in subsection (b) of this section, only metal and approved plastics shall be used in construction of electronic display signs, internally illuminated signs, and externally illuminated signs.

**(b)** The Director may approve the use of combustible materials for covering, erecting a facade on, or ornamenting a sign structure for an electronic display sign, internally illuminated sign, and externally illuminated sign, provided that:

**(1)** The use of such materials is permitted in the Fire Zone in which the sign is located or proposed to be located.

**(2)** There is no load-bearing member of the sign structure constructed of combustible materials.

**(3)** There is no substantial fire or electrical safety hazard. (Ord No. 191-70; Ord No. 44-88; Ord No. 1-09)

**62.075. Sign Supports.**

Unless approved by the Director pursuant to SRC 62.120, the supports of all signs shall be placed in or upon private property. (Ord No. 167-68; Ord No. 54-83; Ord No. 51-96; Ord No. 39-2003; Ord No. 4-08)

**62.085. Electric Sign Construction.**

**(a)** Electronic display signs, internally illuminated signs, and externally illuminated signs shall be permanently and rigidly affixed to the sign structure, building, or other structure. Electric signs may be mechanically activated for animation, but may not be wind-activated.

**(b)** The bottom of electronic display signs, internally illuminated signs, and externally illuminated signs and outline lighting enclosures shall not be less than sixteen feet above areas accessible to vehicles; provided, however, the bottom of such signs and enclosures may be less than sixteen feet above areas accessible to vehicles where such enclosures are protected from physical damage.

**(c)** Every electronic display sign, internally illuminated sign, and externally illuminated sign shall have placed, within easy view, a laboratory label from an approved testing agency. (Ord No. 191-70; Ord No. 54-83; Ord No. 4-08; Ord No. 1-09)

**62.090. Electronic Display Signs.**

**(a)** No electronic display sign in a Residential zone may be erected without first obtaining a conditional use permit, as provided in SRC 62.375.

**(b)** No electronic display sign shall be allowed within a historic district.

**(c)** All electronic display signs shall meet the following standards:

**(1) Zones.**

**(A)** In all Industrial zones, Public zones, and Commercial zones, other than the Commercial Office Zone, the change from one electronic display to another electronic display shall be no more frequent than once every eight seconds, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds.

**(B)** In all Residential zones and in the Commercial Office Zone, the change from one electronic display to another electronic display shall be no more frequent than once every hour, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds.

**(2) Change of Display.** The actual change of display for an electronic display sign shall be completed in two seconds or less. Displays may change by dissolve, fade, or by instantaneous change from one static display to another, but shall remain as a static display after completing the change, and, once changed, shall remain static until the next change. Unless specifically authorized by this Chapter, scrolling, travel, and video display are prohibited.

**(3) Brightness.** All electronic display signs must be constructed, operated, or otherwise function in such a way as to not exceed the provisions of this paragraph.

**(A)** At the time of installation, electronic display signs may be illuminated to a degree of brightness that is no greater than 7,500 nits between sunrise and sunset and that is no greater than 1,000 nits between sunset and sunrise; provided that an electronic display sign comprised solely of one color shall not exceed the following levels:

**(i)** For a display comprised of red only, 3,150 nits between sunrise and sunset, and 450 between sunset and sunrise;

**(ii)** For a display comprised of green only, 6,300 nits between sunrise and sunset, and 900 nits between sunset and sunrise;

**(iii)** For a display comprised of amber only, 4,690 nits between sunrise and sunset, and 670 nits between sunset and sunrise.

**(B)** All electronic display signs must be maintained and operated to meet the following brightness standards:

**(i)** No sign shall be brighter than is necessary for clear and adequate visibility.

**(ii)** No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

**(iii)** No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

**(C)** The person owning or controlling an electronic display sign must adjust the sign to meet the brightness standards in accordance with the Director's instructions. The adjustment must be made immediately upon notice of non-compliance from the Director. The person owning or controlling the sign may appeal the Director's determination to the Hearings Officer, using the contested case procedures set forth in SRC Chapter 20J.

**(D)** All electronic display signs must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions and equipped with a means to immediately turn off the display if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the Director that it is not complying with the standards in this section.

**(d)** Notwithstanding any other provision in this chapter, a municipal corporation providing transit services within the corporate limits of the City may erect one electronic display sign in each of the corporation's transit stops, which shall be limited to two square feet in area, screened from adjacent residential properties, and used only for the transmission of public information by the corporation. (Ord No. 1-09)

**62.095. General Illumination Standards.**

**(a)** No sign shall be erected or maintained which, by use of lights or illumination creates an unduly distracting and hazardous condition to a motorist, pedestrian, or the general public or which may be confused with or construed as a traffic control device.

**(b)** No exposed reflective type bulb, par spot, or incandescent lamp that exceeds twenty-five watts, shall be exposed to direct view from a public street, but may be used for indirect light illumination of a display surface.

**(c)** Neon tubing employed on the exterior or interior of a sign shall not exceed 300 milliamperes rating for white tubing or 100 milliamperes rating for any colored tubing.

**(d)** When fluorescent tubes are used for interior illumination of a sign, the florescent tubes shall not exceed:

**(1)** Within Residential zones, illumination equivalent to 425 milliampere rating tubing behind a plexiglass face, with tubes spaced at least seven inches, center to center.

**(2)** Within Commercial, Industrial and Public zones, illumination equivalent to 800 milliampere rating tubing behind a plexiglass face spaced at least nine inches, center to center.

**(e)** The light source for an internally illuminated sign may be comprised of light emitting diodes, so long as the light emitting diodes are used for illumination only, do not create an electronic display or effect, and conform to the brightness limitations set forth in SRC 62.090(b)(4). (Ord No. 167-68; Ord No. 173-71; Ord No. 1-09)

**62.100. Permit Fees.** The application for a sign permit shall be accompanied by a fee as prescribed by resolution of the council. Where the permit is for additions to or deletions from an existing sign and no substantial structure alteration is made, the fee shall apply to the sign area of the portion added to or deleted from the sign. (Ord No. 167-68; Ord No. 173-71; Ord No. 49-81; Ord No. 54-83; Ord No. 76-84; Ord No. 56-86; Ord No. 44-88; Ord No. 51-91; Ord No. 51-96)

**62.115. Temporary Signs, Generally.**

**(a)** Lawn signs shall not exceed a height of thirty inches above grade and may be displayed a maximum of two, sixty-day continuous periods per year. Rigid signs shall not exceed a height of six feet above grade and may be displayed a maximum of one year. Temporary signs shall not be attached to fences, trees, shrubbery, utility poles, or like items and shall not obstruct or obscure permanent signs on adjacent premises. The date of erection or placement of lawn signs shall be clearly noted on signs or sign posts or the earliest date of erection certified to in writing by the sign erector to the Director.

**(b)** No temporary sign shall be internally illuminated or be illuminated by external light source primarily intended for the illumination of the temporary sign.

**(c)** Except as provided in SRC 62.350 and SRC 62.520, no temporary sign shall project over public property or extend into any landscaped area.

(d) No temporary sign shall be erected or maintained which, by reason of its size, location, or construction constitutes a hazard to the public.

**(e)** Except for temporary sign displays, no temporary sign shall be located in a vision clearance area, established pursuant to SRC 76.170. In addition, no temporary sign exceeding four square feet in area and resting upon or supported by the ground shall be located within an area bounded by a street front property line and a line drawn parallel thereto ten feet inside the property line if there is an entrance or exit from the street crossing such property line. (Ord No. 167-68; Ord No. 162-69; Ord No. 173-71; Ord No. 49-81; Ord No. 186-82; Ord No. 54-83; Ord No. 79-87; Ord No. 92-94; Ord No. 4-08)

**62.120. Signs Installed Over or Within the Right-of-Way.**

**(a)** Except as provided in SRC 62.390 and 62.520, no sign shall be erected over or within the right-of-way unless the sign is first approved by the governmental unit having jurisdiction over the right-of-way. If the approving authority is the City, then the Director of Public Works shall have authority to approve the sign. The Director of Public Works or the Director may impose conditions deemed necessary to insure public health, safety, and welfare, including, but not limited to, conditions to insure proper maintenance and removal.

**(b)** An adverse decision of the Director of Public Works shall be deemed to be an adverse decision of the Director, and may be appealed to the hearings officer in the manner prescribed by this Chapter. (Ord No. 4-08)

**62.200. Clearance from Overhead Electrical Conductors.** Signs shall be located not less than ten feet horizontally or vertically from all overhead electrical conductors which are energized in excess of 750 volts. The term "overhead electrical conductor" as used in this section means that any electrical conductor, either bare or insulated, installed above the ground except when such conductor is enclosed in an iron pipe or other material covering of equal strength. (Ord No. 167-68; Ord No. 44-88)

**ILLUMINATION, ANIMATION, AND ROTATION**

**62.250. Certain Lights, Flashing Lights, and Devices Prohibited.**

**(a)** No arrow or other directional indicator nor any light or lamp or tube or group of lights or lamps or tubes contained in a single unit or in multiple units, shall be erected or maintained within view of any public street unless such device conforms to one of the following four requirements:

**(1)** Such device is or was constructed as an integral part of a sign and is not later attached or affixed thereto.

**(2)** Such device is not illuminated by flashing or intermittent light and the illumination thereof conforms to all other sign illumination requirements of this Chapter.

**(3)** Such device consists of lights or lamps designed and intended to be used solely for illumination of a building or pedestrian or vehicular traffic areas.

**(4)** Such device is an official traffic sign or signal.

**(b)** Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be attached to, nor be incorporated in, any sign nor shall they be erected or maintained in the City of Salem, Oregon.

**(c)** No sign, light, lamp, bulb, tube, or device, the use of which is prohibited or is regulated by SRC 62.250 to 62.290, shall be erected or maintained within a building in violation of those sections where such sign is designed primarily to be viewed from a public street or sidewalk or is designed primarily to attract the attention of passing motorists or pedestrians. (Ord No. 167-68; Ord No. 44-88)

**62.270. Limitation on Flashing Light - Intermittent Light and Chaser Effects.**

**(a)** No rotating sign or sign with rotating or animated parts shall contain or be wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, or tubes.

**(b)** No flashing sign shall be erected or maintained unless it conforms to the following:

**(1)** Where such sign is internally illuminated, at least 50 percent of the total illuminated area of each sign face shall be illuminated at all times.

**(2)** No chaser effect or other flashing effect consisting of external lights, lamps, bulbs, or neon tubes in the form of a starburst, expanding starburst, expanding arrow or extending arrow, shall be incorporated in, affixed to, or attached to any sign, unless such actions are an integral part of an electronic time and temperature sign.

**(3)** The interval between the illumination of lights, bulbs, or neon tubes shall be uniform in pattern so that the flashing sequence is even and regular or the chaser effect produces an apparent motion that is continuous, even, and smooth flowing.

**(c)** Where a sign is illuminated by an external light source, no flashing or intermittent light is permitted.

**(d)** Chaser effects shall conform to the provisions of this subsection. This subsection shall not apply to an animated, scintillating, or speller effect nor to a sign on a theater marquee.

**(1)** Only one chaser effect shall be permitted on one side of a sign. A back-to-back sign may have one chaser effect on each side.

**(2)** Only one chaser effect sign is permitted on one frontage. Where a business fronts on two or more streets, it may have a chaser effect sign for each frontage if each sign

is designed to be read by motorists traveling along only one of the street frontages.

**(3)** No other flashing light is permitted on the same side of a sign with a chaser effect.

**(4)** No chaser effect shall exceed 20 percent of the illuminated area of the sign on which it is located.

**(5)** No chaser effect which produces an apparent motion in a single direction or path shall produce an apparent motion exceeding ten feet per second plus an additional five feet per second for each ten-foot distance over 20 feet between the sign and the nearest adjacent street or highway right-of-way, up to a maximum of 50 feet per second. If the apparent motion is too fast to be measured by the building official, the speed of motion shall be deemed to violate this subsection.

**(e)** Electronic time and temperature sign changing copy signs shall be no longer than three second displayed before a change must be made. (Ord No. 167-68; Ord No. 173-71; Ord No. 49-81; Ord No. 44-88)

**62.280. Signs Permitted in Public Zones.**

**(a)** Signs permitted in Public and Private Cemeteries (PC), Capitol Mall (PM), and Public Service (PS) Districts.

**(1)** The following signs are permitted in PC, PM and PS districts:

**(A) Wall Signs.** One wall sign for each building frontage. Wall signs, which shall be limited to the greater of thirty-two square feet or two percent of the gross face area of the building frontage on which it is located.

**(B) Freestanding Signs.** One freestanding sign for each building frontage which shall be limited to five feet in height and twenty-four square feet in total sign area. Such signs shall be set back at least three feet from a street front property line or the special set back area established by the Salem Zoning Ordinance, whichever is greater, provided further that where adjacent property is zoned residential or commercial office, signs shall be set back at least twenty feet from the side lot line abutting a CO or residential district.

**(C) Vehicle Directional Signs.** One permanent sign to identify each motor vehicle entrance onto or exit from the premises shall be permitted, which shall be limited to thirty inches in height and four square feet in total sign area.

**(D) Electronic Display Signs.** Electronic display signs no larger than eight hundred square feet shall be permitted in the PS district within stadiums, athletic fields and other outdoor assembly facilities, where they are intended primarily for viewing by persons within the facility, are oriented toward the interior of the facility and viewing stands, and are only used during events where the public attends as spectators. Notwithstanding any other provision of this Chapter, signs allowed by this paragraph may employ dissolve, fade, scrolling, static display, travel and video display. Signs allowed by this paragraph shall not be subject to the electronic sign display area limitation set forth in SRC 62.090(b).

**(E)** Where a commercial use is permitted in a PS district, the signs allowed for such a use shall be the same as those permitted in subsection (d)(1) of this section.

**(F) Externally Illuminated and Internally Illuminated Signs.** Where adjacent property is zoned commercial or industrial, externally illuminated signs and internally illuminated signs are permitted in PC, PM and PS districts. No flashing illumination shall be permitted.

**(2) Animation.** No sign in a PC, PM, or PS district shall be mechanically or electrically animated or wind activated.

**(b) Signs permitted in Public and Private Educational Services (PE) Districts.**

**(1)** The following signs are permitted in PE districts:

**(A) Wall Signs.** One wall sign for each building frontage. Wall signs, which shall be limited to the greater of thirty-two square feet or two percent of the gross face area of the building frontage on which it is located.

**(B) Freestanding Signs.** One freestanding sign for each building frontage, which shall be limited to five feet in height and twenty-four square feet in total sign area; provided, however, that one such sign may be sixteen feet in height and thirty-two square feet in total sign area. Such signs shall be set back at least three feet from a street front property line or the special set back area established by the Salem Zoning Ordinance, whichever is greater, provided further that where adjacent property is zoned residential or commercial office, signs shall be set back at least twenty feet from the side lot line abutting a CO or residential district.

**(C) Vehicle Directional Signs.** One permanent sign to identify each motor vehicle entrance onto or exit from the premises shall be permitted, which shall be limited to thirty inches in height and four square feet in total sign area.

**(D) Electronic Display Signs.** Electronic Display signs no larger than eight hundred square feet shall be permitted in the PE district within stadiums, athletic fields and other outdoor assembly facilities, where they are intended primarily for viewing by persons within the facility, are oriented toward the interior of the facility and viewing stands, and are only used during events where the public attends as spectators. Notwithstanding any other provision of this Chapter, signs allowed by this paragraph may employ dissolve, fade, scrolling, static display, travel and video display. Signs allowed by this paragraph shall not be subject to the electronic sign display area limitation set forth in SRC 62.090(b).

**(E) Externally Illuminated and Internally Illuminated Signs.** Externally illuminated signs and internally illuminated signs are permitted in PE districts. No flashing illumination shall be permitted.

**(c) Signs permitted in Public and Private Health Services (PH) Districts.**

**(1)** The following signs are permitted in PH districts:

**(A) Wall Signs.** One wall sign for each building frontage. Wall signs, which shall be limited to the greater of thirty-two square feet or two percent of the gross face area of the building frontage on which it is located.

**(B) Freestanding Signs.** One freestanding sign for each building frontage, which shall be limited to five feet in height and twenty-four square feet in total sign area; provided, however, that one such sign may be fifteen feet in height and twenty-four square feet in total sign area. Such signs shall be set back at least three feet from a street front property line or the special set back area established by the Salem Zoning Ordinance, whichever is greater, provided further that where adjacent property is zoned residential or commercial office, signs shall be set back at least twenty feet from the side lot line abutting a CO or residential district.

**(C) Vehicle Directional Signs.** One permanent sign to identify each motor vehicle entrance onto or exit from the premises shall be permitted, which shall be limited to thirty inches in height and four square feet in total sign area.

**(D) Electronic Display Signs.** Electronic display signs no larger than eight hundred square feet shall be permitted in the PH district within stadiums,

athletic fields and other outdoor assembly facilities, where they are intended primarily for viewing by persons within the facility, are oriented toward the interior of the facility and viewing stands, and are only used during events where the public attends as spectators. Notwithstanding any other provision of this Chapter, signs allowed by this paragraph may employ dissolve, fade, scrolling, static display, travel and video display. Signs allowed by this paragraph shall not be subject to the electronic sign display area limitation set forth in SRC 62.090(b).

**(E) Externally Illuminated and Internally Illuminated Signs.** Only emergency vehicle directional signs and emergency entrances to a building in PH districts shall be externally illuminated signs or internally illuminated signs. No flashing illumination shall be permitted.

**(d) Signs permitted in Public Amusement (PA) Districts.**

**(1)** The following signs are permitted in the PA district:

**(A)** All signs permitted in SRC 62.502 shall be permitted in a PA district. A sign permitted by this paragraph shall not be an externally illuminated sign, an internally illuminated sign, or an electronic display sign if it is erected or maintained within three hundred feet of the boundary of the residential district.

**(B) Freestanding Signs.** For an office complex in a PA district, each separate occupancy may have one freestanding sign not exceeding thirty feet in height and one hundred square feet in total sign area. Each ~~such~~ sign shall be separate and not part of any other sign allowed on this property. No such freestanding sign shall be installed within one hundred feet of another freestanding sign on the same property. Where a PA district is adjacent to a residential district, no electronic display sign, externally illuminated sign or internally illuminated sign shall be installed or maintained within three hundred feet of the boundary of the residential district.

**(C) Electronic Display Signs.** Electronic display signs no larger than eight hundred square feet shall be permitted in the PA district within stadiums, athletic fields and other outdoor assembly facilities, where they are intended primarily for viewing by persons within the facility, are oriented toward the interior of the facility and viewing stands, and are only used during events where the public attends as spectators. Notwithstanding any other provision of this Chapter, signs allowed by this paragraph may employ dissolve, fade, scrolling, static display, travel and video display. Signs allowed by this paragraph shall not be subject to the electronic sign display area limitation set forth in SRC 62.090(b). (Ord No. 167-68; Ord No. 54-83; Ord. No. 44-88; Ord No. 102-88; Ord No. 51-96; Ord No. 53-2000; Ord No. 39-2003; Ord No. 4-08; Ord No. 1-09)

**62.290. Limitation on Flashing Light, Animation or Rotation in Certain Areas.** If the adjacent property on the same side of the street contains a residence, apartment, hospital, or home for the aged or convalescent located within a 100 foot line sight distance of the sign or there is such land use within 100 feet sight distance on the opposite side of this street or intersection, no rotating sign, no sign with rotating parts, flashing sign, or sign illuminated by flashing or intermittent light shall be permitted to be illuminated after 10:00 p.m. or before 7:00 a.m. unless the rotation is stopped and all light from such sign is steady and continuous. Such sign may be permitted to be illuminated without restriction if the residents and all the property owners within the prescribed area consent in writing to the erection and maintenance of such sign. (Ord No. 167-68)

## SIGNS IN SPECIAL SETBACK AREAS

**62.300. Signs in Special Setback Areas.** Where any part of any sign or floodlight standard is to be erected within a special setback area established pursuant to SRC 130.180, no permit shall be issued for such sign or light standard 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 Salem, Oregon, providing for removal of that portion of the sign in the setback area 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 severably liable for removal of the sign after 60 days written notice from the building official. Such notice shall be given only when a public agency is to widen the street into the setback area. The agreement shall further provide that if the persons responsible for removal of that portion of sign in the setback area do not remove it, the City of Salem may do so at expense of such person and that the cost of expense may be a lien against such land or premise 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 standard or portions thereof. This provision shall not be construed as denying the owner of such property of the right to compensation for any land taken for the widening of any street. The agreement shall be acknowledged before an officer authorized to take acknowledgments to deeds and who is to authorize the same to be of record. The city recorder shall cause such agreement to be recorded at the office of the county officer having custody of the deed records for the county in which the affected premises are located. (Ord No. 167-68; Ord No. 186-82; Ord No. 89-89)

## TEMPORARY SIGNS

**62.311. Temporary Signs in Residential and CO Districts.** In all residentially zoned districts, the following temporary signs shall be permitted:

**(a)** Lawn and rigid signs conforming to the number and area limitations specified in Appendix 6.

**(b)** Apartment houses and retirement homes in an RM or RH district may use temporary banner signs limited to one sign on each frontage for each separate complex, provided such sign is located on a building. Display period is limited to 60 days and is renewable upon application for renewal and replacement of all banners not neat, clean, and in good repair. The area of such banner signs shall be limited to 50 square feet.

**(c)** Properties which have received subdivision approval from the city may, from that approval until such time as a building permit is issued for the last lot or parcel to be sold, have the same square footage of temporary signage as is allowed in Commercial zones for that size of subdivision, as set forth in Appendix 6. These signs may be displayed for up to one year; this period may be extended an additional year by the building official. (Ord No. 173-71; Ord No. 146-73; Ord No. 49-81; Ord No. 54-83; Ord No. 44-88; Ord No. 92-94)

**62.312. Temporary Signs in Commercial and Industrial Districts.** In all commercial districts and all industrial districts, the following temporary signs shall be permitted:

**(a)** Lawn and rigid signs conforming to the number and area limitations specified in Appendix 6.

**(b)** Balloons. Balloons include but are not limited to helium balloons, forced air filled balloons, or any other similar device. The height which a balloon may be displayed above a roof shall not exceed 35 feet. Balloons shall be securely attached and adequately tethered by a nonmetallic cable so as to withstand a wind pressure of 30 pounds per square foot of exposed surface. The building official may require any additional information and impose any conditions where, in his opinion, such information or conditions are required to insure the safety of the public or adjacent property. Balloons shall be limited to one per business per

premise, display period shall be limited to 14 days in any six month period measured from the date of issuance of the sign permit and shall not exceed two permits in any one year.

**(c)** Temporary banner signs. Such signs shall be limited to one sign on each street frontage for each separate business provided such sign is located on a building. Display period is limited to 30 days and is renewable upon application for renewal and replacement of all banners not neat, clean, and in good repair but, shall not exceed four permits in any one year. The area of each such banner sign shall be limited to 50 square feet.

**(d)** Temporary sign displays. A temporary sign display shall not make use of propellers or similar rotating wind activated devices or fluorescent paints or dyes. Display period shall be limited to six months. (Ord No. 173-71; Ord No. 49-81; Ord No. 54-83; Ord No. 44-88; Ord No. 42-94)

## SIGN REGULATION BY ZONING DISTRICTS

**62.360. Signs Permitted in Residential Districts.** Except as provided in SRC 62.060 and signs that are used to identify home occupations as specified under SRC 62.060(h), no sign shall be erected or maintained in residential districts except as set forth in this section:

**(a)** Illumination. No sign shall be illuminated internally or externally by a source connected to the sign, except that wall signs may be internally illuminated. No flashing signs shall be permitted. Sign illumination shall be directed away from and not be reflected upon adjacent premises. No sign shall be illuminated after 12:00 p.m. or before 7:00 a.m.

**(b)** Animation. No sign shall be mechanically or electrically animated or wind activated.

**(c)** Multiple frontages. Where a building fronts on two or more streets and is permitted only one permanent sign, such sign shall be located on or in front of the principal side of the building.

**(d)** Setbacks. No freestanding sign shall be erected or maintained within three feet of a street front lot line. Freestanding signs may be erected in special setback areas established by the Salem Zoning Ordinance as provided in SRC 62.300. Temporary signs shall be set back at least two feet from a street front line.

**(e)** Buildings other than dwellings. Except as otherwise provided in this section, a building housing a main use other than dwellings shall be permitted one permanent sign, which sign may be either an attached wall sign not exceeding 32 square feet in sign area or a freestanding sign not exceeding five feet in height, and 24 square feet in total sign area.

**(f)** Special uses. Where any of the following special uses is permitted in a residential district, a building housing such use shall be permitted either one wall sign for each facing or frontage on a street or parking lot, provided that the parking lot does not abut a residential area. Wall signs shall be limited to the greater of 32 square feet or 2 percent of the gross face area of the building face to which it is attached, or one freestanding sign limited in height to five feet and 24 square feet in total sign area:

**(1)** Veterinary services for animal specialties.
**(2)** Funeral services and crematories; and cemetery subdividers and developers.
**(3)** Public golf courses and membership sports and recreation clubs with golf courses.
**(4)** Elementary and secondary schools.
**(5)** Child day care services in buildings other than dwellings.
**(6)** Boat and recreational vehicles storage area.
**(7)** Mixed uses buildings.

**(g)** RM and RH districts. In RM or RH districts, apartment houses and retirement homes may have one permanent sign in addition to the sign permitted by subsection (c) or (e) above, which sign shall be subject to the same size limitations. In any event, no more than one freestanding sign shall be allowed. In an RH district where the additional sign is an attached

wall sign, the size limitation shall be the greater of 32 square feet or two percent of the gross face area of the building face to which it is attached.

**(h)** For a subdivision, mobile home park or planned unit development, one permanent sign shall be permitted not exceeding 12 square feet in area and limited in height to five feet, denoting only the name of the subdivision, mobile home park, or planned development and located at the principal entrance to the premises.

**(i)** One permanent sign to identify each motor vehicle entrance onto or exit from the premises shall be permitted, which sign shall be limited to four square feet in area and 30 inches in height.

**(j)** For churches, community buildings, or institutional facilities, where a secondary use is allowed there shall be permitted one permanent sign in addition to the sign permitted by subsection (e) above; which sign may be either an attached wall sign or a freestanding sign and shall be subject to the same size limitations. Such secondary use shall include, but is not limited to, day care centers, kindergartens, and schools.

**(k)** For retail sales of agriculture products, on a tract of land advertising the sale of agriculture products, one permanent sign shall be permitted, which sign may be either a freestanding sign not exceeding five feet in height and 24 square feet in area, or if there is a produce sales stand on the premises, one wall sign limited to 32 square feet in area provided that no such signs shall be illuminated or electrically operated.

**(l)** Temporary sign as provided in section 62.311.

**(m)** Signs in residential zoning districts shall be constructed according to the requirements of SRC 62.130 through 62.200. Additional requirements for each class of sign are stated in SRC 62.390 through 62.450. (Ord No. 167-68; Ord No. 173-71; Ord No. 49-81; Ord No. 186-82; Ord No. 54-83; Ord No. 57-87; Ord No. 18-94)

**62.372. Signs Permitted in Commercial Neighborhood (CN) Districts.** All signs permitted in residential zoning districts as set forth in SRC 62.360 shall be permitted in the CN district, except those permitted in SRC 62.360(e). In addition:

**(a)** For individual businesses in a commercial neighborhood (CN) district, one wall sign for each facing or frontage on a street or parking lot, provided that the parking lot does not abut a residential area. Wall signs shall be limited to the greater of 32 square feet or 2 percent of the gross face area of the building face to which it is attached.

**(b)** One freestanding sign shall be allowed limited in height to five feet and 24 square feet in total sign area. Such signs shall be setback at least five feet from a street front property line, provided further that where adjacent property is zoned residential or CO, signs shall be setback at least 20 feet from the side lot line. Where a dwelling is located within 100 feet, measured down center of the street on the same side of the street, written consent of the owner of the dwelling shall be obtained for the erection of such freestanding sign.

**(c)** For office complexes and business complexes in a commercial neighborhood (CN) district, each tenant or occupant in a complex shall be permitted one permanent attached sign limited in sign area to 24 square feet. In addition, the complex shall be allowed one freestanding sign as permitted in SRC 62.372(b).

**(d)** The illumination of signs in a CN district is regulated as follows:

**(1)** Wall signs may be internally illuminated provided such illumination is directed away from and not reflected upon adjacent premises.

**(2)** Freestanding signs may be internally illuminated provided that if the adjacent property on the same side of the street contains a residence, apartment, hospital, or home for the aged or convalescent located within 100 foot line sight distance of the sign or there is such land use within 100 feet sight distance on the opposite side of the street or intersection, no such sign shall be permitted to be illuminated after 10:00 p.m. or before 7:00 a.m.

**(e)** A building directory wall sign shall be permitted where a freestanding sign is used on the same frontage. Said sign shall be limited to one square foot per occupant giving the name, room number, or location of the occupants of the building.
**(f)** Signs in a CN district shall be constructed according to the requirements of SRC 62.130 through 62.200. Additional requirements for each class of sign are stated in SRC 62.390 through SRC 62.450. (Ord No. 54-83)

**62.375. Conditional Uses.**
**(a) Procedures.** Applications for conditional use permits for electronic display signs shall be processed according to the following procedure:
**(1)** Requests for conditional use shall be filed with the Director, on a form provided by the Director, and accompanied by a fee as approved by the City Council. The request shall include the information required for a sign permit, as specified in SRC 62.030(c), the scope of the conditional use sought by the applicant, and a statement as to why the request satisfies the approval criteria.
**(2)** The Hearings Officer shall conduct a public hearing on the request for conditional use. The Director shall give written notice of the hearing by mail to owners of property located within two hundred and fifty feet of the lot or parcel upon which the sign will be located, as shown upon the latest assessment role of the county assessor and each affected neighborhood organization. Failure of a person to receive the notice specified in this section shall not invalidate any proceeding in connection with the application for a conditional use.
**(3)** The Hearings Officer shall approve, approve with conditions, or deny the conditional use, based upon the evidence introduced at the hearing. The Hearings Officer may impose such conditions as the Hearings Officer deems necessary to mitigate any adverse impacts which may result from approving the conditional use. The hearing shall be conducted under the procedures used for a quasi-judicial land use hearing.
**(4)** The Hearings Officer shall issue a decision in writing explaining the reasons why the conditional use was approved or denied. Notice of the decision shall be provided to the applicant by personal delivery or by first class mail mailed to the address of the applicant as set forth on the application. Notice of the decision shall be provided to any person who appeared before the Hearings Officer, in person or by written testimony, by personal delivery or by first class mail mailed to the address provided by the person to the Hearings Officer. Unless City Council review is initiated pursuant to SRC 62.600(b), the decision of the Hearings Officer shall be final.
**(b) Decision Criteria.** The following criteria shall be used to review and decide conditional use permit applications for electronic message signs:
**(1)** The proposed sign, as conditioned, will not create or significantly increase street level sign clutter;
**(2)** The proposed sign, as conditioned, will not adversely impact the neat, clean, orderly, and attractive appearance of the surrounding area to a significant degree;
**(3)** The proposed sign will not present a traffic or safety hazard; and
**(4)** The proposed sign will comply with all other regulations, including, but not limited to sign height and placement restrictions. (Ord No. 1-09)

**62.380. Signs Permitted in Commercial Office (CO) Districts**. All signs permitted in residential districts as set forth in SRC 62.360 shall be permitted in a CO district, except those permitted in SRC 62.360(e). In addition:
**(a)** Directional signs may be internally illuminated;

**(b)** One attached wall sign for each facing or frontage on a designated arterial or designated collector street or parking lot is allowed for each individual business, provided that the parking lot does not abut a residential area. Wall signs shall be limited in sign area to the greater of 32 square feet or 2 percent of the gross face area of the building face to which it is attached.
**(c)** One freestanding sign shall be allowed which may be internally or externally illuminated, limited in height to 15 feet, 24 square feet in sign area, with a vertical sign measurement not exceeding four feet and a horizontal measurement not exceeding six feet, provided the premises is bordered on one side by a commercial or industrial district, except a CO district. When not bordered on one side by a commercial or industrial district, except a CO district, the sign shall be limited to a height of five feet and 24 square feet in total sign area. Such signs shall be set back at least three feet from a street front property line, provided further, that where adjacent property is zoned residential or commercial office, signs shall set back at least 20 feet from the side lot line. Where a dwelling is located within 100 feet, measured down center of the street, on the same side of the street, written consent of the owner of the dwelling shall be obtained for the erection of such freestanding signs.
**(d)** A building directory wall sign shall be permitted where a freestanding sign is used on the same frontage, said sign limited to one square foot per occupant giving the name, room number, or location of the occupants of the building.
**(e)** Each tenant or occupant in an office complex shall be permitted one permanent attached wall sign limited in sign area to 24 square feet. In addition, the complex shall be allowed one freestanding sign as permitted in SRC 62.380(c).
**(f)** Signs in a commercial office (CO) district shall be constructed according to the requirements of SRC 62.130 through 62.200. Additional requirements for each class of signs are stated in SRC 62.390 through 62.450. (Ord No. 167-68; Ord No. 173-71; Ord No. 54-83)

**62.385. Sign Regulation for Commercial and Industrial Districts.** Except in CO and CN districts, signs in all commercial and industrial districts shall be governed by SRC 62.390 to 62.520. (Ord No. 173-71; Ord No. 54-83)

**62.386. Signs Permitted in Industrial Business Campus (IBC) Districts.** In addition to other regulations applicable to such signs, the following limitations apply to flexible space use (SRC 156.040) signage.

**(a)** Two signs per business shall be permitted on a building; one such sign, not greater than six feet in area, for each business on the glass frontage, and a second wall or parapet sign, not greater than fifteen square feet in area, for each business.
**(b)** One free standing building directory sign per street frontage shall be permitted with each tenant limited to one square foot of area; such sign shall be located within seventy-five feet of both a flexible space building and the principal entry drive to the area. (Ord No. 62-95)

**62.387. Signs Permitted in Overlay Districts.** In addition to other regulations applicable to such signs, the following limitations apply in the Commercial/Rural Urban Development Overlay Zone and the Saginaw Street Urban Development Overlay Zone described in SRC Chapters 142 and 143 and depicted on the official zoning map.

**(a)** Commercial/Rural Urban Development Overlay Zone

**(1)** Area I.

**(A)** Freestanding signs shall be limited to a size of three feet by five feet not to exceed five feet in height. Signs shall not cause glare to adjacent residential properties and may be internally or externally illuminated.
**(B)** The face of wall signs shall not be located so as to be visible from the residential areas to the west.

**(2)** Area II.

**(A)** Freestanding signs shall be limited to a size of three feet by five feet not to exceed five feet in height. Signs shall not cause glare to adjacent residential properties and may be internally or externally illuminated.

**(B)** The face of wall signs shall not be located so as to be visible from the residential areas to the east.

**(3)** Areas III and IV

**(A)** The face of wall signs shall not be located so as to be visible from the residential areas to the east.

**(B)** Free standing signs on the Commercial Street frontage shall not cause glare to adjacent residential uses.

**(C)** Saginaw Street Urban Development Overlay Zone

**(i)** No signs shall be permitted along the Saginaw Street frontage. (Ord No. 62-95)

**62.388. Sign Regulations for Interchange Quadrant Overlay Zones**. In addition to other regulations applicable to signs within this Chapter, the following limitations apply within the Chemawa/I-5 North East Quadrant Gateway Overlay Zone, SRC Chapter 136, and as depicted on the official zoning map:

**(a)** Outdoor advertising signs are prohibited.

**(b)** Signs are not permitted within the district perimeter setback.

**(c)** Freestanding signs:

**(1)** Are allowed outside of the district perimeter setback area provided the signs are not visible from Interstate-5.

**(2)** Are limited to a maximum height of ten (10) feet.

**(3)** Must be ground mounted. The signs may be mounted on a landscaped berm no higher than four (4) feet in height for a maximum sign height of fourteen (14) feet above grade.

**(d)** Wall and parapet signs are allowed in accordance with SRC Chapter 62. Such signs visible from the district perimeter are limited to no more than one-hundred-fifty (150) square feet or ten (10) percent of the area of the wall the sign is attached to, whichever is less.

**(e)** Temporary signs, balloons, banners, or signs displays are prohibited except in interior district areas which are not visible from the boundary of the district.

**(f)** Directional signs are allowed in accordance with SRC Chapter 62 and this section. (Ord No. 3-97)

**62.389. Sign Regulations for Riverfront and Broadway/ High Street Overlay Zones**. In addition to other regulations applicable to signs within this Chapter, the following limitations apply within the Riverfront and the Broadway/High Street Overlay Zones.

**(a)** Riverfront Overlay Zone.

**(1)** Signs permitted within the underlying zone are allowed in the overlay zone pursuant to SRC Chapter 62 except:

**(A)** Outdoor advertising signs are prohibited.

**(B)** Illuminated signs are prohibited on the riverfront side of structures.

**(2)** Freestanding signs shall be restricted to five feet in height and 24 square feet of total sign area. Freestanding signs shall be set back at least five feet from a street property line.

**(3)** Wall signs shall be limited to a greater of 32 square feet or 2 percent of gross face area of the building to which it is attached. A maximum of one wall sign per street or parking lot frontage is permitted. Wall signs along a parking lot frontage shall be

limited to 24 square feet in total sign area.

**(4)** Signs along the public right-of-way shall be designed in accordance with a master plan for the Riverfront District.

**(b)** Broadway/High Street Overlay Zone.

**(1)** Signs permitted within the underlying zone are allowed in the overlay zone pursuant
to SRC Chapter 62 except:

**(A)** Outdoor advertising signs.

**(B)** Trailer reader boards.

**(C)** Roof mounted signs.

**(D)** Sign towers.

**(2)** Freestanding signs shall be limited to five feet in height and 24 square feet of total sign area. Freestanding signs shall be setback at least five feet from the public right-of-way.

**(3)** Wall signs shall be limited to a greater of 32 square feet or 2 percent of gross face area of the building to which it is attached. A maximum of one wall sign per street or parking lot frontage is permitted. Wall signs along a parking lot frontage shall be limited to 24 square feet in total sign area.

**(4)** Signs along the Broadway/High Street public right-of-way shall be designed in accordance with a streetscape program for Broadway and High Streets. (Ord No. 85-98)

**62.389a. Sign Regulations for Portland/Fairgrounds Road Overlay Zone.** In addition to other regulations applicable to signs in this Chapter, the following limitations apply within the Portland/Fairgrounds Road Overlay Zone.

**(a)** Freestanding signs shall be restricted to a maximum of ten feet in height above grade, which includes structural, framing, and design elements attached to, or supporting the sign. Total sign area is limited to 40 square feet in area.

**(b)** Secondary signs shall be limited to 32 square feet or 2 percent of gross face area of the wall to which it is attached, whichever is less. If a business has no freestanding sign, then one sign can be up to 40 square feet in area, and considered the principal sign as defined in SRC 62.050 (13).

**(c)** Roof signs may not exceed 40 square feet in area if a principal sign, or 32 square feet in area as a secondary sign.

**(d)** Sign towers are allowed provided the sign and supporting structure does not exceed ten feet above the roof line.

**(e)** SIGNS FOR BUSINESS OUTSIDE INTEGRATED SHOPPING CENTERS OR BUSINESS COMPLEXES:

**(1)** One principal and one secondary sign is allowed per business. If the business is located on two or more street frontages, one additional secondary sign limited to 32 square feet in area is allowed for the second street frontage.

**(2)** If the total sign area of all principal and secondary signs is less than the total sign area allowed for the business, then the area of the signs may be increased up to 15 percent. The maximum allowed area for a principal sign is 46 square feet and a secondary sign is 36.8 square feet.

**(f)** SIGNS FOR INTEGRATED SHOPPING CENTERS AND BUSINESS COMPLEXES:

**(1)** Each business complex or integrated shopping center shall have a maximum of one principal sign unless the business complex or integrated shopping center is located on two or more street frontages. One additional 40 square foot sign for the second street frontage is permitted.

