



## **December 8, 2021**

**Regular Meeting | 7:00 p.m.**

Troutdale Police Community Center – Kellogg Room  
234 SE Kendall Ct, Troutdale, OR 97060

### **Agenda**

1. Call to Order, Roll Call, & Pledge of Allegiance
2. Public Comment on Non-Agenda Items
3. Public Hearing
  - a. Hearing Procedure
  - b. Case File # 75-08 – Security Fencing  
Type IV Application – Planning Commission Recommendation
  - c. Case File # 75-09 – Sign Standards  
Type IV Application – Planning Commission Recommendation
4. Staff Communications
5. Commissioner Comments
6. Adjournment

### **Participation**

The public may attend the meeting in person or via Zoom. Please email [comdev@troutdaleoregon.gov](mailto:comdev@troutdaleoregon.gov) to request Zoom meeting access credentials.

This meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting to the City of Troutdale ([comdev@troutdaleoregon.gov](mailto:comdev@troutdaleoregon.gov) or 503-665-5175).

**Next Meeting: Wednesday, January 12, 2021 at 7:00 p.m.**

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## STAFF REPORT – PLANNING COMMISSION HEARING

<b>CASE FILE:</b>	<b>75-08 Security Fencing</b>
<b>STAFF REPORT DATE:</b>	Monday, November 22, 2021
<b>HEARING DATE:</b>	Wednesday, December 8, 2021
<b>STAFF / APPLICANT:</b>	Chris Damgen, Community Development Director
<b>SUBJECT:</b>	<b>Proposed Text Amendment to the Troutdale Development Code</b>
<b>REQUESTS:</b>	Amend <i>Section 1.020 Definitions</i> and <i>Section 5.050 Fences and Windscreens</i> of the Troutdale Development Code (TDC) to provide definitions for security fencing and to allow for electric fencing to be placed upon properties within the General Industrial (GI) and Light Industrial (LI) zoning districts.
<b>APPLICABLE CRITERIA:</b>	TDC Sections 6.1120

### 1. BACKGROUND

The City of Troutdale adopted its current fencing standards in 2017 when a comprehensive update the TDC was finalized. These standards however have remained largely unchanged and existed in the previous iteration of the TDC.

The current TDC allows for “barbed wire fencing” in non-residential areas as a type of security fencing but restricts “sharp pointed fencing” in all areas. This has created ambiguity in determining what type of security fencing is appropriate. Staff would seek to provide a definition for security fencing that eliminates this discrepancy.

Due to an unfortunate increase in property crime, vandalism, and theft in the industrial areas of the city in recent years, certain properties have also expressed interest in installing electric fencing to secure portions of their properties; particularly impound lots where business property and other assets are typically stowed for safekeeping. Currently, Troutdale prohibits electric fencing installation. However, two properties have in the past successfully obtained variances to allow for electric fence installation. At the approval of the most recent variance which occurred earlier in 2021, the Planning Commission requested Staff prepare a text amendment application that would allow electric fencing in limited circumstances, thus reducing the impediments of going through a variance request for other interested properties.

## 2. REVIEW TIMELINE

The current iteration of the Troutdale Development Code was adopted in 2017 [Ordinance No. 842]. The most current version of the TDC into effect on August 12, 2021 [Ordinance No. 869].

The Planning Commission reviewed and approved a variance application that involved this issue at its May 12, 2021 regular meeting. After the conclusion of the public hearing, Planning Commissioners expressed a desire to consider a future text amendment that would allow for electric fencing to be utilized in certain areas of the city. The Planning Commission held a discussion on this matter at its September 8, 2021 regular meeting where it clarified its expectations for an application.

A Post-Acknowledgment Plan Application (PAPA) was submitted to the Oregon Department of Land Conservation and Development on Wednesday, October 27, 2021 to alert the agency of the application. It is anticipated the City Council hearing dates will be Tuesday, January 11, 2021 for the first reading and Tuesday, January 25, 2021 for the second reading and potential approval and adoption of a correlating ordinance. A decision on this application shall be rendered no later than February 24, 2022.

## 3. PROPOSED TEXT AMENDMENTS

Sections of the Code that are to be affected by the proposed amendments are included as Attachment A of this report. The following text is a summary of the proposed amendments:

### CHAPTER 1 – INTRODUCTORY PROVISIONS

There is one (1) section amendment proposed for this chapter.

#### 1.020 Definitions **(AMENDED)**

Staff is proposing to **add or amend the following definitions**. New text is in **bold**; text to be removed is struck through.

**(NEW) Security Fence.** A fence that is designed to deliberately discourage entry into a secure area of a site. This includes but is not limited to barbed wire fencing (twisted or pointed wire ends) and razor wire fencing (metal blades) in a linear or curled pattern.

**(NEW) Electric Fence.** A type of security fence that carries an electric current that can produce a shock if touched.

**CHAPTER 5 – MISCELLANEOUS USES, STANDARDS, AND EXCEPTIONS**

There is one (1) section amendment proposed for this chapter.

**5.050 Fences, Walls, and Windscreens (AMENDED)**

Staff is proposing to **add or amend the following text**. New text is in **bold**; text to be removed is struck through.