**(2)** Each individual business in an integrated shopping center or business complex is allowed one sign per business with a maximum sign area of 32 square feet.
**(3)** Within integrated shopping centers and business complexes principal signs may not exceed 40 square feet in area unless street frontage of a business complex or integrated shopping center exceed 100 feet in length. Where the street frontage for an integrated shopping center or business complex exceeds 100 feet in length, the principal sign area may be increased one square foot for every five feet of street frontage over 100 feet. Such principal signs shall not exceed 80 square feet in area. (Ord No. 63-2001)

**62.389b. Sign Regulations for Edgewater Street/Wallace Road Area Overlay Zone.** In addition to other regulations applicable to signs within this Chapter, the following limitations apply within the Edgewater Street/Wallace Road Area Overlay Zone:

**(a)** AREA 1 - (Wallace Road Corridor) Freestanding signs shall be limited to 10 feet in height above grade, including structural, framing and design elements attached to or supporting the sign. Total sign Area is limited to 40 square feet in area. Outdoor advertising signs as defined in SRC 62.050 are prohibited.
**(b)** AREA 2 - (West Salem Gateway) Outdoor advertising signs as defined in SRC 62.050 are prohibited.
**(c)** AREA 3 - (West Salem General Industrial Area) Outdoor advertising signs as defined in SRC 62.050 are prohibited.
**(d)** AREA 5 - (Edgewater Street Corridor) (1) Within Area 5, freestanding signs shall be limited to 10 feet in height above grade which includes structural, framing and design elements attached to or supporting the sign. Total sign area is limited to 40 square feet in area. Outdoor advertising signs as defined in SRC 62.050 are prohibited. (Ord No. 69-2002)

**62.389c. Sign Regulations for South Gateway Overlay Zone.** In addition to other regulations applicable to signs within this Chapter, the following limitations apply within the South Gateway Overlay Zone:

**(a)** Signs permitted within the underlying zone are allowed in the overlay zone pursuant to SRC Chapter 62, except:
**(1)** Outdoor advertising signs, as defined under SRC 62.050;
**(2)** Trailer reader boards; and
**(3)** Rotating, moving, flashing, changing or blinking signs. (Ord No. 89-2002)

**62.389d. Sign Regulations for Historic Overlay Zones.** In addition to other regulations applicable to signs within this Chapter, signs in historic overlay zones shall be designed and approved in accordance with SRC Chapter 120A and the Development Design Handbook. (Ord No. 39-2003)

**SIGN REGULATION BY CLASS OF SIGNS**

**62.390. Projecting Signs**. Signs shall be permitted to project over public property or into any area required by any provisions of this Code to be landscaped if it meets all of the following requirements:

**(a)** It is attached to the face of a building where the building face is located within five feet of the property line abutting a street on a designated collector or arterial street.
For an individual business outside of an integrated shopping center or business complex as defined in section 62.503 of this Code, and where the face of a building is located more than five feet from the property line abutting a street on a designated collector or arterial street, a projecting sign may be erected as a principal sign and shall otherwise comply with applicable requirements of this section. Maximum projection of a sign shall be limited to four feet six inches provided, however, that where you have a projecting sign located on a corner

approximately equi-distant from the two building faces serving two street frontages, the maximum projection is five feet six inches.

**(b)** The same business firm is not identified by another principal sign on the same street frontage.

**(c)** No external cross braces, guy wires, trusses, or similar bracing systems shall be used in constructing projecting signs.

**(d)** The inner edge of a projecting sign shall not be more than six inches from the face of the building to which it is attached. When measuring the overall projection of a projecting sign, it shall be measured from the wall to which it is attached.

**(e)** Projecting signs shall not project more than three feet above the roof line at the wall or top of the parapet wall, whichever is higher.

**(f)** Projecting signs shall conform to all provisions of this section which are designed to eliminate blanketing, to provide safe minimum clearance and to protect the appearance of and along public sidewalks and streets. A minimum of ten feet clearance shall be required from the bottom edge of all projecting signs to the grade below. In addition to all other limitations, the outer edge of all projecting signs shall be set back a minimum of two feet from the curb line.

**(g)** Where signs are permitted to project in the CB district, no permitted sign shall project beyond a street frontage property line a distance in excess of the following:

**(1)** Except as provided in paragraphs (2) and (3) of this subsection, five feet for signs lawfully erected and maintained prior to the effective date of this Chapter.

**(2)** Except as provided in paragraph (3) of this subsection, four feet six inches for signs for which permits are issued after the effective date of this Chapter.

**(3)** For signs erected on a building that is located on a corner where the angle between either face of the sign and either principal face of the building is equal, five feet six inches.

**(h)** The vertical height of a projecting sign which projects beyond three feet six inches from the face of a building to which it is attached is limited to three feet at ten feet clearance. An additional four inches of sign height is allowed for each additional foot of clearance above ten feet up to a maximum sign height of five feet. The vertical height of a projecting sign which projects three feet six inches or less from the face of a building to which it is attached is not limited, except that it shall not project more than three feet above the roof line at the wall, or top of the parapet wall, whichever is higher.

**(i)** Spacing between the first erected and any later erected projecting sign, measured opposite the traffic direction in the nearest adjacent traffic lane, shall either be:

**(1)** Six feet between the signs for each foot of projection of the later erected sign; or

**(2)** Eight feet between signs for each foot of reduction in height above the grade of the bottom of the later erected sign below the level of the top of the first erected sign, as measured using the grade below the first erected sign.

**(j)** Except as provided in this subsection, no projecting sign shall be supported by a frame, commonly known as an "A" frame, or other visible frame located on the roof of a building. Where the building official finds that such a frame is required for safe erection and maintenance of a projecting sign and that there is no other safe and feasible method of supporting such sign and further finds that such sign is of reasonable size and conforms to all the requirements of this Chapter and other applicable provisions of this Code, the building official may permit the use of such frame. (Ord No. 167-68; Ord No. 173-71; Ord No. 82-75; Ord No. 49-81; Ord No. 54-83)

**62.400. Wall Signs and Attached Signs.**

**(a)** Wall signs may not project more than 18 inches from the wall to which they are attached. Wall signs located on an alley frontage may not project from the face of the building below a

clearance of 14 feet from the sign to the grade below and are further limited to a maximum projection of 12 inches. Work platforms for the maintenance or service of such signs may project up to four feet beyond the property line provided that a minimum clearance of 14 feet is maintained below the platform.

**(b)** Wall signs may project above the higher of the eave line, roof line at the wall, or top of the parapet wall a distance equal to the lesser of one-third of the height of the sign or three feet.

**(c)** The supporting structure for any wall sign which projects above the wall, eave line, or top of the parapet wall shall be completely enclosed so as not to be visible from any public street, alley, or adjacent property.

**(d)** No external braces, guy wires, "A" frames, or similar bracing systems shall be used in constructing wall signs.

**(e)** Wall signs attached to the end or face of a marquee may have a height of 30 inches. The lower edge of such sign shall not extend below the marquee.

**(f)** Wall signs on Mansard roofs of 30 degrees or less may be installed vertically if solid background is used. (Ord No. 167-68; Ord No. 173-71; Ord No. 49-81; Ord No. 54-83)

**62.410. Freestanding Signs.**

**(a)** Setbacks. No freestanding sign shall be erected or maintained within three feet of a street front property line, or within five feet of a side lot line.

**(b)** Except as provided in this subsection, no freestanding sign shall project or extend into any vision clearance area prescribed by any provisions of this Code. One or two sign poles supporting a freestanding sign may be located within the vision clearance area if they are necessary for the support of the sign, if they do not exceed a combined total width of 12 inches and if no other portion of the sign proper is located within the vision clearance area between two feet and seven feet overgrade.

**(c)** A freestanding sign shall be directly supported by poles or foundation supports in or upon the ground. Except for catwalks, walkways, or working platforms, no external cross braces, guy wires, "T" frames, "A" frames, "trusses," or similar bracing systems shall be used in constructing freestanding signs. Nothing in this subsection prohibits the use of standardized outdoor advertising structures and stringers customarily used for the support of sections of the display surface or surfaces thereof.

**(d)** A corner lot with two intersecting frontages shall be limited to one freestanding principal sign which may be located on the principal frontage or at the intersecting corner.

**(e)** On an interior lot only one freestanding principal sign is allowed per frontage for a single business.

**(f)** The lower most point of electric freestanding signs outline lighting enclosures and non-illuminated signs shall not be less than 16 feet above the grade below in areas accessible to vehicles; provided, however, the lowest most point of such signs may be less than 16 feet above the grade below, provided that such signs are protected from physical damage by the installation of bumper poles or ground protection. (Ord No. 191-70; Ord No. 82-75; Ord No. 54-83; Ord No. 44-88; Ord No. 35-06)

**62.420. Roof Signs and Canopy Signs.**

**(a)** The supporting structure of a roof sign or combination sign that is part roof sign shall be completely enclosed except for vertical poles. No "A" frame structures, guy wires, open framework, or similar structure shall be visible from any public street, alley, or adjacent property. All roof signs and combination signs that are part roof signs shall have complete background or a complete background for each letter, symbol, or design module.

**(b)** For the purpose of providing fire fighting access, roof signs, or combination signs that are part roof signs shall conform to the following:

**(1)** Length shall be limited to 50 percent of the length of the nearest parallel wall on buildings under 50 feet in length and the greater of 25 feet and 25 percent of the wall length of the parallel adjacent wall on buildings over 50 feet in length.

**(2)** A roof sign shall be set back three feet from a parallel parapet wall.

**(3)** A roof sign shall be set back three feet from an end wall.

**(4)** There shall be a minimum clearance of three feet between the bottom of a roof sign and the top of a parallel parapet wall.

**(5)** If peak roof signs are used, there shall be one and one-half feet clearance between the bottom of the sign and the roof for ladder hook room.

**(6)** Where clearance is required beneath a roof sign, a minimum of 50 percent of the area beneath the roof sign shall be and remain open.

**(c)** Roof signs shall not exceed a height of four feet above the roof of a canopy or marquee. This subsection shall not apply to a freestanding sign which pierces the roof of a canopy and which receives its support from a freestanding structure.

**(d)** The maximum height of a roof sign or a combination sign that is part roof sign above a flat roof shall not exceed the following limits:

**(1)** Building height of 15 feet or less, six feet.

**(2)** Building height of 15 or 20 feet, seven feet.

**(3)** Building height over 20 feet, eight feet.

**(e)** The height of a roof sign or combination sign that is part roof sign above a gable, hip, or pitched roof is limited to 50 percent of the vertical height of the roof measured from the lower edge to the peak where the roof is less than eight feet in height. For roofs of greater height, the sign is limited to the greater of four feet or 25 percent of the vertical height of the roof. Roof height shall be measured vertically and not along the plane of the roof. The lower edge of the roof sign or combination sign must be within two feet of and parallel to the eave or of the plane of the wall or of supporting columns on an overhanging roof.

**(f)** Signs located on the faces of a canopy shall be regulated as wall signs. (Ord No. 167-68; Ord No. 56-69; Ord No. 49-81; Ord No. 35-06)

**62.430. Under Marquee Signs**. Signs may be located under a marquee if a vertical clearance of seven feet, six inches 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 maximum area of six square feet. (Ord No. 167-68; Ord No.173-71; Ord No. 49-81)

**62.440. Wall Facades for Signs.**

**(a)** Except as provided in subsection (b) of this section, wall facades 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 one-third of the height of the building where the building is less than fifteen feet in height or six feet where the building is over fifteen feet in height.

**(b)** If a wall facade for signs extends the full length of the wall, the maximum height of the wall facade shall not exceed four feet measured from the roof line directly behind the wall to the top of the wall facade. If it is less than full length, there shall be a five-foot clearance at the end of a wall and such facade shall conform to SRC Chapter 56.

**(c)** The supporting structure for any wall facade for signs shall be completely enclosed so as not to be visible from any public street, alley, or adjacent property. (Ord No. 167-68; Ord No. 4-08)

**62.450. Sign Towers.**

**(a)** Sign towers shall be governed as to materials and construction by the SRC Chapter 56 standards for buildings as applicable.

**(b)** Width. The horizontal dimension of a sign tower measured parallel to the front or street-facing wall of the building on which the sign tower is erected shall not exceed:

**(1)** Twenty percent of the length of the wall if the sign does not project from the wall a greater distance than the horizontal dimension parallel to the wall of the building.

**(2)** Four feet if the sign tower projects from the wall a distance greater than the horizontal dimension parallel to the wall.

**(3)** Four feet if the sign tower is erected in the form of a fin on the roof of a building and is located generally perpendicular to the front or street facing wall of the building.

**(4)** Four feet for a combination sign tower which embodies elements of both sign towers described in paragraph (b) and (c) of this section.

**(c)** Height. The height of a sign tower measured above a flat roof or the eave line on a pitched, hip, or gabled roof, shall not exceed the following:

**(1)** For buildings under fifteen feet, six feet.

**(2)** For buildings between fifteen and twenty-five feet in height, the greater of nine feet or forty percent of the height of the building.

**(3)** For buildings over twenty-five feet in height, the greater of twelve feet, six inches or thirty percent of the height of the building.

**(d)** Sign towers shall be used only for on-premise signs.

**(e)** Sign towers shall not project over public property or into any area required by any provisions of this Code to be landscaped or over a setback line.

**(f)** Sign towers shall be located only in areas zoned for commercial or industrial use, but shall not be located in a commercial office district.

**(g)** Sign towers shall conform to the same clearance and fire access requirements as a roof sign under SRC 62.420.

**(h)** The supporting structure for any sign tower shall be completely enclosed so as not to be visible from any public street, alley, or adjacent property. (Ord No.167-68; Ord No. 173-71)

**SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

**62.500. Signs Permitted in Commercial and Industrial Districts.** Except as provided in SRC 62.060, no sign shall be permitted in a commercial or industrial district exclusive of the CO or CN district except as set forth in SRC 62.501 to 62.520. (Ord No. 167-68; Ord No. 56-69; Ord No. 173-71; Ord No. 54-83)

**62.501. General Requirements.**

**(a)** Height. A sign tower or wall facade for signs shall comply with the applicable provisions of the Salem Zoning Ordinance regulating building and structure heights.

**(b)** A principal freestanding sign or projecting sign erected on a corner lot and designed to be read from two or more intersecting streets shall be deemed to be the principal sign for each street frontage. For freestanding signs area and height shall be limited by the longest of the street frontages. (Ord No. 173-71; Ord No. 54-83)

**62.502. Permanent Signs for Business.** Unless the business is located in a shopping center or office complex, a business may have the following signs:

**(a)** One wall sign or one freestanding sign for each street frontage.

**(1) Wall Signs.** Where the sign is a wall sign, sign area shall be a maximum of 125 square feet; provided, however, this sign area may be increased by adding sign area authorized under subsection (b) of this section to the wall sign. Notwithstanding any

sign area authorized by this subsection (a)(1), any wall sign that is located on the face or end of a marquee shall be limited in height to thirty inches and shall not extend below the lower edge of the marquee.

**(2) Freestanding Signs.** Where the sign is a freestanding sign, the sign shall be limited in area to one square foot per lineal foot of street frontage up to the first 100 square feet of sign area plus an additional one-quarter square foot of sign area for each additional one foot of street frontage over 100 feet with a maximum limit of 150 square feet of sign area. Freestanding sign height is limited to twenty feet for up to the first 100 feet of street frontage plus an additional one foot in height for each twenty feet of street frontage over 100 feet with a maximum height of thirty feet.

**(b)** In addition to the sign allowed under subsection (a)(1) of this section, any number of additional wall signs are allowed on each building; provided, however, that the total sign area of all signs allowed under this paragraph shall not exceed the maximum total sign area set forth in Appendix No. 3; and further provided that no single sign allowed under this paragraph shall exceed one-half the sign area of a wall sign erected pursuant to subsection (a)(1) of this section, with a maximum sign area not to exceed 100 square feet. Signs authorized by this subsection located on a wall facing frontage side lot line shall not be allowed unless it is necessary to go onto the adjacent lot to service the sign unless written consent of the adjacent property owner has first been obtained. Where located on the faces or ends of a marquee, the sign is limited to thirty inches in height and shall not extend below the lower edge of a marquee.

**(c)** In addition to the sign allowed under subsection (a)(1) of this section, one under marquee sign per building frontage.

**(d)** In addition to the sign allowed under subsection (a)(1) of this section, one wall sign located on the wall abutting an alley adjacent to the building in which the business is located, which shall not exceed six square feet in sign area.

**(e)** In addition to the sign allowed under subsection (a)(1) of this section, one freestanding sign or one wall sign located at each motor vehicle entrance to or exit from the premises, which shall not exceed eight square feet in sign area and four feet in height.

**(f)** In addition to the sign allowed under subsection (a)(1) of this section, for a motor vehicle service entrance onto the premises, one freestanding sign of twenty-two square feet in area and a height of fifteen feet, or one wall sign of eight square feet, provided that a freestanding sign located on the front ten feet of property adjacent to a street shall be limited in height to three feet. (Ord No. 173-71; Ord No. 82-75; Ord No. 49-81; Ord No. 54-83; Ord No. 44-88; Ord No. 1-09)

**62.503. Permanent Signs for Shopping Centers**. Signs permitted by this section shall be the only permanent signs permitted for shopping centers and for individual businesses located within shopping centers.

**(a)** A shopping center is allowed the following signs:

**(1)** One freestanding sign for each street frontage on a designated arterial or designated collector; provided, however, if the shopping center is located on a corner lot with two such intersecting street frontages, only one freestanding sign shall be allowed, which may be located on the principal street frontage or at the corner of the intersection of the street frontages.

**(A) Height.** Sign height shall be limited to twenty feet for the first 100 feet of street frontage, plus an additional one foot for each twenty feet of street frontage over 100 feet, up to a maximum height of thirty-five feet.

**(B) Area.** Sign area shall be limited to one square foot per lineal foot of street frontage for the first 100 square feet of street frontage, plus one-quarter

additional square foot for each additional foot of street frontage over 100 feet, up to a maximum sign area limit of 250 square feet.

**(2)** In addition to the sign allowed under subsection (a)(1) of this section, one freestanding or one wall sign to identify each motor vehicle access to the premises which shall be limited to eight square feet and a height of four feet.

**(3)** In addition to the sign allowed under subsection (1) of this section, one wall sign to be used as a building directory. The square footage of the sign shall be based on the total number of occupants in the shopping center, but shall be limited to one square foot per occupant.

**(4)** In addition to the sign allowed under subsection (a)(1)(A) of this section, if one or more of the street frontages of the shopping center exceeds 300 feet, the shopping center may have one additional freestanding sign on each street frontage exceeding such length, which shall be limited to twenty feet in height and fifty square feet in sign area. If two free standing signs are located on the same street frontage, there shall be a minimum distance of 100 feet between such signs.

**(b)** Individual businesses in a shopping center shall be allowed the following signs:

**(1)** One wall sign or one roof sign for each building frontage; provided, however, that no such sign shall be allowed on a building frontage facing a parking lot where the sign would be directed towards a residential area. Sign area shall be limited as specified in Appendix 2 of this Chapter.

**(2)** In addition to the sign allowed under subsection (b)(1) of this section, one wall sign on each building frontage; provided, however, that no sign shall be allowed on a building frontage facing a parking lot where the sign would be directed towards a residential area. The wall sign shall be no greater than eight square feet in total sign area; provided, however, the sign area may be increased by forgoing part of the sign area authorized under subsection (b)(1) of this section, and adding such sign area to the wall sign.

**(3)** In addition to the sign allowed under subsection (b)(1) of this section, one under marquee sign for each building frontage, provided, however, that no sign shall be allowed on a building frontage facing a parking lot where the sign, if installed, would be directed towards a residential area.

**(4)** In addition to the sign allowed under subsection (b)(1) of this section, one free standing sign or one wall sign, not to exceed twenty-four square feet, located on a vehicle accessway adjacent to a building or on the building, and intended to be seen by a person doing business from the vehicle accessway while the person is within the person's motor vehicle.

**(5)** If the individual business does not have building frontage, the principal occupant of the building in which the business is located may execute a written assignment of a portion of that occupant's sign area allowed under subsection (b)(1) of this section, for use by such interior business for a wall sign. (Ord No. 167-68; Ord No. 162-69; Ord No. 173-71; Ord No. 82-75; Ord No. 49-81; Ord No. 54-83; Ord No. 44-88; Ord No. 1-09)

**62.504. Permanent Signs for Office Complexes.** Signs permitted by this section shall be the only permanent signs permitted for an office complex and for individual businesses located within the office complex.

**(a)** An office complex is allowed the following signs:

**(1)** One freestanding sign shall be allowed for each street frontage on a designated arterial or designated collector; provided, however, if the office complex is located on a corner lot with two intersecting street frontages, only one freestanding sign shall

be allowed, which may be located on the principal street frontage or at the corner of the intersection street frontages.

**(A)** Height. Sign height shall be limited to twenty feet for the first 100 feet of street frontage, plus an additional one foot for each twenty feet of street frontage over 100 feet, up to a maximum height of thirty feet.

**(B)** Area. Sign area shall be limited to one square foot per lineal foot of street frontage for the first 100 feet of street frontage, one quarter additional square foot for each foot of street frontage over 100 feet, up to a maximum sign area limit of 150 square feet.

**(2)** In lieu of the freestanding sign under subsection (a)(1) of this section, the office complex may have a wall sign for each street frontage on a designated arterial or designated collector, which shall be limited to a maximum sign area of 125 square feet; provided, however, if the wall sign is located on the face or end of a marquee, the wall sign shall be limited to thirty inches in height and shall not extend below the lower edge of the marquee.

**(3)** In addition to the sign allowed under subsection (a)(1) of this section, if one or more of the street frontages of the office complex exceeds 300 feet, the office complex may have one freestanding sign on each street frontage exceeding such length, which shall be limited to twenty feet in height and fifty square feet in sign area. If two free standing signs are located on the same street frontage, there shall be a minimum distance of 100 feet between such signs.

**(b)** Individual businesses in an office complex shall be allowed the following signs:

**(1)** One wall sign or one roof sign for each building frontage; provided, however, that no sign shall be allowed on a building frontage facing a parking lot if the sign would be directed towards a residential area. Sign area shall be limited as specified in Appendix 2 of this Chapter.

**(2)** In addition to the sign allowed under subsection (b)(1) of this section, one wall sign on each building frontage; provided, however, that no sign shall be allowed on a building frontage facing a parking lot where the sign, if installed, would be directed towards a residential area. The wall sign shall be no greater than eight square feet in total sign area.

**(3)** In addition to the sign allowed under subsection (b)(1) of this section, one under marquee sign for each building frontage; provided, however, that no sign shall be allowed on a building frontage facing a parking lot where the sign, if installed, would be directed towards a residential area.

**(4)** In addition to the sign allowed under subsection (b)(1) of this section, one free standing sign or one wall sign, not to exceed twenty-four square feet, located on a vehicle accessway adjacent to a building or on the building, and intended to be seen by a person doing business from the vehicle accessway while the person is within the person's motor vehicle.

**(5)** If the individual business does not have building frontage, the principal occupant of the building in which the business is located may execute a written assignment of a portion of that occupant's sign area allowed under subsection (b)(1) of this section, for use by such business for a wall sign. (Ord No. 1-09)

**62.505. Land Divisions.** Within thirty days of a subdivision or partition of property, signs shall be reduced in size to conform to the applicable provisions of this Chapter; provided, however, no such reduction shall be required if the land division is for property that is used as a shopping center or office complex, and the shopping center or office complex continues to be managed as a unit. (Ord No. 1-09)

**62.506. Signs for Individual Businesses in the Market Street Interchange**. Where a business catering to the motoring public traveling on the Interstate Freeway 5 is located in the Market Street Interchange and outside of an integrated shopping center, such business may have one freestanding sign limited to a maximum height of 50 feet and a maximum clearance between the bottom of the sign and the grade below of 30 feet. Maximum sign area is limited to 250 square feet. If such sign is erected, it shall be in lieu of and not in addition to the principal sign permitted by SRC 62.500 for such business along the street frontage on which it is located. For purposes of this section, "businesses catering to motoring public" shall be limited to service stations, restaurants, motels, hotels, and trailer camps. (Ord No. 167-68; Ord No. 82-75; Ord No. 54-83; Ord No. 1-09)

**ADVERTISING SIGNS**

**62.507. Construction Requirements for Outdoor Advertising Signs**. Outdoor advertising signs shall have all metal structures; provided, however, that the display surface or display surfaces and the stringers used for the support of the display surfaces may be of other materials. In all other respects, construction and maintenance of outdoor advertising signs shall conform to the requirements of this Chapter. (Ord No. 56-69; Ord No. 54-83)

**62.508. Prohibited Outdoor Advertising Signs**. No outdoor advertising sign:

**(a)** Shall be located with any Urban Renewal Project Area.

**(b)** Shall be located within the Willamette Greenway boundary established by SRC 141.040.

**(c)** Shall be located on the roof of any building or structure.

**(d)** Shall be erected or maintained in a vision clearance area established by this code or within three feet of a street front property line, or within the special setback area established by the Salem Zoning Ordinance whichever is greater, except as provided in SRC 62.5191.

**(e)** Shall project over public property.

**(f)** Shall be animated or rotate nor shall any animated or rotating parts be used; provided, however, that animated devices giving only the time or temperature are permitted.

**(g)** Shall be erected within 200 feet of the Civic Center which area is bounded by Trade Street on the north, Liberty Street on the east, Leslie Street on the south and Commercial Street on the west.

**(h)** Shall be erected within 200 feet of the Capital Mall as that area is defined in ORS 276.010.

**(i)** Shall be located in a residential, commercial office, commercial neighborhood, or public zoning district, as those districts are designated in the Salem Zoning Ordinance.

**(j)** Shall be erected or maintained within five feet of a side lot line. (Ord No. 56-69; Ord No. 108-75; Ord No. 54-83; Ord No. 35-06)

**62.509. Back-To-Back and Double Faced Outdoor Advertising Signs**. Outdoor advertising signs with display surfaces placed back-to-back on the same structure and in a parallel plane are permitted. Multiple display surfaces are permitted on the same sign structure facing in the same direction provided that no such display surface exceeds 200 square feet in sign area. (Ord No. 56-69; Ord No. 54-83)

**62.511. Wall Mounted Outdoor Advertising Signs.** Wall mounted outdoor advertising signs shall conform to the same requirements as wall signs contained in SRC 62.400; provided, however, that no wall mounted outdoor advertising sign shall project above eave line of the roof of a building. (Ord No. 56-69; Ord No. 54-83)

**62.512. Underground Wiring**. Where underground electric service is provided by the utility company, all illuminated outdoor advertising signs shall be serviced by underground service utilities. (Ord No. 56-69; Ord No. 54-83)

**62.513. Outdoor Advertising Sign, Size Limited**.

**(a)** Maximum sign area of an outdoor advertising sign shall be limited to 300 square feet; provided, however, that notwithstanding their size, the following outdoor advertising signs may be repaired, replaced or relocated to any otherwise lawful location:

**(1)** The outdoor advertising sign located on the west line of Commercial Street SE, 175 feet south of Ferry Street;

**(2)** The outdoor advertising sign located on the south line of State Street, 160 feet west of 14th Street; and

**(3)** The outdoor advertising sign located on the east line of Portland Road NE, 250 feet south of Beech Street NE.

**(b)** Maximum height of the display surface and border and trim of an outdoor advertising sign shall be 14 feet including border and trim.

**(c)** Maximum height to the top of the permanent portion of an outdoor advertising sign shall not exceed 35 feet above the grade below the sign, provided, however, that lawfully erected signs erected prior to April 28, 1969 within the city limits or in areas later annexed to the City may have up to 10 percent additional height if such signs do not violate any other provisions of this Chapter.

**(d)** Outdoor advertising signs primarily to be viewed from the Interstate 5 Freeway shall not exceed 40 feet in height measured from the top of the sign to the grade below the sign. (Ord No. 56-69; Ord No. 54-83)

**62.514. Cutouts on Outdoor Advertising Signs**. Cutouts may be attached to an outdoor advertising sign and may add up to 25 percent additional sign area. Such cutouts may project three feet above or two feet to either side or below the display surface of an outdoor advertising sign. Cutouts shall be limited to one cutout per outdoor advertising sign or one unit on each facing of a back-to-back sign. Such cutout shall be one integral unit and shall not project beyond the sign in more than one horizontal and one vertical plane. (Ord No. 56-69; Ord No. 54-83)

**62.515. Setback from R, CN, P, and CO Districts**. No outdoor advertising sign shall be located within 100 feet of a residential, commercial neighborhood district, public, or commercial office district, or within 200 feet of an occupied residential structure fronting on the same street. (Ord No. 56-69; Ord No. 54-83)

**62.518. Spacing and Density Requirements for Outdoor Advertising Signs.**

**(a)** For the purposes of this section, back-to-back V structured outdoor advertising signs are considered as a single sign.

**(b)** No outdoor advertising sign shall be erected or maintained within 500 feet of another outdoor advertising sign located on the same side of a street or highway.

**(c)** No outdoor advertising sign shall be erected or maintained within 250 feet of another outdoor advertising sign located on the opposite side of a street or highway.

**(d)** In addition to the requirements of subsections (a) and (b) of this section, no more than three outdoor advertising signs may be erected or maintained along both sides of a street or highway within a 1,000 foot lineal distance. (Ord No. 56-69; Ord No. 54-83; Ord No. 89-89)

**62.519. Measurements**. For the purposes of applying the spacing and density limitations and setbacks from a residential, commercial neighborhood, or commercial office district, all distances shall be

measured parallel to the centerline of the street or highway from the leading edge of the sign face. (Ord No. 56-69; Ord No. 54-83; Ord No. 89-89)

**62.5191. Special Setbacks**. Outdoor advertising signs 300 square feet in area or less may be located in a special setback area as provided in SRC 62.300. (Ord No. 54-83)

**SIGNS IN THE CENTRAL BUSINESS DISTRICT**

**62.520. Signs in the Central Business District**.

**(a)** Except as provided in this section, signs in the Central Business (CB) district shall be the same as those permitted in commercial or industrial districts.

**(b)** Freestanding signs in the CB district.

**(1)** The height of a freestanding sign is limited to twenty feet plus one additional foot for each twenty feet of frontage, with a total maximum height not to exceed thirty feet.

**(2)** The maximum sign area is limited to one square foot of sign area per lineal foot of property frontage up to the first one hundred square feet of sign area, plus an additional one-fourth square foot of sign area for each additional foot of frontage over one hundred feet, with a total maximum limit of one hundred and fifty square feet.

**(3)** Where a business located on a corner lot has frontages on two designated arterial or collector streets, the business may use the longest street frontage for the purpose of determining the maximum height and sign area for one principal freestanding sign designed to be used for both frontages.

**(c)** Wall signs in the CB district.

**(1)** Where a wall sign is used as a principal sign, the permitted sign area shall be governed by SRC Chapter 62, Appendix 4.

**(2)** Where a wall sign is used as the principal sign, all or part of the sign area for permitted secondary signs may be used to increase the sign area for a principal sign. That area of secondary signs incorporated in the principal sign shall be deducted in computing the remaining area available for permitted secondary signs.

**(d)** Projecting signs in the CB district.

**(1)** A projecting sign may be used as a principal sign for an integrated shopping center or business complex.

**(2)** A projecting sign may be used as a principal sign for an individual tenant outside of or within an integrated shopping center or business complex.

**(3)** Projecting signs shall meet requirements as specified in SRC 62.390.

**(e)** Temporary signs in the CB district.

**(1)** Temporary signs on private property in the CB district are allowed pursuant to SRC 62.312.

**(2) (A)** Temporary sidewalk signs installed within the right-of-way in the CB district shall be allowed with a permit. No permit shall be issued unless the director of public works, or the director's designee, has determined that the application meets the conditions
set forth in SRC 62.520(e)(2)(b).

**(B)** The following conditions shall be placed upon the issuance of a sidewalk sign permit:

**(1)** A sidewalk sign shall be limited in size to no more than 30 inches tall and 18 inches wide.

**(2)** Sidewalk signs shall not be designed to imply traffic controls or resemble a traffic control device.

**(3)** A pedestrian pathway not less than five feet wide, and a vehicle buffer zone of not less than three feet wide, shall be kept clear for use of pedestrians

and shall not be obstructed by placement of a sidewalk sign (Appendix 7, Figure 2). The five foot unobstructed pedestrian pathway shall begin either where the public sidewalk and the property line meet (Appendix 7, Figure 2), or between the sidewalk sign and the street when the sidewalk sign is placed next to a building or property line and then extends into, or is placed entirely on, the adjacent public sidewalk (Appendix 7, Figures 3a and 3b).

**(4)** The placement of a sidewalk sign shall be limited to the normal business hours that the permit holder is in operation, and shall be removed from the sidewalk during such time as the permit holder's business is not open for business.

**(5)** Placement of a sidewalk sign shall be within the sidewalk area directly in front of the business structure occupied by the permit holder; provided, however, that a permit holder may place the sidewalk sign on the sidewalk in front of an adjacent business if the permit holder first secures written approval from such adjacent business, and files such written approval with the building official. The adjacent business approving the placement of sidewalk sign placement may revoke such approval, with or without cause, with 15 days advance notice to the building official and the permit holder.

Notwithstanding any other provision in this subsection, no more than one sidewalk sign shall be permitted in the right-of-way adjacent to a given business structure.

**(6)** No sidewalk sign shall be located in an alley or a sidewalk intersection, or shall be located on or attached to streetscape landscaping or furniture.

**(7)** A sidewalk sign permit holder shall obtain and maintain current liability insurance and submit a certificate of insurance in conformance with SRC Chapter 42.025.

**(8)** The sidewalk and sidewalk sign shall at all times be maintained in a clean, safe and attractive condition.

**(9)** The permit holder shall at all times assure that its use of the sidewalk in no way interferes with or limits free and unobstructed passage of the sidewalk.

**(10)** Each sidewalk sign shall have a valid permit displayed on its face.

**(11)** Each permit shall terminate December 31st of the year in which the permit is issued.

**(12)** A sidewalk sign permit may not be assigned or transferred to any third party.

**(13)** In addition to any condition required by this section, the building official may impose other conditions deemed necessary to protect public health, safety and welfare.

**(c)** An adverse decision of director of public works, or the director's designee, shall be considered an adverse decision of the building official which may be appealed to the hearings officer in the manner prescribed in SRC 62.600. (Ord No. 176-68; Ord No.173-71; Ord No. 82-75; Ord No. 49-81; Ord No. 39-2003)

## SIGNS IN THE SOUTH WATERFRONT MIXED-USE ZONE

### 62.521. Permanent Signs in the South Waterfront Mixed-Use Zone.

**(a)** Each building in the South Waterfront Mixed-Use zone that contains two or more businesses is allowed the following signs:

**(1)** One wall sign, one projecting sign, or one freestanding sign, for each street frontage on a designated arterial or designated collector; provided, however, if the building is located on a corner lot with two such intersecting street frontages, only one freestanding sign shall

be allowed, which may be located on the principal street frontage or at the corner of the intersection of the street frontages.

**(A) Freestanding Signs Standards.**

**(i) Height.** Sign height shall be limited to twenty feet for the first 100 feet of frontage, plus an additional one foot for each twenty feet of frontage over 100 feet, up to a maximum height of thirty feet.

**(ii) Area.** Sign area shall be limited to one square foot per lineal foot of frontage for the first 100 feet of frontage, plus one-quarter additional square foot for each additional foot of frontage over 100 feet, up to maximum sign area limit of 150 square feet. Freestanding signs located between Riverfront Park and any building shall be restricted to five feet in height and thirty-two square feet of total sign area.

**(B) Wall Sign Standards.** Wall sign area shall conform with Appendix 4 of this Chapter; provided, however, if the wall sign is located on the face or end of a marquee, the wall sign shall be limited to thirty inches in height and shall not extend below the lower edge of the marquee. On the side of buildings facing Riverfront Park, wall signs shall be a maximum of 150 square feet. On the side of buildings facing the Willamette River, wall signs shall be further limited to thirty-two square feet.

**(C) Projecting Sign Standards.** Projecting signs shall conform with SRC 62.390.

**(2)** In addition to the sign allowed under subsection (a)(1) of this section, one freestanding sign to identify each motor vehicle access to the premises which shall be limited to eight square feet and a height of four feet.

**(3)** In addition to the sign allowed under subsection (a)(1) of this section, one wall sign may be used as a building directory. The square footage of the sign shall be based on the total number of occupants in the building, but shall be limited to one square foot per occupant.

**(4)** In addition to the sign allowed under subsection (a)(1) of this section, one freestanding sign located between Riverfront Park and the building. The sign shall be limited to a maximum of five feet in height, thirty-two square feet of total sign area and be set back at least five feet from a property line abutting the park.

**(5)** In addition to the sign allowed under subsection (a)(1)(A) of this section, if one or more of the street frontages of the property exceeds 300 feet, the building may have one additional freestanding sign on each frontage exceeding such length, which shall be limited to twenty feet in height and fifty square feet in sign area. If two freestanding signs are located on the same street frontage, there shall be a minimum distance of 100 feet between such signs.

**(b)** An individual business in the South Waterfront Mixed-Use zone is allowed the following signs:

**(1)** One wall sign or one projecting sign for each frontage on a designated arterial or designated collector or facing onto a parking lot. Wall sign area shall be as specified in Appendix 2 of this Chapter; provided, however, wall signs shall not exceed 150 square feet in area on the side of a building facing Riverfront Park. Wall signs shall not exceed thirty-two square feet on the side of a building facing the Willamette River.

**(2)** In addition to the sign allowed under subsection (b)(1) of this section, one wall sign on each street frontage or wall facing a parking lot. The wall sign shall be no greater than eight square feet in total sign area.

**(3)** In addition to the sign allowed under subsection (b)(1) of this section, one under marquee sign for each street frontage or wall facing a parking lot.

**(c)** Illuminated signs facing the Willamette River are prohibited. (Ord No. 47-08)

## THEATER SIGNS

**62.522. Signs for Theaters**. Where a building is built within two feet of a street front property line and houses a theater, the theater may elect to use in lieu of all other signs along the same street frontage either the signs listed in paragraphs (a) below or paragraph (b) below, but not both. Sizes shall be limited as provided for other businesses in SRC 62.500 to 62.520. For the purpose of limiting the size and number of signs for theaters, advertisements contained within a glass case or frame on the face of a building advertising present or coming attractions shall be considered as signs located within a building and shall not be limited. The theater may elect to use:

**(a)** One principal projecting sign and one reader board type secondary sign limited to a maximum projection of four feet, six inches over public property; or

**(b)** One principal projecting sign and secondary signs on the faces of a theater marquee. (Ord No. 167-68; Ord No. 1-09)

## NONCONFORMING SIGNS

**62.525. Removal Deadlines for Nonconforming Signs**.

**(a)** Except as otherwise provided in this subsection, signs which do not comply with the ordinance shall be considered nonconforming signs which may remain for their lifetime, subject to the requirements of SRC 62.530. Where a sign permit is granted prior to the effective date of this ordinance for a sign that complies with then existing requirements, the permit shall be valid and the sign may be built if erected within 90 days of the effective date of this ordinance. If not erected within 90 days of this ordinance, the permit shall be void and any proposed sign under the permit shall comply with all provisions of this ordinance.

**(b)** Except as provided in subsection (c) and (d) of this section,

**(1)** Nonconforming temporary signs may be maintained for a period of seven days, except signs in public right-of-way, in vision clearance areas, or signs which present an immediate public safety hazard.

**(c)** Any nonconforming sign which is:

**(1)** Determined by the building official to be an unsafe sign shall be removed within the period provided in SRC 62.550. Temporary signs located within the vision clearance area shall be considered unsafe signs.

**(2)** Determined by the building official to be an abandoned sign shall be removed within the period of time specified in SRC 62.560.

**(3)** Maintained in violation of SRC 62.080 or SRC 62.250 to 62.290 shall be removed within the period specified in SRC 62.540.

**(d)** No nonconforming sign shall be permitted to remain unless properly repaired and maintained as provided in this Chapter. A sign maintained in violation of this provision shall be removed as provided in applicable provisions of SRC 62.540 to 62.570. (Ord No. 167-68; Ord No. 173-71; Ord No. 95-73; Ord No. 82-75; Ord No. 54-83; Ord No. 44-88)

**62.530. Special Requirements for Nonconforming Signs**. Any nonconforming sign which is structurally altered, relocated, or replaced shall immediately comply with all provisions of this Chapter except that:

**(a)** Such signs may be repaired and maintained and may have the advertising copy thereon changed including the change of the name of the business or owner thereof. A sign may be removed from its sign structure for the purpose of repair and maintenance under this subsection if a sign repair permit has been obtained.

**(b)** Signs may be structurally altered where such alteration is necessary for structural safety.

**(c)** Such signs may be reconstructed if they are moved for construction or repair of public works or public utilities and such reconstruction is completed within one year.

**(d)** Such signs may be reconstructed if they are damaged by an act of God or an accident, provided that such damage does not exceed 50 percent of the cost of reconstruction of the entire sign and provided that such sign is reconstructed within six months of the date the sign was damaged.

It is not the intent of this section to permit an increase in the size or number of signs which are nonconforming under provisions of this code. (Ord No. 167-68; Ord No. 56-69; Ord No. 8-80; Ord No. 54-83)

**REMOVAL OF NON-COMPLYING SIGNS, UNSAFE SIGNS, AND ABANDONED SIGNS**

**62.540. Removal of Non-Complying Signs.**

**(a)** The Building Official may remove, or may order the removal of, any sign erected or maintained in violation of the provisions of this Chapter or other applicable provisions of the Salem Revised Code.

**(b)** Unless the sign is an unsafe sign subject to SRC 62.550, the Building Official shall give thirty days written notice to the owner or lessee of the sign or to the owner of the building, structure, or premises on which the sign is located to remove the sign. If the sign is not removed in such thirty day period, the Building Official may remove or cause the sign to be removed. (Ord No. 167-68; Ord No. 92-07)

**62.550. Removal of Unsafe Signs**. If a sign is erected or maintained in violation of SRC 62.080 or SRC 62.130-62.240, SRC 62.250-62.290, or SRC 62.310 and presents an immediate and serious danger to public health, safety or welfare, the Building Official may, without prior notice, order the immediate removal or repair of the sign within such period of time that the Building Official deems appropriate to eliminate the danger. The Building Official may remove or authorize others to remove such sign in the event that the owner or lessee of the sign cannot be found, or refuses, after notification, to repair or remove the sign. (Ord No. 167-68; Ord No. 162-69; Ord No. 92-07)

**62.560. Removal of Abandoned Signs.**

**(a)** The Building Official may remove, or may order the removal of, any abandoned sign.

**(b)** Unless the sign is an unsafe sign, as provided in SRC 62.550, the Building Official shall give 30 days written notice to the owner or lessee of the sign, or to the owner of the building, structure, or premises on which the sign is located, to remove the sign. If the sign is not removed in such thirty day period, the Building Official may remove the sign or cause the sign to be removed.

**(c)** As used in this section, abandoned sign means any sign that has ceased to be actively used for communicative purposes. Evidence of cessation of active use includes, but is not limited to, failure to maintain a sign; failure to repair damage within ninety days of the date the damage occurs; failure to remove a temporary sign within a reasonable time period after the date the sign was erected; and vacation of the building, structure or premises upon which the sign is located. As used in this section, abandoned signs do not include:

**(1)** Outdoor advertising signs where a person has merely leased or contracted space thereon, and the owner of the sign provides evidence that the lease or contract has expired and the owner is actively seeking new lessees or persons with whom to contract for use of the sign.

**(2)** Signs which the successor to the owner or lessee agrees to maintain as provided in this Chapter, provided the new owner or new lessee files a letter of intent with the Building Official within 30 days after the written notification by the Building Official to remove the sign. (Ord No. 167-68; Ord No. 92-07)

**62.570. Removal of Signs Erected Without a Permit**. The Building Official may remove or order the removal, without prior written notice, of any sign erected without a sign permit required by this Chapter. (Ord No. 167-68; Ord No. 92-07)

**62.575. Procedure Upon Removal; Costs of Removal.**

**(a)** The Building Official shall, within thirty days after removal, notify the owner or lessee of a sign and the owner of the building, structure or premises upon which the sign was located that the sign has been removed. Any sign removed by the Building Official shall be stored for a period of 30 days from the date notification is given. If the identity or address of the owner or lessee of the sign or the owner of the building, structure or premises upon which the sign was located cannot, after reasonable effort, be determined, the Building Official shall store the sign for a period of thirty days after the date the Building Official determines that notification cannot be made. The Building Official shall continue to store any sign that has been removed for any additional period during which any appeal of such removal is pending. At the expiration of the time specified in this section, if the owner or lessee of the sign, or the owner of the building, structure or premises upon which the sign is located has not reclaimed the sign as provided in subsection (b) of this section, the Building Official may destroy the sign or dispose of it in any manner the Building Official deems appropriate.

**(b)** To reclaim any sign removed by the Building Official, the person reclaiming the sign shall pay to the City an amount equal to the all costs incurred by the Building Official in removing and storing the sign.

**(c)** Where the owner or lessee of a sign and/or the owner of the building, structure, or premises upon which the sign is located have been notified of the requirement to remove a sign under SRC 62.540, SRC 62.550 or SRC 62.560, and such person has refused to remove the sign, or where the building official has removed or caused the removal of any sign under SRC 62.550 or SRC 62.570, all costs incurred in removal, storage and disposal of the sign shall be charged to the owner or lessee of the sign, or the owner of the building, structure, or premises upon which the sign was located. The owner or lessee of the sign and the owner of the building, structure, or premises on which the sign is located, shall be jointly and severably liable for the cost of removing, storing and disposing of the sign and all costs of such removal, storage and disposal may be entered in the City's lien docket as a lien against land or premises on which the sign is located, and may be collected or foreclosed in the same manner as any debt, charge or lien. (Ord No. 92-07)

**ENFORCEMENT, ADMINISTRATION, AND APPEALS**

**62.590. Powers and Duties of the Building Official.**

**(a)** The Building Official shall administer and enforce all of the provisions of this Chapter, and shall have the authority to render written and oral interpretations of the Sign Code and to adopt administrative rules and procedures necessary and proper for the administration and enforcement of the Sign Code.

**(b)** All signs may be inspected or reinspected at the discretion of the Building Official. Upon presentation of proper credentials the Building Official or the Building Official's duly authorized representative may enter at reasonable times any building, structure or premises in the City of Salem, Oregon, to perform any duty imposed upon the Building Official by this Chapter. If entry is refused, the Building Official may use any other lawful means to obtain entry. If the building, structure, or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person with control of the building, structure or premises and request entry. If entry is refused, the Building Official may use any other lawful means to obtain entry. If the Building Official is unable, after making a reasonable effort, to locate the owner or other person with control of the building, structure or

premises, the Building Official may enter the building, structure or premises, but shall, as soon as is practicable, document the efforts made to locate the owner or other person, and inform the owner or other person of the entry.

**(c)** Nothing in this Chapter shall be construed to create mandatory enforcement obligations for the City. The enforcement of this Chapter shall be a function of the availability of sufficient financial resources consistent with adopted budgetary priorities and prosecutorial priorities within the range of discretion delegated to the Building Official.

**(d)** Neither the Building Official nor the City of Salem, Oregon, shall be liable for any damages for any failure to enforce any of the provisions of this Chapter. (Ord No. 167-68; Ord No. 44-88; Ord No. 51-96; Ord No. 92-07)

**62.594. Adjustments.** The Building Official may grant adjustments of up to ten percent of the allowable height and width standards in the Sign Code. Requests for adjustments shall be filed with the Building Official, on a form provided by the Building Official, and accompanied by a fee as approved by the City Council. The request shall include the information required for a sign permit, as specified in SRC 62.090(d), the specific standard from which the adjustment is requested, and the amount of the adjustment. (Ord No. 92-07)

**62.595. Variances.**

**(a)** Variances may be granted to enlarge the overall height of a sign; to increase the area of a sign; to increase the number of allowed signs; or to allow relocation of a sign; to allow structural alterations to a sign, provided, however, that no variance shall be granted to allow structural alterations to a non-conforming or non-complying sign. Variances allowing the use of prohibited signs, changing a setback requirement or a special setback limitation, allowing a sign in a vision clearance area, or allowing signs other than those specifically allowed by this Chapter, are not permitted.

**(b)** Variances to the standards of this Chapter shall only be granted if the following criteria are met:

**(1)** Compliance with the applicable standard would create an unnecessary hardship due to unique or unusual physical conditions of the property over which the applicant has no control, such as topography and lot size or shape, which are not present on other properties in the same vicinity or sign district, and the variance is necessary to permit signage comparable with other properties in the same sign district in the vicinity;

**(2)** The hardship does not result from actions of the applicant, owner or previous owners of the property;

**(3)** Approval of the variance will not adversely affect the function or appearance of the development and use of the property and surrounding properties; and will not impose limitations on other properties and signage in the area, including signage that would be allowed on adjacent properties; and

**(4)** The degree of the variance is limited to the minimum reasonably necessary to alleviate the problem created by the unique or unusual physical conditions identified pursuant to paragraph (1) of this subsection. (Ord No. 92-07)

**62.597. Variance Procedure.**

**(a)** Requests for variances shall be filed with the Building Official, on a form provided by the Building Official, and accompanied by a fee as approved by the City Council. The request shall include the information required for a sign permit, as specified in SRC 62.090(d), the specific standard from which the variance is requested, and the amount of the variance, and

why the variance satisfies the approval criteria.

**(b)** The Hearings Officer shall conduct a public hearing on the request for variance. The Hearings Officer shall approve, approve with conditions, or deny the variance, based upon the evidence introduced at the hearing. The Hearings Officer may impose such conditions as the Hearings Officer deems necessary to mitigate any adverse impacts which may result from approving the variance. The hearing shall be conducted under the procedures used for a quasi-judicial land use hearing.

**(c)** The Building Official shall give written notice of the hearing by mail to owners of property located within two hundred and fifty feet of the lot or parcel upon which the sign will be located, as shown upon the latest assessment role of the county assessor and each affected neighborhood organization. Failure of a person to receive the notice specified in this section shall not invalidate any proceeding in connection with the application for a variance.

**(d)** The Hearings Officer shall issue a decision in writing explaining the reasons why the variance was approved or denied. Notice of the decision shall be provided to the applicant by personal delivery or by First Class Mail mailed to the address of the applicant as set forth on the application. Notice of the decision shall be provided to any person who appeared before the Hearings Officer, in person or by written testimony, by personal delivery or by First Class Mail mailed to the address provided by the person to the Hearings Officer. Unless City Council review is initiated pursuant to SRC 62.600(b), the decision of the Hearings Officer shall be final. (Ord No. 92-07)

**62.600. Appeals; Review by City Council; Procedures and Relief.**

**(a) Appeal of decision on a sign permit.** An applicant or interested person who appeared by submission of comment may appeal the decision of the Director of an application for a sign permit, conditions of approval of the allowance of a permit, revocation of the permit, or an order to alter or remove a sign. An appeal, if submitted, must be initiated by filing a notice of appeal on a form prescribed by the Director, that is filed with the Director within fifteen days of the date of mailing of the decision. Except as provided herein, the appeal shall be to the Hearings Officer. The notice of appeal shall state the basis of the appeal, and why the Director's decision was in error, and shall be accompanied by an appeal fee as established by the City Council. Unless called up for review by the City Council pursuant to subsection (b) of this section, the Hearings Officer's decision shall be final.

**(b) City Council Review.** The City Council may by majority vote initiate review of a Hearings Officer's decision under subsection (a) of this section, or decision granting or denying a variance under SRC 62.597. Review under this subsection shall be initiated prior to the adjournment of the first regular City Council meeting following City Council notification of the decision.

**(c) Stay of Decision.** An order of the Director requiring the removal of a sign under SRC 62.540, SRC 62.560 or SRC 62.570 shall be stayed until a final decision is issued by the Hearings Officer or City Council, as the case may be. No stay shall be provided for an order of the Director requiring the removal of a sign under SRC 62.550.

**(d) Procedures; Scope of Review; Constitutional Issues.**

**(1)** The hearings upon appeal or review shall be conducted using the procedures used for a quasi-judicial land use hearing. The hearing shall be de novo, but shall be limited to the issues stated in the notice of appeal.

**(2)** When an appeal raises an issue involving the application of state or federal constitutional law, the municipal court judge shall resolve the constitutional law issues on an expedited basis. Notice of the hearing before the municipal court judge shall be provided as required by paragraph (1) of this subsection. The court shall conduct a public hearing on the constitutional issues and may allow the reception of evidence. The City Attorney may appear on behalf of the City. Following the hearing, the court shall issue a written opinion on the constitutional issues. The court's decision shall be appealable by either party by writ of review to Marion County Circuit Court. The City

Attorney shall have the authority to initiate an appeal of the court's decision on behalf of the City. If no appeal is filed, the Court's decision shall be binding upon the Hearings Officer, and shall be incorporated into the Hearings Officer's final decision. If the decision of the Hearings Officer is reviewed by the City Council pursuant to subsection (b) of this section, the City Council shall be bound by any decision of the Court regarding constitutional issues.

**(e) Relief Available.** On appeal or review, the Hearings Officer or City Council may affirm, reverse, modify or remand a decision for reconsideration. (Ord No. 167-68; Ord No. 191-70; Ord No. 173-71; Ord No. 82-75; Ord No. 114-77; Ord No. 186-82; Ord No. 51-96; Ord No. 62-96; Ord No. 92-07; Ord 4-08)

**PENALTIES**

**62.605. Stop Work Orders; Permit Revocation; Civil Penalties; Enforcement.**

**(a)** Stop Work Orders and Permit Revocation.

**(1)** The Building Official may suspend work or revoke a Sign Permit upon a finding that:

**(A)** The work is not authorized by a valid permit;

**(B)** Inaccurate information was used to obtain the permit;

**(C)** The applicant is not complying with the terms of the permit or the provisions of this Chapter; or

**(D)** The work is, or threatens to become, a hazard to property or public safety; is adversely affecting or about to adversely affect adjacent property or rights-of-way; or is otherwise adversely affecting the public health, safety, or welfare.

**(2)** The Building Official shall issue a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project.

**(b)** Civil Penalty. Any person who fails to comply with the requirements of this Chapter, or the terms of a permit issued hereunder, who undertakes an activity regulated by this Chapter without first obtaining a permit, or who fails to comply with a stop work order issued pursuant to this Chapter shall also be subject to a civil penalty, not to exceed $2,000 per violation. Each day that a violation continues shall constitute a separate violation.

**(c)** Civil Penalties Against Agents. Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, may likewise be subject to a civil penalty.

**(d)** Prohibition of Final Occupancy; Injunctive Relief.

**(1)** The City shall not issue a Notice of Final Occupancy for property on which a violation of this Chapter has occurred or is occurring, until the violation has been cured and any penalty imposed for the violation is paid.

**(2)** The City may seek injunctive relief against any person who has willfully engaged in a violation of SRC 62.080; SRC 62.130-62.240; SRC 62.250-62.290; SRC 62.310; SRC 62.350(a); or SRC 62.508, such relief to be in effect for a period not to exceed five years.

**(e)** Remedies not Exclusive. The remedies provided in this Chapter are cumulative and not mutually exclusive and are in addition to any other right, remedies and penalties available to the city under any other provision of law. (Ord No. 92-07)

**62.610. Violations.** Violation of SRC 62.010 to 62.560 is an infraction. Each day that a violation continues shall constitute a separate violation. (Ord No. 167-68; Ord No.162-69; Ord No.193-79; Ord No. 92-07)

**SPECIAL PROVISIONS**

**62.620. Severability.** If any part of this Chapter is invalid, all valid parts that are severable from the invalid parts shall remain in effect. If any part of this Chapter is invalid in one or more of its applications, the part shall remain in effect in all valid applications that are severable from the invalid applications. (Ord No. 167-68)

## APPENDIX 1 - Chapter 62

| TYPE OF SIGN | HEIGHT OF TOP OF SIGN ABOVE GROUND LEVEL | MINIMUM WIND LOAD RESISTANCE IN POUNDS PER SQUARE FEET |
|---|---|---|
| Free-standing and other ground signs | Less than 50 feet | 20 |
| | Between 50 & 100 feet | 25 |
| | Over 100 feet | 40 |
| Wall Signs | All | 20 |
| Projecting Signs | Less than 50 feet | 20 |
| | More than 50 feet | 25 |
| Roof Signs | Less than 150 feet above ground level | 30 |
| | More than 150 feet above ground level | 40 |

Combination signs and sign towers shall be built to withstand wind loads corresponding to the required standard for each component part of the sign. Where a portion of a wall sign or a wall facade for signs projects above the roof line at the wall or the top of the parapet wall, that portion shall conform to the requirements for a roof sign.

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## APPENDIX 2 - Chapter 62

| Gross face area of the face of the building on the frontage on which the sign is located in square feet | Permitted sign area is the greater of: |
|---|---|
| 0 to 1000 | 50 square feet or 15 percent of the gross face area |
| 1001 to 2000 | 150 square feet or 12 percent of the gross face area |
| 2001 to 4000 | 240 square feet or 10 percent of the gross face area |
| 4001 to 6000 | 400 square feet or 8 percent of the gross face area |
| 6001 and over | 480 square feet or 6 percent of the gross face area |

Where more than one business is housed in the same building only the gross face area of the building frontage occupied by the business shall be included in determining the area of the principal sign for such business.

## APPENDIX 3 - Chapter 62

| Gross face area of the permanent building or structure in square feet | Maximum total area of secondary signs is limited to the greater of the following: |
|---|---|
| 0 to 500 | 50 square feet or 15 percent of the gross face area |
| 500 to 1000 | 75 square feet or 12 percent of the gross face area |
| 1001 to 2000 | 120 square feet or 10 percent of the gross face area |
| 2001 to 4000 | 200 square feet or 8 percent of the gross face area |
| 4001 to 6000 | 320 square feet or 6 percent of the gross face area |
| 6001 and over | 360 square feet or 5 percent of the gross face area |

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## APPENDIX 4 - Chapter 62

| Gross face area of the face of the building to which the sign is attached in square feet | Permitted sign area is the greater of the following: |
|---|---|
| 0 to 450 | 150 square feet or 33-1/3 percent of the gross face area |
| 451 to 800 | 200 square feet or 25 percent of the gross face area |
| 801 to 1250 | 250 square feet or 20 percent of the gross face area |
| 1251 and over | 15 percent of the gross face area |

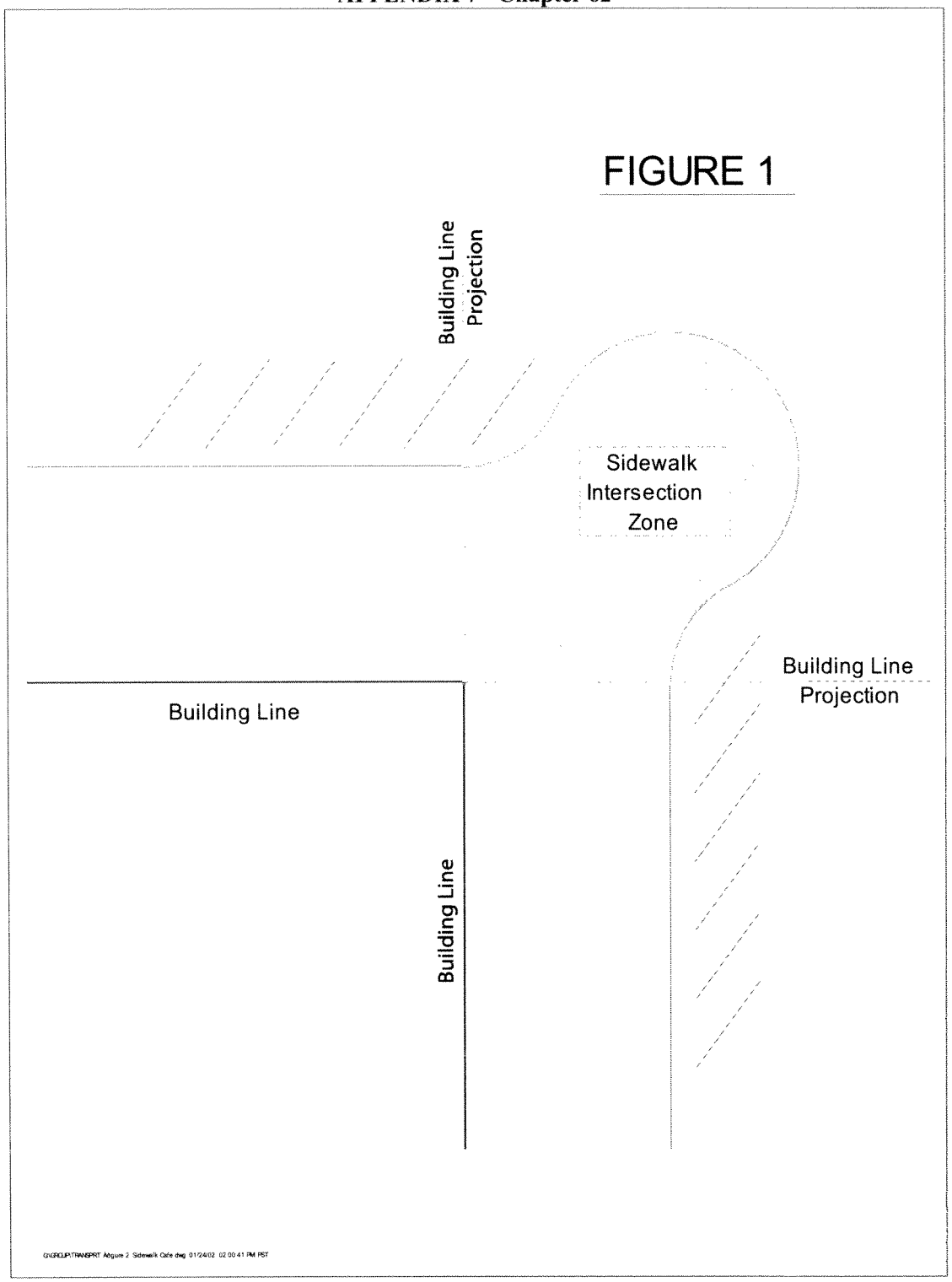
## APPENDIX 5 - Chapter 62

## TABLE OF SPACING AND DENSITY REGULATIONS FOR ADVERTISING SIGNS

| | Spacing | Density Limit | |
|---|---|---|---|
| Type of Area | Interstate Freeway | Other Highways or Streets | |
| Open Area | 2,000 feet, same side of freeway | 1,000 feet, same side of street or highway and 250 feet on the opposite side | 5 signs per mile, but not more than 3 on the same side of the street or highway |
| Built-up | 2,000 feet | On same side of street or highway, 500 feet between signs in separate blocks or 500 feet between signs in the same block and 250 feet on opposite side | 3 signs in 1000 feet lineal distance, including both sides of the street or highway |

## APPENDIX 6 - Chapter 62

| Type of Zone | Lawn Signs Sign area limitation for individual signs | Rigid Signs Sign area limitation for individual signs | Total Number of Signs (Collective area limitations, all temporary signs) |
|---|---|---|---|
| All Residential Properties | 6 sq. ft. | 6 sq. ft. | 6 sq. ft. on any one premise |
| All Commercial Properties under 10,000 sq. ft. in area | 6 sq. ft. | 8 sq. ft. | 8 sq. ft. on any one premise |
| All Commercial Properties over 10,000 sq. ft. but less than one acre in area | 6 sq. ft. | 16 sq. ft. | 16 sq. ft. on any one premise |
| All Commercial Properties 1 acre or more in area | 6 sq. ft. | 32 sq. ft. | 32 sq. ft. on any one premise |




(Ord No. 39-2003)

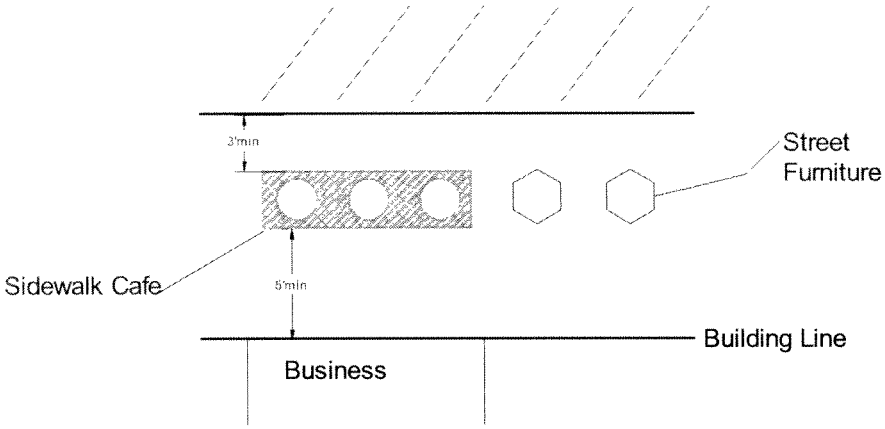



FIGURE 2

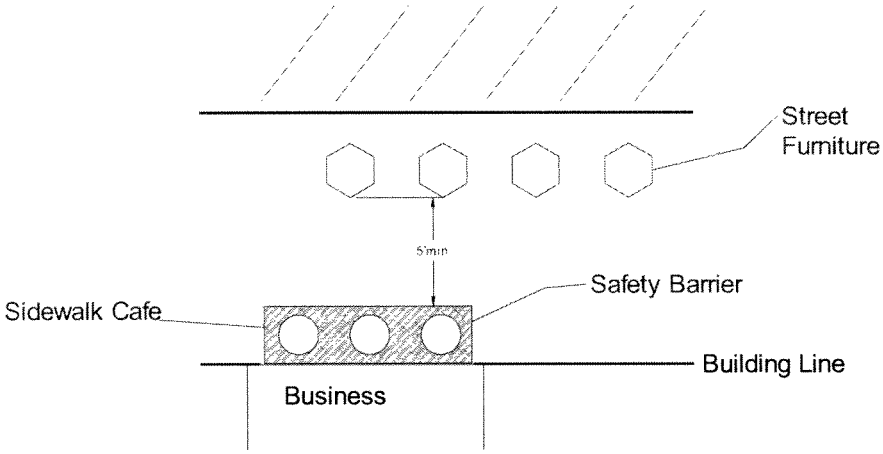
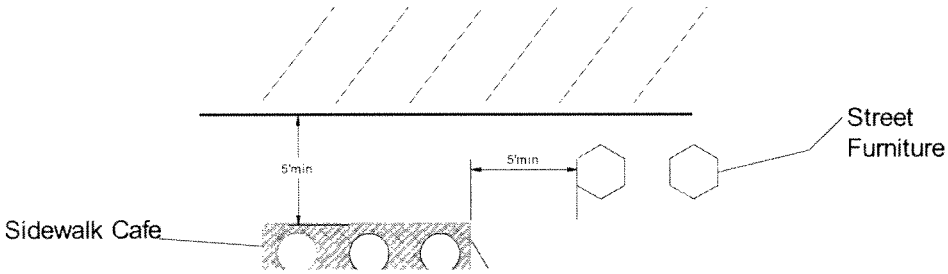



FIGURE 3a




(Ord No. 39-2003)

SALEM STAFF REPORT

**FOR COUNCIL MEETING OF:** **July 13, 2009**
**AGENDA ITEM NO.:_____** **8 (b)**

**TO:** **MAYOR AND CITY COUNCIL**

**THROUGH:** **LINDA NORRIS, CITY MANAGER**

**FROM:** **VICKIE HARDIN WOODS, DIRECTOR**
**COMMUNITY DEVELOPMENT DEPARTMENT**

**SUBJECT:** **SUPPLEMENTAL STAFF REPORT - AMENDMENTS TO SRC CHAPTER 62, "SIGN CODE" ADDRESSING NEW SIGN TECHNOLOGY AND MAKING TECHNICAL AND HOUSEKEEPING AMENDMENTS FOR CLARIFICATION OF EXISTING REGULATIONS (CA07-9)**

## ISSUE:

1. Should the City Council adopt Ordinance Bill No. 1-09, amending the Salem Sign Code, addressing new sign technology, such as light emitting diodes (LED), by:

   a) Creating clear and concise definitions for electronic display signs using new sign technology;
   b) Allowing thirty-five percent of allowed sign area to be occupied by an electronic display sign;
   c) Conditioning electronic display signs in residential districts;
   d) Conditioning electronic display signs in commercial, industrial and public zones when electronic display sign area exceeds thirty-five percent of allowed sign area;
   e) Limiting dwell time of electronic display signs in commercial, industrial and public districts to fifteen minutes;
   f) Limiting dwell time of electronic display signs in residential districts to twenty-four hours; and
   g) Creating a process to amortize existing non-conforming electronic display signs.

## RECOMMENDATION:

Staff recommends that City Council hold a public hearing to consider adoption of Ordinance Bill No. 1-09 with the following changes:

1. Require the photo cell for the automatic dimmer to be installed on the side of the sign of the viewing audience;
2. Apply electronic display sign standards within Commercial Office districts that are similar to the proposed standards for Residential districts; and
3. Prohibit electronic display signs in Historic Districts;

Then advance Ordinance Bill No. 1-09 to second reading for enactment on August 10, 2009.

## BACKGROUND:

On March 2, 2009 City Council received proposed amendments to SRC Chapter 62, "Sign Code". At this meeting, Council set a public hearing and directed staff to contact the Salem's neighborhood associations to discuss these code amendments. Between March 11, 2009 and June 23, 2009, staff presented information to CAN-DO, Croisan-Illahe Neighborhood Association (NA), ELNA, Faye Wright NA, Grant NA, Lansing NA, Morningside NA, NEN, NESCA, NOLA, Northgate NA, SCAN, SEMCA, South Gateway NA, SCAN, Sunnyslope NA, West Salem NA and the Salem Area Chamber of Commerce.

Subsequent to the March 2, 2009 staff report, staff received the following input from the neighborhood associations and general public:

*Aesthetics & Safety Concerns*

1. Electronic display signs cause driver distraction, visual clutter, and traffic hazards;
2. These type of signs would not enhance the character of the City;
3. The City of Salem needs fewer signs;
4. Public concerns about frequency of changes on the larger signs, such as billboards;
5. Public concerns about the dwell time and distance between electronic display signs;
6. Eliminate the 35% limitation on electronic display portion of a sign's total area;

*Regulation of Speech Concerns*

7. Need language to allow emergency use (i.e. FAA, Police, Amber Alert, and Fire);
8. Need language to allow Cherriot bus shelters to display real time arrival schedules;

*Limitations and Standards Concerns*

9. Additional regulations on auto dimmer photo cell;
10. Allow for an eight second dwell time in all zones except residential;
11. Commercial Office districts should be similar to Residential districts to protect abutting Residential Districts;
12. Do not allow in Residential Districts;
13. Allow residential to change once every hour;
14. Allow schools in residential zones to have the electronic display signs change twice per day;
15. Do not allow in Commercial Office districts to protect abutting Residential Districts;
16. Do not allow in Historic Districts;
17. Protect Historic Districts by not allowing these types of signs when visible from Historic District;
18. Prohibit Electronic Display signs from the City of Salem.

## FACTS AND FINDINGS:

1. Aesthetics & Safety Concerns (Public Concerns #1 to #6)

When considering limitations on sign face area devoted to electronic display and dwell time, a sense of the community character desired by residents is an important and valid consideration. This serves the aesthetic and safety purpose by

discouraging the proliferation of multiple changing signs and reducing visual clutter. The purpose of the sign code as a whole is to balance the interests of businesses, individuals and the public. To do this, the sign code should encourage high quality, energy efficient, environmentally friendly and attractive signs that will enhance community appearance and be consistent with the values and character of Salem residents. The creation of an aesthetically pleasing environment will contribute to the City's ability to foster economic development by allowing adequate and effective signage while preventing signage that dominates, rather than enhances, the visual appearance of the area in which they are located. The intent of the Sign Code is to regulate the time, manner, and place of signage in the City and to protect public health, safety, and which will provide a neat, clean, orderly and attractive appearance to the community, to improve the effectiveness of signs, to prevent the proliferation of visual clutter, and to minimize adverse visual safety factors to travelers on public highways, while providing ample opportunities to convey messages through signs.

To address the safety issues of these types of signs, Jerry Wachtel, CPE, president, The Veridian Group, Inc, recently published a report in April 2009 titled "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs" to guide State Departments of Transportation and other highway operating agencies with respect to the safety implications of these signs (Attachment 2). According to this study, the suggested minimum display duration should differ with sight distance, prevailing speeds and other factors. It is widely understood that bright lights and visual change can draw the eye to a stimulus that is brighter than the surroundings and/or exhibits movement or apparent movement. It is recommended that to minimize both the potentially distracting effects of a changing display is to reduce to a minimum the likelihood that any given driver will observe an actual message change or to see more than a single displayed image. The study states that it is not unreasonable to place a lower limit on dwell time to ensure that it is highly unlikely that a motorist will be able to see more than two successive messages.

Staff does not recommend changes to the proposed ordinance, which limits the electronic display portion of a sign to no more than thirty-five percent of the allowed sign face and limits the dwell time to a minimum of once a day in Commercial Office and Residential districts and fifteen minutes in Industrial, Public and Commercial districts, other than Commercial Office. The proposed fifteen minute dwell time for more intense districts is less than the current twenty-four hour time in effect under present interpretations of Salem's Sign Code. A change to fifteen-minute dwell time will provide the sign owners with more frequent changes while limiting negative visual impacts to the surrounding properties and driver.

2. Regulation of Speech (Public Concerns #7 and #8)

Signs are a means of conveying speech protected by Federal and Oregon constitutions and cannot be regulated based on the content or viewpoint of the message conveyed by the sign. Concerns #7 and #8 are based on the content of the sign. To accommodate these concerns and maintain a content neutral regulation, a possible option would be to create a relationship between the size of the sign and the dwell time of the display. This option would create confusion for the public in understanding the rationale behind allowing two electronic signs, possibly

installed near one another, which display different dwell times. In addition, such a standard would be difficult for staff to regulate and ensure compliance. Regarding the need for transit schedule information at bus shelters, staff is developing a proposed amendment which will be available by the time of the public hearing. The proposal will restrict the sign size to a degree that will serve the need of transit patrons and will not be visible to the general public.

3. Limitations and Standards (Public Concerns #9 to #18)

Bright signs can be distracting and, if very bright, can actually result in a blinding effect, particularly at night.

The brightness of electronic display signs is measured in NITs. Unfortunately, there is currently no adequate way to measure the brightness of electronic display signs in the field. The proposed regulations require an automatic dimmer to regulate the NIT levels, but do not specify where the photo cell to regulate the dimmer is to be located. Staff concurs with the public suggestion that more language should be drafted to specify the location of the photo cell for the automatic dimmer.

The current code allows illuminated signs in both Commercial Office and Residential districts. Due to the brightness of LED illumination, staff concurs that additional limitations should apply to these types of signs in Commercial Office districts. Commercial Offices district signage should be similar to the Residential districts to protect the abutting residential properties. Staff, however, does not go so far as to recommend prohibiting them altogether from Commercial Office or Residential districts. The Sign Code should be encouraging signage that is more energy efficient and environmentally friendly. Limiting illumination and dwell time would be a more useful means of lessening the impact these districts.

Staff also agrees with the public that these sign would be out of character with and not enhance our historic districts. Currently, there are only development standards in place for the Downtown Historic District. Although public concerns also suggested prohibit these types of signs when they would be visible from a historic district, Staff recommends prohibiting them only from within the historic districts, due to the complication with evaluating the visibility of a sign from a historic district and approving and enforcing such a regulation.

Based on these findings, staff recommends adding code language to require the photo cell installed toward the viewing audience, change code language for Commercial Office districts to be similar to Residential districts and prohibit electronic display signs in Historic Districts.

## CONCLUSION:

The proposed sign regulations are necessary to allow for new evolving technology to permit appropriate signage for businesses and are in the best interest of the community.

***ALTERNATIVES:***

For the purpose of Council consideration, staff is providing some alternative approaches to regulating electronic display signs. Any of the following options would require staff to rewrite all or part of the proposed ordinance.

Alternative 1: Staff Recommendation - Make the staff recommended changes to the proposed ordinance by adding code language to require the photo cell installed toward the viewing audience, change code language for Commercial Office districts to be similar to Residential districts and prohibit electronic display signs in Historic Districts.

Alternative 2: Prohibit All Electronic Display Signs

This option would not allow any signs which are comprised solely or partially of an electronic display which can be changed by automatic means. Due to improvements in sign technology, decreased costs of electronic display signs, energy efficiency of these signs, and the ability to easily change the copy of the signs, staff would not recommend prohibiting this technology.

Alternative 3: Allow Electronic Display Signs with a shorter dwell time, e.g., eight seconds

This would change the proposed ordinance from fifteen-minute dwell times in commercial/industrial and public zones and twenty-four hour dwell times in residential zones. Although, the Task Force recommended that the message shall be displayed for a minimum of eight seconds, five of the seven neighborhood representatives on the committee voted in opposition to this recommendation.

Alternative 4: Allow more time for public review and comment of the proposed ordinance.

This alternative would delay the ability of businesses and organizations to fully take advantage of the new technology.

Glenn W. Gross, Planning Administrator

Attachments:
1. CAN-DO Recommendation
2. "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs"
3. Public Comments

Prepared by: Amy Dixon, Associate Planner

Central Area Neighborhood Development Organization

cando 555 LIBERTY STREET SE.
SALEM,OREGON 97301

May 12, 2009

Mayor Taylor and City Council
555 Liberty St. SE
Salem, OR 97301

**Re: Sign code Amendments Hearing July 13, 2009**

Dear Mayor Taylor and City Council:

The CANDO neighborhood Association is submitting written testimony on the sign code amendment public hearing July 13, 2009.

CANDO values the visual integrity of the historic district and would like protections of the Historic District from electronic message display signs. We propose that the City not allow placement of any electronic message sign that would be visible from the Downtown Historic District.

This proposal to not allow placement of any electronic message signs would ensure the current and future benefits of the unique and special elements of our historic downtown district. The historic district is an attraction for tourists as well as an amenity for residents.

Sincerely,

Mike Gayle Alice Morton

ATTACHMENT 1

# *Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs*

FINAL REPORT

Submitted Under NCHRP Project 20-7 (256)

Prepared by Jerry Wachtel, CPE
President, The Veridian Group, Inc.
Berkeley, California

April, 2009

**ATTACHMENT 2**
**(PARTIAL REPORT)**

# ACKNOWLEDGEMENTS AND NOTES

The author is grateful to the members of the peer review committee. Their thorough review of this paper, during its initial draft stage and again when the draft final report was submitted to them, pointed out numerous errors, weaknesses, and statements in need of clarification or documentation.

We have tried to make all the suggested corrections, and to incorporate all of the changes recommended by the reviewers. Several commenters offered suggestions that were excellent and appropriate, but could not be accommodated in the body of the actual paper. They are mentioned here, with our thanks and concurrence.

It was proposed that FHWA offer a short course for traffic engineers to understand the human factors issues associated with outdoor advertising signage, to assess the existing roadway environment for safety issues, and how to work with local businesses to improve signage and safety at the same time. We agree that this is an excellent and timely suggestion.

It was recommended that roadway signing and human factors (MUTCD) experts should be collaborating with the advertising industry to promote signs and their placement with appropriate lettering and symbol guidelines or standards that will increase readability while minimizing distraction. In a similar vein, future research should address DBB design criteria that will provide travelers with needed information while at the same time minimizing driver distraction. We note that such collaboration has existed between human factors experts and the on-premise sign industry, but we are not aware of any such relationships in the billboard (off-premise) field.

Another reviewer proposed that TRB conduct a Webinar on this topic in the future. This, too, would provide an excellent forum for the dissemination of this, sometimes arcane, information, in a manner that has practical applications.

Reviewer #5 proposed an interesting thought experiment that addressed the difference between the question: "What is the statistical relationship between digital billboards and traffic safety?" and the question: "Are accidents more, less, or equally likely to occur near digital billboards compared to conventional billboards?" The reviewer suggests that these two questions are not necessarily incongruent, as we stated in the report, and that the second question is both technically correct (as is the first), and more *useful* because it addresses the safety issue in a manner closer to real-world driving; i.e. with the recognition that conventional billboards are a given part of the landscape. While we do not disagree with the reviewer's position, we question the underlying assumption that the presence of conventional billboards is the accepted and acceptable norm. Most of the research reviewed for this report studied driver distraction and other safety-related measures with real-world or simulated conventional billboards, and many of these studies (as have studies going back decades) identified safety concerns; the fact that control and enforcement may be lax should not de facto make the presence of these billboards the accepted baseline. As well, there are several States and local jurisdictions that ban all

billboards, so this baseline is not universal, even in the US. But our greatest concern is with the industry's efforts to raise the bar that research must be meet before, in their view, digital billboards could be found to have adverse traffic safety impacts. The study by Lee, et al., discussed at length in our report, compared digital billboards, not only to conventional billboards, but to "comparison" sites. When the research demonstrated that driver eye movements and vehicle control issues were similar between the DBBs and these comparison sites, the authors proclaimed the digital signs "safety neutral" because, as they defined them, the comparison sites contained "items you might encounter in everyday driving." But a careful reading of the report shows that these sites included digital on-premise signs, tri-vision signs and video boards. In other words, they were rather the same as DBBs, except that they included on-premise signs. In our opinion, this subtle "criterion creep" is unprofessional and inappropriate.