- F. ~~Barbed wire~~ **Security** fencing is permitted for agricultural, community service, commercial, or industrial uses when the wire is employed on the top of any other type of fencing, is a minimum of six (6) feet above the finished ground surface, and does not extend over a public way. The total height shall not exceed eight (8) feet **from grade**.
- G. ~~No electrically charged or sharp pointed fencing (other than barbed wire fencing as provided above) shall be constructed or maintained within the City limits.~~ **Electric fencing is permitted only in the Light Industrial (LI) and General Industrial (GI) zoning districts and shall meet the following criteria:**
1. **Installations of electric fencing shall require a Type II site development review application.**
  2. **Electric fencing shall not be installed within ten (10) feet of a public right-of-way or installed within an easement without the written consent of the rights holder.**
  3. **Electric fencing shall be a pulsed charge system and demonstrate that shock levels and duration are medically safe for humans through a manufacturer's certification.**
  4. **Any required building or electrical permits shall be obtained prior to installation and be inspected upon completion of installation.**
  5. **Any required fire approvals or acknowledgements for the installation, operation and maintenance of the electric fence shall be obtained prior to completion of installation.**
  6. **Warning signs that indicate hazard shall be installed at intervals of not less than 30 linear feet of fencing, indicating an electric fence exists. Signage shall be approved by the Director upon completion of installation.**
  7. **The total height shall not exceed ten (10) feet from grade.**

#### 4. PROPOSED FINDINGS

TDC Section 2.065 specifies that the City Council is the decision-making body for amendment applications after Planning Commission forwards a recommendation for their consideration. Planning Commission is charged with reviewing and editing draft findings for each applicable criterion point as listed in TDC Section 6.1120. Listed below are draft findings prepared by Staff for Planning Commission to review and amend as needed upon the conclusion of the public hearing portion of the meeting and prior to a vote for recommendation.

##### TEXT AMENDMENT (TDC 6.1120)

**A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.**

The amendments proposed are with regards to allowing for greater flexibility in industrial properties to secure their properties. This involves clarifying the nature of security fencing and introducing the possibility of electric fencing that meets certain established criteria.

The Comprehensive Land Use Plan (“the Plan”) does not contain a specific goal that is related to fencing standards or site security, however there are several objectives that are established that this amendment is within the spirit and intent of the Plan:

Under General Goals and Objectives in the Introductory section of the Plan, item 14 states “To promote the retention and expansion of existing businesses and the location of new businesses by developing flexible requirements which can accommodate the specific nature of a proposed project.” By allowing for security and electric fencing, the city is responding to an urgent need of existing businesses to protect their assets and properties from theft and vandalism, which negatively impacts their ability to operate their business within our community. Furthermore, prospective industrial businesses will see electric fencing options as a benefit to secure their investments and limit their losses and general liability. Limiting electric fence installations to the industrial areas of the City also reduces the chance for general citizens to be accidentally impacted, as would be the case if this were allowed in commercial or residential areas of the City. Furthermore, the visual aesthetics of the commercial areas of the city are maintained.

The proposed text amendment is not in conflict with any other provision in the Plan and further continues the spirit and intent of the Plan. **The criterion is met.**

**B. The proposed change is consistent with the applicable Statewide Planning Goals.**

There are no specific statewide land use planning goals that are directly associated with fencing. However, Goal 1 (Citizen Involvement) sets the expectations for communities to engage with their citizens about prospective development and how regulations may affect communities. The amendments proposed herein have stemmed from feedback from applicants

and businesses that seek to have greater ability to protect and defend their property. The City has previously approved two variance applications for businesses to allow electric fencing. Variance approvals require unique circumstances, however the desire to consider electric fencing in particular is no longer uniquely tied with one property. By having a text amendment allow for electric fencing in the industrial zones, the guesswork of attempting to determine a unique situation in a variance application is no longer required, and clear and objective standards for the approval of an installation would now be applied. **The criterion is met.**

**C. The proposed change is consistent with the applicable provisions of Metro Code.**

There are no specific standards in Metro Code that would apply to the proposed amendments. **The criterion is not applicable.**

**D. Public need is best satisfied by this particular change.**

While vandalism and theft have occurred in outer industrial areas of the City, the recent uptick in vagrancy and burglary in recent years have caused significant burdens for businesses who have already invested heavily in security systems. By clarifying security fencing standards and allowing for electric fencing to be installed in certain cases with clear and objective criteria, the City is empowering industrial properties to have additional tools to prevent theft and protect assets. This provides further ability for companies to retain or expand their operations in the City, which provides job opportunities and services that benefit the public. Theft deterrence and crime prevention are the essence of this amendment application. **The criterion is met.**

**E. The change will not adversely affect the health, safety, and welfare of the community.**

The Troutdale Development Code already allows for barbed-wire fencing and assumptions could be made to allow for razor-wire fencing with the current standards in place. The amendments proposed clarify that those security fencing installations are allowed, so any existing impacts to the public health, safety, and welfare remain the same.