# EXECUTIVE SUMMARY

In July 2007, the Highways Subcommittee on Traffic Operations (SCOTE) of the Association of State Highway and Transportation Officials (AASHTO) issued a proposed policy resolution on outdoor advertising. This document recognized that inattentive driving was a major contributor to highway crashes, and that new technologies were enabling the outdoor advertising industry to display more attention-getting messages that were likely to cause drivers to be less attentive to the driving task. The document further noted that national interest and concern about the safety implications of these advanced outdoor advertising displays had been expressed by FHWA and TRB as well as by State and local government agencies. Because the subcommittee recognized the potential safety implications of such signs and the lack of "substantiating evidence" for determining appropriate guidelines for their control, SCOTE resolved to support the undertaking of research as quickly as possible into the safety and operational effects of these technologies and to forward its resolution to the AASHTO Standing Committee on Highways to be considered a high priority project for consideration by the Standing Committee on Research of the National Cooperative Highway Research Program (NCHRP). The SCOTE resolution became a Research Problem Statement [(NCHRP 20-7 (256)], which led to the undertaking of this work in February 2008.

The specific objective of the study was to develop guidance for State Departments of Transportation and other highway operating agencies with respect to the safety implications of digital display technology being increasingly used for outdoor advertising signs. The objective was to be achieved through the conduct of a critical literature review of existing guidelines and research results, including, separately, research undertaken and published by the outdoor advertising industry; an identification of the human factors elements related to the operational characteristics of such signs; a review of the experiences of other countries with this outdoor advertising sign technology; and the preparation of a final, peer reviewed, report documenting the work conducted and including recommended guidance related to the safety aspects of digital display technology for outdoor advertising signs.

Earlier reports published by FHWA in 1980 and 2001 had extensively reviewed the research literature in the field of outdoor advertising, and an FHWA study that ran concurrently with this project also included a review of the more recent research literature. The goals of the FHWA study, however, were quite different than those of the project reported here. Whereas this study had as its objective the development of guidelines that State and local government agencies could adopt immediately, the FHWA study sought to identify unmet research needs with regard to the potential impact of these signs on driver attention and distraction, and to propose a research strategy to fill these knowledge gaps. Thus, the two studies, conducted concurrently, were complementary - this one seeking to develop readily useable guidelines that could be implemented at the State and local level based on our existing knowledge base, and the other seeking a more comprehensive understanding of the safety implications of these signs that might lead to guidance and/or regulation at the Federal level.

Because the technologies used in the signs of interest in this report are relatively recent, and because these technologies have advanced quickly in key performance characteristics (e.g. brightness, resolution, off-axis viewing) and have become much more affordable in recent years, research, too, has increased dramatically since the 2001 FHWA report. Indeed, of the 150 references cited in this report, more than 20 represent original, empirical research, conducted roughly within the past decade, that directly or indirectly address the potential for driver distraction from outdoor advertising signs. Ironically, and consistent with the research studies cited in the prior FHWA reports, the technology continues to lead both policy and research, and only a small number of these studies actually dealt with these advanced digital display technologies. Such research was, however, sponsored by government agencies as well as industry, in the laboratory and in the field, using controlled experimental techniques as well as statistical analysis of crash summaries. In addition to research conducted in the US, the report reviews studies performed in England, Scotland, Finland, Australia, Canada, South Africa, Brazil and The Netherlands. Because of the complexity of the issue, the number of variables present in every real-world situation, and the difficulties of statistical and methodological control in the conduct of such research, we have attempted to make our review of the literature critical as well as comprehensive.

Several conclusions can be drawn from the extensive literature on this topic. First, there are strong theoretical underpinnings in the psychology of cognition, perception, psychophysics, and human factors, to suggest why stimuli such as roadside digital billboards can capture and hold a person's attention, even at the expense of primary task performance. Second, it is difficult to perform a study in this domain that does not suffer, at some level, from weaknesses that may affect the strength or generalizability of its findings. Third, the research sponsored by the outdoor advertising industry generally concludes that there are no adverse impacts from roadside digital billboards, even when, in one case, the actual findings of such research indicate otherwise. Conversely, the conclusions reached in research sponsored by government agencies, insurance companies, and auto safety organizations, especially in those studies performed in the past decade, regularly demonstrate that the presence of roadside advertising signs such as digital billboards, contributes to driver distraction at levels that adversely affect safe driving performance. Fourth, the recommendations from research, and the existence of guidelines or regulations that stem from that research, are quite consistent, although not fully so, both in the areas in which digital billboards are suggested for control (e.g. brightness, message duration and message change interval, and billboard location with regard to official traffic control devices, roadway geometry, and vehicle maneuver requirements at interchanges, lane drops, merges and diverges), and with regard to the specific constraints that should be placed on such signs' placement and operation. Several countries have developed comprehensive, thoughtful policies for control of roadside advertising, and their efforts can serve as models for State and local governments within the US. A number of US counties and cities, too, have developed policies and regulations for the control of digital outdoor advertising that comport with the research. In some cases, such local regulations are forward looking, in that they address technologies, or applications of technology, that are not yet in widespread use.

During the course of this project, we identified several recent extensions of digital advertising technologies that may add further to the distraction potential of these displays. The growing use of LED technology for advertising in on-premise applications is of concern because such signs may be larger than traditional billboards, closer to the right-of-way and to roadway sections with high task demands, and may include animation and full motion video. At least one State is considering the use of its official changeable message sign network for the display of digital advertising. And an unknown number of private or toll-road operators are also contemplating the sale of advertising within their rights-of-way. In addition, we are seeing the deployment of LED displays, often featuring video, on vehicles moving in the traffic stream. Vehicles as diverse as small trucks and vans, public transit buses, and large, over-the-road trailers, are now being outfitted with LED advertising, and the potential for driver distraction grows with each such installation. Our review suggests that, with few exceptions, government agencies have no regulations or guidelines in place to address these new uses. The newest digital billboards are also increasingly capable of "interacting" with approaching drivers. In some cases, the Radio Frequency Identification Device (RFID) embedded in a vehicle's key or on-board computer system, can trigger a personalized message on a digital billboard; in other cases, the billboard can display a message tailored to the radio frequency of passing vehicles. Still other billboards encourage drivers to interact with the sign by texting a message or calling a number displayed on the billboard. A patent that incorporates cameras mounted to billboards, together with eye-movement recording devices, claims to be able to capture images of drivers, and their eye movements, as they approach the billboard. Our review has not identified any government agencies, in the US or abroad, that have addressed these new technologies or their applications.

The report consists of ten parts. After an introduction and background presentation in Section 1, the literature in the field is comprehensively and critically reviewed. General research is discussed in Section 2, and research sponsored by the outdoor advertising industry is presented in Section 3. The key human factors issues that inform the potential response of drivers to digital roadside billboards are summarized in Section 4. Section 5 of the report reviews a representative sample of guidelines and regulations that currently exist in a number of foreign countries as well as in several jurisdictions within the US. This is followed by a series of recommendations for potential regulations and guidance in Section 6. These recommendations are those that (a) have worked elsewhere, and (b) are based on sound research or science, and therefore might have practical applications for those jurisdictions seeking guidance to inform their own decision-making. Section 7 addresses issues of digital advertising on-premise and on right-of-way. Section 8 discusses some of the newest roadway-related applications of computer-controlled LED advertising that have begun to appear on and adjacent to public roads in the US and abroad, and for which little policy has yet been considered. Section 9 summarizes the report's conclusions, and Section 10 presents the list of references cited in the body of the report.

# SECTION 9.

# SUMMARY AND CONCLUSIONS

This project has focused on three overlapping pillars of support in its effort to develop suggested guidelines for the control of DBBs: (a) human factors practices and principles; (b) guidelines and regulations currently in place in the US and abroad; and (c) the research literature.

Human factors principles have been developed over many years through empirical research, and have seen applications in practice regarding road safety throughout the developed world. Such principles and practices are codified in standards such as the MUTCD and SARTSM, to name but two, which were reviewed for this report. The wisdom of such human factors practices and principles is tested daily on streets and highways, and they are constantly being modified or supplemented when a "better mousetrap" is developed through research (recent examples include the development and implementation of the Clearview font for road signs, and the growing use of wider pavement markings to accommodate our ageing driver population).

And, in the guidelines and regulations that we reviewed, it was rewarding to learn that many of them, too, come from a solid research base. Examples of these empirically grounded guidelines include those in South Africa, Queensland, Australia, and The Netherlands (currently under development). Of course, some guidelines and regulations, even though based on sound research, either don't get enforced, or don't make it out of the draft stage. Thus, one of our goals has been to seek out the best supported and most practical guidelines that have been promulgated, review them based on their grounding in research and/or sound human factors practice, and hold them out as candidates that might serve as models for others to consider.

Our comprehensive and critical review of the literature focused on studies undertaken since the FHWA report of 2001, with the addition of several earlier studies that were included because of their relevance and because they were not previously given in-depth consideration in this context. As required by the program Statement of Work, we also separately reviewed research undertaken by or on behalf of the outdoor advertising industry.

Unfortunately, this issue is enormously difficult to study. This is because every billboard, road, and driver is different. A study evaluating a four-second message display interval might obtain quite different results from one using eight-seconds. A study in daylight will almost certainly find different driver responses than the identical study conducted at night. And a study conducted with free-flowing traffic may have a different outcome than one that examines the same road and the same billboard when traffic demands are greater. In addition, the key selling point of DBBs is that they can change messages every

few seconds, and it is technically possible for them not to repeat the same message during a several hour cycle. Thus, studying such billboards *in situ* confronts the researcher with the added problem that it may be difficult to compare the experiences of any two (or more) drivers as they pass the DBBs under study for the simple reason that these drivers will, in all likelihood, experience signs with different content, different brightness levels, different graphics, and different font styles and sizes. This suggests that laboratory studies, despite what we believe to be important limitations, may permit better control over these inherent sign design and operational variables. Another alternative, not yet attempted with DBBs to our knowledge, involves a cooperative effort between researcher and sign operator in a field setting, so that the many relevant variables can be controlled and systematically presented to drivers, thus maintaining the validity of the field setting with some of the experimental control more commonly available only in the laboratory. Nonetheless, it is difficult if not impossible to design and conduct a research study whose results can be applied with confidence to DBBs as a whole.

In the recently published FHWA study, Molino and his colleagues (2009) comprehensively assessed the strengths and weaknesses of different research methods that might be applied to this challenge. When combined with the daunting number of DBB-related factors[19] (and levels within each factor), as well as the many measures that might be addressed to provide a complete answer to this research question, we believe that it is unlikely that any agency, private organization, or public-private partnership will have the resources available in the foreseeable future to undertake such a study. At best, future studies may be able to answer questions such as:

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[19] A subset of the number of DBB-related factors that must be studied to fully answer questions about DBBs and traffic safety.

Message change interval
Duration of message change
Sign luminance at night
Sign dimensions
Distance of DBB to traveled lanes
Angle of sign orientation to the approaching driver
Proximity of DBB to official signs, or on-premise advertising signs
Number and width of lanes of travel
Roadway geometry – vertical and horizontal curvature
Speed limits and prevailing speeds
Traffic volume
Traffic mix (e.g. percentage of large trucks, buses)
Proximity of DBB to exit or entrance ramps, gores, lane drops, route divides
Familiarity of the motorist with the roadway
Weather conditions
Environment in which DBB is located (e.g. urban, suburban, rural)
Amount of information presented on a DBB
Information presentation (color, contrast, font, etc.).

- Is a DBB that changes its message every eight seconds more distracting than one whose message is fixed for 60 seconds or longer?
- Is a sign of night luminance X more distracting than one of luminance Y?
- Do DBBs within certain defined distances of entrance or exit ramps contribute to more erratic or delayed vehicle movements than DBBs at greater distances?

In short, the issue of the role of DBBs in traffic safety is extremely complex, and there is no single research study approach that can provide answers to all of the many questions that must be raised in looking at this issue. When we recognize that not every study is designed well or conducted rigorously, or where inappropriate assumptions are made or questions asked, there should be little wonder why research has not yet been able to fully "resolve" this issue.

Adding to the challenges of developing empirical answers that will satisfy the criteria for the development of guidelines or regulations is the fact that DBB technology and applications are evolving quickly. As costs come down and capabilities increase, new applications will be found for this technology. What will be the benefit of research that addresses the distracting effects of DBBs when on-premise LED signs will soon be proliferating – signs that may be larger, brighter, closer to the road, and displaying animation and full-motion video? Regulations promulgated for off-premise DBBs may seem quaint almost as soon as they are written. Potential research, even now, is years behind the implementation of the types of signs that are the subject of the research. How will we address the questions posed by roadside digital advertising that interact with the driver in real time by sending personalized messages to mobile phones, and requesting real-time responses by text messaging? And how will (or should) we address issues raised by digital signs that record potentially personal information about drivers passing such signs?

These are not questions that can be resolved in this report. There is hopeful news, however, about progress that has been made in forming and responding to key research questions. Almost without exception, the research studies discussed in this report have made dramatic advances in methodological sophistication, statistical power, and control of extraneous variables compared to those studies discussed in earlier research reviews. As a result, these more recent studies (primarily those completed within the past ten years) typically produce results and conclusions that are more reliable and valid than those of which their predecessors were capable. And, tellingly, the results of the most recent research are remarkably consistent.

A small number of important research studies, all published (or to be published) within the past several years, may have opened the door to a solution to the long-standing question of whether unsafe levels of driver distraction can occur from roadside billboards. The first, by Horrey and Wickens (2007) demonstrated that when making decisions that may result in road safety guidelines or regulations, we should be concerned, not with mean performance but rather with the poorest performances, those in the "tails" of the distribution. Of course, in many ways highway, traffic, and human factors engineers have been designing our vehicles and roadways in this manner for many

years. Human factors professionals speak of designing systems to accommodate the 95th percentile operator, (e.g. FHWA, 1998), roadway geometric design is often established based upon 85th percentile speeds (e.g. Schurr, et al., 2005), the size of letters on highway signs and the width of pavement markings are being increased to accommodate the older driver's deteriorating visual acuity, and even the duration of push-button actuations for pedestrian crossing signals is now based on research that focuses on the tails of the distribution (Noyce & Bentzen, 2005). Horrey's and Wickens' arguments were made in the context of a study that evaluated eyes-off-road time for interacting with in-vehicle technology, but the implications should be the same for external distracters such as DBBs, and have been so demonstrated by Chan et al. (2008).

The second study, a breakthrough known as the 100 car naturalistic driving study, has produced a number of separate reports (for example, Klauer, et al., 2005, Klauer, et al., 2006a, Klauer, et al., 2006b). Although "naturalistic" driving studies had been conducted on a small scale previously, Klauer and her colleagues at Virginia Tech Transportation Institute (VTTI) were the first to employ this methodology on a large scale. As discussed earlier in the present paper, these researchers placed 100 highly (but unobtrusively) instrumented cars in the hands of 100 people and allowed them full use of these vehicles for 18 months. There were no experimenters present in the vehicles, data was collected without any interference to the driver and was downloaded remotely, and the participants were free to drive these vehicles in any way they wished, as if they were their own. One finding from this work that is of particular interest in our discussion of DBBs is that a driver's eyes-off-road time due to external-to-the-vehicle distraction or inattention was estimated to cause more than 23% of all crashes and near crashes that occurred.

The third study of relevance here (Chan, et al., 2008), also discussed earlier in the present report, used a driving simulator to study the tails of the distribution when participants drove a five mile route while performing a series of in-vehicle and external-to-the-vehicle distracting tasks. The authors found, as they expected, that younger drivers, when dealing with the in-vehicle task, took their eyes off the road for a significantly longer time than did the older drivers (2.76 seconds vs. 1.63 seconds, respectively, when the measure was the mean length of the maximum episode of continuous inattention). Quite to the researchers' surprise however, were their findings that: (a) the maximum episode durations were much longer for the out-of-vehicle tasks than for the in-vehicle tasks, and (b) that the difference between the older and younger drivers in the out-of-vehicle tasks was small (pp. 16-17). Specifically, they found that the average maximum duration for the out-of-vehicle tasks (for all participants) was 3.54 seconds, vs. that for the in-vehicle tasks of 1.35 seconds, a highly significant difference. The difference in average maximum duration for out-of-vehicle tasks between the older and younger drivers, however, was 3.41 vs. 3.67 seconds, an insignificant difference. The authors' conclusion is that younger and older drivers are "equally bad" in being distracted by external stimuli, in that neither age/experience group has "learned to limit the durations of their glances off to the side of the vehicle" (p.22). Finally, even a study sponsored by the outdoor advertising industry (Lee, McElheny, & Gibbons, 2007), despite an experimental design that sought to minimize the differences between DBBs and other roadside stimuli, has produced results showing significantly longer average glance durations to roadside digital

signs than to "baseline" sites and to traditional (fixed) billboards, and, the researchers suggest, *all* measures of visual glances indicative of driver distraction would prove to be significantly worse in the presence of digital signs if a full study was to be conducted at night.

In short, we have made substantial progress in our understanding of the impacts on driver distraction from external-to-vehicle sources since the late 1990s. We now know that extended episodes (two seconds or longer) in which a driver's eyes are not attending to the driving task greatly increases (by 3.7 times) the likelihood of a crash (Klauer, et al., 2006a). Other researchers have suggested that the upper limit for an acceptable distraction episode may be 0.75 second (Beijer, et al., 2004, Smiley, et al., 2005) or 1.6 seconds (Wierwille and Tijerina, 1998). And, as shown both by Beijer (2002) in an on-road study, and by Chan and her colleagues (2008), in a simulator study, there is growing evidence that billboards can attract and hold a driver's attention for the extended periods of time that we now know to be unsafe. As stated succinctly by Beijer, his findings seem to show that "drivers are comfortable turning their attention away from the road for a set period of time, regardless of the demands of the driving task" (p. 76). And, as Chan, et al., describe it: "These data ... indicate that it is likely that our out-of-vehicle tasks (which not only engage attention but also draw the eyes and visual attention away from in front of the vehicle) would have quite significant detrimental effects on processing the roadway in front of the vehicle" (p.22).

We also have data to show, despite a lack of analysis by the researchers, that an on-road study (Lee, et al., 2007) using an instrumented vehicle found many more such long glances made to DBBs and similar "comparison sites" consisting of (among other things) on-premise digital signs, than there were to sites containing traditional, static billboards, or sites with no obvious visual elements. Indeed, the mean values for these long glance durations proved to be significantly greater for the sites with digital signs than for the others. From the same study, we have evidence expressed by the researchers that if we were to conduct our research at night we would find that *all* measures of eye glance behavior would demonstrate significantly greater amounts of distraction to digital advertisements than to fixed billboards or to the natural roadside environment, and that driver vehicle control behaviors such as lane-keeping and speed maintenance would also suffer in the presence of these digital signs. Because the design of this study minimized the differences between the characteristics of DBB sites and the others, and did not report all of the pertinent data collected, it seems reasonable to believe that the differences found might be more pronounced in a more rigorous experiment.

When we add the results of these recent, applied research studies, to the earlier theoretical work by Theeuwes and his colleagues (1998, 1999), in which they demonstrated that our attention and our eye gaze is reflexively drawn to an object of different luminance in the visual field, that this occurs even when we are engaged in a primary task, and regardless of whether we have any interest in this irrelevant stimulus, and that we may have no recollection of having been attracted to it, we have a growing, and consistent picture of the adverse impact of irrelevant, outside-the-vehicle distracters such as DBBs on driver performance.

Beyond the issues of research, however, we also face what we might call a "criterion problem." States and local jurisdictions must ask themselves this question: What level of knowledge and what degree of certainty must we have before we can be confident in the issuance of guidelines or regulations about DBBs? For example, must we have demonstrable proof that DBBs *cause* crashes? This is the argument raised by the outdoor advertising industry whenever it challenges a local code or ordinance, or goes to court to overturn a permit denial. If crash causation is the standard that must be met, we may never get there. This is not necessarily because DBBs are not a causative factor in crashes; it is, as most researchers believe, more likely that our research methods are not sufficiently sensitive to identify this linkage. This, in turn, is a result of the substantial difficulties involved in conducting post-hoc statistical analyses of crash summaries for an issue that is so profoundly complex. When we know that more than 80% of accidents are not reported to the police, that drivers would not likely admit crashing as a result of such distraction, and that research has clearly shown that our attention as well as our eyes are reflexively drawn to objects such as DBBs even when we have no interest in them and have a more important task to perform, and that we may well be unaware of attending to them at all, it is little wonder that such epidemiological studies may simply be incapable of adding to our knowledge of the traffic safety impacts of DBBs.

Then again, we have rarely required proof of actual crash causation prior to setting speed limits, restricting in-vehicle mobile telephone use, or even developing current billboard operational and location restrictions. The argument against the control of DBBs because studies to date have not proven a cause and effect relationship between DBBs and crashes is simply spurious. It would seem sufficient to initiate action based on a level of consistency achieved in research. And such consistency is now being achieved.

It is likely that those who feel that no guidance or regulations can be promulgated until we have clear proof of causality will continue to argue that there is insufficient information to take any action in this regard regarding roadside DBBs. But those who think that their job is to do what they can to enhance safety for the traveling public based upon the best available information, now have, in our opinion, access to a strong and growing body of evidence, including evidence from industry supported research, that roadside digital advertising, attract drivers' eyes away from the road for extended, demonstrably unsafe periods of time.

States and local jurisdictions faced with permit applications or challenges to denied permits need to have a sound basis for their decisions. The research underway by FHWA as this is written may begin to provide specific, directed answers to assist these officials in their work. In the interim, these governmental agencies and toll road operators, faced with the need to make such decisions now have, in our opinion, a sufficient and sound basis for doing so.

## Kimberli Fitzgerald - sign code revision

**From:** "JOAN EVAN LLOYD" <lloyd_878@msn.com>
**To:** "Kimberli FItzgerald" <KFitzgerald@cityofsalem.net>
**Date:** 6/17/2009 8:24 AM
**Subject:** sign code revision
**CC:** "Jacqueline Schindele" <jamaschi2@yahoo.com>, "viking83guard-englewood" ...

Kimberli,

Since you encouraged communication at our NEN meeting, this email contains some concerns.

There are folks in NEN who are concerned that LED signs may be allowed in historic districts or residential neighborhoods. As I recall they will be prohibited. Have you seen the proposed revision? Would you be able to make a statement or testify to make certain that the LED signs would be prohibited from historic areas thus reassuring the residents.

Unfortunately, I no longer have a copy, but Amy Dixon at adixon@cityofsalem.net could tell you which section of the codes refer to these.

Joan Lloyd

**ATTACHMENT 3**

**From:** "ROZ SHIRACK" <rozshirack@msn.com>
**To:** "Laura Tesler" <LTesler@cityofsalem.net>
**Date:** 3/2/2009 5:34 PM
**Subject:** Fw: Proposed Sign Code Amendments

Hi Laura,

I wanted to share some of my concerns about the proposed sign code amendments that City Council will be hearing at its March 9 meeting. I will not be able to attend that hearing.

I am particularly concerned about how electronic display signs are regulated. Since the message on electronic display signs can be changed frequently and at no cost, any of these signs can be used as an "outdoor advertising sign" (ie, mini bill board). Any property owner, whether they own a business or not, can get an on-premise sign and lease the space/time to other advertisers. I as a homeowner could put up a sign for lease in my yard, if I got a conditional use permit. Once a sign becomes an income stream, they will proliferate. If even a small percent of current nonLED signs are converted to electronic display signs to advertise a business (and possibly other paid messages), then I fear we will have a very different streetscape to deal with.

Conditional use criteria make an attempt to limit clutter and escalating dominance of signs. However, I think the criteria are too subjective. A Hearings Officer must decide whether a proposed electronic display sign will or will not:

"significantly increase or lead to street level sign clutter"
"adversely dominate the visual image of the area"
"adversely impact the surrounding area to a significant degree" and
"present a traffic or safety hazard."

How is the Hearings Officer to decide this when the applicant says no it does not, but an opponent says yes it does, both backed with evidence?
I think the proposed sign ordinance would be improved with the following changes:

1.. No electronic display signs allowed in residential zones. It is ironic that the staff report recommends no electronic display signs in the downtown historic district, but allows them in residential historic districts (with a conditional use permit). Since most of Salem's historic districts are residential, it is more equitable and appropriate to not allow electronic display signs in any historic district or residential zone.
2.. No option to increase the 35% of sign area allowed for electronic displays in commercial, industrial, and public zones with a conditional use permit.
3.. On-premise electronic display signs can not change more often than once every 48 hours. This is to reduce the incentive to lease an on-premise business sign to other advertisers. Outdoor advertising signs could change every 15 minutes, as now allowed.
4.. On-premise electronic display signs must be turned off if the business goes out of business. This is to reduce the incentive to lease the sign to other advertisers.
5.. Limit the brightness so that a lighted sign in daylight is not brighter than the ambient sunlight. I can't relate the allowable NITs in the code to actual brightness, but most electronic signs are too bright. For example, look at the sign for the computer repair shop at Commercial SE and Hoyt.
I think the staff report provides a thoughtful reminder that the way a city chooses to regulate its signs sets a tone and image for that community. Since electronic display signs can greatly increase the amount of light and visual clutter, I hope Salem will be cautious in how it allows these new signs. Sign regulations can always be relaxed later, but the proposed amendments on bringing signs into conformance (15 years!) remind us that we have to live a long time with the sign impacts we allow to happen today.

Thank you for considering my concerns.

Roz Shirack
1645 Church St. SE

**From:** "Steve Dickey" <dickeys@cherriots.org>
**To:** <vwoods@cityofsalem.net>
**CC:** <citycouncil@cityofsalem.net>, "Allan Pollock" <pollocka@cherriots.org>,...
**Date:** 2/25/2009 9:56 AM
**Subject:** Electronic Signs Comments

Hi Vickie,

I see that there will be a hearing on Monday night addressing the proposed electronic sign code. We will not be able to attend the hearing as we have one of our Community Open House sessions scheduled for Monday night. We do have some comments that we like to be considered that relate to the use of real-time passenger information signs.

One of our planned improvements for the future of the Cherriots system is the implementation of real-time bus arrival signs in passenger shelters, the transit mall, and regional transit centers. These signs provide information on the next arrival time for buses serving that particular stop. This information is transmitted from GPS systems in the buses that updates the estimated arrival time of the next bus on the signs. The information is displayed on screens that are easily view by people in and around passenger shelters, or in passenger waiting areas at the transit mall or transit centers. The signs are positioned for convenient viewing by people waiting for a bus and not for vehicle traffic passing by the area where the sign is installed.

The main issue that we observed that could be a challenge to a system like this is the proposed refresh rate on the information displayed. Since the purpose of this information is to be as current as possible, we would recommend allowing these systems to refresh as frequently as the system is designed to perform in order to keep the useful to the passenger. We read that there were other exceptions listed, but did not see that this type of system would clearly be addressed in the currently listed exceptions.

We may not have this system in place in the very near future due to budget restrictions. However, we thought that it would be easier to address this matter now, rather than coming back later to ask for a conditional use allowance every time we wanted to install another information sign in a shelter.

Please let me know if you have any questions, or need further clarification on this matter.

Thanks,

Stephen Dickey

Director of Transportation Development

Cherriots

555 Court Street NE, Suite 5230

Salem, OR 97301-3980

Phone: (503) 588-2424 ext.2552

Fax: (503) 566-3933

E-mail: dickeys@cherriots.org <mailto:dickeys@cherriots.org>

http://www.cherriots.org <http://www.cherriots.org>

**From:** Robert Fleming <robert.o.fleming@comcast.net>
**To:** <adixon@cityofsalem.net>
**Date:** 3/23/2009 2:38 PM
**Subject:** Electronic Signs

Ms. Dixon -

This is in response to the press release regarding the City of Salem's effort to obtain input regarding the electronic signs now in use. I wish to offer the following points as part of the discussion.

1. These signs are a traffic hazard.
2. These signs are ugly. Specifically, they are gaudy. Why does the City of Salem not seem to care about how things look?
3. The City of Salem needs fewer signs, not more. Do we have to make everything look like Lancaster Drive?
4. Although I do not know the specifics of the energy use of the electronics billboards relative to floodlit billboards, other than the need for constant power consumption by the electronic billboards during daylight hours, neither need to be illuminated. It is a waste of electricity. It is not sustainable. It is hardly green.
5. It is unfortunate that the City of Salem, unlike its more progressive neighbors, made the conscious choice to allow something that is wasteful, unattractive, and unsafe to be installed within city limits. What are these people thinking?

Thank you for your time.

Robert Fleming
4950 21st Ave., S.
Salem, OR 97302

**From:** Vickie Woods
**To:** Carol Mitchell
**CC:** Amy Dixon
**Date:** 3/23/2009 5:05 PM
**Subject:** Re: No digital billboards!

Thank you for your comment. I will make sure it gets included as part of the official record that is forwarded to the City Council.

Vickie Hardin Woods
Community Development Director
City of Salem

>>> Carol Mitchell <cmitchell@wvi.com> 3/23/2009 3:14 PM >>>
Please do not permit digital billboards in Salem. They are too distracting--and people already have enough distractions, with traffic, cell phones, etc.
I do not want to attend a meeting, so hope you will accept comment by e-mail.
Thank you,
Carol Mitchell, West Salem

**From:** "DAVID FRIDENMAKER" <FRIDENMAKER_DAVID@salkeiz.k12.or.us>
**To:** "Amy Dixon" <ADIXON@cityofsalem.net>
**Date:** 5/5/2009 1:34 PM
**Subject:** Sign Ordinance Revisions

Amy,
For the school district, the only comment that we have is to request that the proposed ordinance be changed to allow the electronic signs at schools in residential zones to be changed twice per day instead of once per day. This will allow the signs to be programmed for a morning (arrival) message, and another afternoon (departure) message each day. I suggested this at the West Salem Neighborhood Assoc. meeting last evening and they were supportive and included it in their recommendation on this subject.
David

David Fridenmaker
Director of Planning & Real Property Services

Salem-Keizer Public Schools
"Through a constant commitment to QUALITY, we provide a pathway to success for every child, every day."
3630 State Street
Salem, Oregon 97301
PH.: 503-399-3290
FAX 503-375-7847

NEN

NORTHEAST NEIGHBORS
555 Liberty Street SE, Rm 300
Salem, OREGON 97301

(503) 588-6261
www.salemnen.org

July 6, 2009

Mayor Taylor and City Council
555 Liberty St. SE
Salem OR 97301

RE: Sign Code Amendments

Dear Mayor Taylor and City Council:

The NEN Board voted unamiously today to support the city staff recommendation and CANDO position not to allow electronic message signs within designated historic districts. The NEN Board also felt that these EMS signs should not be allowed in any residential area.

Respectfully,

Alan C. Scott, Chair
Northeast Neighbors (NEN)
1590 Norway Street NE
Salem, OR 97301-0433

503-302-3602

viking83guard-englewood@yahoo.com

www.salemnen.org

FUTURE REPORT: February 23, 2009
FOR COUNCIL MEETING OF: March 2, 2009
AGENDA ITEM NO.: 8.1 (a)

July 13, 2009
8 (b)

TO: MAYOR AND CITY COUNCIL

THROUGH: LINDA NORRIS, CITY MANAGER

FROM: VICKIE HARDIN WOODS, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: AMENDMENTS TO SRC CHAPTER 62, "SIGN CODE" ADDRESSING NEW SIGN TECHNOLOGY AND MAKING TECHNICAL AND HOUSEKEEPING SECTIONS FOR CLARIFICATION OF EXISTING REGULATIONS

## ISSUE:

1. Should the City Council adopt Ordinance Bill No. 1-09, amending the Salem Sign Code, addressing new sign technology, such as light emitting diodes (LED), by:

   a) Creating clear and concise definitions for electronic display signs using new sign technology;
   b) Allowing thirty-five percent of allowed sign area to be occupied by an electronic display sign;
   c) Conditioning electronic display signs in residential districts;
   d) Conditioning electronic display signs in commercial, industrial and public zones when electronic display sign area exceeds thirty-five percent of allowed sign area;
   e) Limiting dwell time of electronic display signs in commercial, industrial and public to fifteen minutes;
   f) Limiting dwell time of electronic display signs in residential districts to twenty-four hours; and
   g) Creating a process to amortize existing non-conforming electronic display signs.

## RECOMMENDATION:

Staff recommends that the City Council hold a public hearing on March 9, 2009 to consider adoption of Ordinance Bill No. 1-09, and advance Ordinance Bill No. 1-09 to second reading for enactment on March 23, 2009.

## BACKGROUND:

In 2008, four electronic outdoor advertising signs (billboards) were installed throughout the community. These outdoor advertising signs are the result of a Marion County Marion County Case where the City was ordered by the court to permit the outdoor advertising signs as proposed, including allowing eight second dwell times.

Evolving technology in the sign industry has outpaced local codes regulating sign standards. In particular, sign movement, frequency of change in displays and illumination techniques are much different than those existing at the time the sign code (SRC Chapter 62) was developed in the late 1960's. In March of 2007, staff convened a Task Force to provide expertise and advice as to how standards could and should be changed to accommodate the evolving technology, such as LED lighting and electronic message centers. Staff also conducted a nationwide literature search to discover issues relevant to modern sign technology regulation, and met with industry representatives, Chamber of Commerce representatives and neighborhood representatives numerous times. This report is a culmination of this effort and presents the Council with a staff recommendation for changes to the sign code to accommodate new technology. At the end of the staff report options for different regulatory standards are offered.

In addition to proposing Sign Code amendments to address new technology, staff has taken the opportunity to make numerous improvements to the organization and structure of the sign code. The changes improve organization redundancies and obsolete references, and resolves ambiguities in code language. This is the second of three ordinance changes needed to completely update and make the sign code easier to understand. The third and final change is anticipated in the summer of 2009.

## FACTS AND FINDINGS:

1. PROPOSAL

Definitions

Adds definitions for "Electronic Display Signs" and a new measurement of luminance: "NIT." The number of sign terms and categories are reduced. The distinction between principal and secondary signs is eliminated, and a menu board for businesses with drive-thru operations is better defined.

Size Limits

Limits electronic display signs in size to thirty-five percent of the total area for any one sign. Additional area is allowed through a conditional use process.

Residential District Electronic Sign Standards

Permits electronic display signs through a conditional use process in any of the residential zones. Allows change from one display to another display (dwell time) to occur no more frequently than every twenty-four hours.

Industrial, Commercial and Public District Electronic Sign Standards

Permits outright. Allows change of one display to another display (dwell time) no more frequently than every fifteen minutes, except changes to correct hour and minute or temperature information, which may change no more often than once every three seconds.

Historic District Electronic Sign Standards

Prohibits in the Downtown Historic District. In all other Historic Districts signs are regulated consistent with the underlying zoning.

Brightness

Signs are prohibited that use lights or illumination which create an unduly distracting and hazardous condition to motorists, pedestrians or the general public. City staff will require specific factory settings and will make a field determination for brightness limitations.

Operational Mode

Signs may change by dissolve, fade or instantaneous change from one static display to another; but the display must remain static after completing the change and, once changed, must remain static until the next change. This allows no animation, motion or videos, except inside a building where the sign is not intended to be viewed from the public right-of-way and in stadiums and outdoor assembly facilities.

Nonconforming Signs

Requires signs to conform to dwell time requirements within one year or obtain a conditional use permit to allow shorter dwell times. Requires signs to conform to the size limitations within fifteen years or obtain a conditional use permit.

Technical and Housekeeping Changes

Changes sections relating to measurements, noncombustible materials, electric sign construction, and illumination standards. Substantial revision to the sections regulating signs for businesses, shopping centers and office complexes.

## 2. ISSUES IN REGULATING ELECTRONIC DISPLAY SIGNS

Electronic display signs that use new methods of lighting and display present issues and challenges for staff that are not presently considered in existing regulations. The following discussion attempts to draw together factors to be considered in developing new regulations.

Safety

Federal Highway Administration (FHWA), National Highway Traffic Safety Administration (NHTSA), University of North Carolina Highway Safety Research Center, Municipal Research and Services Center of Washington and Wisconsin Department of Transportation have considered concerns about traffic safety and electronic display signs – i.e., signs using new sign technologies. From these entities' recent traffic studies, there is no definitive proof of a connection between electronic display signs and traffic accidents. Nevertheless, the studies do indicate how drivers tend to react to signs in different settings, how different degrees and types of distraction to drivers are associated with accidents. All of the studies reveal that driver distraction continues to be a significant underlying cause of traffic accidents.

Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. As stated previously, drivers are more distracted by special effects used to change the message.

In response to driver distraction concerns, staff recommends that static displays only be allowed on electronic display signs. No animation, motion or video should be permitted except inside of a building where the sign is not intended to be viewed from the public right-or-way and in stadiums and outdoor assembly facilities, so long as the sign is oriented towards the interior of the facility. Because the visual impact of flashing effects will be mostly limited to the interior of the stadium, allowing such signs will not result in a proliferation of visual clutter, or increase adverse visual safety factors to travelers on public right-of-ways.

Aesthetics

Signs contribute greatly to the aesthetic quality and character of a city and a creative visual expression of the values of the community, in effect, acting as public art, or they can be uninspiring. For example, Las Vegas, Nevada and Carmel, California are two extremes that illustrate a continuum of least restrictive to most restrictive sign codes. Most communities will fall somewhere in between. Part of the purpose of the Sign Code is to reflect how the community sees itself and how it wants the world to see it. Signage helps "brand" the city. The signage of Times Square in New York City, NY is consistent with "The City that Never Sleeps." Both the Las Vegas and Carmel sign codes reflect the very unique characteristic value of each city.

When developing a sign regulation that balances economic activities and growth, many aspects need to be considered, including aesthetics. Some aesthetic aspects relating to signs are clutter, visual stimulus, excessive ambient light and sign illumination. When considering these components in developing a sign code, a sense of what type of community character is desired by the residents is an important and valid consideration.

In seeking to strike a balance between the public's right to aesthetically-acceptable surroundings and the business community's right to commercially speak to consumers or potential consumers, some researchers and jurisdictions creating code language have experienced challenges to develop code language that does not discriminate on the basis of message content when addressing aesthesis. For many theme-oriented districts, such as San Francisco's "Chinatown," Seattle's "Vietnamese Village" or Dayton's "Neon District," signs lend a special character and ambience that would not otherwise be possible, contributing significantly to the success of the district.

The purpose of the sign code as a whole is to balance the interests of businesses, individuals and the public by creating a visually pleasing environment that furthers the objective of traffic safety, and to do so by encouraging high quality signs, attractive signs that will enhance the appearance of Salem and be consistent with the values of the character of Salem. The creation of an aesthetically pleasing environment will contribute to the City's ability to foster economic development by allowing adequate and effective signage while preventing signage that dominates, rather than enhances, the visual appearance of the area in which they are located.

The intent of the Sign Code is to regulate the time, manner, and place of signage in the City in a reasonable manner, without reference to the content of the message on the sign, and to protect public health, safety, and welfare through aesthetic regulation which will provide a neat, clean, orderly and attractive appearance to the com-

munity, to improve the effectiveness of signs, to prevent the proliferation of visual clutter, and to minimize adverse visual safety factors to travelers on public highways, while providing ample opportunities to convey messages through signs.

Limiting the amount of sign face is devoted to electronic display and limiting the dwell time will serve the aesthetic purpose by discouraging the proliferation of multiple changing signs and reducing visual clutter. Staff recommends a maximum of thirty-five percent of the allowed sign face be devoted to electronic display. Further, staff recommends that the dwell time of the electronic display be a minimum of fifteen minutes. The fifteen minute dwell time is less than the twenty-four hour time currently in effect under present interpretations of Salem's Sign Code. A change to fifteen-minute dwell times would provide the sign owners with more frequent changes while limiting negative visual impacts.

Additional percentage and less dwell time limitation may be allowed through a conditional use process which will allow for further input from surrounding neighbors and the community, and allow negative impacts to be identified and addressed as part of the approval process.

Recommendations in the proposed ordinance limit changes of display and types of displays in order to provide the necessary balance to create a pleasing environment and allow business adequate advertising and identification.

Regulation of Speech

Signs are a means of conveying speech protected by Federal and Oregon constitutions. Although cities may adopt reasonable time, manner and place-based restrictions on signs, and may even ban some types of signs, sign regulations generally cannot regulate based on the content or viewpoint of the message conveyed by the sign. As a result, it can be challenging for staff to develop code language that does not discriminate on the basis of message content. Staff has prepared a proposed regulation that is not based on content.

Relationship to the Comprehensive Plan

The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the Plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area and to preserve and enhance the City's quality of life.

In implementing the goals of SACP, language and policies were developed to address coordination between Cities of Salem and Keizer and Counties of Marion and Polk. Chapter IV of the SACP states ordinances and development standards shall support the SACP and land use decisions shall be developed and coordinated among the jurisdictions. The Plan also requires the City of Salem to seek citizen involvement by providing opportunities for the public to participation in development, revision, monitoring and implementation of the SACP.