The greater consideration is the introduction of electric fencing, which had previously been prohibited by the code and would now be allowed in certain circumstances. While there are unquestionably some risks that could rise from the allowance of this type of security fencing, the amendments proposed have been crafted to limit adverse impacts to the community in the following ways:

First, the allowance of electric fencing is geographically limited to industrial areas, specifically the Light Industrial (LI) and General Industrial (GI) zoning districts. These districts are almost exclusively located in areas that are physically separated from most residential and commercial areas of the city. Industrial uses by nature are not designed for large-scale pedestrian activity and the risks associated with accidental engagement with an electric fence are minimal. The proposed amendment would not allow for installations in commercial areas, where there is

greater chance for interaction with the general public and an aesthetic consideration that could cause negative impacts to surrounding properties.

Second, electric fence suppliers provide installations that must abide by overarching health and safety requirements set forth through codes, federal safety rules, and prevailing industry standards. This includes regulating the impact of shock and the more importantly the duration of shock that would not create a medically harmful situation. The proposed amendment would require a pulse-charged system rather than a continuous charged system, which significantly limits the chance of accidents and entanglements.

Third, industrial areas are often not afforded the “eyes in the street” concept of having neighboring properties being in sight of a potential target for theft. These properties rely on security systems that have proven to be breached or tampered with. Providing electric fencing to a site increases the deterrent factor for a trespasser and can often compliment existing systems. The safety of a site’s property condition, assets, and employees is thus greatly increased by its installation.

As a result of these considerations, reasonable standards were included within the amendments proposed to limit adverse impacts. **The criterion is met.**

## 5. STAFF RECOMMENDATIONS

Staff offers the following recommendations for the conduct of the December 8, 2021 public hearing for the proposed amendments to the Troutdale Development Code.

- A. Conduct a public hearing and receive all public testimony relating to the application.
- B. Consider the public testimony and the facts and findings presented in the staff report and deliberate on policy issues, proposed amendments, and other issues identified by the Commission, Staff, other public entities, or the public.
- C. Determine if there are certain definitions that should be removed from consideration at this time due to further analysis or research required by staff.
- D. Recommend approval of the proposed text amendments (as written or amended) to the City Council for its consideration for its subsequent public hearings.

## ATTACHMENTS

- A. Proposed text amendments for Section 5.050 (redline version)
- B. Proposed text amendments for Section 5.050 (clean version)

7. A sign mounted ten (10) feet or more above the ground with supports that do not obstruct the clear vision area.
  8. A signalized intersection.
  9. Lots for which no setback is required.
- F. Lawful structures or vegetation in existence prior to December 9, 1986 may continue as lawful nonconforming uses as specified in Chapter 5.300, Nonconforming Uses, of this Code.
- G. Any obstruction maintained in violation of this Section shall be abated pursuant to Chapter 17, General Provisions, of this Code.

5.050 Fences, Walls and Windscreens.

- A. Fences and retaining walls on lots zoned residential shall comply with the following:
1. The clear vision standards of Section 5.040 of this Code.
  2. Not exceed four (4) feet in height if located in a required front yard setback, except the height limit shall be six (6) feet for a dwelling that existed prior to June 9, 1987 and which fronts a major arterial.
  3. Not exceed seven (7) feet in height if located in a required side or rear yard setback area.
  4. Fences and retaining walls shall be constructed of wood, brick, masonry cement, chain link, plastic, wrought iron or similar residential-type materials. The use of barbed wire, electric fences, sheet metal or other non-residential materials is prohibited.
- B. Fences, retaining walls on lots zoned commercial or industrial shall comply with the following:
1. The clear vision standards of Section 5.040 of this Code.
  2. Not exceed three and one-half (3½) feet in height if located in a required front yard setback,
  3. Not exceed six (6) feet in height if located in a required side or rear yard setback area.
- C. Fences, walls and windscreens shall be measured from the ground on which the fence, wall or windscreen is located to the top of the fence or retaining wall, or any the combination thereof.

- D. Any recreational court may be enclosed by a wire fence not exceeding twelve (12) feet in height, provided that no part of the court fence is within twenty (20) feet of any street.
- E. A swimming pool, hot tub, or other manmade outside body of water, which has a depth greater than twenty-four (24) inches shall be enclosed with a fence not less than four (4) feet, and not more than six (6) feet in height. The fence shall not have any openings, holes, or gaps larger than three (3) inches square, except for doors or gates. The fence gates shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building may form part of the enclosure.
- F. ~~Barbed wire~~ Security fencing is permitted for agricultural, community service, commercial, or industrial uses when the wire is employed on the top of any other type of fencing, is a minimum of six (6) feet above the finished ground surface, and does not extend over a public way. The total height shall not exceed eight (8) feet from grade.
- G. ~~No electrically charged or sharp pointed fencing (other than barbed wire fencing as provided above) shall be constructed or maintained within the City limits.~~ Electric fencing is permitted only in the Light Industrial (LI) and General Industrial (GI) zoning districts and shall meet the following criteria:
1. Installations of electric fencing shall require a Type II site development review application.
  2. Electric fencing shall not be installed within ten (10) feet of a public right-of-way or installed within an easement without the written consent of the rights holder.
  3. Electric fencing shall be a pulsed charge system and demonstrate that shock levels and duration are medically safe for humans through a manufacturer's certification.
  4. Any required building or electrical permits shall be obtained prior to installation and be inspected upon completion of installation.
  5. Any required fire approvals or acknowledgements for the installation, operation and maintenance of the electric fence shall be obtained prior to completion of installation.
  6. Warning signs that indicate hazard shall be installed at intervals of not less than 30 linear feet of fencing, indicating an electric fence exists. Signage shall be approved by the Director upon completion of installation.
  7. The total height shall not exceed ten (10) feet from grade.
- H. Windscreens. A windscreen may be constructed on the north or east side of a residential