The City of Keizer adopted new electronic display sign code regulations on October 6, 2008. Keizer expressed the need to keep brightness and illumination standards uniform among the local jurisdictions. Keizer used language initially developed by City of Salem staff as a result of the input from the task force, which includes a dwell time of fifteen minutes. Staff agrees with Keizer that brightness and illumination standards should be consistent throughout the greater Salem/Keizer area. By providing consistent standards between the two cities, alleviate confusion for the community by providing equivalent signage for businesses in the different jurisdictions.

The fifteen minute dwell time is less than the twenty-four hour time currently in effect under present interpretations of Salem's Sign Code. A change to fifteen-minute dwell times would provide the sign owners with more frequent changes while limiting negative visual impacts.

As an implementing tool of this plan, the Zoning ordinance determines what uses are appropriate in the different areas of the City. Commercial and residential development can have an adverse impact on visual resources if not properly designed. This is particularly true for such features as architecture, signage, lighting, parking, and landscaping. Well-developed standards will ensure projects that can be enjoyed by residents of the City. But when done poorly, they can diminish quality of life and damage the economic fabric of the community.

It has been determined by the courts that the Sign Code is a land use regulation. Therefore, the proposed amendments must be consistent with the SACP.

Standards

Typically, regulatory controls for electronic display signs include standards for brightness, operational mode, minimum dwell time and size limits.

Bright signs can be distracting and, if very bright, can actually result in a blinding effect, particularly at night. Pure white light appears the brightest and has the most blinding capability. The brightness of electronic display signs is measured in NITs. A NIT is equal to one candela per square meter. A 100 watt light bulb emits approximately 120 candelas. Computer displays typically have luminance of 50 to 300 NITs and flat-panel (LCD and plasma) displays often exceed 300 NITs.

Unfortunately, there is currently no adequate way to measure the brightness of electronic display signs in the field. Sign manufacturers can measure the light emitted by signs in a controlled factory setting by measuring the NIT level, but those conditions cannot be recreated in actual field conditions because of ambient light. Additionally, the instruments used to measure brightness are currently very expensive. Therefore, proposed regulations do not limit NIT levels; rather they require factory settings for light intensity verified through field inspections.

Electronic display signs have the capability of operating in many different modes, ranging from static messages to scrolling text to full-motion video. Video display signs create the most visual impact. The operational modes have obvious implications for the distracting nature of electronic display signs. Special effects used to change the display such as scrolling, dissolving, spinning, flashing, and fading in and out are more distracting. Proposed regulations limit the types and timing of display.

Nonconforming Signs

When zoning regulations are changed, existing nonconforming uses or buildings are typically "grandfathered" in. This means they can continue to operate under a nonconforming condition until the use or structure is changed. This helps preserve economic value for those who have depended on the existing regulations in making business decisions. Because signs require less investment than buildings or uses, when sign regulations change they are commonly allowed to remain until the original value of the investment has been recouped. This method is called amortization. An amortization provision is included in the proposed ordinance.

Approximately twenty-five electronic display signs are in existence within the City of Salem. The two areas that these signs may not conform to the proposed amendments would be dwell time and the thirty-five percent area limitation for electronic display portion of the sign.

As for the dwell time, most existing electronic display signs were permitted with the agreement of the owner that the display will not change more than once in any twenty-four hour period making the signs conforming to the dwell time proposed amendments. The outdoor advertising signs installed as a result of the Marion County Circuit Court case will be required to conform to the fifteen minute dwell time within one year from the effective date of the ordinance or obtain a conditional use permit. The one year time frame was based on the customary maximum industry contractual agreement for advertisement displays on outdoor advertising signs.

Most of the signs will not conform to the thirty-five percent area limitation portion of the amendments. Under the proposed amendments, the existing electronic display signs will be required to conform to the thirty-five percent limitation within fifteen years or obtain a conditional use permit. The fifteen year time frame was based on life expectance of the sign.

## 3. PROCESS

Staff performed a nationwide literature research and review of traffic studies, policy documents, and zoning ordinances relating to electronic display signs. On March 14, 2007, a task force comprised of sign industry professionals, businesses and neighborhood citizens was convened to offer advice and expertise to staff on developing the ordinance.

During task force meetings, input was provided to staff on many topics such as safety, aesthetics, zoning limitations, brightness and illumination, mode of operation, and dwell time. The task force's recommendation attempted to balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs as well as promoting the aesthetic qualities of the city. The task force was concerned that its recommendation promotes economic development while protecting property values by minimizing the possible adverse effects and visual blight caused by new sign technology.

The committee voiced concerns with the negative impacts, such as visual clutter, visual stimulus, and excessive ambient light, of these signs on the city with special emphasis on protecting residential and historic districts. The committee came to consensus on most items. Although the Task Force recommendation was to have an eight second dwell time, five of the seven neighborhood representatives on the committee voted in opposition to this recommendation. Other topics of discuss included driver distraction, aesthetics and protections of the Historic Downtown Core Area and residential neighborhoods.

The proposed code language reflects the committee's input where there was consensus. On other topics, staff considered the concerns of the committee, constitutional limitations and usability to reach a balanced approach in developing the regulations.

Since the last set of public meetings, four electronic outdoor advertising signs (billboards) have been installed throughout the community. These outdoor advertising signs are the result of a successful court challenge regarding whether sign permits were land use decisions and must be approved within 120 days of receipt of a complete application. The City was ordered by the court to permit the outdoor advertising signs as proposed, including the allowance of eight second dwell times. Without this court order, the outdoor advertising signs would have been allowed with the light emitting diode mode of lighting, but would have only been permitted to change displays once every twenty-four hours. Since the installation of these outdoor advertising signs, there has not been an opportunity to obtain a sense of what degree of regulation of electronic display signs residents expect.

Over the course of the last fourteen months, staff has continued to work on developing an ordinance for Council consideration. A public hearing before City Council will allow an opportunity to determine public opinion regarding the regulation of the electronic display signs.

## 4. OTHER JURISDICTIONS

Part of the research performed to develop the proposed ordinance was a survey of other jurisdictions. The Jurisdiction Comparison Chart (Attachment 2) is a table which displays the results of that survey. Most jurisdictions limit the size of the electronic display portion of the sign in some form, allow these signs in commercial and industrial zones, either prohibit them in residential districts or allows them by conditional use process, and limit the mode of operation to static only. More recent, amended ordinances seem to use similar brightness limitation.

The research of the dwell time is not as consistent as other design aspects of electronic display signs, leading staff to conclude dwell time hinges on aesthetics. Most jurisdictions do allow changes of less than one hour, except in residential zones. Due to the close proximity of properties in the City of Keizer and the Counties of Marion and Polk that would be affected by this ordinance, staff recommends Council consider the impact on these properties and businesses when amending this ordinance.

5. PROCEDURAL REQUIREMENTS AND OTHER JUSTIFICATIONS

a. Due to improvements in sign technology, decreased costs of electronic display signs, energy efficiency of these signs and the ability to easily change the copy of the signs, the Sign Code needs to address electronic display signs rather than prohibiting this technology. Considering cost effectiveness and energy efficiency of electronic display signs, prohibiting these signs would deny a business or organization use of an effective and efficient signage tool.

b. As required by Oregon Revised Statute 197.610 and Oregon Administrative Rules, Chapter 660, notice of the proposed changes to the Sign Code has been provided to Department of Land Conservation and Development and interested citizens.

c. Signs are means to convey speech protected by Federal and State constitutions.

d. The process complies with the SACP citizen involvement goal, IV. B. 1, and implements the objectives of the SACP by promoting a desirable balance and location of land uses in the City.

e. Based on aesthetic and possible increased driver distraction, allowing electronic display signs with an eight second dwell time will be inconsistent with the objectives of the SACP. These objectives include promoting a desirable balance and location of land uses in the City while protecting the residential districts. Placing no meaningful limitation on the dwell time would be contrary to providing an aesthetic and public safety regulation.

f. Spacing requirements could interfere with the equal opportunity to use such technologies. Therefore, drivers traveling along a corridor with multiple electronic display signs could be subjected to a view that appears to have constant movement.

g. Regulations proposed to limit size, location, dwell time, and operational mode for electronic display signs, limit distractions to the public and preserve the aesthetic quality of the community.

h. The amendments proposed by Ordinance Bill No 1-09 are limited in scope and are consistent with the intent and purpose of the Sign Code.

**CONCLUSION**

The proposed sign regulations are necessary to allow for new evolving technology to permit appropriate signage for businesses and are in the best interest of the community.

## ALTERNATIVES

For the purpose of Council consideration, staff is providing some alternative approaches to regulating electronic display signs. Any of the following options would require staff to re-write all or part of the proposed ordinance.

Alternative 1: Prohibit All Electronic Display Signs

This option would not allow any signs which are comprised solely or partially of an electronic display which can be changed by automatic means. Due to improvements in sign technology, decreased costs of electronic display signs, energy efficiency of these signs, and the ability to easily change the copy of the signs, staff would not recommend prohibiting this technology.

Alternative 2: Allow Electronic Display Signs with a shorter dwell time, e.g., eight seconds

This would change the proposed ordinance from fifteen-minute dwell times in commercial/industrial and public zones and twenty-four hour dwell times in residential zones. Although, the Task Force recommended that the message shall be displayed for a minimum of eight seconds, five of the seven neighborhood representatives on the committee voted in opposition to this recommendation.

Alternative 3: Allow more time for public review and comment of the proposed ordinance. This alternative would delay the ability of businesses and organizations to fully take advantage of the new technology.

The draft ordinance has been sent to local sign companies, task force members and neighborhood associations. However, comments have been limited.

Glenn W. Gross, Planning Administrator

Attachments:

1. Task Force Committee's Final Recommendations
2. Jurisdiction Comparison Chart
3. City of Hillsboro, City of Mesa Arizona, and Industry NIT Levels
4. 2008 Oregon Department of Transportation Electronic Billboard Research Document
5. 2007 SRF Consulting Group, Inc. Dynamic Signage Research Document

Prepared by: Amy Dixon, Associate Planner

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## NEW TECHNOLOGY SIGN TASK FORCE
## FINAL RECOMMENDATIONS

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**DEFINITIONS (As recommended by the Committee on 3/28/07)**
Electronic Message Display: A sign capable of displaying words, symbols, or images that can electronically or mechanically change by remote or automatic means.

**Motion maker:** Jason Brandt (Chamber)
**Second:** Joe McRae (Lamar)
**Vote:** Unanimous (12-0)
**Members absent:** (1) Birdsong (Northgate)

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

**Staff called for a vote.**
**Vote:** Unanimous (12-0)
**Members absent:** (1) Birdsong (Northgate)

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**ILLUMINATION STANDARDS (As recommended by the Committee on 5/9/07 and 5/23/07)**
An electronic message display sign must be constructed, established, operated, or otherwise function in such a way as to not exceed the following illumination limitations:

(A) Electronic message display signs that contain changeable copy produced by Light Emitting Diodes (LEDs), incandescent or low-voltage lamps or bulbs, or cathode ray tubes (CRTs) shall include automatic brightness compensation features to adjust brightness to compensate for the angle and ambient light conditions and ensure that the sign is visible but not necessarily radiant.

(B) No electronic message sign may be illuminated to a degree of brightness that is greater than 7,500 nits in the daytime and 1,000 nits in the nighttime; provided that electronic message display signs comprised of one color may not exceed the following illumination limitations:

- (i) for a sign comprised of red only, the intensity level (nit) may not be more than 3,150 in the daytime and 450 in the nighttime;
- (ii) for a sign comprised of green only, the intensity level (nit) may not be more than 6,300 in the daytime and 900 in the nighttime;
- (iii) for signs comprised of amber only, the intensity level (nit) may be no more than 4,690 in the daytime and 670 in the nighttime."

(C) A written certification from the owner or end-user is required, stating that the light intensity for the sign will not exceed the levels specified in Section (1)(B) above.

(D) Signs found to be too bright shall be adjusted or removed as directed by the Building Official.

**Staff called for a vote with all committee members present on May 9, 2007.** Will Stone (Martin Signs), and Mark Wieprecht (SESNA) who were absent at the May 9, 2007 meeting, indicated that they would have voted in support of the motion at the May 23, 2007 committee meeting.
**Vote:** Unanimous (13-0)

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**SIGN SIZE (As recommended by the Committee on 5/9/07 and 5/23/07)**
Whether stand-alone or as part of a more comprehensive or aggregate sign, the electronic message display sign may not exceed the maximum sign size allowed by the zone district in which the subject property is located.

**Motion maker:** Pamela Schmidling (Morningside)
**Second:** Joe McRae (Lamar)
**Original Vote held on 5/9/07:** Unanimous (11-0)
**Members absent on 5/9/07:** (2) - Will Stone (Martin Signs), Mark Wieprecht (SESNA)

**Final Recommendation:**

**In Favor:** (10) - Jim Lewis (Chamber), Don Wyant (Wyant Co), Corey Spady (Salem Sign), Joe McRae (Lamar), Brad Parsons (Clear Channel), Pamela Schmidling (Morningside), Birdsong (North Gateway), Russ Allison (Faye Wright), Claudia Howells (SCAN), and Mark Wieprecht (SESNA)

**Opposed:** (3) - Carole Smith (CANDO), Joan Lloyd (NEN) and Will Stone (Martin Signs).

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**CHANGE FREQUENCY (As recommended by the Committee on 5/9/07 and 5/23/07)**
An electronic message display sign shall be constructed, established, operated, or otherwise function in such as way that the message shall be displayed for a minimum of eight (8) seconds.

**Motion maker:** Pamela Schmidling (Morningside)
**Second:** Joe McRae (Lamar)
**Original Vote held on 5/9/07: (8-3)**

**In Favor:** (8) - Jim Lewis (Chamber), Don Wyant (Wyant Co), Corey Spady (Salem Sign), Joe McRae (Lamar), Brad Parsons (Clear Channel), Pamela Schmidling (Morningside), Birdsong (North Gateway), Russ Allison (Faye Wright)

**Opposed:** (3) - Claudia Howells (SCAN), Carole Smith (CANDO), and Joan Lloyd (NEN).

**Members absent 5/9/07:** (2) - Will Stone (Martin Bro. Signs), Mark Wieprecht (SESNA)

**Final Recommendation:**

**In Favor:** (7) - Jim Lewis (Chamber), Don Wyant (Wyant Co), Corey Spady (Salem Sign), Joe McRae (Lamar), Brad Parsons (Clear Channel), Pamela Schmidling (Morningside), and Russ Allison (Faye Wright)

**Opposed:** (6) - Carole Smith (CANDO), Joan Lloyd (NEN), Claudia Howells (SCAN), Will Stone (Martin Bro. Signs), Mark Wieprecht (SESNA) and Birdsong (North Gateway).

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**MESSAGE TRANSITION EFFECTS (As recommended by the Committee on 5/23/07)**
Allow larger signs (to be defined by staff) to use static message change only and smaller signs to dissolve, fade, travel or scroll, or similar transitions and frame effects that have text animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once.

**Motion maker:** Joe McRae (Lamar)
**Second:** Pamela Schmidling (Morningside)
**Vote:**
**In favor:** Six (6) out of ten (10) committee members present, voted in support of the motion (Will Stone (Martin Bro. Signs), Corey Spady (Salem Signs), Terry Sandblast (Clear Channel), Joe McRae (Lamar), Jason Brandt (Chamber) and Pamela Schmidling (Morningside).
**Members absent:** **(3)** Don Wyant, Jr. (Wyant Co.); Birdsong (Northgate); and Russ Allison (Faye Wright)

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**MESSAGE TRANSITION TIME (As recommended by the Committee on 5/23/07)**
Maximum two (2) second message transition time.

**Motion maker:** Terry Sandblast (Clear Channel)
**Second:** Pamela Schmidling (Morningside)
**Vote:**
**In favor:** Nine (9) out of ten (10) committee members present voted in support of the motion (Will Stone (Martin Bro. Signs), Corey Spady (Salem Signs), Terry Sandblast (Clear Channel), Joe McRae (Lamar), Jason Brandt (Chamber) and Pamela Schmidling (Morningside) (Claudia Howells (SCAN), Mark Wieprecht (SESNA), and Joan Lloyd (NEN)).
**Members absent:** **(3)** Don Wyant, Jr. (Wyant Co.); Birdsong (Northgate); and Russ Allison (Faye Wright)

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**VIDEO SIGNS (As recommended by the Committee on 5/23/07)**
Prohibit video signs.

**Motion maker:** Carol Smith (CANDO)
**Second:** Mark Wieprecht (SESNA)
**Vote:** Unanimous vote in favor of the ten (10) committee members present (10-0) (Will Stone (Martin Bro. Signs), Corey Spady (Salem Signs), Terry Sandblast (Clear Channel), Joe McRae (Lamar), Jason Brandt (Chamber) and Pamela Schmidling (Morningside) (Claudia Howells (SCAN), Mark Wieprecht (SESNA), and Joan Lloyd (NEN)) and Carole Smith (CANDO).
**Members absent:** **(3)** Don Wyant, Jr. (Wyant Co.); Birdsong (Northgate); and Russ Allison (Faye Wright)

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**ADDITIONAL COMMITTEE CONCERNS (5/23/07 Meeting):**

- Six (6) committee members (Corey Spady (Salem Signs), Will Stone (Martin Bro. Signs) and Claudia Howells (SCAN), Carole Smith (CANDO), Mark Wieprecht (SESNA), and Joan Lloyd (NEN)) indicated the need to rewrite/update the whole Sign Code.

- Four (4) committee members (Claudia Howells (SCAN), Carole Smith (CANDO), Mark Wieprecht (SESNA), and Joan Lloyd (NEN)) recommended not allowing EMDs to be in or visible from, historic districts, the CBD, and residential zones.

- Four (4) committee members (Claudia Howells (SCAN), Carole Smith (CANDO), Mark Wieprecht (SESNA), and Joan Lloyd (NEN)) indicated a concern regarding energy usage and light pollution.

<table>
<tr><th>Jurisdiction</th><th>Size Limitations</th><th>District</th><th>Dwell Time</th><th>Brightness</th><th>Mode of Operation</th></tr>
<tr><td>City of Salem</td><td>Limited to 35% of the display surface of the sign</td><td>Allowed in all Commercial, Public & Industrial zones.<br><br>Residential is by Conditional Use permit process</td><td>In Commercial, Public & Industrial zones, limited to 15 min.<br><br>In Residential zone, limited to 24 hours.<br><br>Conditional Use process would allow for a shorter dwell time.<br><br>Change must be completed in two seconds or less.</td><td>At time of installation:<br><table><tr><th>INTENSITY LEVEL (NIT)</th><th>Daytime</th><th>Night time</th></tr><tr><td>Any Sign</td><td>7,500</td><td>1,000</td></tr><tr><td>Color</td><td></td><td></td></tr><tr><td>Red Only</td><td>3, 150</td><td>450</td></tr><tr><td>Green Only</td><td>6,300</td><td>900</td></tr><tr><td>Amber Only</td><td>4,690</td><td>670</td></tr></table>And must be equipped with an automatically adjusting device.<br><br>After installation:<br>No sign shall be brighter than is necessary<br>No sign shall impair the vision of a motor vehicle driver<br>No sign shall interfere with the effectiveness of an official traffic sign, device or signal.</td><td>Displays may change by dissolve, fade, or by instantaneous change from one static display to another, but shall remain as a static display after completing the change, and, once changed, shall remain static until the next change.<br><br>Unless specifically authorized by this Chapter, scrolling, travel, video display is prohibited.</td></tr>
<tr><td>City of Keizer</td><td>The total allowed sign area for a business (up to 150 sq ft) shall be reduced by 25% if the business has a rotating or revolving, or electronic message sign.</td><td>Only with a Conditional Use.<br><br>Permit in an EG, P, IBP, CR, CO, MU, CM or a CG zone.<br><br>Not allowed in residential zones.</td><td>15 min in all zones, except P.<br><br>In the P zone and if located adjacent to residential areas shall only be illuminated between the hours of 6:00 AM and 11:00 PM and may only be changed once in a 24 hour period and shall include mitigation measures such as screening and buffering or other measures to mitigate any impacts onto adjacent properties.</td><td><table><tr><th>INTENSITY LEVEL (NIT)</th><th>Daytime</th><th>Night time</th></tr><tr><td>Any Sign</td><td>7,500</td><td>1,000</td></tr><tr><td>Color</td><td></td><td></td></tr><tr><td>Red Only</td><td>3, 150</td><td>450</td></tr><tr><td>Green Only</td><td>6,300</td><td>900</td></tr><tr><td>Amber Only</td><td>4,690</td><td>670</td></tr></table>and must be equipped with an automatically adjusting device</td><td>No flashing or chaser effect.<br><br>Must remain Static.</td></tr>
<tr><td>City of Portland</td><td>Limited to a total combined area of 20 square feet per site.<br><br>No single sign may have more than 10 square feet of changing image sign features unless those features cover less than 60 percent of the face of the sign.</td><td>Only allowed in Commercial & Industrial zone (except Commercial Office abutting residential zones)</td><td>Does not limiting changing image signs.<br><br>Do not include otherwise static signs where illumination is turned off and back on not more than once every 24 hours.</td><td>Glare Standard – Glare may not directly or indirectly form reflection, or cause illumination on other properties in excess of a measurement of 0.50 foot candles of light.</td><td></td></tr>
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| Jurisdiction | Size Limitations | District | Dwell Time | Brightness | Mode of Operation |
|---|---|---|---|---|---|
| City of Hillsboro | **In Commercial/ Industrial Districts** - shall not exceed 50 percent of the total sign face.<br><br>**In Station Community Commercial Sign District** -. Shall not exceed 35 percent of the total sign face.<br><br>**In Industrial Park & Research Park Districts** - shall not exceed 25 percent of the total sign face. | Commercial & Industrial Districts | Every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change. | May not be illuminated greater than necessary for adequate visibility.<br><br>May not exceed:<br><br>8,000 nits during daylight hours,<br><br>or<br><br>1,000 nits between dusk and dawn. | Video signs are prohibited.<br><br>May travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.<br><br>Shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights.<br><br>Shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face. |
| City of Gresham | The electronic message center shall be an integral part of the sign design and shall not exceed 8 square feet in area. | | | | Flashing and animated signs, or any signs which achieve apparent movement through electrical pulsations, including strobe lights, and bead lighting, or through animation and/or real images are prohibited. |
| City of Minnetonka, Mn | Limited to 35% of sign.<br><br>Limited to freestanding signs only<br><br>Line of copy is governed by speed of road | All zones, except residential.<br><br>Residential by conditional use only | 20 minutes | Must be equipped with an automatically adjusting device.<br><br>No sign shall be brighter than is necessary<br><br>No sign shall impair the vision of a motor vehicle driver<br><br>No sign shall interfere with the effectiveness of an official traffic sign, device or signal. | Static only |
| City of Bloomington, Mn | Size is not limited. Uses spacing between sign types. | Changeable Copy signs: All Zones<br><br>Changeable Graphic Signs – only in non-residential zone | <u>Changeable Copy :</u><br>All zones except residential – 8 seconds<br><br>Residential zone – 1 hour.<br><br><u>Changeable graphic</u> signs: 20 minutes - only in non-residential zones | Residential is limited to amber color only.<br><br>May not exceed:<br>5,000 nits during daylight hours,<br>500 nits between dusk and dawn.<br><br>Equipped with an automatic dimmer control. | Video display signs are prohibited.<br><br>Static only. |

| Jurisdiction | Size Limitations | District | Dwell Time | Brightness | Mode of Operation |
|---|---|---|---|---|---|
| City of San Antonio, Tx | On-premise- 25% of allowed sign area<br><br>Off-premise - 300 square feet | In all zones<br><br>Off-premise signs – limited to 15 signs within the city limits. | Ten (10) seconds, and a change of message must be accomplished within one (1) second or less for off premise signs.<br><br>Not allowed to change in residential areas | May not display light of such intensity or brilliance as to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.<br><br>Equipped with both a dimmer control<br><br>Factory pre-set not to exceed 7,000 NITS<br><br>Exceeding the following intensity levels (nits) constitutes "excessive intensity or brilliance":<br><br>INTENSITY LEVEL (NIT)<br>Color / Daytime / Night time<br>Red Only / 3, 150 / 1,125<br>Green Only / 6,300 / 2,250<br>Amber Only / 4,690 / 1,675<br>Full Color / 7,000 / 2,500 | Static only |
| City of Seattle, Wa | Video – limited to 7 sq ft | Allow in all zones, except residential and historic districts | Between dusk and dawn the - limited to no more than five hundred (500) units<br><br>Signs using a video display method may be used after dusk only until 11:00 p.m. or, for up to one hour after on premise event advertising the event. | | |
| City of Mesa, Arizona | No special size limitations | All districts except urban renewal overlay zones | 1 hour<br><br>Less dwell time is allowed by special use permit. | Requires factory pre-set not to exceed the levels specified in the chart below:<br><br>Intensity level is protected from end-user manipulation<br><br>INTENSITY LEVEL (NIT)<br>Color / Daytime / Night time<br>Red Only / 3, 150 / 1,125<br>Green Only / 6,300 / 2,250<br>Amber Only / 4,690 / 1,675<br>Full Color / 7,000 / 2,500 | Displays of static messages, where the message change sequence is accomplished immediately or by means of fade or dissolve modes |

**Hillsboro Municipal Code**
Title 15 BUILDINGS AND CONSTRUCTION
**15.20.105 Electronic message signs.**

Electronic message signs permitted under this chapter shall comply with the following standards:

E. No electronic message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits or equivalent candelas during daylight hours, or one thousand nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the planning director. (Ord. 5675 § 1 (part), 2006)

**Information Provided by Watchfire, Sign Manufacturing Company**

**Brightness**:

Based on reputable manufacturers (In business for at least ten years) testing standards for visibility in daylight and nighttime conditions. All LED signs should be designed with a light output of 5000 NITS. NITS is an LED display manufacturers standard and means brightness per square meter. This is measurable with a Konica Minolta meter. (Specifications available upon request) All Electronic Message Signs (s) should have automatic adjustment via software photocell or traditional photocell (hardware).

Typical message brightness during daytime operation based on 40% of the LED's on at a time = 2000 NITS.

Typical message brightness during nighttime operation based on 40% of the LED's on at a time = 500 NITS.

Should community standards and ambient light conditions dictate changes to either increase or decrease brightness then reputable manufacturers should have password protected adjustment features available that can correct to local standards only with the manufacturers assistance.

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## CHAPTER 19

## SIGN REGULATIONS

11-19-1 Purpose, and Application:

(A) The purpose of this Sign Ordinance regulating signs of all types is to:

1. Preserve and protect the public health, safety and welfare within the City of Mesa.

2. Encourage development of private property in harmony with the desired character of the City while providing due regard for the public and private interests involved.

3. Promote the effectiveness of signs by preventing their over concentration, improper placement, deterioration, and excessive size and number.

4. Enhance the flow of traffic and the convenience, ease and enjoyment of travel within the City of Mesa.

5. To protect travelers in the City of Mesa from injury or damage as a result of distraction or obstruction of vision attributable to signs.

(B) The intent of the application of this Ordinance is to:

1. Reduce advertising distractions which may contribute to traffic accidents.

2. Assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets and other public structures and spaces shall be protected by exercising reasonable control over the character and design of sign structures.

3. Provide an improved visual environment for the citizens of and visitors to the City of Mesa, Arizona.

4. Require that signs are properly maintained for safety and visual appearance.

(C) This Sign Ordinance establishes procedures for the enforcement, interpretation and processing of variances, Use Permits, Special Use Permits, Council Use Permits and appeals, and for violations and penalties for infractions of the sign regulations.

(D) It is not the intention of this Sign Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance.

(E) All buildings, structures and uses of land shall be subject to the provisions of this Ordinance.

(c) Are integrated into the primary physical elements of the building or development;

(d) Are constructed or composed of architectural-grade materials such as ceramic tile, metal, glass, or masonry.

17. Electronic message displays are permitted in accordance with the following:

(a) Displays of static messages, where the message change sequence is accomplished immediately or by means of fade or dissolve modes, shall be permitted as a matter of right, subject to the sign size limitations otherwise applicable for the site, provided each message is displayed for a minimum period of one hour.

Exception: In the Town Center Redevelopment area such display is allowed only after approval of a Special Use Permit.

Exception: On a Freeway Landmark Monument, such display is allowed only after approval of a Council Use Permit.

(b) A Special Use Permit under the Administration and Procedures Chapter of this Title shall be required for approval of the display of static messages displayed for a minimum period less than one hour, and changed by any mode, or for message changes accomplished by the means of travel or scrolling modes. The Zoning Administrator/Board of Adjustment may attach conditions to the approval of such Electronic Message Displays, including limitation on the minimum time period for the display of each message, to the extent necessary to ensure that the granting of the Special Use Permit will not have a detrimental effect on the surrounding area or the public welfare, and will be consistent with the purpose and intent of this Chapter. In making this determination, the Zoning Administrator/Board of Adjustment shall consider the following factors:

1. The speed and volume of the vehicular traffic visually exposed to the sign;

2. The presence of other signs or distracting influences in proximity to the sign location; and

3. The extent to which the design of the sign is compatible with other signs located on the premises.

Exception: on a Freeway Landmark Monument, such display is allowed only after approval of a Council Use Permit, and shall be limited to text messages only, with no animation, video, nor any continuous traveling or scrolling messages.

(c) The intensity of the LED display shall not exceed the levels specified in the chart below:

Intensity Level (nits)

| COLOR | DAYTIME | NIGHTTIME |
|---|---|---|
| RED ONLY | 3,150 | 1,125 |
| GREEN ONLY | 6,300 | 2,250 |
| AMBER ONLY | 4,690 | 1,675 |
| FULL COLOR | 7,000 | 2,500 |

Prior to the issuance of a Sign Permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in the chart above, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Building Safety Director.

18. A Freeway Landmark Monument is permitted in all zoning districts, subject to the approval of a council Use Permit in accordance with the Administration and Procedures Chapter of this Title. In addition to the findings required for approval of a council use permit as specified in the definition contained in Section 11-1-6 of this title, a freeway landmark monument may be approved only upon a finding by the City Council that such freeway landmark monument is in compliance with the locational parameters, operational limits, and design standards specified in the Freeway Landmark Monument Guidelines.

    Prior to any approval by the City Council of a proposed Freeway Landmark Monument, such proposal shall first be reviewed by the Design Review Board who shall forward its recommendations to the City Council. Such review by the Design Review Board shall be limited to consideration of specific design, materials, and architectural features of the proposed Freeway Landmark Monument.

(E) Sign Permits:

1. Except as provided in 11-19-8(B), it shall be unlawful for any person to place, display, alter or relocate a sign without first obtaining a permit or permits from the Building Safety Director. All signs shall conform to the following Design Review standards:

    (a) Signs should be compatible with the style and character of the development and should be an integral design component of the building architecture, landscaping, and overall site development.

        1. Attached signs – attached signs should be integrated with the primary physical features of the building and should not be incongruous to the building architecture. Signs should be composed of individual letters such as pan channel, or other durable material, and should be mounted so that the attachment device is not visible or discernable.

# Literature review

June 6, 2008

# The use of commercial advertising on large scale electronic billboards for highways and their relation to driver safety and driver distraction.

By Jon Lazarus, Oregon Department of Transportation Research Unit

## Background

Although there have been several articles and comments on the use of Electronic Billboards, the Oregon Department of Transportation and City of Salem found themselves discussing this issue in May of 2008. This discussion was brought about with the recent erection of four large-scale high quality graphic electronic billboard signs on major arterials in Salem, Oregon. One of these signs was visible to I-5 traffic[1].

ODOT, in collaboration with the city of Salem, conducted this review of the existing literature in order to better understand the national perspective on this issue and achieve a specific focus on this issue within the northwest. This literature review will assist local and state officials to determine their next course of actions within this topic area.

## History

Based on the Census Bureau report, there were 43,443 fatalities in the US in 2005. The overall, the number of people killed has increased by an average of 0.4 percent per year between years 1996 and 2005 (National Highway Traffic Safety Administration. 2007).

A common cause of vehicular accidents is 'distraction'. In addition to deaths, the inability of drivers to concentrate on the road while driving leads to accidents that cause physical injuries to themselves or others (*The Anniston (Alabama) Star.* 2007). The size and newer technology of Electronic Billboard Signs (EBBs, also referred to as Commercial Electronic Variable Message Signs or Digital Billboards) makes them much clearer from a distance than older generation signs. The intent of commercial electronic billboards is to relay the advertising message to the consumer, which places them in direct competition for the attention needed to operate a motor vehicle.

The topic of distracting billboards and signage is a national issue facing city, county, and state roads. Individual State Departments of Transportation (DOT) have varying regulations addressing the use of such signs on highway right-of way with some unifying guidance from organizations like the Federal Highway Administration (FHWA). Advertising that could distract or impair the driver's vision (U.S. Department of Transportation, Federal Highway Adminstration. 2001A) was removed from highways under the Highway Beautification Act of 1965 (U.S. Department of Transportation, Federal Highway Adminstration. 2001B).

In some cases EBBs are placed in the city, intended for a city arterial, however, are also visible to the drivers on other nearby highways. This raises a question

[1] ODOT has not yet determined if this sign is subject to state sign regulations.

as to what constitutes a driver's line of sight when a city arterial sign is visible from the highway and what laws may be applicable due to the increased size and quality of images. EBBs installed on privately owned land may apply for permits within cities and/or counties, which may have contrasting and even conflicting sets of laws governing levels of use ranging from prohibition to full use with few limitations. State DOT's are becoming more involved with city and/or county entities when permits for use of large scale EBBs are granted in an effort to keep some uniformity.

There are four underlying factors state agencies and city/county governments are most concerned with when determining the use of EBBs at local levels. They are:

- Driver safety;
- Current local regulations and codes, including neighboring city codes and decisions regarding the use of EBBs;
- Availability to partner with private company to display beneficial information to the public (Amber alerts, Traffic notices, Homeland security notices, etc); and
- Aesthetics.

Driver Safety

In the May 2008 ITE (Institute of Traffic Engineers) Journal (Birdsall, Michelle. 2008A), the use of EBBs, their background, regulations, and additional pro's and con's are discussed in detail.

Two industry sponsored studies (Outdoor Advertising Association of America, Inc. 2007) claimed that EBBs were no more likely to cause traffic accidents than conventional billboards. These have since been rebutted in a report critical of the conclusions and methodology of both studies (Wachtel, Jerry. 2007).

The Federal Highway Administration published a final report in 2001 (U.S. Department of Transportation, Federal Highway Administration. 2001C). This study outlines some specific follow-up research needed. This was followed-up with a 2007 FHWA memorandum (U.S. Department of Transportation, Federal Highway Administration. 2007) for more guidance within the use of EBBs.

In a NHTSA study in 2006, driver eye-movement behavior indicates that total eyes-off-road durations of greater than 2 seconds significantly increased individual near-crash/crash risk. Two of the four types of driver inattention researched were: driving-related inattention to the forward roadway and non-specific eye-glance away from the forward roadway (U.S. Department of Transportation, National Highway Traffic Safety Administration. 2006).

Additionally, a study in 1996 (Akagi, Y., T. Seo and Y. Motoda. 1996) shows billboards that are erected along the roadsides could detract from the visibility of traffic lights.

According to Treat *et al.* (Treat, J.R., et al. 1979), the use of advertising billboards contributes to the driver's inattentiveness while driving. In line with this matter, the study of Wang *et al.* (Wang, J., R. Knipling and M. Goodman. 1996) reveals that 3.2 percent of vehicular crashes that occur each year were triggered by external distracting objects[2].

In relation to the use of large electronic billboards, physical properties such as:

- size of the object;
- readability of advertising texts;
- color and object contrast with its background;
- complexity of the background; and
- boldness of graphics

are some of the factors that need to be considered when evaluating the drivers' safety on highways (National Highway Traffic Safety Administration Driver Distraction Internet Forum. 2000).

There is a need for more research in the area of driver distraction and the benefits of these electronic signs. Based on a field and laboratory study that was conducted (Hughes, P.K. and B.L. Cole. 1986) with regard to the degree of distraction caused by advertising billboards, the use of advertising objects accounted for 10.2 percent of driver distraction, compared to 18.3 percent assoicated with traffic control devices. A study (Luoma, J. 1998) reported that drivers tend to have a longer eye fixation on advertisement billboards compared to traffic control signs such as pedestrian or speed limit signs.

Current Regulations

A Wisconsin DOT Synthesis report (WisDOT Synthesis Report. 2003) identifies the lack of governance on standards for EBBs and discussed additional ideas for identifying if crashes were related to extra-vehicular distraction, like EBBs.

After the 1958 Bonus Act (California Department of Transportation. 1998) and the Highway Beautification Act of 1965 was implemented throughout the United States, many amendments and new Acts were made the to strengthen the regulation on advertising signs including the large-scale electronic billboards (U.S. Department of Transportation, Federal Highway Adminstration. 2001B). These include:

- 1968 amendments to Highway Beautification Act of 1965;
- Federal-Aid Highway Acts of 1970, 1974, 1976;

[2] Referring to people, situation that occurs outside the vehicle, and other non-specific objects; this study did not specifi cally considered billboards to be one of external causes of distraction.

- Intermodal Surface Transportation Efficiency Act of 1991; and
- Dire Emergency Supplemental Appropriations Act of 1992.

Despite the U.S. Department of Transportation's effort to promote driver safety, there is a continuing problem with the lack of uniformity in the existing regulation on outdoor advertising from one state to another. Thirty-six states highly regulate the use of red, flashing, intermittent, or moving lights on large electronic or non-electronic billboards; twenty-nine states prohibit signs that use illumination that interferes with traffic light controls; and only nine states have implemented specific regulations governing signs (U.S. Department of Transportation, Federal Highway Adminstration. 2001A).

Since there is a need for more research in the field on driver distraction effects of currently sized (and newer technology) EBBs, local governments are looking for direction from the state DOT and national entities, like FHWA, to help guide their use and regulate EBB deployment at a local level. However, FHWA has taken a neutral stance, "FHWA currently has no scientific basis on which to prohibit the signs. FHWA is not endorsing the billboards, but rather allowing states to make their own decisions about them." (Birdsall, Michelle. 2008B).

In a web blog, various billboard laws across the US are discussed:

"California electronic billboards are restricted from changing displays more often than every four seconds. In Nevada, full-motion billboards are allowed on the Las Vegas Strip. Georgia forbids electronic billboards that change messages more often than every 10 seconds. Other states set an 8-second minimum between changes. In Pittsburgh, Council recently passed a law that limits electronic signs to amber text or images on black background. Under that regulation, electronic message boards must be incorporated within traditional signs. They may be no larger than 24 square feet per side, each message must stay in place for at least 15 seconds, and no animation is allowed." (Webpavement WebBlog. 2005)

Tulsa, Oklahoma has posted their city ordinance revisions dealing with these EBBs (Tulsa (Oklahoma) Now Web Forum. 2008). The OAAA (Outdoor Advertising Association of America) has posted some state statues for Connecticut, Florida, Ohio as well as city of Wheeling definitions and Off-Premise Signs section to their city ordinances (Outdoor Advertising Association of America, Inc. 2007).

In the northwest, few large-scale commercial EBBs have been allowed to be displayed on Interstates without the consent of the state DOT. However, in 1997, a unique situation prevailed in that a large scale sign was installed against the DOT recommendation on I-5 in Washington State. This large EBB was installed on Indian Tribal land (Pierce/King County line) which abutted the I-5 highway. Within a letter from the Washington State Regional Traffic Engineer dated June 19, 2002 (McCormick to Tulalip Tribes Casino. 2002), he recommended against an additional sign on the I-5 corridor citing previous experience with EBBs for

Washington State. In this letter, the traffic engineer shows crash data which supports safety concerns that a large scale EBB could cause more distraction to drivers, and therefore lead to more accidents.

In a phone interview with Bill Legg, WSDOT ITS State Engineer (Legg, Bill. 2008), he described a nine-month period before and after the installation of the sign. The findings of the study, as he recalls, revealed that traffic speeds overall decreased on the segment visible to the sign and that there was no statistically significant change in accident rates. Unfortunately, WSDOT does not have this study on file, citing an archiving error. On further discussion, Mr. Legg comments revealed the fact that the original Pierce/Kings county sign has since dimmed (illumination), whether through years of use or by design and has less contrast. It was also learned that a newer sign on I-5, south of Olympia (Tulalip Tribes Casino) has a dimmer feature (illumination) and he believes is a benefit to drivers during the evening hours due to the lessened contrast of the sign.