7. A sign mounted ten (10) feet or more above the ground with supports that do not obstruct the clear vision area.
  8. A signalized intersection.
  9. Lots for which no setback is required.
- F. Lawful structures or vegetation in existence prior to December 9, 1986 may continue as lawful nonconforming uses as specified in Chapter 5.300, Nonconforming Uses, of this Code.
- G. Any obstruction maintained in violation of this Section shall be abated pursuant to Chapter 17, General Provisions, of this Code.

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  3. Not exceed seven (7) feet in height if located in a required side or rear yard setback area.
  4. Fences and retaining walls shall be constructed of wood, brick, masonry cement, chain link, plastic, wrought iron or similar residential-type materials. The use of barbed wire, electric fences, sheet metal or other non-residential materials is prohibited.
- B. Fences, retaining walls on lots zoned commercial or industrial shall comply with the following:
1. The clear vision standards of Section 5.040 of this Code.
  2. Not exceed three and one-half (3½) feet in height if located in a required front yard setback,
  3. Not exceed six (6) feet in height if located in a required side or rear yard setback area.
- C. Fences, walls and windscreens shall be measured from the ground on which the fence, wall or windscreen is located to the top of the fence or retaining wall, or any the combination thereof.

- D. Any recreational court may be enclosed by a wire fence not exceeding twelve (12) feet in height, provided that no part of the court fence is within twenty (20) feet of any street.
- E. A swimming pool, hot tub, or other manmade outside body of water, which has a depth greater than twenty-four (24) inches shall be enclosed with a fence not less than four (4) feet, and not more than six (6) feet in height. The fence shall not have any openings, holes, or gaps larger than three (3) inches square, except for doors or gates. The fence gates shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building may form part of the enclosure.
- F. Security fencing is permitted for agricultural, community service, commercial, or industrial uses when the wire is employed on the top of any other type of fencing, is a minimum of six (6) feet above the finished ground surface, and does not extend over a public way. The total height shall not exceed eight (8) feet from grade.
- G. Electric fencing is permitted only in the Light Industrial (LI) and General Industrial (GI) zoning districts and shall meet the following criteria:
1. Installations of electric fencing shall require a Type II site development review application.
  2. Electric fencing shall not be installed within ten (10) feet of a public right-of-way or installed within an easement without the written consent of the rights holder.
  3. Electric fencing shall be a pulsed charge system and demonstrate that shock levels and duration are medically safe for humans through a manufacturer's certification.
  4. Any required building or electrical permits shall be obtained prior to installation and be inspected upon completion of installation.
  5. Any required fire approvals or acknowledgements for the installation, operation and maintenance of the electric fence shall be obtained prior to completion of installation.
  6. Warning signs that indicate hazard shall be installed at intervals of not less than 30 linear feet of fencing, indicating an electric fence exists. Signage shall be approved by the Director upon completion of installation.
  7. The total height shall not exceed ten (10) feet from grade.
- H. Windscreens. A windscreen may be constructed on the north or east side of a residential building only. The screen shall not exceed six (6) feet in height nor extend more than eight (8) feet into a required front yard setback area.

## STAFF REPORT – PLANNING COMMISSION HEARING

<b>CASE FILE:</b>	<b>75-09 Sign Standards</b>
<b>STAFF REPORT DATE:</b>	Wednesday, November 17, 2021
<b>HEARING DATE:</b>	Wednesday, December 8, 2021
<b>STAFF / APPLICANT:</b>	Chris Damgen, Community Development Director
<b>SUBJECT:</b>	<b>Proposed Text Amendment to the Troutdale Development Code</b>
<b>REQUESTS:</b>	Amend <i>Chapter 10 – Signs</i> of the Troutdale Development Code (TDC) to update certain definitions and dimensional standards; to streamline the permit application process and allow for concurrent review; to allow for freestanding sign placements within building setbacks when possible; and to provide clear and objective standards for temporary signs
<b>APPLICABLE CRITERIA:</b>	TDC Sections 6.1120

### 1. BACKGROUND

The City of Troutdale adopted its current sign standards (known as Chapter 10 of the Troutdale Development Code [TDC] or colloquially, “the sign code”) in 2017 when a comprehensive update the TDC was finalized. Since its date of effectiveness, there have been certain provisions within the sign standards that have been difficult to interpret or created situations where reasonable outcomes required lengthy reviews or variances in order to be approved.

In addition to some of these unintended situations, the City has been able to incorporate new technologies that could allow for concurrent review of certain sign permit applications that may also require building or electrical permits. Previously concurrent review was not desirable due to the chance of inconsistencies among permits. This two-step permit process however leads to delays and frustrations for permit applications on a procedure that ought to be straightforward and simple to accomplish.