Future reports

FHWA is currently updating their 1980 and 2001 studies in this topic area (see previous reference above). The updated report is scheduled for publication in 2009. There is also an NCHRP project 20-07/Task 256 (see hyper-link in references) also due in 2009 called "Safety Impacts of Emerging Digital Display Technology for Outdoor Advertising Signs."

The newly formed Transportation Research Board (TRB) subcommittee for Digital Signage is expected to conduct research in this topic area (Wachtel, Jerry. 2008).

Conclusion

In summary, regulation on electronic billboards is different from state to state, city to city. More guidance is needed from Federal entities, if a national standard is going to be implemented. Additional research needs to be done in the area of driver distraction with specific emphasis on the newer technology, graphically enhanced billboards. Some key studies in this area are underway. Many cities have opted to regulate these EBBs based on public safety, public opinion, tax gain, public service announcements (e.g. Amber Alert), and aesthetics.

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Other useful web sites on this topic:
http://www.NAHBA.org
http://www.transportation.org/
http://www.oaaa.org/
http://www.byways.org/

# Appendix A
# Washington DOT EBB regulation as of June 2008

Under these rules, the EBB sign in this discussion would be considered to be a Type 3 on premise sign, electronic signs are allowed only as type 3 signs under WAC 468-66-050(3)(g):

(g) Electronic signs may be used only as Type 3 on-premise signs and/or to present public service information, as follows:

(i) Advertising messages on electronic signboards may contain words, phrases, sentences, symbols, trademarks, and logos. A single message or a message segment must have a static display time of at least two seconds after moving onto the signboard, with all segments of the total message to be displayed within ten seconds. A one-segment message may remain static on the signboard with no duration limit.

(ii) Displays may travel horizontally or scroll vertically onto electronic signboards, but must hold in a static position for two seconds after completing the travel or scroll.

(iii) Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the signboard.

(iv) Electronic signs requiring more than four seconds to change from one single message display to another shall be turned off during the change interval.

(v) No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed 8,000 nits or equivalent candelas during daylight hours, or 1,000 nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted as directed by the department.

# Appendix B
# Oregon DOT EBB regulation as of June 2008

**377.720 Prohibited signs; exceptions.** A sign may not be erected or maintained if it:

(1) Interferes with, imitates or resembles any traffic control sign or device, or attempts or appears to attempt to direct the movement of traffic.

(2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of traffic control signs or devices or approaching or merging traffic.

(3) Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to:

(a) A traffic control sign or device.

(b) Signs or portions thereof with lights that may be changed at intermittent intervals by electronic process or remote control that are not outdoor advertising signs.

(c) A tri-vision sign, except that a tri-vision sign may not be illuminated by any flashing, intermittent, revolving, rotating or moving lights.

(4) Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operation thereof.

(5) Is located upon a tree, or painted or drawn upon a rock or other natural feature.

(6) Advertises activities that are illegal under any state or federal law applicable at the location of the sign or of the activities.

(7) Is not maintained in a neat, clean and attractive condition and in good repair.

(8) Is not able to withstand a wind pressure of 20 pounds per square foot of exposed surface.

(9) Is on a vehicle or trailer that is located on public or private property. This subsection does not apply to a vehicle or trailer used for transportation by the owner or person in control of the property. [1971 c.770 §15; 1973 c.790 §3; 1977 c.256 §2; 1981 c.392 §1; 1999 c.877 §4; 2007 c.199 §8]

# Appendix C
# Other Oregon regulations as of June 2008

**734-020-0005** Manual on Uniform Traffic Control Devices

Legal Reference **click here**

Federal Highway listing of the MUTCD

Oregon.gov listing of Supplement to MUTCD

**Prohibited Activities on State Highway Right-of-Ways**
**734-020-0095** Prohibited Activities

Legal Reference **click here**

**Standards for Installation, Operation and Use of Traffic Control Signal Operating Devices**

(See web link above)

**734-020-0300** Purpose
**734-020-0310** Definitions
**734-020-0320** Standards for Installation and Operation of Emergency Preemption and Bus Priority Systems
**734-020-0330** Standards for Use of Traffic Control Signal Operating Devices

# Appendix D
# LUBA (Oregon Land Use Board of Appeals) Legal notes with regard to EBBs as of June 2008

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** Where a local ordinance that restricts the size of all electronic signs except those operated by government agencies as public signs is not concerned with the content of the messages being displayed on the electronic signs, under Article I, Section 8 of the Oregon Constitution, the ordinance is a content neutral restriction on speech that is a reasonable time, place and manner restriction. Lamar Advertising Company v. City of Eugene, 54 Or LUBA 295 (2007).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** In the absence of evidence in the record indicating that a local government is allowing certain private parties to use government signs to display private commercial messages and that use results in discrimination against particular speakers, no violation of Article I, Section 20 of the Oregon Constitution has occurred. *Lamar Advertising Company v. City of Eugene*, 54 Or LUBA 295 (2007).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** A broad and poorly defined sign code prohibition on "billboards" does not necessarily require inquiry into the content of signs, or allow content-based distinctions, where as interpreted by the city the code allows or prohibits all signs, including "billboards," based on specific standards that do not require inquiry into the content of proposed signs. *Media Art v. City of Tigard*, 46 Or LUBA 61 (2003).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** An argument that a sign code definition of "image" impermissibly distinguishes between content because it regulates representational images but not abstract images does not provide a basis for reversal or remand, where nothing in the sign code narrows the scope of the term "image" to exclude abstract or non-representational images. *Cotter v. City of Portland*, 46 Or LUBA 612 (2004).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** In the absence of a content-neutral way of distinguishing wall murals from other types of signs, a city's regulatory choice lies between deregulating signs altogether or regulating murals along with signs. A city's choice to regulate murals along with signs does not violate Article I, section 8 of the Oregon Constitution, where graphic expression by muralists is burdened only to the same extent as other types of constitutionally protected expression. *Cotter v. City of Portland*, 46 Or LUBA 612 (2004).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** A city's failure to address subjective language in a sign code criterion does not provide a basis for reversal or remand, where the petitioner also argues that applying that code language to approve or deny a sign application would be inconsistent with Article I, section 8 of the Oregon Constitution. *Cotter v. City of Portland*, 46 Or LUBA 612 (2004).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** That the record does not contain evidence of the specific content of proposed billboards does not indicate that a city's denial of the billboards was not content-based, where the city's sign ordinance defines permitted signs by content, the city denied the proposed signs because they were not among the types of signs allowed by the ordinance, and the city's denial reflects a belief or assumption about the types of speech the proposed billboards would not include. *West Coast Media v. City of Gladstone*, 44 Or LUBA 503 (2003).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** A sign ordinance that defines and regulates six permitted types of signs, and implicitly prohibits all others, necessarily requires inquiry into the content of the proposed sign in order to determine which if any of the six permitted categories and six different sets of standards apply. *West Coast Media v. City of Gladstone*, 44 Or LUBA 503 (2003).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** While distinction between "off-premises" and "on-premises" signs is not necessarily a content-based distinction in violation of Article I, section 8 of the Oregon Constitution, a sign ordinance that allows some types of off-premises speech and prohibits others necessarily distinguishes between speech based on content, and is therefore inconsistent with Article I, section 8. *West Coast Media v. City of Gladstone*, 44 Or LUBA 503 (2003).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** A sign ordinance that impermissibly allows certain types of speech while prohibiting other types of speech based on content in violation of Article I, section 8 of the Oregon Constitution may also, for the same reason, violate the equal privileges and immunities clause under Article I, section 20. *West Coast Media v. City of Gladstone*, 44 Or LUBA 503 (2003).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** That the record does not contain evidence of the specific content of proposed billboards does not indicate that a city's denial of the billboards was not content-based, where the city's sign ordinance defines permitted signs by content, the city denied the proposed signs because they were not among the types of signs allowed by the ordinance, and the city's denial reflects a belief or assumption about the types of speech the proposed billboards would not include. *West Coast Media v. City of Gladstone*, 44 Or LUBA 503 (2003).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** An evidentiary proceeding before LUBA is not warranted to consider evidence that the petitioner has installed "light emitting diodes" on an existing sign in order to engage in constitutionally protected speech, where the question of whether petitioner's installation is constitutionally protected speech is a legal conclusion, not an assertion of fact. *Meredith v. Lincoln County*, 44 Or LUBA 821 (2003).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** A city decision concluding that applying local sign ordinance criteria to deny a sign permit would violate Article I, section 8, of the Oregon Constitution is inadequate, where the findings do not identify what aspects of the local sign ordinance the city believes would be found to be unconstitutional or explain why the city believes it would be unconstitutional to apply the sign ordinance. *Haug v. City of Newberg*, 42 Or LUBA 411.

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** Where an application for city approval of a sign that is larger than allowed by city sign standards does not meet the city's criteria for approval of such larger signs, a city may not cite constitutional concerns and approve the request for a larger sign without (1) adopting a reviewable decision that explains what constitutional provisions the city believes would be violated and why, and (2) explaining why the appropriate remedy in that circumstance would not be to deny the request until constitutional provisions for allowing such larger signs are adopted. *Haug v. City of Newberg*, 42 Or LUBA 411.

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** A zoning ordinance that lacks provisions governing signs and that is nevertheless applied to evaluate whether a proposed billboard is an accessory use to industrial and commercial uses allowed in the relevant zone is not subject to facial challenge under Article I, section 8 as an ordinance directed at the content of speech or as a content-neutral ordinance that expressly prohibits speech. *Media Art Company v. City of Gates*, 35 Or LUBA 123 (1998).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** A local government may constitutionally distinguish between signs related to on-premise uses, and signs related only to off-premise uses or services, and deny a proposed billboard because it is unrelated to the primary use of the property, where the city's evaluation of the relationship between the sign and the premise does not entail a content-based distinction, and the on-premise/off-premise distinction is a rational means to preserve the zone for allowed uses. *Media Art Company v. City of Gates*, 35 Or LUBA 123 (1998).

**2.1.2 Constitutional Law – Oregon Constitution – Nonprocedural Issues.** A local government does not impermissibly favor commercial speech over noncommercial speech because it allows signs related to on-premise uses in an

industrial and commercial zone and prohibits all others. That signs related to on-premise commercial uses are allowed while unrelated commercial and noncommercial signs are prohibited is an incidental consequence of the permissible distinction drawn between signs related to on- and off-premise uses. *Media Art Company v. City of Gates*, 35 Or LUBA 123 (1998).

# "DYNAMIC" SIGNAGE:

# RESEARCH RELATED TO DRIVER DISTRACTION AND ORDINANCE RECOMMENDATIONS

Submitted by

SRF Consulting Group, Inc.

Prepared for

City of Minnetonka

June 7, 2007

Increasingly complex traffic and roadway environments require greater attention to and focus on the driving task.

The purpose of this study is to understand what existing transportation research tells us about the effects of dynamic signs on motorists. This study also explores regulatory measures enacted in other jurisdictions to address concerns related to driver distraction. Due to time and scope constraints, this report is not comprehensive, but rather addresses the most frequently cited and easily accessible information available. The report concludes with a discussion of regulatory options for the City of Minnetonka to consider in their formulation of policies to address dynamic signage.

Information collected for this report draws from a variety of sources including interviews with subject matter experts, government and academic research, and policies developed to regulate various types of signage.

Several city and county sign ordinances were used as references for policy and regulatory research. In some cases, ordinances were brought to our attention by planners and others following the sign ordinance issue. In others, Internet searches were conducted using words and references that apply specifically to dynamic signs.

Several sign manufacturers and sign companies provided an industry perspective through a workshop with the SRF Consulting Group and the City of Minnetonka staff on February 27, 2007. This meeting yielded information about sign characteristics that can be addressed through policy and regulatory measures. Daktronics, a company that manufactures and markets LED signs, was also helpful in this regard, providing informational materials about characteristics of signs that can be regulated and examples of city sign ordinances with which they are familiar.

## 3.0 SELECTED RESEARCH FINDINGS

This following section presents a summary of expert opinions and selected driver distraction research conducted by government and academic researchers examining roadside signage and its effects on the driving task. Studies are organized around critical questions with serious research ramifications.

- *Is there reason to believe that billboards are a source of distraction?*
- *Is there reason to believe that "dynamic" billboards are an additional source of distraction?*
- *How much distraction is a problem?*
- *How does "brightness" affect driver safety concerns?*
- *How should billboards and other signage be regulated from a driver safety perspective?*

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## 1.0 INTRODUCTION

This study was precipitated by concerns raised by the City of Minnetonka, Minnesota in regard to the installation of two LED ("light emitting diode") billboards along Interstate 394 and Interstate 494. The LED function was applied to two existing "static" image billboards located adjacent to the interstate. Following installation of the LED function, the City turned off the power to the signs though a stop work order based on current city ordinance prohibiting flashing signs, which is broadly defined, as well as permitting requirements for the retrofitting of the signs to the upgraded technology. The billboard owner sued the City, and the court response to this legal action as of the writing of this study has been to allow limited use of the LED billboards. A moratorium on further signage of this type was established by the City to facilitate the study of issues related to driver distraction and safety and appropriate regulatory measures for LED and other types of changeable signage.

This study was undertaken on behalf of the City of Minnetonka to examine these issues. While the concerns were precipitated by LED billboards in particular, this report examines more broadly "dynamic" display signage which is defined as any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays. These capabilities may be provided by a variety of technologies which are discussed later in this report.

As the study progressed, additional communities within the Twin Cities Metropolitan Area, as well as the League of Minnesota Cities, expressed interest in these issues. However, it is not the intention of this report to provide a comprehensive study of all issues raised by dynamic signage, or other types of billboards, but rather to focus narrowly on the issues of concern to the City of Minnetonka.

## 2.0 PURPOSE OF STUDY AND METHODOLOGY

Driving a motor vehicle is a complex task that requires the ability to divide one's attention. Simultaneously maintaining a steady and legal speed, changing lanes, navigating traffic and intersections, reading and interpreting street signs, drivers are often challenged by conditions that can change in the blink of an eye. Internal and external physical conditions can affect how safely the driving task is accomplished. Drug or alcohol intoxication, fatigue and/or distractions in the driving environment all can play a role in motor vehicle crashes. However, these conditions are rarely the sole reason for a crash. Rather, these conditions serve to exacerbate an already-complex driving environment and subsequent mistakes in judgment can lead to crashes.

## 3.1 Expert Opinions

A combination of researchers and public policy experts were interviewed for this study. Individuals were identified while conducting background research into driver distraction and were interviewed because of their credibility in the field.

**Kathleen Harder**, a researcher at the University of Minnesota, has conducted driver distraction research for a variety of applications, including research for Mn/DOT. She is an expert in the field of human factors and psychology. She indicated that electronic billboards pose a driver distraction threat because of their ability to display high resolution color images, their ability to change images, and their placement in relationship to the roadway, particularly in areas where the road curves, exits and entrances are present, merges, lane drops, weaving areas, key locations of official signs, and/or areas where roadways divide.

**Greg Davis**, a researcher with the FHWA Office of Safety Research and Development, in Washington, DC was involved in the 2001 FHWA study on electronic billboards. He was interviewed to gain a deeper understanding of this critical study and to learn of recent research in this area. Davis stated that while no research has established a direct cause and effect relationship between electronic outdoor advertising signs and crash rates, the lack of such a research finding does not preclude a causal relationship between electronic billboards and crashes. He advocated for a new study that can control all variables and determine if a cause and effect relationship exists.

**Scott Robinson**, an outdoor advertising regulator for Mn/DOT, wrote the 2003 technical memorandum that addresses allowable changes for outdoor advertising devices. Mr. Robinson indicated that the memo was originally written in 1998 to establish a permitted rate of change for tri-vision signs and that the application to electronic billboards was not considered. The minimum change rate of 4.9 seconds for 70 mph roadways and 6.2 seconds for 55 mph roadways was based on the travel time between static signs spaced at the minimum allowed distance apart. Mr. Robinson also indicated that the memo is not a Mn/DOT policy, statute or rule, but rather it was written to provide internal guidance.

**Jerry Wachtel**, an Engineering Psychologist and highway safety expert in private practice, was the lead author for the FHWA's original (1980) study on electronic billboards. He has continued his active involvement in this field, and advises Government agencies as well as the outdoor advertising industry on sign ordinances, sign operations, and the implications of the latest research on road safety. Mr. Wachtel believes that it is neither feasible from the perspective of research design and methodology, nor necessary from a regulatory perspective, to demonstrate a causal relationship between digital billboards and road safety. Rather, he believes that we have a strong understanding, based on many years of research, of driver information processing capabilities and limitations, and of the contributions to, and consequences of, driver distraction, on crash risk; and that this understanding is sufficient to support development of guidelines and ordinances for the design, placement, and operation of digital billboards so as to lessen their potentially adverse impact on road safety and traffic operations.

Wachtel also offered comments on drafts of this report. In later conversations related to his review, Wachtel stated his belief that even though visual fixations on roadway signs decrease as route familiarity increases, a strength of the new digital billboards is that they can present messages *that are always new*. Thus, the conclusion from the 1980 FHWA study is another argument against these billboards; namely, drivers spend more time looking at the unfamiliar signs than at familiar ones, suggesting digital billboards are more dangerous than traditional fixed billboards. Wachtel also suggested his preference for a goal to have any given driver experience only one, or a maximum of two, messages from an individual roadside sign.

## 3.2 Billboards: a Source of Driver Distraction? [1]

The purpose of a sign is to attract the attention of passersby so that a message is conveyed. To the degree signs attract the attention of vehicle drivers, they may distract them from the activity of driving. While this report primarily examines the impact of *dynamic* roadside advertising, the role traditional *static* advertising plays in driver distraction is discussed below.

The relationship between roadside advertising and crash rates has been the subject of several studies. The majority of this research was conducted in the 1950s, 60s and 70s. While some of the earliest studies have been subsequently criticized for flawed methodologies and improper statistical techniques, some findings emerge when the totality of the studies are examined. One of these findings is that the correlation between crash rates and roadside advertising is strongest in complex driving environments. For example, higher crash rates were found at intersections (generally considered a complex environment) that have advertising than those intersections that do not have advertising. A few of the studies that are important in this field are summarized below.

**Minnesota Department of Transportation Field Study (1951) and Michigan State Highway Department Field Study (1952)** [2]

These two studies from the early 1950s used similar methods but came to significantly different conclusions. Recognized as the more scientifically rigorous study, the Minnesota study found that increases in the number of advertising signs per mile are correlated with increases in motor vehicle crash rates. It also found that intersections with at least four advertising signs experienced three times more crashes than intersections with no advertising signs. Conversely, the less rigorous Michigan study found the presence of advertising signs had no effect on the number of crashes.

**Iowa State College, Do Road Signs Affect Accidents? (Lauer & McMonagle, 1955)** [3]

A laboratory test was created to determine the effect of advertising signs on driver behavior. The results of this study found removing all advertising signs from the driver's field of vision did not improve driver performance. When signs were included, driver performance was slightly better. Note that laboratory methods used in this study are considered to be dated by today's standards.

**Faustman (California Route 40) Field Study (1961)[4] and Federal Highway Administration, Reanalysis of Faustman Field Study (1973)[5]**

Two studies that appear to have stood the test of time are Faustman's original analysis of California Route 40 and its re-examination by FHWA more than a decade later. The original analysis tried to improve upon previous research by limiting variables, such as roadway geometric design and roadway access controls. The FHWA reanalysis focused on disaggregating the data and converting actual crashes to expected crash rates on specific roadway sections. Each of the sections was given a value based on the number of billboards on the section. A linear regression was performed to determine the expected crash rates. An analysis of variance of the regression coefficients found that the number of billboards on a section was statistically significant. The reanalysis found a strong correlation between the number of billboards and crash rates as shown in Table 1.

*Table 1. FHWA Reanalysis of Faustman's Findings.*

| No. of Billboards | Expected No. of Accidents in a 5-year Period | Cumulative Increase in Accident Rate |
|---|---|---|
| 0 | 5.92 | |
| 1 | 6.65 | 12.3 |
| 2 | 7.38 | 24.2 |
| 3 | 8.11 | 37.0 |
| 4 | 8.84 | 49.3 |
| 5 | 9.57 | 61.7 |

**Federal Highway Administration**

***Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable-Message Signage* (Wachtel & Netherton, 1980)[6]**

This extensive review provides a comprehensive discussion of roadside advertising research as of 1980. The study authors noted "attempts to quantify the impact of roadside advertising on traffic safety have not yielded conclusive results." The authors found that courts typically rule on the side of disallowing billboards because of the "readily understood logic that a driver cannot be expected to give full attention to his driving tasks when he is reading a billboard." Because the distraction evidence is not conclusive, these decisions were generally not based on empirical evidence.

The research review noted that accident reports often cite "driver distraction" as a default category used by uncertain law enforcement officers who must identify the cause of a crash. As a result, the authors believe crashes due to driver distraction are not always properly identified. In addition, law enforcement officers often fail to indicate the precise crash locations on crash reports, making it difficult to establish relationships between crashes and roadside features.

**Accident Research Unit, School of Psychology, University of Nottingham**
***Attraction and distraction of attention with roadside advertisements* (Crundall et al., 2005)** [7]

This research used eye movement tracking to measure the difference between street-level advertisements and raised advertisements in terms of how they held drivers' attention at times when attention should have been devoted to driving tasks. The study found that street-level advertising signs are more distracting than raised signs.

## 3.3 "Dynamic" Billboards: an Additional Source of Distraction?

Signage owners or leasers want to incorporate dynamic features into their signage for a number of reasons: to enhance the sign's ability to attract attention, to facilitate display of larger amounts of information within the same sign area, to conveniently change message content, and to enhance profitability. As mentioned earlier, this report uses the term "dynamic" signs to refer to non-static signs capable of displaying multiple messages. Several studies documented the ability of a sign to accomplish the first of these goals.

**University of Toronto**
***Observed Driver Glance Behavior at Roadside Advertising Signs* (Beijer & Smiley, 2004)** [8]

Research done at the University of Toronto compared driver behavior subject to passive (static) and active (dynamic) signs. The study found that about twice as many glances were made toward the active signs than passive signs. A disproportionately larger number of long glances (greater than 0.75 seconds) taken were toward the active signs. The duration of 0.75 seconds is important because it is close to the minimum perception-reaction time required for a driver to react to a slowing vehicle. For vehicles with close following distances, or under unusually complex driving conditions, a perception delay of this length could increase the chance of a crash. The following findings were reported in this study:

- 88% of the subjects made long glances (greater than 0.75 seconds).
- 22% of all glances made at all signs were long glances (greater than 0.75 seconds).
- 20% of all the subjects made long glances of over two seconds.
- As compared to static and scrolling text signs, video and tri-vision signs attracted more long glances.
- Video and scrolling text signs received the longest average maximum glance duration.
- All three of the moving sign types (video, scrolling text and tri-vision) attracted more than twice as many glances as static signs.

**University of Toronto**
***Impact of Video Advertising on Driver Fixation Patterns* (Smiley et al., 2001)** [9]

Another study completed at the University of Toronto used similar eye fixation information in urban locations to show that drivers made roughly the same number of glances at traffic signals and street signs with and without full-motion video billboards present. This may be interpreted to mean that while electronic billboards may be distracting, they do not appear to distract drivers from noticing traffic signs. This study also found that video signs entering the driver's line of sight directly in front of the vehicle (e.g., when the sign is situated at a curve) are very distracting.

**City of Seattle Report (Wachtel, 2001)** [10]

The City of Seattle commissioned a report in 2001 to examine the relationship between electronic signs with moving/flashing images and driver distraction. The report found that electronic signs with moving images contribute to driver distraction for longer intervals than electronic signs with no movement. Following are major points made in the report:

- New video display technologies produce images of higher quality than previously available technologies. These signs have improved color, image quality and brightness.
- New video display technologies use LEDs with higher viewing angles. Drivers can read the sign from very close distances when they are at a large angle from the face of the sign.
- Signs with a visual story or message that carries for two or more frames are particularly distracting because drivers tend to focus on the message until it is completed rather than the driving task at hand.
- Research has shown that drivers expend about 80 percent of their attention on driving related tasks, leaving 20% of their attention for non-essential tasks.
- The Seattle consultant suggests a "10 second rule" as the maximum display time for a video message.

The expanded content of a dynamic sign also contributes to extended distraction from the driving task. The Seattle Report examined how this may be due in part to the *Zeigarnik effect* which describes the psychological need to follow a task to its conclusion. People's attention is limited by the ability to only focus on a small number of tasks at a time, and by the tendency to choose to complete one task before beginning another. In a driving environment, drivers' attention might be drawn to the sign rather than the task of driving because they are waiting to see a change in the message. This loss of attention could lead to unsafe driving behaviors, such as prolonged glances away from the roadway, slowing, or even lane departure.

While the Zeigarnik effect may be present in a wide variety of driving situations, possible scenarios that could affect drivers include:

- A scrolling message requires the viewer to concentrate as the message is revealed. Based on the size and resolution of the sign, and the length of the message, this could range from less than one second to many seconds.
- A sequence of images or messages that tell a story, during which the driver's attention may be captured for the entire duration that the sign is visible. Instead of merely glancing at the sign and then returning concentration to the driving task, more attention may be given to the message.
- Anticipation of a new image appearing, even if the expected new image is not related to the first image. In this case, the driver may be distracted while waiting for the change.

**Federal Highway Administration**
***Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable-Message Signage* (Wachtel & Netherton, 1980)** [11]

This research provides information on the use of on-premise Commercial Electronic Variable-Message Signs (CEVMS) that display public service information (i.e,. time and temperature) and advertising messages along the Interstate highway system. The research found the following major considerations:

- Highway Safety Considerations

  The link between changing messages that attract drivers' attention and crashes has been an issue of concern since the earliest forms of electronic signage became available. This study thoroughly reviewed the literature seeking information regarding a potential link between CEVMS and crashes:

  > *"Although a trend in recent findings has begun to point to a demonstrable relationship between CEVMS and accidents, the available evidence remains statistically insufficient to scientifically support this relationship."*

  The study also noted that studies have not documented information about "such occurrences as 'near misses' or traffic impedances that are widely recognized as relevant to safety, and which may or may not be attributable to the presence of roadside advertising."

- Human Factors Considerations

  Human factors relate to all the elements that explain driver behavior, such as eye glances and driver responses to a variety of driving-related stimuli. The study makes the point that simple driving-related tasks consume relatively little information processing capacity. However, when other conditions, such as congestion, complicated roadway geometries, or weather are also considered, the marginal extra

amount of attention required to read roadside advertisements could lead to driving errors that could cause crashes.

> *"The enormous flexibility of display possessed by CEVMS makes it possible to use them in ways that can attract drivers' attention at greater distances, hold their attention longer, and deliver a wider variety of information and image stimuli than is possible by the use of conventional advertising signs."*

**Texas Transportation Institute for FHWA, Impacts of Using Dynamic Features to Display Messages on Changeable Message Signs (Dudek et al., 2005)** [12]

This study examined the comprehension times for three different scenarios for DOT-operated changeable message signs. The scenarios evaluated were:

- Flashing an entire one-phase message
- Flashing one line of a one-phase message while two other lines of the message remain constant
- Alternating text on one line of a three-line CMS while keeping the other two lines of text constant on the second phase of the message

The findings of this study were:

- Flashing messages did not produce faster reading times.
- Flashing messages may have an adverse effect on message comprehension for unfamiliar drivers.
- Average reading times for flashing line messages and two-phase messages were significantly longer than for alternating messages.
- Message comprehension was negatively affected by flashing line messages.

While this research did not evaluate advertising-related signs, it does demonstrate that flashing signs require more of the driver's time and attention to comprehend the message. In the case of electronic billboards, this suggests that billboards that flash may require more time and attention to read than static ones.

## 3.3.1 OTHER INFORMATION

**NHTSA Driver Distraction Internet Forum (2000)** [13]

The National Highway Traffic Safety Administration held an internet forum to gather research and public comment related to driver distraction with an emphasis on the use of cell phones, navigation systems, wireless Internet and other in-vehicle devices. During this forum, participants were invited to take a poll to determine the most prominent driver

distraction issues. Electronic billboards were identified as one of six noted sources of distraction.

**Parliament of Victoria, Australia, Report of the Road Safety Committee on the Inquiry into Driver Distraction (2006)** [14]

This report identified road signs and advertising as one of the largest sources of driver distraction. At least three billboards near Melbourne, Australia display moving images.

> *"The Committee considers these screens to be at the high end of potential visual distraction and accordingly, present a risk to drivers."*

The study also included a quote from the Manager of the Road User Behaviour group at VicRoads (the State's road and traffic authority) from a December 2005 hearing:

> *What we do know is when there is movement involved, such as flicker or movement in the visual periphery, that this is more likely to capture a driver's attention. We actually are hard-wired as human beings to movement, so particularly moving screens and information that scrolls at intersections and in highly complex driving situations – these are risky, and in particular researchers have been most concerned about those sort of advertising materials.*

This opinion would suggest that electronic signs can present a distraction to drivers.

## 3.4 How Much Distraction Is a Problem?

A number of studies were identified that discussed concerns with driver distraction generally. It should be noted that some of the studies cited use specific crash data that is ten or more years old. Direct comparison of distraction sources to influences of today may not be completely valid due to increased technological sophistication of distracting influences. These could include in-vehicle technology (e.g., navigation systems, MP3 players, DVD players, CD players, computer systems, etc.) as well as other potentially distracting influences (e.g., cell phones, text messaging, dynamic signage, other roadway elements, etc.) that were not commonplace when the data for these studies was collected:

**Australian Road Research Board**
***Investigations of Distraction by Irrelevant Information* (Johnston & Cole, 1976)** [15]

This research used five experiments to test whether drivers could maintain efficient performance in their driving tasks while being subjected to content that was information rich, but irrelevant to driving. The findings were that a small, but statistically significant amount of performance degradation was observed when the participant was under a critical load of stimuli.

**National Highway Traffic Safety Administration/ Virginia Tech Transportation Institute**
***Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data* (Klauer et al., 2006)** [16]

This study analyzed the data from a driving database developed by the National Highway Traffic Safety Administration. This database contained exhaustive data recorded by instrumented vehicles that measured glance position, impairment, drowsiness, risk taking and many other parameters potentially involved in crash causation. Vehicles were instrumented so that an observer did not need to be in the vehicle to collect data. Automated data collection reduced the problem of an observer influencing driver behavior. The study found that glances of two seconds or greater doubled the risk of crashes or near-crashes. The study also found that 22 percent of crashes are accompanied by "secondary-task" distraction whether inside or outside the vehicle.

**National Highway Traffic Safety Administration/ Virginia Tech Transportation Institute**
***Driver Inattention is a Major Factor in Serious Traffic Crashes* (2001)** [17]

The National Highway Traffic Safety Administration commissioned a study to examine the causes of crashes. The study gathered information from four areas throughout the country and used data from the National Automotive Sampling System (NASS) from April 1996-April 1997 for analysis. The geographic areas were selected because they had good crash investigation practices and high interview completion rates. The results of this study are summarized in Table 2.

*Table 2. Crash Causation Summary*

| Causal Category | Percentage of Drivers Contributing to Causation |
|---|---|
| Driver Inattention | 22.7 |
| Vehicle Speed | 18.7 |
| Alcohol Impairment | 18.2 |
| Perceptual Errors | 15.1 |
| Decision Errors | 10.1 |
| Incapacitation | 6.4 |
| Other | 8.8 |

**Association for the Advancement of Automotive Medicine**
***The Role of Driver Inattention in Crashes; New Statistics from the 1995 Crashworthiness Data System* (Wang, 1996)** [18]

This report analyzed the NHTSA 1995 Crash Worthiness Data System (CDS). It found that the greatest source of driver distraction (3.2 percent) was due to a specified person, object or event outside the vehicle. The full results of the study are presented in Table 3.

*Table 3. Percentage of CDS Crashes Involving Inattention-Distraction Related Crash Causes*

| Data Element | % of Drivers | % of Crashes |
|---|---|---|
| Attentive or not distracted | 46.6% | 28.4% |
| Looked but did not see | 5.6% | 9.7% |
| Distracted by other occupant [specified] | 0.9% | 1.6% |
| Distracted by moving object in vehicle [specified] | 0.3% | 0.5% |
| Distracted while dialing, talking, or listening to cellular phone [location and type of phone specified] | 0.1%@ | 0.1%@ |
| Distracted while adjusting climate controls | 0.2%@ | 0.3%@ |
| Distracted while adjusting radio, cassette, CD [specified] | 1.2% | 2.1% |
| Distracted while using other device/object in vehicle [specified] | 0.1% | 0.2% |
| Sleepy or fell asleep | 1.5% | 2.6% |
| Distracted by outside person, object, or event [specified] | 2.0% | 3.2% |
| Eating or drinking | 0.1% | 0.2% |
| Smoking-related | 0.1% | 0.2% |
| Distracted/inattentive, details unknown | 1.5% | 2.6% |
| Other distraction [specified] | 1.3% | 2.2% |
| Unknown/No Driver | 38.5% | 46.0% |

Weighted driver N = 4,627,000 (7,943, unweighted): weighted crash N = 2,619,000 (4,536); In order for a *crash* to classified "attentive," all involved drivers had to be classified "attentive."
@ - estimate based on 5-9 cases.

### University of North Carolina Highway Safety Research Center
### *The Role of Driver Distraction in Traffic Crashes* (Stutts et al., 2001) [19]

A study prepared by the University of North Carolina Highway Safety Research Center for the AAA Foundation for Traffic Safety examined the sources of driver distraction in traffic crashes. The data came from the CDS from 1995-1999. Of the thirteen specific sources of distraction tracked by the study, the greatest source of distraction was an outside person, object or event. While the study does not break down the sources of outside distraction, it does show that distractions outside the vehicle are the largest factor in distraction-related crashes. The results of this study are presented in Table 4.

*Table 4. Specific Sources of Distraction Among Drivers in Distraction–Related Crashes*

| Specific Distraction | Percentage of Drivers |
|---|---|
| Outside person, object or event | 29.4 |
| Adjusting radio, cassette, CD | 11.4 |
| Other occupant in vehicle | 10.9 |
| Moving object in vehicle | 4.3 |
| Other device/object brought into vehicle | 2.9 |
| Adjusting vehicle/climate controls | 2.8 |
| Eating or drinking | 1.7 |
| Using/dialing cell phone | 1.5 |
| Smoking related | 0.9 |
| Other distraction | 25.6 |
| Unknown distraction | 8.6 |
| Total | 100.0 |

Three studies were found which attempted to measure driver behavior specifically in response to dynamic signage. Two of these studies demonstrated a potential relationship between dynamic signage and crash rates:

**Minnesota Department of Transportation, The Effectiveness and Safety of Traffic and Non-Traffic Related Messages Presented on Changeable Message Signs (CMS) (Harder, 2004)** [20]

This study used a driving simulator to measure the effect of Department of Transportation changeable message signs on traffic flow. The two messages evaluated were a "crash ahead" warning and an AMBER Alert (child abduction information). The research found that just over half of the participants used the "crash ahead" message and 60 percent could recall the AMBER Alert with scores of Good or Better. Over one fifth of the participants slowed down by at least 2 mph upon seeing the AMBER Alert, demonstrating that messages relevant to drivers are associated with changes in at least some drivers' travel speed .

***Decision of the Outdoor Advertising Board in the Matter of John Donnelly & Sons, Permitee, Telespot of New England, Inc., Intervenor, and Department of Public Works, Intervenor, with Respect to Permit Numbered 19260 as Amended* (1976)** [21]

This proceeding documents the Commonwealth of Massachusetts Outdoor Advertising Board's ruling regarding one of the first changeable signs. This sign was located near an arterial road in Boston and used magnetic discs to portray a message that changed every 30 seconds. The original sign permit was rejected based on four criteria, one of which was safety. Upon appeal, the Massachusetts Department of Public Works allowed the permit based on the fact that the sign would give the public a benefit. However, they ultimately determined that the sign was a safety hazard based on crash rates before and after the sign was installed. Tables 5 and 6 show the change in crash rates.

*Table 5. Telespot Sign Crash Rates - Expressway Southbound*

| | Average per year (1/1/1970-12/31/1972) | Average per year (1/1/1973-3/31/1975) | Average Percent Change |
|---|---|---|---|
| **Crashes where the sign was viewable (north of sign)** | 29.0 | 20.0 | -31.0 |
| **Crashes where the sign was not viewable (south of sign)** | 39.0 | 15.6 | -60.0 |

*Table 6. Telespot Sign Crash Rates - Expressway Northbound*

| | Average per year (1/1/1970-12/31/1972) | Average per year (1/1/1973-3/31/1975) | Average Percent Change |
|---|---|---|---|
| **Crashes where the sign was viewable (south of sign)** | 46.3 | 42.7 | -7.8 |
| **Crashes where the sign was not viewable (north of sign)** | 8.0 | 1.8 | -77.5 |

This analysis shows that while crash rates decreased on comparable sections in the years after the sign was installed, the sections where the sign was visible experienced smaller crash rate decreases. Due to these arguments, the Board ruled that the operation of the sign must be terminated.

**Wisconsin Department of Transportation**
***Milwaukee County Stadium Variable Message* Sign Study – Impacts of an Advertising Variable Message Sign on Freeway Traffic (1994)** [22]

A study prepared by the Wisconsin Department of Transportation (WisDOT) examined crash rates before and after an advertising variable message sign was installed in 1984 on the Milwaukee County Stadium, home of the Milwaukee Brewers professional baseball team. Crash statistics were analyzed for the three years before and the one and three years after the sign was installed. As they are often associated with driver distraction, side-swipe and rear-end crashes, as well as total crashes, were examined for both the eastbound and westbound directions. The sign was much more visible to eastbound traffic due to the stadium's proximity to the roadway and the amount of visual obstructions for westbound traffic.

The analysis found an increase in crash rates for all crash types in the eastbound direction after the sign was installed. Most pronounced was an 80 percent increase in side-swipe crashes after the first year of installation. Results in the westbound direction were mixed, with a 29 percent decrease in crashes the first year the sign was in place and a 35 percent increase in the three years the sign was in place. Although no control roadway sections were studied, an interview with the study author revealed that the introduction of a sign on a high volume curving roadway may have introduced enough distraction to an already demanding driving environment to explain the higher crash rate in the eastbound direction. The study author also stated that the study was not able to establish a causal relationship between the sign and the crash rates.[23]

**Federal Highway Administration**
***Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction* (2001)** [24]

The Federal Highway Administration published a comprehensive report in 2001 that consisted of a literature search, literature review and a description of research needs for

the topic of electronic billboards (EBBs). While the study did not conduct any new research, it does provide an excellent summary of the role electronic billboards play in traffic safety and includes good descriptions of the terminology related to electronic billboards. Selected findings from that synthesis are provided below:

> *"In most instances, researchers were not able to verify that an EBB was a major factor in causing a crash. Only one study since the 1980 review and one lawsuit were identified."*
>
> *"Studies were identified that verified that: an increase in distraction, a decrease in conspicuity, or a decrease in legibility may cause an increase in the crash rate."*
>
> *"Commercial EBBs are designed to 'catch the eye' of drivers. Their presence may distract drivers from concentrating on the driving task and visual surrounds."*
>
> *"There is indication that individual differences in age and driving experience may be important considerations in driver distraction, and are relevant to understanding driver responses to the external environment. Furthermore, research regarding driver familiarity of their route demonstrated that visual fixations on roadway signs decreases as route familiarity increases. This research may show that there is a difference between commuter and visiting drivers."*

Based on these findings, the FHWA recommended additional research to further demonstrate how roadway characteristics, sign characteristics and legibility, driver characteristics and other potential driver distractions affect traffic safety. FHWA was contacted to see if any new information was available. Greg Davis, a Research Psychologist with the FHWA Office of Safety R&D, indicated that the FHWA has not performed additional studies on the topic since the report was published. He stated that there is "no direct correlation between electronic outdoor advertising signs and crash rates". He referred to a before/after study of electronic signs installed along a freeway in Las Vegas that found no change in crash rates. He went on to say that the lack of a research finding that links signs with crash rates does not mean that a causal relationship does not exist. He indicated that he has been contacted by several law enforcement agencies regarding the link between driver distraction and dynamic message signs/electronic billboards. He indicated that this is a timely and pertinent topic for many states due to the increasing popularity and capabilities of electronic outdoor advertising devices, and he expects further research to be forthcoming. He advocates for a new study that can control for all variables and determine if a cause and effect relationship exists.[25]

## 3.5 How Does "Brightness" Affect Driver Safety Concerns?

The brightness of any sign, static or dynamic, raises concerns with discomfort or disability glare to the driver that may arise when viewing any lighted object. *Disability Glare* occurs when a

driver is exposed to a light source so bright that it temporarily blinds the driver, impairing their ability to perform driving tasks. This temporary blindness is brief, but can be dangerous. *Discomfort Glare* occurs when a light source is bright enough to distract or encourage the driver to look away from the light, but is not blinding. Discomfort glare is of particular concern in cases where a bright sign is located in the same line of sight as a traffic sign, signal or another vehicle.