In early 2020 Staff engaged with the Planning Commission to determine what improvements could be made to the existing sign standards. A previous effort at a text amendment process (75-05) was canceled prior to a public hearing. The matter was reintroduced in spring and early fall 2021 and was ultimately forwarded for a formal text amendment consideration.

## 2. REVIEW TIMELINE

The current iteration of the Troutdale Development Code was adopted in 2017 [Ordinance No. 842]. The most current version of the TDC into effect on August 12, 2021 [Ordinance No. 869].

The Planning Commission held a discussion on this matter at its May 28, 2020 special meeting and performed a comprehensive overview on the affected chapter, beyond what staff was proposing. A land use application nearly identical to this current application was filed by Staff (75-05). A public hearing to consider the text amendment was originally scheduled for June 17, 2020 was postponed to July 15, 2020 before being withdrawn by Staff.

Staff revived the effort to have the sign standards revisited in 2021. At its September 22, 2021 special meeting, Planning Commission revisited the previous intended amendments, offered clarifications on certain matters, and directed Staff to prepare a land use application for future consideration.

A Post-Acknowledgment Plan Application (PAPA) was submitted to the Oregon Department of Land Conservation and Development on Wednesday, October 27, 2021 to alert the agency of the application. It is anticipated the City Council hearing dates will be Tuesday, January 11, 2021 for the first reading and Tuesday, January 25, 2021 for the second reading and potential approval and adoption of a correlating ordinance. A decision on this application shall be rendered no later than February 24, 2022.

### 3. PROPOSED TEXT AMENDMENTS

Sections of the Code that are to be affected by the proposed amendments are included as Attachment A of this report. The following text is a summary of the proposed amendments:

#### CHAPTER 10 - SIGNS

There are nine (9) section amendments proposed for this chapter.

##### 10.015 Definitions **(AMENDED)**

Staff is proposing to **add or amend the following definitions** in order to better clarify the spirit and intent of certain sign types or characteristics to reduce ambiguity and provide for clear and objective interpretations. New text is in **bold**; text to be removed is struck through.

**(AMENDED)** Flags. Any fabric containing colors, patterns, words or symbols, typically oblong or square, attachable by one edge to a pole or anchored at only two (2) corners. If any dimension is more than ~~three~~ **two (2)** times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.

**(NEW)** Inflatable Sign. A sign that consists of a flexible material envelope of non-porous material inflated or shaped from inserted air or other gas.

**(NEW)** Monument Sign. A freestanding sign of which the entire bottom of the sign is generally in contact with or within three (3) feet of grade.

**(NEW)** Real Estate Sign. A temporary pole or wall mounted sign that displays that a property or unit within a property is for sale or lease and provides contact information for the seller or an agent of seller.

**(AMENDED)** Temporary Sign. A sign that is not permanently attached to a building, structure, or the ground, and that is not intended or designed to be placed permanently. **Temporary signs include but are not limited to banner signs, lawn signs, and real estate signs.**

##### 10.020 General Provisions **(AMENDED)**

Staff is proposing changes to the procedure, location, and construction subsections as described below:

**Procedure:** Staff is proposing to have sign permits not be subject to outlined land use application procedures identified by the Troutdale Development Code. Instead, sign permits could still be issued without the need to generate notifications, such as Notices of Decisions. In lieu of a land use review process,

sign permits would be taken in electronically by the Community Development Department's Citizen Self-Service online portal, in a manner similar to a building permit or right-of-way permit. A planner would then be assigned to review the sign permit application. If the sign requires additional approvals (such as floodplain, building or electrical permits), then other reviewers are also assigned. This allows for concurrent review and reduces an applicant's paperwork burden by effectively consolidating review processes.

**Location:** Staff is proposing to allow signs to be installed within a front yard or street side yard setback of the underlying zoning district, provided that freestanding signs are not located upon easements. Currently, signs must abide to building setback standards, which has caused difficulties in the legibility and placement possibilities, particularly for commercial properties. Two previous variance applications have offered relief, however the preferred method to address this issue is through a code amendment. Signs would also have to demonstrate that they do not present a visible hazard to motorists or pedestrians via the "clear vision standard" found elsewhere in the Code.

**Construction:** Staff is proposing a minor edit to remove a specific reference to the Oregon State [sic] Structural Specialty Code to be more encompassing of other codes adopted by the state Building Codes Division that may require permits of signs.

#### 10.025 Sign Permit Exemptions **(AMENDED)**

Staff is proposing a new exemption for **real estate signs**, due to standard practice of real estate companies or professionals not seeking a permit for each and every property for lease or sale. Enforcing the current provision would lead to significant frustrations with the real estate community and would put significant pressure on Staff to process countless numbers of sign permits on a regular basis. Based on staff research, most cities do not require permits for real estate signs (or choose not to enforce permit requirements) and provide simple dimensional and timing standards to regulate the size and duration of these types of temporary signs.