While concerns about glare are not unique to dynamic signs, newer sign technologies, which often include dynamic components, have the technical capability to emit more light and/or respond to ambient light conditions, raising additional concerns about sign brightness in areas where signs compete with regulatory traffic signs or signals.

## 3.6 Billboards and Other Signage Regulation: a Minnesota Perspective

Roadside signage is governed by policies and laws at the federal, state and local levels. Minnesota Statute, Chapter 173 seeks to "reasonably and effectively regulate and control the erection or maintenance of advertising devices on land adjacent to such highways." The statute requires adherence to federal statutes with respect to interstate and primary systems of highways.

Minnesota Statute Ch. 173.16 Subd. 3. regulates lighting of signs. Signs which are "illuminated by any flashing light or lights, except those giving public service information" (time, date, temperature, weather or news) are prohibited. This section also states:

> (b) Advertising devices shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an interstate or primary highway, of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle; or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
>
> and
>
> (c) Outdoor advertising devices shall not be erected or maintained which shall be so illuminated that they interfere with the effectiveness of or obscure any official traffic sign, device or signal.

## 3.7 Billboard and Other Signage Regulation: Other Perspectives

During the course of this study, several articles were found which summarize regulation of dynamic signage in other states:

**Wisconsin Department of Transportation**
***Electronic Billboards and Highway Safety* (2003)** [26]

The Wisconsin Department of Transportation also published a literature review report to further explain the current state of EBB research. Although much of the information is

mentioned in other sections of this report, the Wisconsin review did summarize Wisconsin's regulations for electronic billboards.

- No message may be displayed for less than one-half second;
- No message may be repeated at intervals of less than two seconds;
- No segmented message may last longer than 10 seconds;
- No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second (light column defined as pixel column);
- No variable message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

**National Alliance of Highway Beautification Agencies (1999)** [27]

Although this survey is eight years old, it generated the following information related to electronic billboards:

- Nine states had specific regulations governing signs,
- Nine states had regulations on tri-vision signs that were either being drafted or in pending legislation,
- Fifteen states had regulations regarding moving parts and/or lights,
- Nine state had no regulations on tri-vision signs, and
- Six states and Washington, DC, prohibited tri-vision signs.

An investigation into state outdoor advertising regulations was also conducted.

- Thirty-six states had prohibitions on signs with red, flashing, intermittent, or moving lights,
- Twenty-nine states prohibited signs that were so illuminated as to obscure or interfere with traffic control devices, and
- Twenty-nine states prohibited signs located on interstate or primary highway outside of the zoning authority of incorporated cities within 500 ft of an interchange or intersection at grade or safety roadside area.

**Parliament of Victoria, Australia, Report of the Road Safety Committee on the Inquiry into Driver Distraction (2006)** [28]

This report, cited earlier for its driver distraction opinions, identifies road signs and advertising as one of the largest sources of driver distraction. VicRoads, the state's road and traffic authority, has implemented the following regulations.

*Figure 1. VicRoads' Ten Point Road Safety Checklist*

An advertisement, or any structure, device or hoarding for the exhibition of an advertisement, is considered to be a road safety hazard if it:

1. obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property; or
2. obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device; or
3. could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing; or
4. is at a location where particular concentration is required (eg. high pedestrian volume intersection); or
5. is likely to be mistaken for a traffic control device, for example, because it contains red, green or yellow lighting, or has red circles, octagons, crosses or triangles, or arrows; or
6. requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic; or
7. invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely; or
8. is within 100 metres of a rural railway crossing; or
9. has insufficient clearance from vehicles on the carriageway; or
10. could mislead drivers or be mistaken as an instruction to drivers.

VicRoads also gives operational requirements for electronic advertising message signs. Signage must:

- not display animated or moving images, or flashing or intermittent lights;
- remain unchanged for a minimum of 30 seconds;
- not be visible from a freeway; and
- satisfy the ten-point checklist.

## 4.0 SUGGESTED REGULATORY APPROACH

Local governments regulate electronic outdoor advertising devices in widely varying degrees. Some cities completely prohibit the use of all electronic signs (sometimes specifying LED signs), while others have no regulations specific to electronic signs. Between those two extremes, there are many levels and types of control that can be applied.

The primary concerns to keep in mind when considering sign regulations are 1) First Amendment rights, which can be affected by regulations that affect the content of a sign's message, and therefore should be avoided, and 2) changing technology, which can quickly make a sign ordinance no longer applicable if the ordinance has been specifically written to address a certain type of sign technology. Performance based measures may therefore be preferable as they remain viable even as sign technology advances.

### 4.1 Definitions

Signage discussions often include a number of different words or phrases used to describe the technical characteristics of signage devices or their components (such as LEDs). For the purpose of zoning, some additional terms are also used to describe sign characteristics. Any regulatory efforts should take care to precisely define terminology. One possible resource in this effort is "Street Graphics and the Law," published by the American Planning Association (APA) Planning Advisory Service[29].

### 4.2 Types of Regulatory Measures

#### 4.2.1 Complete or Partial Prohibition of Electronic Signs

Some cities have completely prohibited the use of electronic outdoor advertising devices. For example, the City of Maple Valley, WA prohibits all types of electronic outdoor advertising devices including animated signs, electronic changeable message signs, flashing signs or displays, moving signs, scrolling displays, and traveling displays. This applies to both on-premise and off-premise signs.

Other cities are very selective about where electronic signs are allowed, allowing them only in certain zoning districts. There are very few "standard" approaches. For the most part, each local

government tailors their regulations to their own situation. One approach adopted by cities is to prohibit electronic outdoor advertising devices in residential zoning districts, and for a certain distance away from residential zoning districts, similar to the zoning limitations placed on illuminated signs. Some ordinances require that electronic signs be situated such that the sign face is not visible from nearby residences.

### 4.2.2 Size Limitations on Electronic Signs

Another way of regulating electronic signs is to limit their size. Again, there is no set standard for this. One ordinance reviewed for the purpose of this study limits the electronic portion of a sign to no more than 50 percent of the sign face with the overall size determined by whatever the sign ordinance allows for a particular zoning district. Other examples of electronic sign size limitations include five square feet, 1,000 square inches, 20 square feet, and so forth. In other ordinances, there is no differentiation made between the size of electronic signs and other signs.

According to input from representatives of the sign industry, the smaller the size of the electronic sign, the more desirable it is for businesses to use frequent message changes, or sequenced messages, where more than one screen of text is used to convey an entire message.

### 4.2.3 Rate-of-Change Limitations on Electronic Signs

Many communities that allow electronic signs also regulate the rate at which the messages on the signs can be changed. Research on sign codes has shown this to range from as little as four seconds to as long as 24 hours.

The Interstate 394 sign between Ridgedale Drive and Plymouth Road is visible for approximately 45 seconds at free flow traffic speeds. Depending on text size, the message may not be readable by drivers during this entire duration, but the message changes can attract attention from long distances. Depending on how often the message changes occur and the speed of traffic, drivers on this segment could see a varying number of discrete messages. Table 7 provides the number of message changes a driver would see at different change durations and traffic speeds.

*Table 7. Number of New Messages Seen at Various Driver Speeds and Time Intervals Between Messages*

| | | Number of Messages Seen | | | | | |
|---|---|---|---|---|---|---|---|
| | | *Message Display Time (seconds)* | | | | | |
| **Speed (mph)** | **Time sign is clearly visible* (seconds)** | **6** | **8** | **10** | **60** | **1800 (30 minutes)** | **3600 (1 hour)** |
| 30 | 60 | 11 | 9 | 7 | 2 | 1 | 1 |
| 45 | 40 | 8 | 6 | 5 | 2 | 1 | 1 |
| 55 | 33 | 7 | 5 | 4 | 2 | 1 | 1 |

*Assuming the sign is clearly visible from one-half mile away.

Prohibiting displays from changing quickly can minimize potential driver distraction, but it would significantly limit the message owner's ability to convey information that does not fit on one screen of the sign. Using two or more successive screens to convey a message is referred to as sequencing. Based on the studies summarized in part 3 of this Report, including the glance duration studies performed by Klaur for the FHWA in 2006 and by Beijer & Smiley in 2004, and Wachtel's analysis for Seattle of the Zeigarnik effect, a message delivery system such as sequencing that requires or induces a driver to watch the sign for several seconds increases the likelihood of driver distraction. Based on information from the sign industry, for sequencing to be effective in a marketing sense, a brief rate-of-change (1-2 seconds) is generally used before transitioning into the next screen.

Some codes specify how an image changes, while other codes prohibit the use of transitions. The change from one image to another can be accomplished by various techniques: no transition – simply a change from one screen to another, or fading or dissolving one image into the next. Flashing, spinning, revolving, or other more distracting transition methods can be prohibited, allowing businesses to use sequencing in an effective manner without making the signs overly distracting. Another way of regulating distracting transitions is to require a very short time of a dark or empty screen between images.

### 4.2.4 Motion, Animation, or Video Limitations on Electronic Signs

Motion on a sign can consist of everything from special text effects (spinning, revolving, shaking, flashing, etc.) to simple graphics, such as balloons or bubbles rising across the screen, to more realistic moving images that have the appearance of a television screen. According to sign industry representatives, video imagery on a sign is referred to as "animation" if the sign is limited to the capability of 10 frames per second. Fewer frames per second make the moving image look more like animation. Imagery produced by signs that have the capability of processing up to 30 frames per second is accurately referred to as "video" imaging.

Many communities that allow dynamic signs do not allow the application of any type of motion, animation, or video on the signs. However, Seattle was obliged to allow video imagery on their signs after earlier signage code regulating certain types of signs was not strictly enforced. In addition to requiring a dark period between successive messages to overcome the Zeigarnik effect, Seattle also limits the duration of the video message to a minimum of two seconds and a

maximum of 10 seconds. This time frame was established based upon careful calculations of the streets from which these signs could be seen, speed limits and traffic volumes in addition to the community's concern over the extent to which moving images could distract drivers. However, Seattle also limits the size of their electronic signs to a maximum of 1,000 square inches, with no single dimension greater than three feet, thus minimizing the effect of video images.

### 4.2.5 Sign Placement and Spacing

Regulating the number of dynamic sign potentially visible to a driver at any one time as well as the position of the sign in relationship to the roadway may reduce distraction to drivers. Spacing requirements should consider the speed, width and horizontal and vertical alignment of the roadway.

Some communities have established minimum distances between electronic signs. Establishing an adequate distance between these types of devices seems particularly important if a fairly fast rate of change is allowed for the purpose of facilitating sequenced messages or if animation and video imaging is allowed. Closely spaced signs attempting to convey sequenced messages may simply create visual overload and an over-stimulated driving environment. Research conducted to date has not yielded information about optimal electronic sign spacing. Seattle adopted a 35-foot spacing requirement for their electronic signs based upon multiple levels of analysis of the downtown city environment in which these signs are present.

Due to the varying characteristics of individual roadways in this regard, overlay districts allowing dynamic signage with conditions specific to that area could be considered. Overlay districts could also take into account other locational factors such as offset from the roadway and conspicuity. Determining appropriate offsets from the roadway must consider roadway clear zone requirements as well as spacing of frontage roads and access points, while also considering the signage too far outside the driver's line of sight may be a further distraction. Conspicuity, a sign's ability to stand out from its surroundings, should also be considered.

### 4.2.6 Text Size

Legibility is another important property of signage. The preferred approach used within highway signing is that drivers can read text that is 1 inch high from 30 feet away. Larger text is needed for signs to be legible at greater distances. Large, legible text allows the driver to read the billboard from varying distances and focus on the driving task. Conversely, with small text, the driver is more likely to focus on the sign for a longer period of time and possibly be more adversely distracted. However, the size or type of text or the amount of text due is rarely regulated.

### 4.2.7 Brightness Limitations on Electronic Signs

One of the main concerns about the use of electronic signs, regardless of whether they consist of changeable text, animation, or video, is the brightness of the image. The brightness of an object can be characterized in two ways. *Iluminance* is the total brightness of all the light at a point of measurement. Illuminance often describes ambient light and can be measured with a standard light meter such as is used in photography. *Luminance* is the measure of the light emanating from an object with respect to its size and is the term is used to quantify electronic sign brightness. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter).

Many, but not all, LED-type signage can be time-programmed to respond to day and nighttime light levels. Higher-end signage types are equipped with photo cells to respond to ambient light conditions. Despite these controls, LED signs have been observed that are considered to be excessively bright. Sign industry representatives indicate that excessive brightness can be the result of 1) sign malfunction or improper wiring, 2) lack of photo cell and/or dimming mechanism, or 3) operator error or lack of understanding that brightness is not necessarily an advantage, especially if it makes a sign unreadable or unpleasant to look at. They also maintain that the intent of the electronic sign industry is to establish a brightness level that is similar to a traditional internally or externally lit sign. Recent observations of sign technicians calibrating the Interstate 394 LED billboard noted that the brightness controls are not calibrated to specific nit levels, but rather vary in proportion to a set maximum level, like a volume control dial on a typical car radio.

To control the extent to which electronic signs are a distraction or the extent to which they are readable, many local governments have adopted regulations that limit nit levels. At this time, ordinances that use nit level limitations typically differentiate between day time and night time nit levels. A common daytime nit limitation ranges from 5,000 to 7,000 nits. A common nighttime limitation is 500 nits, although in areas that are extremely dark at night, with very little in the way of ambient light levels, less than 500 nits may be appropriate. Other communities have taken this farther, such as Lincoln, Nebraska, whose sign code incorporates a graph of varying ambient light levels ranging from night time to a bright sunny day and all conditions between those two extremes, and has correlating nit limitations for the various ambient light levels.

Enforcement of these types of regulations is challenging as luminance of electronic signs is very difficult to measure in the field. Typically, sign luminance is measured and calibrated in a controlled factory setting using a spectral photometer to measure the light output. This calibration setting is then used in conjunction with a photo cell to control the brightness of the sign. The higher the ambient light levels, the brighter the sign. There are different nit thresholds for various colors. White is most often used to set dimming levels because at a constant nit level, white has the most intensity as perceived by the human eye.

Lincoln uses a light meter to conduct testing on electronic signs and found a wide range of luminance levels. One small electronic sign had luminance levels of 13,000 nits. The process that Lincoln uses to check luminance levels is to hold a luminance meter close to the face of the sign so that it captures only the light emitted from the sign. They have not had any requests to

measure the brightness of LED billboards, so the viability of using this approach on billboards has not been explored.

In Seattle, sign luminance was found too difficult to measure, so signs are visually inspected when complaints from the public are received. Sign owners are then contacted and asked to adjust sign luminance accordingly.

Both Mesa, Arizona and Lincoln, Nebraska have included a requirement for written certification from the sign manufacturer that the light intensity has been preset not to exceed the illumination levels established by their code, and the preset intensity level is protected from end user manipulation by password protected software or other method approved by the appropriate city official. This language appears to offer the advantage of ensuring that electronic signs, at a minimum, cannot exceed a certain established level of brightness.

At a minimum, it is important for communities to require all electronic signs to be equipped with a dimmer control. A requirement for both a dimmer control and a photo cell, which constantly keeps track of ambient light conditions and adjusts sign brightness accordingly, is optimal.

Over time, the LEDs used in electronic signs have a tendency to lose some of their intensity, and an owner may choose to have the sign adjusted and calibrated, which involves adjusting the level of electrical current in a manner that affects the brightness of the sign. This occurs over the course of two or three years. Having maximum nit levels established would ensure that the sign company has upper limits to work with as far as adjusting the sign is concerned.

## 4.3 Public Review

Most communities establish rules within their sign code and do not create opportunities for electronic signs to be approved through conditional use permits or special use permits. Some communities with special overlay districts, or areas that are oriented toward entertainment and night life, have established a review process for electronic signs, or for various functions of electronic signs such as animation and video.

Other communities take the opposite approach, where they allow electronic signs with no controls whatsoever, except in certain special areas, such as a historic overlay district, or a historic downtown district, where the signs are prohibited. Each community needs to tailor their application of electronic signs to meet their needs.

As of the writing of this report, no ordinances have been discovered that have a special review committee just for the purpose of electronic signs. Typically, sign regulations established in the zoning ordinance would be reviewed in accordance with existing review and approval processes. As with other development features, dynamic signage should be either prohibited, permitted, or conditional depending upon the zoning district and/or the specific features of the sign as established within the city's regulations (i.e. size, specific location with respect to the adjacent roadway, zoning district, proximity of sensitive uses). The recommended review process for permitted dynamic signs should be the same as procedures already in place for administrative

review. For dynamic signs requiring a Conditional Use Permit (CUP), the standard process for public notification and a public hearing before the planning commission should apply.

## 5.0 CONCLUSIONS AND RECOMMENDATIONS

Driver distraction plays a significant role in traffic safety. Driver distraction is a factor in one in four crashes, and of those crashes involving driver distraction, one in four involves distractions outside the vehicle. The extent to which dynamic signage contributes to traffic safety has been examined in this study. Following are some of the major findings from a review of available research.

- Drivers that are subjected to information-rich content that is irrelevant to the driving task (such as digital advertising) may be temporarily distracted enough to cause a degradation in their driving performance. This degradation could lead to a crash.
- The unlimited variety of changing content allows dynamic signage to attract drivers' attention at greater distances and hold their attention longer than traditional static billboards.
- Several studies have found a correlation between crashes and the complexity of the driving environment. For example, crash rates are higher at intersections because the difficulty of the driving task is increased by the roadway's complexity. Complex driving environments place a high demand on drivers' attention. Introducing a source of distraction in an already demanding driving environment is more likely to result in crashes. This is illustrated by the 1994 Wisconsin DOT study that examined crash rates before and after installation of an electronic sign on a high-volume curving roadway. Introduction of this sign was identified as a likely factor of the 80 percent increase in side-swipe crashes that was experienced.
- Many studies have noted a correlation between outdoor advertising signs and crash rates, but have not established a *causal* relationship between the signs and crash rates. Driving is a complex task influenced by multiple factors. It is not necessary to establish a direct causal relationship between outdoor advertising signs and crash rates to show that they can make the driving task less safe. While the research shows that driver distraction is a key factor in many motor vehicle crashes, this often includes many interacting factors that distract drivers. The specific driver distraction danger that advertising signs contribute is difficult to quantify. A study that could control for multiple variables (human factors, vehicle, enforcement and the roadway environment) would be needed to provide a definitive statement on the level of driver distraction that signs produce. Such a study would likely find that not all advertising signs cause distraction that would lead to crashes, but some signs in some situations are more likely to contribute to crashes than others.

Overall, the literature review conducted for the purpose of this study identifies a relationship between driver distraction and electronic outdoor advertising devices. As indicated, driver distraction is a significant factor in crashes. The purpose of dynamic signage is to attract the attention of people in vehicles, so a natural conclusion from that knowledge is that drivers may be distracted by them. Professional traffic engineering judgment concludes that driver distraction generally contributes to a reduction in safe driving characteristics.

For this reason, state departments of transportation have carefully studied the design and location of dynamic signs within the highway right-of-way. Their goal is to convey a message to the traveling public in a manner that is as straight-forward and readable as possible without being a visual "attraction". The goal of the outdoor advertising sign is to be a visual attraction outside the right-of-way, possibly making it a source of driver distraction. Nevertheless, the actual change in crash rates influenced by the presence of any specific device has not been quantified in a manner that fully isolates the impacts of an electronic sign. Recent studies conducted by FHWA and others have cited the need for further research.

In the interest of promoting public safety, this report recommends that electronic signs be viewed as a form of driver distraction and a public safety issue. Therefore, the ordinance recommendations identified here should be considered. These recommendations should be reviewed in the future as additional research becomes available.
With respect to regulatory measures for electronic outdoor advertising signs, it is important that local governments take a thorough approach to updating their ordinances to address this issue. For example, an ordinance that addresses sign motion, but does not address brightness and intensity levels may leave the door open for further controversy. This report seeks to identify all of the aspects of electronic outdoor advertising devices that are subject to regulation. It does not specifically state what those regulations should be (e.g. the size of electronic signs), since these are all things that policy makers and staff must take into careful consideration. Further, as driver distraction and resulting influences on safety do not, in a practical sense, distinguish between on-premise and off-premise signage, this distinction is not highlighted in the recommendations below.

**Regulatory Measures recommended for consideration**

To properly address the issue of dynamic signage, it is recommended that the sign code address the following:

1. Identify specific areas where dynamic signs are prohibited. This would typically be done by specifying certain zoning districts where they are not allowed under any circumstances. If dynamic signs are to be allowed in specific areas, this could be done by zoning district (only higher level commercial districts are recommended for consideration) or by zoning overlay related to specific purposes (e.g. entertainment or sports facility district) or to specific roadway types.

2. Determine the acceptable level of operational modes in conjunction with such zoning districts or overlays. The various levels include:

    a. Static display only, with no transitions between messages,

    b. Static display with fade or dissolve transitions, or transitions that do not have the effect of moving text or images,

    c. Static display with scrolling, traveling, spinning, zooming in, or similar special effects that have the appearance of movement, animation, or changing in size, or get revealed sequentially rather than all at once (e.g. letters dropping into place, etc.), and

d. Full animation and video.

3. If one of the forms of static display is identified as the preferred operational mode, a minimum display time should be established. This display time should correspond to the operation roadway speed (rather than posted speed limit), allowing at most one image transition during the time that the sign if visible to a driver traveling at the operational speed.

   If a shorter minimum display time is considered, the effects of message sequencing should be considered. Wait intervals of more than 1-2 seconds between sequenced messages have the potential to become more of a distraction as viewers wait impatiently for the next screen, in an effort to view the complete message.

4. If the community wishes to accommodate animation or video in some or all locations where dynamic are permitted, a minimum and maximum duration of a video image should be established. The purpose for establishing a time limit is to ensure that the message is conveyed in a short, concise time frame that does not cause slowing of traffic to allow drivers to see the entire message. Given the creativity of advertising, these video images may be seen as a form of entertainment, and people typically like to see an entertaining message through to the end.

   Differentiate between zoning districts where dynamic signs are permitted by right, and zoning districts, overlay districts, or special districts where they should only be allowed through the approval of a Conditional Use Permit. A CUP would involve public notification and review and approval by the Planning Commission. Other options would include a design review board or other dispute resolution process.

5. Consider the establishment of minimum distance requirements between electronic outdoor advertising devices in relation to the zoning district or roadway context in which the signs are allowed.

6. Consider size limitations on dynamic signs for zoning districts where they are allowed. This may vary from one district to another.

7. Consider if dynamic signs are allowed independently, or if they must be incorporated into the body of another sign, and therefore become a limited percentage of the overall sign face.

8. Establish a requirement for that all dynamic signs that emit light be equipped with mechanisms that allow brightness to be set at specific nit levels and respond accurately to changing light conditions. The City must establish the authority to disable or turn the device off if it malfunctions in a manner that creates excessive glare or intensity that causes visual interference or blind spots, and require that the device remain inoperable until such time that the owner demonstrates to the appropriate city official that the device is in satisfactory working condition. If such technology is not available, consideration should be give to banning dynamic signs that emit light until such time as the technology allows brightness levels to be precisely controlled.

9. Consider maximum brightness levels that correlate to ambient (day or night condition, lighting of surrounding context) light levels. A maximum daytime and separate nighttime nit/footcandle level should be established. Consider wording that requires the sign to automatically adjust its nit level based on ambient light conditions.

10. Consider a requirement for a written certification from the sign manufacturer that the individual sign's maximum light intensity has been preset not to exceed the maximum daytime illumination levels established by the code, and that the maximum intensity level is protected from end user manipulation by password protected software or other method approved by the appropriate city official.

11. Require sign owners to provide an accurate field method of ensuring that maximum light levels are not exceeded. If such a method cannot technically be provided, consider banning dynamic signs that emit light until such time as the technology is available.

# APPENDICES

# Appendix A

## Current Sign Technologies

*****Preliminary Report is specific to City of Minnetonka issues and may not be sufficient to address concerns in other communities*****

## Appendix A – Current Sign Technologies

Roadside signage has long been used to alert and direct travelers to retail businesses, lodging, attractions and other destinations. Until the 20th century much of this image was "static" in nature, presenting a single image that could only be altered by repainting or otherwise removing an image and replacing it with another. With the advent of motorized travel, signage became more "dynamic" or active in its efforts to attract the traveler's attention as they moved at ever increasing speeds. Initially, motion was created by flashing bulbs or alternating sets of neon tubes.

Today's technologies allow for an increasingly sophisticated display of images that can be manipulated by a few strokes of a keyboard. Simpler forms of signs capable of displaying multiple images include "tri-vision" signs which present a series of images through mechanical rotation of multi-sided vertical strips. The rotation occurs at regular intervals presenting a series of static images. Other forms are electronically produced, allowing for a wide range of colors, messages and images depending on the level of technology, and typically produced by light emitted by the sign face. Basic levels of technology present letters or numbers in a single color of light, such as "time and temperature" signs or gas pricing signs. Many of these signs can present longer images in a scrolling fashion, or can provide simple animations.

Recent advances have introduced a variety of technologies to the outdoor advertising arena. The largest impact has been made with LED signs which offer an inexpensive yet powerful approach that combines full motion, brilliant colors and a readable display. Other technologies are in development, including "digital ink" signs that offer a changeable medium on a surface that looks like a normal vinyl billboard. These signs manipulate ink on the surface, allowing for a dynamic presentation of images without being internally illuminated.

The various sign technologies are referenced by a wide array of terms: "changeable message signs," "electronic billboards," "animated signs." In general, this report focuses on the broad range of signage types which are capable of displaying multiple images through electronic manipulation, which we will refer to as "dynamic" signing. Reference to specific signage types is made when necessary to discussion of specific issues (e.g. the brightness of LED signage).

*****Preliminary Report is specific to City of Minnetonka issues and may not be sufficient to address concerns in other communities*****

# Appendix B

## Outdoor Advertising Sign Brightness Definitions

*****Preliminary Report is specific to City of Minnetonka issues and may not be sufficient to address concerns in other communities*****

## Appendix B – Outdoor Advertising Sign Brightness Definitions

This appendix defines various technical terms that are used to describe the operational aspects of electronic billboards.

### Billboard Illuminance

Billboard illumination is typically discussed using two terms: illuminance and luminance. Because this section includes some technical jargon, a glossary that further defines terms used in outdoor advertising is provided in Appendix C.

**Illuminance:** The amount of light that is incident to the surface of an object. This is the method for describing ambient light levels or the amount of light that is projected onto a front-lit sign. This parameter is typically measured in lux (footcandles x meters). For the purposes of dimming, illuminance is discussed to describe the ambient light that hits the photocell.

**Luminance:** The amount of light that emanates from an internally illuminated sign. This parameter is measured in nits. The nit levels necessary for the sign to be legible vary with the ambient light conditions. On a sunny day, the nit levels must be very high, while at night, the levels must be very low to prevent the image from distorting and to prevent glare.

### Billboard Luminance (Brightness)

Luminance is measured in nits (candelas/square meter) and describes how bright the image is. In essence, it is the amount of light that is radiated from the sign divided by the amount of surface area of the sign. No matter how big the sign is, the luminance of the sign is consistent. For example, the brightness of computer monitors is also measured in nits.

The European standard "EN 12966" specifies that at certain ambient light levels, the sign should output a given number of nits. There are different tables for each color due to the properties of how the human eye interprets each color. The color that is most often used to set dimming levels is white.

The FHWA has developed recommended practices for dynamic message signs installed within the roadway right-of-way. The standard is NEMA's TS-4 "Hardware Standards for Dynamic Message Signs (DMS) With NTCIP Requirements." Note that these standards were prepared for message signs deployed within the roadway right-of-way and should not be taken as recommended luminance levels for advertising signs. Table A-1 provides a simplified version of the NEMA TS-4 standard for the color white.

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*Table A-1 - Luminance Standards*

| Ambient Light (lux) | Approximate Light | Minimum Luminance (nits) | Maximum Luminance (nits) |
|---|---|---|---|
| 40,000 | Sunlight | 12,400 | 62,000 |
| 10,000 | Cloudy | 12,400 | - |
| 4,000 | Overcast | 2,200 | 11,000 |
| 400 | Sunrise/Sunset | 600 | 3,000 |
| 40 | Candlelight | 250 | 1,250 |
| less than 4 | Moonlight | 75 | 375 |

*Source: NEMA TS-4 (2005)*

Billboard Resolution

Billboards require far less resolution than print advertisements. For example, Clear Channel's LED "Digital Outdoor Network" LED bulletin-size (14' x 48') billboards require dimensions of only 208 pixels high by 720 pixels wide. If this image were to be printed at 300 dots per inch (dpi), a typical print resolution, the entire image would be less than 1.7 square inches. Therefore, it is ideal to keep the message on these signs simple and clear because they do not currently allow resolutions similar to printed images.

Dimming

To maintain readability, the brightness of a sign must be adjusted to match ambient light conditions. If this is not done, the image will appear too bright and can even degrade the image quality through a phenomenon called "blooming." If the image blooms, the brightest areas of the image bleed over into darker parts and the image clarity is degraded.

Dimming is typically controlled by a photocell, which measures the ambient light conditions and varies the light output of the sign based on preconfigured settings. As ambient light conditions darken, the photocell senses the decrease and lowers the light output of the sign. Some sign manufacturers do not incorporate photocells in their electronic signs.

Electronic billboard dimming can also be controlled by scheduled dimming according to time of day or manual dimming. On-premise signs may use any of these methods, but most, if not all, off-premise standard size electronic billboards are auto dimmed by photocell. Some signs include user-defined dimming curve capability allowing total control over sign brightness and adjustability to accommodate local brightness ordinances.

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# Appendix C

## Electronic Outdoor Advertising Device Visual Performance Definitions

## Appendix C – Electronic Outdoor Advertising Device Visual Performance Definitions

### Conspicuity

Conspicuity is the property that related to the contrast between a sign and its background and its ability to stand out from its surroundings. This is a subjective property that depends on many factors of both the environment and the viewer.

### Contrast

Contrast is the property that defines the relationship between the brightness of the brightest color possible to the darkest color possible on a sign. In times when ambient conditions are very bright, such as a sunny day, the darkest color may still be very bright due to the sun's reflection off the sign. In these cases, the lighter colored areas of the billboard's image must be much brighter than the contrasting dark areas.

### Legibility

The ability of the driver to read a sign is related to its legibility. Large, legible text allows the driver to read the billboard from varying distances and focus on the driving task. Conversely, with small text the driver is more likely to focus on the sign for a longer period of time and possibly wait until the sign is very close.

State departments of transportation use NEMA's TS-4 document for this criterion. This document specifies many characteristics related to legibility including character height, resolution and color.

### Glare

*Disability Glare*

The first form of glare is disability glare. This occurs when a driver is exposed to a light source so bright that it temporarily blinds the driver, impairing their ability to perform driving tasks. This temporary blindness is brief, but can be dangerous.

*Discomfort Glare*

Discomfort glare is when a light source is bright enough to distract or encourage the driver to look away from the light, but is not blinding. Discomfort glare is of particular concern in cases where a bright sign is located in the same line of sight as a traffic sign, signal or another vehicle.

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Frequency of Change

The frequency of change is determined by the interval of time between sign image changes. The rate of change can usually be adjusted by the owner and operator of the sign. Frequency of change is highly variable, with some on-premise signs changing faster than once per second. While no standard is generally accepted, local government agencies have used ordinances to limit the frequency to anywhere from 5 seconds to 24 hours.

Interactive signs

Interactive signs change their message based on the person viewing it. For example, the carmaker MINI has installed variable message signs that display a customized message to car owners who have special key dongles containing a radio frequency identification (RFID) chips when the dongle is in close proximity to the sign.

Another example is a microphone system that identifies the radio stations passing drivers are listening to and displays a specific message for that station.

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**ORDINANCE BILL NO. 1-09**

RELATING TO SRC CHAPTER 62, "SIGN CODE", ADDRESSING NEW SIGN TECHNOLOGY; AMENDING SRC 62.010, SRC 62.050, SRC 62.085, SRC 62.280, AND SRC 62.502; RENUMBERING SRC 62.504 AND SRC 62.505; AMENDING AND RENUMBERING SRC 62.240, SRC 62.260, AND SRC 62.503; AND CREATING NEW PROVISIONS

*The City of Salem ordains as follows:*

**Section 1.** SRC 62.010 is amended to read as follows:

**62.010. Definitions; Rules of Construction.**

**(a)** As used in this Chapter, unless the context specifically requires otherwise:

**(1)** "Approved plastic" means a plastic that meets the standards of an approved testing agency for use in construction of an ~~electric~~ electronic display sign, externally illuminated sign, or internally illuminated sign.

**(2)** "Approved testing agency" means a nationally recognized organization primarily established for the purpose of testing methods and materials to approved standards, and accepted as such by the Director.

**(3)** "Blanketing" means blocking a motorist's view of one projecting sign by another projecting sign.

**(4)** "Building" or "Structure" means a combination of materials to form a construction used for occupancy, use or ornamentation, whether installed on, above, or below the surface of land. As used in this Chapter, "building" includes all structures other than sign structures.

**(5)** "Building frontage" or "building face" means a building facade facing a street or a parking lot.

**(6)** "Building Official" means the head of the Building and Safety Division of the Department of Community Development for the City, or the Building Official's designee.

**(7)** "Canopy" means a permanent roofed structure, which may be freestanding or partially attached to a building, which is erected for the purpose of providing shelter to patrons in automobiles, and which ~~that~~ is

not completely enclosed.

**(8)** "Curb line" means the line indicating the edge of the vehicular roadway within the overall right-of-way.

**(9)** "Cutout" means every type of display in cutout or irregular form attached to or superimposed upon a sign.

**(10)** "Designated arterial ~~and~~ or designated collector" means those streets designated as arterials and collectors in the Salem Transportation System Plan adopted under SRC 64.230, and all streets included in the area bounded by 13th Street, Mission Street, the Willamette River, and D Street.

**(11)** "Director" means the City Manager, or the City Manager's designee. The City Manager's designee may subdelegate any or all authority, duties and powers conferred under this Chapter.

**(12)** "Display" means any identifiable visual form or character, and which may be comprised solely, or be comprised of a combination of, words, symbols, images, and graphic elements.

**(13)** "Display surface" means the area on a sign ~~structure for~~ carrying the display. Display surface does not include sign structure, foundations or supports.

**(14)** "Effect" means sequential, flashing, or simultaneous illumination by electrical means other than by an electronic display. As used in this Chapter, ~~"effect" includes~~ effects include, but ~~is~~ are not limited to:

**(A)** "Animated effect": illumination that depicts a moving object, thing, person, animal, or happening or depicts an ongoing series of images.

**(B)** "Chaser effect": illumination that is intended to lead the eye by producing lineal or circular movement.

**(C)** "Scintillating effect": illumination that provides a random twinkling of lights, including illumination that forms images, words or sentences at the end of the sequence of twinkling lights.

**(D)** "Speller effect": illumination that spells a word, one letter, sentence, number, or character at a time, including flashing a complete word or words or sentence.

~~**(15)** "Electronic display" means a display created by light emitting diodes, liquid crystal displays, plasma display panels, pixel or sub-pixel technology, or other similar technology. As used in this Chapter, electronic displays include, but are not limited to:~~

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

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

~~**(C)** "Scrolling": the changing of an electronic display by the apparent vertical movement of the visual image, such that a new visual image appears to ascend and descend, or appear and disappear from the margins of the sign in a continuous or unfurling movement.~~

~~**(D)** "Static display": an electronic display which does not change.~~

~~**(E)** "Travel": the changing of an electronic display by the apparent horizontal movement of the visual image.~~

~~**(F)** "Video display": providing an electronic display in horizontal or vertical formats to create continuously moving images.~~

**(16~~15~~)** "Flashing" means sudden or intermittent electrical illumination.

**(17)** "Market Street Interchange" means the area within six hundred and sixty feet from the edge of the pavement of the main-traveled way, excluding exit or entrance ramps of Interstate Freeway 5, within one

thousand feet of the centerline of Market Street that is zoned for retail or general business or industrial use.

**(18)** "Marquee" means a permanent roof-like structure projecting over the entrance of a building, which is not freestanding, ~~and~~ which is attached to or supported by the building, which is ~~erected for the purpose of providing shelter to persons entering the building, and which is not completely enclosed. As used in this Chapter, marquee does not include a "canopy."~~

~~**(19)** "Nit" means a measurement of luminance, where one nit is equal to one candela per square meter (1cd/m$^2$). A candela means a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. By way of example, an ordinary wax candle generates approximately one candela.~~

**(20~~19~~)** "Noncombustible" ~~or "incombustible"~~ means a material that, in the form in which it is used and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat.

**(21~~20~~)** "Nonstructural trim" means a molding, batten, cap, nailing strip, lattice, or letter walkway attached to a sign.

**(22~~21~~)** "Office complex" means a premises ~~planned and developed as a unit, that has an undivided or non-segregated parking area; that is identified by a name that characterizes the development as a unitary premises;~~ that has multiple occupancies by business or service firms; ~~that does not include a business which does not participate in the maintenance and promotional activities of the premises;~~ that fronts on a designated arterial or collector street; ~~that has a marked or segregated parking or use area for use by patrons of the premises;~~ and that does not include any retail outlets.

**(23~~22~~)** "Pedestrian pathway~~Pathway~~" means an area located on a public sidewalk that is maintained for the purpose of free and unobstructed

pedestrian movement.

**(24~~23~~)** "Person" means an individual, corporation, limited liability company, firm, partnership, co-operative, association, joint venture, joint stock company, or other entity in law or fact.

**(25~~16~~)** ~~"Shopping center" or~~ "integrated shopping center" means a premises planned and developed as a unit, that has ~~an undivided or non-segregated~~ parking area for use by patrons of the premises; that is identified by a name that characterizes the development as a unitary premises; that has multiple occupancies by retail, business or service firms; that does not include a business which does not participate in the maintenance and promotional activities of the premises; that fronts on a designated arterial or collector street; ~~; that has a marked or segregated parking or use area for use by patrons of the premises.~~

**(26~~24~~)** "Sidewalk Intersection" means the sidewalk area located at an intersection on a street corner that is created by extending intersecting property lines to the edge of a roadway at a street intersection (Appendix 7, Figure 1). The sidewalk intersection is a pedestrian-only area with the purpose of allowing free and unobstructed pedestrian movement while maintaining a safe vision clearance triangle for motor vehicles at roadway intersections.

**(27~~25~~)** "Sign" means any structure, board, poster, placard or device which contains or comprises a display that is designed, used, or intended to attract the attention of the public. As used in this Chapter, "sign" includes the structure, display surface, and all other components. For purposes of this Chapter, the specific types of signs are defined as follows:

**(A)** Temporary signs. A sign that is not permanently affixed or attached to a building, structure, or the ground and that is intended to be used for a limited time. Temporary signs are comprised of the following types:

**(i)** Lawn sign. A temporary sign which is made of a

corrugated plastic, greyboard or similar type material.

**(ii)** Portable Sign. Any sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames, designed to be self-supporting and moveable, and further including trailer reader boards.

**(iii)** Rigid sign. A temporary sign meeting a wind load factor and constructed of materials of a grade and quality consistent with the requirements for structural materials in SRC Chapter 56.

**(iv)** Sidewalk Sign. A temporary sign that is portable and self-supporting, and which is made of corrugated cardboard, plastic, greyboard or similar type material which does not meet an eighty mph wind load factor. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames that are designed to be self-supporting and moveable, but do not include trailer reader boards.

**(v)** Temporary sign display. An attention attracting device or devices, including, but not limited to, flags, pennants, banners, streamers, valences or balloons.

**(B)** Permanent sign. Any sign that is permanently affixed or attached to a building, structure, or the ground and that is intended to be used for an ongoing, indefinite period of time. Permanent signs are comprised of the following types:

**(i)** Building directory. An attached wall sign giving the name and room number of the occupants of a building. Where secondary signs are permitted, a building directory

may be a secondary sign.

**(ii)** Interior sign. A sign located inside an enclosed building or structure, regardless of whether the sign is visible from the exterior of the building.

**(iii)** On-premise sign. A permanent sign which is used by the owner or lessee of the property upon which the sign is located. On-premise signs are not restricted as to content, but are normally and customarily used to advertise the business or facility located on the property or the goods, products, or services provided by the business or facility located on the property.