#### 10.030 Prohibited Signs **(AMENDED)**

Staff is proposing to **prohibit signs that move, rotate, revolve, flap, flutter, or simulate animation**, with the exception of flags in accordance with the updated definition of a flag proposed in Section 10.015. This prohibition would cover an array of sign styles and speaks to the condition of the sign creating a visual or audible distraction, which may also be construed as a nuisance depending on the director's interpretation.

**10.035 Signage within Residential Zones (AMENDED)**

Staff is proposing to establish clear and objective standards for allowing temporary signs that require a sign permit. As proposed, temporary signs would abide by the following standards:

- Temporary sign permits are valid for a period not exceeding 30 consecutive days from the date of approval **(NEW)**
- Temporary signs are to be removed within 14 days after an election, sale, rental, lease, or conclusion of an event **(existing standard)**
- Properties would be limited to not more than four (4) temporary sign permits issued in a calendar year and permits would not be eligible for extensions **(NEW)**

**10.040 Signage within Commercial and Industrial Zones (AMENDED)**

The same proposed amendments that are listed above for Section 10.035 apply to this Section.

**10.045 Signage within the Central Business District and Urban Mixed Use Zones (AMENDED)**

Staff is proposing four general amendments in this section.

**Title:** The title of this section is proposed to be amended to include the newly established Urban Mixed Use (MU-3) zoning district.

**Wall Signs:** Standards for the maximum sign face area for an individual sign in the MU-3 zoning district would match other commercial zones (10 percent of façade) rather than the existing CBD standard of a flat 36 square foot maximum. All other existing CBD standards would be followed within MU-3.

**Portable Signs:** Standards for portable signs are proposed to be adjusted in the following methods:

- Portable sign maximum face area is to be nominally **increased to 12 square feet**. This would allow the industry standard 2-foot by 3-foot portable signs to be a permissible sign in these zoning districts without a need for a variance.
- Signs are **allowed to be placed in rights-of-way** directly in front of a business, provided that the jurisdiction in charge of the right-of-way has given approval and they are not creating accessible or visual obstruction. Many downtown businesses already utilize these signs. This amendment would bring most signs into compliance.

**Temporary Signs:** The same proposed amendments for temporary signs that are listed above for Section 10.035 apply to this Section.

**10.060 Enforcement of Permanent Signs (AMENDED)**

Staff is proposing minor, non-substantive edits to correct references.

**10.065 Enforcement of Temporary Signs (AMENDED)**

Staff is proposing minor, non-substantive edits to correct references and syntax errata.

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#### 4. PROPOSED FINDINGS

TDC Section 2.065 specifies that the City Council is the decision-making body for amendment applications after Planning Commission forwards a recommendation for their consideration. Planning Commission is charged with reviewing and editing draft findings for each applicable criterion point as listed in TDC Section 6.1120. Listed below are draft findings prepared by Staff for Planning Commission to review and amend as needed upon the conclusion of the public hearing portion of the meeting and prior to a vote for recommendation.

##### TEXT AMENDMENT (TDC 6.1120)

**A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.**

The amendments proposed seek to eliminate ambiguity and improve efficiencies in reviewing and interpreting sign regulations and permitting requirements. They are proposed based upon practical experience of working with the existing sign standards and improvements to the City's technology offerings that can reduce overhead and timeframes for applicants.

The Comprehensive Land Use Plan ("the Plan") does not contain a specific goal that is related to sign standards, however there are several objectives that are established that this amendment is within the spirit and intent of the Plan:

Under General Goals and Objectives in the Introductory section of the Plan, item 14 states "To promote the retention and expansion of existing businesses and the location of new businesses by developing flexible requirements which can accommodate the specific nature of a proposed project." By streamlining permitting processes and providing clear and objective standards in place, the amendments are offering flexible requirements

The proposed text amendment is not in conflict with any other provision in the Plan and further continues the spirit and intent of the Plan by upholding an expectation of an orderly and expected development pattern through local and statewide land use goals. **The criterion is met.**

**B. The proposed change is consistent with the applicable Statewide Planning Goals.**

There are no specific statewide land use planning goals that are directly associated with signs. However, Goal 1 (Citizen Involvement) sets the expectations for communities to engage with their citizens about prospective development and how regulations may affect communities. The amendments proposed herein have stemmed from feedback from applicants and businesses that seek more efficiency and greater clarity in the existing standards. These amendments have also been discussed by the Planning Commission in a work session environment in a constructive manner. The proposed text amendment is therefore consistent with applicable Statewide Planning Goals. **The criterion is met.**

**C. The proposed change is consistent with the applicable provisions of Metro Code.**

There are no specific standards in Metro Code that would apply to the proposed amendments. **The criterion is not applicable.**

**D. Public need is best satisfied by this particular change.**

The need to secure a sign permit is often one of the ways the public engages with a local jurisdiction. Efforts that can be made to improve or streamline the process should always be considered, particularly when staffing arrangements or technological improvements are made to allow for such improvements to occur. That is the case with these amendments. The proposal could in many cases reduce an applicant's overall review time and paperwork burden while still largely maintaining the city's existing sign standards.

In certain cases, some of these standards are proposed to be eased, but in each of those cases, the standards are simply being reset to either fulfill an ongoing practice (as is the case with real estate signs or portable sign sizing and placement in the Central Business District) or to provide latitude for a sign to accomplish its purpose of property/business identification without causing undue harm (as is the case with allowing monument signage within setbacks).

As a result of these efforts, the public need for flexibility can be achieved without negatively impacting the purpose of having sign standards, particularly when most of the prevailing standards will remain intact. **The criterion is met.**

**E. The change will not adversely affect the health, safety, and welfare of the community.**

It is not expected that there are health concerns that would be caused by this proposal.

Safety considerations may exist with certain provisions that have been proposed to be added or amended. While the original intent of having monument signage not being placed within front or street-side setbacks was partially intended for safety considerations, the trade-off to that decision has been several requests for variances to allow for signs to encroach the setback or for properties to resort to signs that are difficult to read from a distance. In that case, safety (particularly from those in vehicles) could be impacted by increased attention made to read signs that are difficult to see or otherwise illegible. While there may be a safety risk associated with allowing signs within setbacks, there are other provisions in the code that require "clear vision" tests be made to ensure that future signage would not be a visual distraction.

Community welfare can be broadly construed, however many in the community have expressed dissatisfaction with certain types of signs, particularly those that move, rotate, or flutter, which can be considered at best a distraction and at worst a nuisance. The proposed amendment would seek to prohibit such signs and allow the City to clearly articulate that those types of conditions are inappropriate for our community. **The criterion is met.**

## 5. STAFF RECOMMENDATIONS

Staff offers the following recommendations for the conduct of the December 8, 2021 public hearing for the proposed amendments to the Troutdale Development Code.

- A. Conduct a public hearing and receive all public testimony relating to the application.
- B. Consider the public testimony and the facts and findings presented in the staff report and deliberate on policy issues, proposed amendments, and other issues identified by the Commission, Staff, other public entities, or the public.
- C. Determine if there are certain definitions that should be removed from consideration at this time due to further analysis or research required by staff.
- D. Recommend approval of the proposed text amendments (as written or amended) to the City Council for its consideration for its subsequent public hearings.

## ATTACHMENTS

- A. Proposed text amendments for Chapter 10 (redline version)
- B. Proposed text amendments for Chapter 10 (clean version)

## Chapter 10 – Signs

- 10.005 Title. This Chapter shall be known as “The Troutdale Sign Code”.
- 10.010 Purpose. This Chapter is being adopted to protect the health, safety, property, and welfare of the public; provide a neat, clean, orderly, and attractive appearance of the community; improve the effectiveness of signs; provide for safe construction, location, erection, and maintenance of signs; prevent proliferation of signs and sign clutter; and minimize adverse visual safety factors to travelers on public highways and private areas open to public travel. To achieve this purpose it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible from public property, public right-of-ways, and private areas open to public travel. This Chapter shall be construed to carry out this purpose.
- 10.015 Definitions. For purposes of this Chapter, certain terms, phrases, and words shall be construed as follows: Words used in the present tense include the future; the singular tense includes the plural and vice versa; the word “shall” is always mandatory and the word “may” is discretionary; and the masculine gender includes the feminine and vice versa. The following terms shall mean:
- .01 A-Frame Sign. A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom. A-frame signs shall not be permanently attached to the ground, but secured to the ground or sufficiently weighted to prevent the sign from being blown from its location or easily moved.
  - .02 Awning. A shelter projecting from, and supported by, the exterior wall of a building on a supporting framework. The awning may be constructed of rigid or non-rigid materials.
  - .03 Banner Sign. A sign made of fabric or other non-rigid material with no enclosing framework and not qualifying as a flag.
  - .04 Bench Sign. A sign on an outdoor bench.
  - .05 Boundaries of the Site. The area inside the legal lot lines of a site and does not include any property in a public right-of-way.
  - .06 Direct Illumination. Exposed lighting or neon tubes on the sign face.
  - .07 Directional Sign. A sign located within the boundaries of a site and near areas where pedestrians, cyclists, or vehicles travel, and that is intended to inform people of what direction to travel.
  - .08 Electronic Display Signs. Signs, displays, devices, or portions thereof with lighted messages that change at intermittent intervals by electronic process or remote control.

- .09 External Illumination. The light source is separate from the sign and is directed so as to shine on the sign.
- .10 Flags. Any fabric containing colors, patterns, words or symbols, typically oblong or square, attachable by one edge to a pole or anchored at only two (2) corners. If any dimension is more than ~~three-two~~ (32) times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.
- .11 Freestanding Sign. A sign on a frame, pole, or other support structure that is not attached to any building.
- .12 Freeway Sign. A freestanding sign that is located within eight hundred (800) feet south and one thousand (1,000) feet north of the center median of Interstate 84, and that is more than twenty-four (24) feet in height, with a sign face of more than one hundred fifty (150) square feet.
- .13 Gross Wall Area. The entire area encompassed by the plane of a wall, including windows and doors.
- .14 Height. The vertical distance measured from grade to the highest point of the sign or sign structure.
- .15 Historical Marker. A plaque or sign erected and maintained on property, a building, or structure by an organization that is recognized for routinely identifying sites, buildings, or structures of historical value.
- .16 Inflatable Sign. A sign that consists of a flexible material envelope of non-porous material inflated or shaped from inserted air or other gas.
- ~~.4617~~ Internal Illumination Lighting. The light source is concealed within the sign.
- ~~.4718~~ Lawn Sign. A temporary pole or wall mounted sign with a sign face area less than three (3) square feet and a maximum height less than three (3) feet from the ground. Lawn signs may not encroach into the right of way or obstruct the visibility for the travelling public and may not be illuminated.
- ~~.4819~~ Lighting. Direct, external, or internal illumination.
- ~~.4920~~ Maintenance. Normal care needed to keep a sign functional such as cleaning, oiling, and changing light bulbs.
- .21 Monument Sign. A freestanding sign of which the entire bottom of the sign is generally in contact with or within three (3) feet of grade.
- ~~.2022~~ Permanent Banner Sign. Any banner sign that is not allowed as a temporary sign or that does not qualify as an exempt sign under Section 10.025 of this Chapter.