**(iv)** Outdoor advertising sign or advertising sign. A permanent sign which is a substantial permanent structure with a display surface or surfaces normally and customarily used primarily for painting or posting a display thereon at periodic intervals and which is located on property other than the property owned or leased by the person constructing, erecting or using the sign. Outdoor advertising signs are not limited as to content, but are usually and customarily used to advertise goods, products, businesses, services, or facilities which are not sold, manufactured, or distributed on or from the property or facilities on which the sign is located, to present messages dealing with political, public interest, public service, education, an election, a candidate for election, a ballot measure, religious matters, health, and other similar subjects.

**(v)** Principal sign. The principal permanent, on-premise sign. Principal signs are not limited as to content, but are normally and customarily used to identify or advertise a

business or facility located on the property to approaching motorists or pedestrians.

**(vi)** Secondary sign. An incidental, permanent, on-premise attached wall sign or sign on the face or ends of a marquee, canopy, or wall facade for signs.

**(C)** Categories of Permanent Signs Based on Structure.

**(i)** Freestanding sign. A sign supported by one or more upright poles or braces, or placed upon a foundation, in or upon the ground and wholly detached from or only incidentally attached to any building or other structure.

**(ii)** Projecting sign. A sign, other than a wall sign, that projects beyond the building frontage ~~face~~ to which it is attached. "Projecting" means the distance which a sign extends from the building frontage ~~face~~ to which it is attached.

**(iii)** Roof sign. A sign erected upon or painted upon the roof of a building, a roof structure, or a canopy roof.

**(iv)** Under marquee sign. A sign which is erected or maintained under a marquee.

**(v)** Wall sign. A sign painted on or attached to or erected against the wall or parapet of a building or structure or against the faces or ends of a marquee or canopy or on a wall facade for signs with the exposed face of the sign in a plane parallel to the plane of the wall or face and projecting not more than eighteen inches therefrom. "Wall sign" also means and includes a principal or secondary sign erected in supporting or ornamental columns attached to and located under an overhanging roof and which sign is erected in a plane generally parallel to the nearest face of the building.

**(D)** Categories of Illuminated Signs.

~~(i) Electric sign. A sign containing electrical wiring, but not including a sign illuminated by an exterior flood light source.~~

~~(i) Electronic display sign. A sign including, or comprised solely or partially of an electronic display which can be changed by automatic means, including, but not limited to, the operation of computer software.~~

**(ii)** Electronic time and temperature sign. A sign, or portion thereof, ~~employing matrix display(s) or lighted bulbs, lamps or tubes to announce~~ that announces time, temperature, or date.

**(iii)** Externally illuminated sign. ~~means~~ A sign illuminated by an exterior light source which is primarily designed to illuminate such sign, including a sign illuminated by an exterior flood light source.

**(iv)** Internally illuminated sign. ~~means~~ A sign that is wholly or partially illuminated by an internal light source that passes through the display surface of the sign.

**(28~~26~~)** "Street frontage" means that portion of a lot which abuts ~~line fronting on~~ a street. Unless the premises has only one ~~such~~ street frontage, the width ~~along such lot line must~~ shall be at least fifty feet to qualify as a street frontage. An access easement shall not qualify as a street frontage. Access to a street is not required to establish a street frontage.

**(29~~27~~)** "Unobstructed" means an area does not have any physical obstructions to free passage, tripping hazards, or people standing or sitting. "Unobstructed" does not include a pedestrian pathway through which persons actively travel.

~~(30) "Vehicle accessway" means driveway that gives access to a window whereby goods or services are provided to a patron of a business, typically including queuing lanes, service windows or service islands.~~

**(31~~28~~)** "Vehicle buffer zone" means an area that runs parallel to and abuts a roadway. Its purpose is to create a pedestrian safety zone and unobstructed accessibility to parked vehicles (See Appendix 7, Figure 3a and 3b).

**(b)** As used in this Chapter, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory.

**Section 2.** SRC 62.050 is amended to read as follows:

**62.050 Measurements.** ~~The following shall be used in measuring a sign to determine compliance with this Chapter:~~

**(a) ~~Area or~~ Sign Area.** ~~(1)~~ Sign area shall be expressed in square feet and shall be that area lying ~~measured~~ within a line ~~lines~~ drawn around ~~between~~ the outermost points of the display surface of the ~~a~~ sign. ~~but excluding essential sign structure, foundations, or supports. The area of all signs in existence at the time of enactment of this ordinance, whether conforming or nonconforming, shall be counted in establishing the permitted sign area.~~ Where the display surface of a sign is ~~of a~~ three dimensional, including, but not limited to, round~~,~~ or irregular solid shapes, the sign area shall be calculated by taking the largest cross-section of the display surface, and drawing a line around the outermost points of the cross-section. ~~shall be used in a flat projection for the purpose of determining sign area.~~ ~~(2)~~ Where open area is employed between sections or modules forming the display surface of ~~an on-premise~~ a sign, the open area shall be deducted from the calculation of sign area. ~~an additional ten percent of sign area is permitted within the perimeter lines drawn to measure the sign.~~

~~**(b) Gross Face Area of Building Frontage.** The gross face area of a building frontage shall be expressed in square feet and shall be that area lying within a line around the outermost points of the building frontage including any wall façade. Where a building houses more than one business, gross face area for each business shall be that area lying within a line drawn around the outermost points of that portion of the building frontage that is actually occupied by the business.~~

(~~c~~b) **Height.** Sign height shall be ~~is~~ measured from the average level of the grade below the sign to the topmost point of the sign structure.

(~~d~~c) **Clearance.** Clearance shall be ~~is~~ measured from the average grade below the sign to the lower most point of the sign structure.

~~**(d) Gross Face Area.** The gross face area expressed in square feet shall be computed by drawing a line drawn around the outermost points of the building face or other surface to which the sign is attached, including any wall façade for signs extending beyond the building face. and measuring the area contained within such lines. Where secondary signs are permitted on a frontage other than a street or parking lot frontage, GFA shall be measured on street frontage only.~~

~~**(e) Multiple business occupancies.** Where more than one business is housed in the same building, only the gross face area of the lineal building frontage occupied by the business. shall be included in determining the size of signs for such business.~~

(~~e~~f) **Size.** Size includes the height, length, width, and area of a sign. Measurements shall be rounded up to the nearest square foot.

(~~f~~g) **Spacing and Density.**

**(1)** For the purpose of applying spacing requirements or density limits to signs, distances shall be measured along a line parallel to the centerline of the adjacent street or highway and between the nearest edges of the display surfaces of the signs.

**(2)** A back-to-back sign is counted as a single sign for the purpose of spacing and density limits.

**Section 3.** SRC 62.240 is renumbered 62.070 and amended to read as follows:

**62.070. ~~62.240.~~ Noncombustible and Combustible ~~Incombustible~~ Materials.**

~~**(a)** All signs erected within the Downtown Parking District boundaries shall have primary structural members of incombustible materials. Wooden stringers for the support of sections of the display surface of outdoor advertising signs may be used within the Downtown Parking District boundaries if they conform to SRC 62.230(b)(1).~~

**(~~a~~b)** ~~Combination signs,~~ Roof signs, wall signs, projecting signs, ~~and~~ signs on marquees ~~other than under marquee signs, signs on canopy and wall facades~~ shall be constructed of ~~incombustible~~ noncombustible materials except for nonstructural trim, display surfaces and cutouts which may be constructed of wood, metal, approved plastics, or any combination thereof. Except as provided in subsection (b) ~~(d)~~ of this section, only metal and approved plastics shall be used in construction of electronic display ~~electric~~ signs, internally illuminated signs, and externally illuminated signs.

~~(c) Work platforms attached to signs for service and maintenance, may be constructed of wood or metal.~~

**(~~b~~d)** The Director ~~building official~~ may approve the use of combustible materials for covering, erecting a facade on, or ornamenting ~~ornamentation of~~ a sign structure for an electronic display ~~electric~~ sign, internally illuminated sign, and externally illuminated sign, provided ~~that he finds~~ that:

**(1)** The use of such materials is permitted in the Fire Zone in which the sign is located or proposed to be located.

**(2)** There is no load-bearing member of the sign structure constructed of combustible materials.

**(3)** There is no substantial fire or electrical safety hazard.

~~(e) The building official may permit the use of combustible wood signs as freestanding signs in the Downtown Parking District if limited to a maximum area of 32 square feet and if the poles or supports in the ground are properly treated or creosoted.~~

**Section 4.** SRC 62.085 is amended to read as follows:

**62.085. Electric Sign Construction.**

**(a)** Electronic display ~~Electric~~ signs, internally illuminated signs, and externally illuminated signs shall be permanently and rigidly affixed to the sign structure, building, or other structure. Electric signs may be mechanically activated for animation, but may not be wind-activated.

**(b)** The bottom of electronic display ~~electric~~ signs, internally illuminated signs,

and externally illuminated signs and outline lighting enclosures shall not be less than sixteen feet above areas accessible to vehicles; provided, however, the bottom of such signs and enclosures may be less than sixteen feet above areas accessible to vehicles where such enclosures are protected from physical damage.

**(c)** Every electronic display ~~electric~~ sign, internally illuminated sign, and externally illuminated sign shall have placed, within easy view, a laboratory label from an approved testing agency.

**Section 5.** SRC 62.260 is renumbered SRC 62.095 and amended to read as follows:

**62.095. ~~62.260. Limitation on Sign~~ General Illumination Standards.**

**(a)** No sign shall be erected or maintained which, by use of lights or illumination creates an unduly distracting and hazardous condition to a motorist, pedestrian, or the general public or which may be confused with or construed as a traffic control device. ~~In addition:~~

**(~~b~~a)** No exposed reflective type bulb, par spot, or ~~nor~~ incandescent lamp that~~,~~ ~~which~~ exceeds ~~25~~twenty-five watts, shall be exposed to direct view from a public street ~~or highway~~, but may be used for indirect light illumination of ~~a~~ the display surface. ~~of a sign.~~

**(~~c~~b)** ~~When~~ Neon tubing ~~is~~ employed on the exterior or interior of a sign~~, the capacity of such tubing~~ shall not exceed 300 milliamperes rating for white tubing or ~~nor~~ 100 milliamperes rating for any colored tubing.

**(~~d~~e)** When fluorescent tubes are used for interior illumination of a sign, the florescent tubes ~~such illumination~~ shall not exceed:

**(1)** Within Residential zones, ~~zone districts,~~ illumination equivalent to 425 milliampere rating tubing behind a plexiglass face, with tubes spaced at least seven inches, center to center.

**(2)** Within Commercial, Industrial and Public zones, ~~other zoning districts,~~ illumination equivalent to 800 milliampere rating tubing behind a plexiglass face spaced at least nine inches, center to center.

~~(e) The light source for an internally illuminated sign may be comprised of light emitting diodes, so long as the light emitting diodes are used for illumination~~

only, do not create an electronic display or effect, and conform to the brightness limitations set forth in SRC 62.090(b)(4).

**Section 6.** SRC 62.090 is hereby added to SRC Chapter 62:

**62.090. Electronic Display Signs.**

**(a)** No electronic display sign in a Residential zone may be erected without first obtaining a conditional use permit, as provided in SRC 62.375.

**(b)** All electronic display signs shall meet the following standards:

**(1)** The electronic display area shall occupy no more than thirty-five percent of the display surface of the sign. The remainder of the display surface of the sign shall not have the capability to have electronic displays even if not used for electronic displays. Only one, contiguous electronic display area is allowed on a sign face. The electronic display area of signs in Industrial, Commercial and Public zones may exceed thirty-five percent of the display surface of the sign if a conditional use permit for the additional electronic display area is first obtained, as provided in SRC 62.375.

**(2)** In all Industrial, Commercial and Public zones, the change from one electronic display to another electronic display shall be no more frequent than once every fifteen minutes, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds. In all Residential zones, the change from one electronic display to another electronic display shall be no more frequent than once every twenty-four hours, except changes to correct hour-and-minute or temperature information, which may change no more often than once every three seconds.

**(3)** The actual change of display for an electronic display sign shall be completed in two seconds or less. Displays may change by dissolve, fade, or by instantaneous change from one static display to another, but shall remain as a static display after completing the change, and, once changed, shall remain static until the next change. Unless specifically authorized by

this Chapter, scrolling, travel, and video display are prohibited.

**(4)** Brightness. All electronic display signs must be constructed, operated, or otherwise function in such a way as to not exceed the provisions of this paragraph.

**(A)** At the time of installation, electronic display signs may be illuminated to a degree of brightness that is no greater than 7,500 nits between sunrise and sunset and that is no greater than 1,000 nits between sunset and sunrise; provided that an electronic display sign comprised solely of one color shall not exceed the following levels:

**(i)** For a display comprised of red only, 3,150 nits between sunrise and sunset, and 450 between sunset and sunrise;

**(ii)** For a display comprised of green only, 6,300 nits between sunrise and sunset, and 900 nits between sunset and sunrise;

**(iii)** For a display comprised of amber only, 4,690 nits between sunrise and sunset, and 670 nits between sunset and sunrise.

**(B)** All electronic display signs must be maintained and operated to meet the following brightness standards:

**(i)** No sign shall be brighter than is necessary for clear and adequate visibility.

**(ii)** No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

**(iii)** No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

**(C)** The person owning or controlling an electronic display sign

must adjust the sign to meet the brightness standards in accordance with the Director's instructions. The adjustment must be made immediately upon notice of non-compliance from the Director. The person owning or controlling the sign may appeal the Director's determination to the Hearings Officer, using the contested case procedures set forth in SRC Chapter 20J.

**(D)** All electronic display signs must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions and equipped with a means to immediately turn off the display if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the Director that it is not complying with the standards in this section.

**Section 7.** SRC 62.375 is hereby added to SRC Chapter 62:

**SRC 62.375. Conditional Uses.**

**(a) Procedures.** Applications for conditional use permits for electronic display signs shall be processed according to the following procedure:

**(1)** Requests for conditional use shall be filed with the Director, on a form provided by the Director, and accompanied by a fee as approved by the City Council. The request shall include the information required for a sign permit, as specified in SRC 62.090(d), the scope of the conditional use sought by the applicant, and a statement as to why the request satisfies the approval criteria.

**(2)** The Hearings Officer shall conduct a public hearing on the request for conditional use. The Director shall give written notice of the hearing by mail to owners of property located within two hundred and fifty feet of the lot or parcel upon which the sign will be located, as shown upon the latest assessment role of the county assessor and each affected neighborhood organization. Failure of a person to receive the notice specified in this section shall not invalidate any proceeding in connection with the application for a conditional use.

**(3)** The Hearings Officer shall approve, approve with conditions, or deny the conditional use, based upon the evidence introduced at the hearing. The Hearings Officer may impose such conditions as the Hearings Officer deems necessary to mitigate any adverse impacts which may result from approving the conditional use. The hearing shall be conducted under the procedures used for a quasi-judicial land use hearing.

**(4)** The Hearings Officer shall issue a decision in writing explaining the reasons why the conditional use was approved or denied. Notice of the decision shall be provided to the applicant by personal delivery or by first class mail mailed to the address of the applicant as set forth on the application. Notice of the decision shall be provided to any person who appeared before the Hearings Officer, in person or by written testimony, by personal delivery or by first class mail mailed to the address provided by the person to the Hearings Officer. Unless City Council review is initiated pursuant to SRC 62.600(b), the decision of the Hearings Officer shall be final.

**(b) Decision Criteria.** The following criteria shall be used to review and decide conditional use permit applications for electronic message signs:

**(1)** The proposed sign, as conditioned, will not create or significantly increase street level sign clutter;

**(2)** The proposed sign, as conditioned, will not adversely impact the neat, clean, orderly, and attractive appearance of the surrounding area to a significant degree;

**(3)** The proposed sign will not present a traffic or safety hazard; and

**(4)** The proposed sign will comply with all other regulations, including, but not limited to sign height and placement restrictions.

**Section 8.** SRC 62.280 is amended to read:

**62.280. Signs Permitted in Public Zones.**

**(a)** Signs permitted in Public and Private Cemeteries (PC), Capitol Mall (PM), and Public Service (PS) Districts.

(1) The following signs are permitted in PC, PM and PS districts:

**(A) Wall Signs.** One wall sign for each building ~~facing or~~ frontage.~~ on a street or parking lot.~~ Wall signs, which shall be limited to the greater of thirty-two square feet or two percent of the gross face area of the building frontage ~~face~~ on which it is located.

**(B) Freestanding Signs.** One freestanding sign for each building frontage~~ on a street or parking lot~~, which shall be limited to five feet in height and twenty-four square feet in total sign area. Such signs shall be set back at least three feet from a street front property line or the special set back area established by the Salem Zoning Ordinance, whichever is greater, provided further that where adjacent property is zoned residential or commercial office, signs shall be set back at least twenty feet from the side lot line abutting a CO or residential district.

**(C) Vehicle Directional Signs.** One permanent sign to identify each motor vehicle entrance onto or exit from the premises shall be permitted, which shall be limited to thirty inches in height and four square feet in total sign area.

**(D) Electronic Display Signs.** Electronic display signs no larger than eight hundred square feet shall be permitted in the PS district within stadiums, athletic fields and other outdoor assembly facilities, where they are intended primarily for viewing by persons within the facility, are oriented toward the interior of the facility and viewing stands, and are only used during events where the public attends as spectators. Notwithstanding any other provision of this Chapter, signs allowed by this paragraph may employ dissolve, fade, scrolling, static display, travel and video display ~~any effect, and shall not be subject to the limitations imposed under SRC 62.270.~~ Signs allowed by this paragraph shall not be subject to the electronic sign display area limitation set forth in

SRC 62.090(b).

**(E)** Where a commercial use is permitted in a PS district, the signs allowed for such a use shall be the same as those permitted in subsection (d)(1) ~~and (2)~~ of this section.

**(~~E~~2) Externally Illuminated and Internally Illuminated Signs. ~~Illumination.~~** Where adjacent property is zoned commercial or industrial, externally illuminated signs and internally illuminated signs are permitted in PC, PM and PS districts. ~~may be externally.~~ No flashing ~~signs~~ illumination shall be permitted.

**(~~2~~3) Animation.** No sign in a PC, PM, or PS district shall be mechanically or electrically animated or wind activated.

**(b) Signs permitted in Public and Private Educational Services (PE) Districts.**

**(1)** The following signs are permitted in PE districts:

**(A) Wall Signs.** One wall sign for each building ~~facing or~~ frontage. ~~on a street or parking lot.~~ Wall signs, which shall be limited to the greater of thirty-two square feet or two percent of the gross face area of the building frontage ~~face~~ on which it is located.

**(B) Freestanding Signs.** One freestanding sign for each building frontage; ~~on a street or parking lot,~~ which shall be limited to five feet in height and twenty-four square feet in total sign area; provided, however, that one such sign may be sixteen feet in height and thirty-two square feet in total sign area. Such signs shall be set back at least three feet from a street front property line or the special set back area established by the Salem Zoning Ordinance, whichever is greater, provided further that where adjacent property is zoned residential or commercial office, signs shall be set back at least twenty feet from the side lot line abutting a CO or residential district.

**(C) Vehicle Directional Signs.** One permanent sign to identify

each motor vehicle entrance onto or exit from the premises shall be permitted, which shall be limited to thirty inches in height and four square feet in total sign area.

**(D) Electronic Display Signs.** Electronic Display signs no larger than eight hundred square feet shall be permitted in the PE PS district within stadiums, athletic fields and other outdoor assembly facilities, where they are intended primarily for viewing by persons within the facility, are oriented toward the interior of the facility and viewing stands, and are only used during events where the public attends as spectators. Notwithstanding any other provision of this Chapter, signs allowed by this paragraph may employ dissolve, fade, scrolling, static display, travel and video display, any effect, and shall not be subject to the limitations imposed under SRC 62.270. Signs allowed by this paragraph shall not be subject to the electronic sign display area limitation set forth in SRC 62.090(b).

**(E2) Externally Illuminated and Internally Illuminated Signs. Illumination.** Externally illuminated signs and internally illuminated signs are permitted in PE districts. may be illuminated internally or externally. Except as provided in paragraph (1)(C) of this subsection, No flashing signs illumination shall be permitted.

**(c) Signs permitted in Public and Private Health Services (PH) Districts (PH).**

**(1)** The following signs are permitted in PH districts:

**(A) Wall Signs.** One wall sign for each building facing or frontage. on a street or parking lot. Wall signs, which shall be limited to the greater of thirty-two square feet or two percent of the gross face area of the building frontage face on which it is located.

**(B) Freestanding Signs.** One freestanding sign for each building frontage, on a street or parking lot, which shall be limited to five

feet in height and twenty-four square feet in total sign area; provided, however, that one such sign may be fifteen feet in height and twenty-four square feet in total sign area. Such signs shall be set back at least three feet from a street front property line or the special set back area established by the Salem Zoning Ordinance, whichever is greater, provided further that where adjacent property is zoned residential or commercial office, signs shall be set back at least twenty feet from the side lot line abutting a CO or residential district.

**(C) Vehicle Directional Signs.** One permanent sign to identify each motor vehicle entrance onto or exit from the premises shall be permitted, which shall be limited to thirty inches in height and four square feet in total sign area.

**(D) Electronic Display Signs.** Electronic display signs no larger than eight hundred square feet shall be permitted in the PH ~~PS~~ district within stadiums, athletic fields and other outdoor assembly facilities, where they are intended primarily for viewing by persons within the facility, are oriented toward the interior of the facility and viewing stands, and are only used during events where the public attends as spectators. Notwithstanding any other provision of this Chapter, signs allowed by this paragraph may employ dissolve, fade, scrolling, static display, travel and video display ~~any effect, and shall not be subject to the limitations imposed under SRC 62.270. Signs allowed by this paragraph shall not be subject to the electronic sign display area limitation set forth in SRC 62.090(b).~~

**(E2) Externally Illuminated and Internally Illuminated Signs. ~~Illumination.~~** Only ~~those signs which designate~~ emergency vehicle directional signs and emergency entrances to a building in PH districts shall be externally illuminated signs or internally

illuminated signs. No flashing ~~signs~~ illumination shall be permitted.

**(d) Signs permitted in Public Amusement (PA) Districts.**

**(1)** The following signs are permitted in the PA district:

**(A)** All signs permitted in SRC 62.502 shall be permitted in a PA district. A sign permitted by this paragraph shall not be an externally illuminated sign, an internally illuminated sign, or an electronic display sign if it is erected or maintained within three hundred feet of the boundary of the residential district.

**(B) Freestanding Signs.** For an office complex in a PA district, each separate occupancy may have one freestanding sign not exceeding thirty feet in height and one hundred square feet in total sign area. Each ~~such~~ sign shall be separate and not part of any other sign allowed on this property. No such freestanding sign shall be installed within one hundred feet of another freestanding sign on the same property. Where a PA district is adjacent to a residential district, no electronic display sign, externally illuminated sign or internally illuminated sign shall be installed or maintained within three hundred feet of the boundary of the residential district.

**(C)** ~~**Electronic Display Signs.** Electronic display~~ signs no larger than eight hundred square feet shall be permitted in the PA ~~PS~~ district within stadiums, athletic fields and other outdoor assembly facilities, where they are intended primarily for viewing by persons within the facility, are oriented toward the interior of the facility and viewing stands, and are only used during events where the public attends as spectators. Notwithstanding any other provision of this Chapter, signs allowed by this paragraph may employ dissolve, fade, scrolling, static display, travel and video display any effect, and shall not be subject to the limitations imposed

~~under SRC 62.270. Signs allowed by this paragraph shall not be subject to the electronic sign display area limitation set forth in SRC 62.090(b).~~

**Section 9.** SRC 62.330 is hereby added to SRC Chapter 62:

**62.330. Nonconforming Electronic Display Signs.** Any electronic display sign which has been installed and is, or could be, operating upon the effective date of this ordinance, and which fails to conform with the provisions of this ordinance, may be maintained for a period ending no later than one year from the effective date of this ordinance; provided, however, that no action shall be taken which increases the degree or extent of the nonconformity; and further provided, however, that the nonconformity may be cured by modifying the electronic display sign to conform with the provisions of this ordinance or by obtaining a conditional use permit, pursuant to SRC 62.375; and further provided that the nonconforming electronic display sign shall be exempt from the thirty-five percent limitation on electronic sign display area set forth in SRC 62.090(b) for a period of fifteen years from the effective date of this ordinance, so long as there is no change, repair, or maintenance that would constitute an expense of more than thirty-five percent of the lesser of the original value or replacement value of the sign. Failure to conform with the provisions of this ordinance after the periods set forth in this section shall result in the sign being deemed a non-complying sign, which may be removed, or be ordered to be removed, as provided in SRC 62.540.

**Section 10.** SRC 62.502 is amended to read:

**62.502. Permanent Signs for Businesses. ~~Outside Integrated Shopping Center or Business Complexes.~~** ~~Except for theaters,~~ Unless the business is located in ~~Each business outside an integrated~~ a shopping center or office complex~~, as defined in Section 62.503~~ a business may have the following signs:

**(a)** ~~Except as otherwise provided by SRC 62.410(d) and (e),~~ One ~~principal~~ wall sign or one freestanding sign for each street frontage. ~~and located on that frontage.~~

~~(1) Wall Signs.~~ Where ~~a wall sign is used as~~ the ~~principal~~ sign ~~is a wall sign~~, ~~sign area~~ ~~it~~ shall be ~~limited to~~ a maximum ~~size~~ of 125 square feet;

/////

provided, however, ~~except that where secondary signs are allowed, the permitted~~ this sign area may be increased by adding sign area authorized under subsection (b) of this section to the wall sign. ~~area for secondary signs may be added in whole or in part to increase the area of a principal wall sign. No secondary sign shall exceed one-half the size allowed for the first principal wall sign, but in no event exceeding 100 square feet. Permitted area for secondary signs may be added in whole or in part to increase the area of a principal sign.~~ Notwithstanding any sign area authorized by this subsection (a)(1), any wall sign that is located on the face or end of a marquee shall be limited in height to thirty inches and shall not extend below the lower edge of the marquee.

**(2) Freestanding Signs.** ~~Freestanding sign height is limited to 20 feet for up to the first 100 feet of frontage plus an additional one foot in height for each 20 feet of frontage over 100 feet with a maximum height of 30 feet. Where the sign is a~~ freestanding sign~~, the sign shall~~ be ~~area is~~ limited in area to one square foot per lineal foot of ~~property~~ street frontage up to the first 100 square feet of sign area plus an additional one-quarter square foot of sign area for each additional one foot of street frontage over 100 feet with a maximum limit of 150 square feet of sign area. ~~Freestanding sign height is limited to twenty feet for up to the first 100 feet of street frontage plus an additional one foot in height for each twenty feet of street frontage over 100 feet with a maximum height of thirty feet. Where located on the faces or ends of a marquee, a principal sign is limited in height to 30 inches and shall not extend below lower edge of marquee.~~

**(b)** ~~In addition to the sign allowed under subsection (a)(1) of this section, any number of additional wall signs are allowed on each building; provided, however, that~~ the total sign area of all signs allowed under this paragraph ~~secondary signs shall not exceed the maximum total sign area set forth~~ ~~is limited in relation to the gross face area of the permanent building facing a street or streets as provided~~ in Appendix No. 3~~, and further provided that no single sign allowed under this~~

paragraph ~~No secondary sign~~ shall exceed one-half the sign area of ~~size allowed for the~~ a wall sign erected pursuant to subsection (a)(1) of this section, with a maximum sign area not to exceed ~~but in no event exceeding~~ 100 square feet. ~~Secondary~~ Signs authorized by this subsection ~~may be~~ located on a wall facing ~~any~~ frontage ~~face of a building, marquee, canopy, or wall facade for signs which face on a street, parking lot,~~ side lot line shall not be allowed unless it is necessary to go onto the adjacent lot to service the sign unless~~, or alley; provided, however, that the~~ written consent of the adjacent property owner has first been obtained~~, shall be required where such sign faces across a side lot line.~~ Where located on the faces or ends of a marquee, the ~~a secondary~~ sign is limited ~~in height~~ to thirty inches in height and shall not extend below the lower edge of a marquee.

**(c)** In addition to the sign allowed under subsection (a)(1) of this section, one under marquee sign per building frontage. ~~shall be permitted.~~

**(d)** In addition to the sign allowed under subsection (a)(1) of this section, one ~~An alley sign limited to a~~ wall sign located on the wall abutting an alley adjacent to the building in which the business is located, which shall not exceed ~~of~~ six square feet in sign area. ~~shall be permitted in addition to any secondary wall signs allowed. Such sign shall be permitted to identify the business and shall not be used to identify services or products.~~

**(e)** In addition to the sign allowed under subsection (a)(1) of this section, one ~~permanent~~ freestanding sign or one wall sign located at ~~to identify~~ each motor vehicle entrance to~~onto~~ or exit from the premises; ~~shall be permitted,~~ which ~~signs~~ shall not exceed ~~be limited to~~ eight square feet in sign area and ~~a height of~~ four feet in height.

**(f1)** In addition to the sign allowed under subsection (a)(1) of this section, ~~F~~for a motor vehicle service entrance onto the premises, one ~~limited to either a~~ freestanding sign of ~~22~~twenty-two square feet in area and a height of ~~15~~fifteen feet; or ~~a~~ one wall sign of eight square feet, provided that a freestanding sign located on the front ten feet of property adjacent to a street shall be limited in height to three feet. ~~If a principal sign on the same frontage would be allowed to~~

~~project over public property under provisions of this Chapter, a projecting directional sign may be used limited to eight square feet, a minimum clearance of ten feet and a projection of four feet six inches.~~

~~(f) Where an individual business does not have a frontage on a street or parking lot, the principal occupant of the building or the property owner or lessee of the property where the sign will be located may execute a written release of a portion of his allowable principal sign area for use by such business for a sign. A release by a lessee is limited to the shorter of the term of the lease or lessee's occupancy.~~

**(g)** ~~A building wall sign to be used as a building directory, sign limited to one square foot per occupant.~~ In addition to the sign allowed under subsection (a)(1) of this section, one free standing sign or one wall sign, not to exceed twenty-four square feet, located on a vehicle accessway adjacent to a building or on the building, and intended to be seen by a person doing business from the vehicle accessway while the person is within the person's motor vehicle.

~~(h) Temporary signs shall be permitted as provided in Section 62.312.~~

~~(i) Signs in commercial and industrial districts shall be constructed according to the requirements of SRC 62.130 through 62.200. Additional requirements for each class of sign are stated in SRC 62.390 through SRC 62.450.~~

**Section 11.** SRC 62.503 is renumbered as SRC 62.503, SRC 62.504 and SRC 62.505, and amended to read:

**62.503. Permanent Signs for ~~Integrated~~ Shopping Centers.** ~~and Business Complexes.~~ Signs permitted by this section shall be the only permanent signs permitted for ~~in an integrated~~ shopping centers and for individual businesses located within shopping centers. ~~or business complex.~~

**(a)** ~~A shopping center is allowed the following signs:~~ ~~Specific signs for an integrated shopping center are:~~

**(1)** ~~Except as provided in SRC 62.410(d) and (e),~~ One freestanding sign for ~~the center~~ each street frontage on a designated arterial or designated collector ~~street~~; provided, however, if the shopping center is located on a corner lot with two such intersecting street frontages, only one

freestanding sign shall be allowed, which may be located on the principal street frontage or at the corner of the intersection of the street frontages.

**(A) Height.** ~~The height of such freestanding principal~~ Sign height shall be limited to ~~20~~twenty feet for ~~up to~~ the first 100 feet of street frontage, plus an additional one foot ~~in height~~ for each ~~20~~twenty feet of street frontage over 100 feet, up to ~~with~~ a maximum height of ~~35~~thirty-five feet.

**(B) Area.** ~~Freestanding principal~~ Sign area shall be limited to one square foot per lineal foot of ~~property~~ street frontage for ~~up to~~ the first 100 square feet of street frontage, ~~of sign area~~ plus one-quarter additional square foot ~~of sign area~~ for each additional foot of street frontage over 100 feet, up to ~~with~~ a maximum sign area limit of 250 square feet.

~~(2) Temporary promotional or sign displays for a center wide promotion or event.~~

**(~~2~~3)** In addition to the sign allowed under subsection (a)(1) of this section, one freestanding ~~permanent~~ or one wall sign to identify each motor vehicle access ~~entrance onto or exit from~~ to the premises ~~shall be permitted,~~ which ~~signs~~ shall be limited to eight square feet ~~in area~~ and a height of four feet.

**(~~3~~4)** ~~A~~ In addition to the sign allowed under subsection (1) of this section, one wall sign to be used as a building directory. ~~sign~~ The square footage of the sign shall be based on the total number of occupants in the shopping center but shall be limited to one square foot per occupant.

~~(4) In addition to the sign allowed under subsection (a)(1)(A) of this section, if one or more of the street frontages of the shopping center exceeds 300 feet, the shopping center may have one additional freestanding sign on each street frontage exceeding such length, which shall be limited to twenty feet in height and fifty square feet in sign area.~~

If two free standing signs are located on the same street frontage, there shall be a minimum distance of 100 feet between such signs.

(5) Temporary signs as provided in SRC 62.311.

**(b)** Specific signs for Individual businesses in a shopping center shall be allowed the following signs: integrated shopping centers:

**(1)** One wall sign or one roof principalsign for each facing or building frontage, on a designated arterial or designated collector street or parking lot, provided, however, that no such sign shall be allowed on a building frontage facing a the parking lot where the sign would be directed towards does not abut a residential area. The principal sign shall be a wall sign or roof sign. Sign area shall be limited as specified in Appendix 2 of this Chapter. , SRC Chapter 62.

**(2)** In addition to the sign allowed under subsection (b)(1) of this section, one wall sign secondary sign for on each street building frontage, or parking lot provided, however, that no sign shall be allowed on a building frontage facing a parking lot where the sign would be directed towards a residential area. Frontage for each business. The sign shall be limited to a wall sign of The wall sign shall be no greater than eight square feet in total sign area., provided, however, the sign area may be increased by forgoing part of the sign area authorized under subsection (b)(1) of this section, and adding such sign area to the wall sign.

**(3)** In addition to the sign allowed under subsection (b)(1) of this section, one under marquee sign for each building frontage, provided, however, that no sign shall be allowed on a building frontage facing a parking lot where the sign, if installed, would be directed towards a residential area. For each business.

(4) In addition to the sign allowed under subsection (b)(1) of this section, one free standing sign or one wall sign, not to exceed twenty four square feet, located on a vehicle accessway adjacent to a building or on the building, and intended to be seen by a person doing business from the

vehicle accessway while the person is within the person's motor vehicle.

(~~5~~e) If the ~~Specific signs for interior business. Where an~~ individual business does not have building frontage~~,~~ ~~on a street or parking lot,~~ the principal occupant of the building in which the ~~interior~~ business is located may execute a written assignment ~~release~~ of a portion of that occupant's ~~his allowable principal~~ sign area allowed under subsection (b)(1) of this section~~,~~ for use by such interior business for a wall sign.

**SRC 62.504. Permanent Signs for Office Complexes.** Signs permitted by this section shall be the only permanent signs permitted for an office complex and for individual businesses located within the office complex.

(~~a~~d) An office complex is allowed the following signs: ~~Specific signs for a "business complex." "Business complex" for purposes of this section means one property ownership with the property owner and one or more business tenants as occupants or two or more business tenants as occupants of the property.~~

(~~1~~) ~~Except as provided in SRC 62.410(d) and (e), the business complex may have~~ One freestanding ~~principle~~ sign shall be allowed ~~for the complex~~ for each street frontage on a designated arterial or designated collector; provided, however, if the office complex is located on a corner lot with two intersecting street frontages, only one freestanding sign shall be allowed, which may be located on the principal street frontage or at the corner of the intersection street frontages.

(~~A~~) Height. ~~The height of such freestanding principal~~ Sign height shall be limited to ~~a height of 20~~twenty feet for ~~up to~~ the first 100 feet of street frontage~~,~~ plus an additional one foot ~~in height~~ for each ~~20~~twenty feet of street frontage over 100 feet, up to ~~with~~ a maximum height of ~~30~~thirty feet.

(~~B~~) Area. ~~The freestanding~~ Sign area shall be limited to one square foot per lineal foot of ~~property~~ street frontage for the first 100 feet of street frontage, ~~up to 100 square feet in sign area~~ plus one quarter additional square foot ~~of sign area~~ for each foot of

street frontage over 100 feet, up to with a maximum sign area limit of 150 square feet in sign area.

(2) In lieu of the freestanding sign under subsection (a)(1) of this section, the office complex may have a wall sign for each street frontage on a designated arterial or designated collector, which shall be limited to a maximum sign area of 125 square feet; provided, however, if the wall sign is located on the face or end of a marquee, the wall sign shall be limited to thirty inches in height and shall not extend below the lower edge of the marquee.

(3) In addition to the sign allowed under subsection (a)(1) of this section, if one or more of the street frontages of the office complex exceeds 300 feet, the office complex may have one freestanding sign on each street frontage exceeding such length, which shall be limited to twenty feet in height and fifty square feet in sign area. If two free standing signs are located on the same street frontage, there shall be a minimum distance of 100 feet between such signs.

(b) Individual businesses in an office complex shall be allowed the following signs:

(1) One wall sign or one roof sign for each building frontage, provided, however, that no sign shall be allowed on a building frontage facing a parking lot if the sign would be directed towards a residential area. Sign area shall be limited as specified in Appendix 2 of this Chapter.

(2) In addition to the sign allowed under subsection (b)(1) of this section, one wall sign on each building frontage; provided, however, that no sign shall be allowed on a building frontage facing a parking lot where the sign, if installed, would be directed towards a residential area. The wall sign shall be no greater than eight square feet in total sign area.

(3) In addition to the sign allowed under subsection (b)(1) of this section, one under marquee sign for each building frontage; provided, however, that no sign shall be allowed on a building frontage facing a parking lot

where the sign, if installed, would be directed towards a residential area.

(4) In addition to the sign allowed under subsection (b)(1) of this section, one free standing sign or one wall sign, not to exceed twenty-four square feet, located on a vehicle accessway adjacent to a building or on the building, and intended to be seen by a person doing business from the vehicle accessway while the person is within the person's motor vehicle.

(5) If the individual business does not have building frontage, the principal occupant of the building in which the business is located may execute a written assignment of a portion of that occupant's sign area allowed under subsection (b)(1) of this section, for use by such business for a wall sign.

**SRC 62.505. Land Divisions.**

~~(B) No permits shall be issued for such freestanding sign until the person who will own the sign and the owners of the property upon which the sign is to be erected jointly and severally agree in wringing on a form provided by the city that said sign shall be the sole freestanding sign located on the property for the business complex or any individual business located thereon including such sign of the owner of the property. This agreement shall apply to the property if later divided into multiple property ownership and shall bind all such owners and further provide that the agreement shall be recorded. The city recorder shall cause such agreement to be recorded at the office of the county officer having custody of the deed records for the county in which the affected premises are located. The building official shall acknowledge satisfaction of the deed upon removal of the permitted sign under the agreement and may thereafter issue a permit for a new conforming sign upon a basis of a new agreement.~~

~~(C)~~ Within ~~30~~thirty days of a subdivision or partition ~~legal division~~ of property~~,the original sign for a business complex must~~ signs shall be reduced in size to conform to the applicable provisions of this Chapter; ~~to provision of this Chapter;~~ provided, however, no such reduction shall be

~~required if the land division is for property that is used as a shopping center or office complex, and the shopping center or office complex continues to be managed as a unit. this paragraph shall not apply if in the legal division of property ownership of the business complex property is composed of the same individual(s).~~

~~(D) In lieu of the freestanding sign, the business complex may have a wall sign for each street frontage of the same size and type permitted for an individual business outside an integrated shopping center. In addition, one subordinate freestanding sign per frontage is allowed where the frontage on which the sign is located exceeds 300 feet in length. No freestanding sign shall be installed within 100 feet of another freestanding sign. A minimum setback of 50 feet for each freestanding sign shall be required from any side lot line. Where a secondary freestanding sign is allowed, it shall be limited to 20 feet in height and 50 square feet in area.~~

~~(2) An individual business in a "business complex," including that of the property owner if he is an occupant, shall be limited to wall signs of the same type and area permitted for an individual business in an integrated shopping center by this section.~~

~~(3) Signs in a business complex shall be constructed according to the requirements of SRC 62.130 through 62.200. Additional requirements for each class of sign areas stated in SRC 62.390 through 62.450.~~

**Section 12.** SRC 62.504 is hereby renumbered as SRC 62.506; SRC 62.505 is hereby renumbered as SRC 62.521.

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**Section 13. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this _____ day of _____, 2009.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: A. Dixon

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