- .2423 Permanent Sign. A sign attached to a building, structure, or the ground in a manner requiring a permit, and made of materials intended for more than short term use including, but not limited to, freestanding signs, freeway signs, wall signs, and awnings. ~~signs.~~
- .2224 Portable Sign. A sign that is freestanding in design, easily movable, made of durable material as opposed to non-durable material such as cardboard, paper, fabric or pliable plastic, and is not affixed to the ground or to any part of a building.
- .2325 Projecting Sign. A sign, other than a wall sign, that projects from, and is supported by, a roof or wall of a building or structure and is generally at right angles to the building.
- .26 Real Estate Sign. A temporary pole or wall mounted sign that displays that a property or unit within a property is for sale or lease and provides contact information for the seller or an agent of seller.
- .2427 Repair. Mending or replacing broken or worn parts with comparable materials. Repairs may be made with the sign in position or with the sign removed.
- .2528 Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other minor projections.
- .2629 Roof Sign. Any sign erected upon or over the roof of any building or structure.
- .2730 Searchlights. An apparatus on a swivel that projects a strong, far-reaching beam of light.
- .2831 Sign. Any materials placed or constructed so they can be viewed from a right-of-way or another property and that conveys a message or image, and includes the sign structure, display surface, and all component parts of a sign.
- .2932 Sign Copy. The message or image conveyed by a sign.
- .3033 Sign Face Area. The total display surface area of the sign. When the dimensions of a sign are specified, the term includes the frames or cabinets surrounding a sign; the electronic message center; any base material or supporting structure, unless none of the base material or supporting structure is related to the message or image being portrayed in the sign; and all individual pieces or panels that, when placed together, convey a message or image.
- .3134 Sign Owner. The owner of the sign structure as determined by looking at the sign or other means as necessary.
- .3235 Site. The area, tract, parcel, or lot of land owned by, or under the lawful control

of, one distinct ownership. Abutting platted lots under the same ownership shall be considered one site.

.3336 Street Frontage. The portion of a site that abuts a public street.

.3437 Structurally Altered. Any work, except maintenance work, that alters or changes the size, shape, or height of a sign. Also includes replacement of sign structure materials with other than comparable materials, for example, metal parts replacing wood parts.

.3538 Supporting Structure. A structure specifically intended for supporting or containing a sign.

.3639 Temporary Sign. A sign that is not permanently attached to a building, structure, or the ground, and that is not intended or designed to be placed permanently. Temporary signs include but are not limited to banner signs, lawn signs, and real estate signs.

.3740 Wall Sign. A sign that is attached to, and extended no more than within eighteen (18) inches from a wall, or painted on a wall, of a building.

.3841 Window Sign. A sign located in the inside display area of a business window.

10.020 General Provisions. All signs in the City of Troutdale, including those exempt from obtaining a sign permit, shall comply with the height limits of the underlying zone, general provisions of this section and, where applicable, with the provisions of Sections 10.025 through 10.055 inclusive. Signs shall not be restricted by content.

A. ~~A.~~ Permits Required. Except as provided in Section 10.025, Sign Permit Exemptions, of this Chapter, a permit is required to erect, replace, construct, or alter the location or structure of a sign. A permit shall be issued by the Director if the applicant files an application, filing fee, and plans which demonstrate full compliance with all provisions of this Chapter and other applicable City regulations.

A-B. Procedure. ~~An a~~Application for a sign permit is ~~processed as a Type I procedure, not subject to a land use application procedure as established in Chapter 2 of this Code. Sign permits may be applied for, reviewed, and issued in concurrence with building, electrical, or other relevant permits when required by other codes.~~

BC. Sign Maintenance. All signs shall be maintained in a safe condition. Maintenance and repair of a sign, including change of sign copy, shall not require a sign permit. All signs that are damaged and pose a danger to the public shall be repaired or removed.

CD. Location.

- All signs may be installed within a front yard or street side yard setback of the underlying zoning district, provided that freestanding signs are not located upon any public utility easements or access easements established on a property.

~~Except as otherwise provided in this Chapter, all signs shall comply with the building setback requirements of the underlying zoning district. The setback requirement for a freestanding sign shall be measured from the signboard.~~

2. All signs shall be located entirely within the boundaries of a site unless specifically authorized by this Chapter.
3. All signs must be installed in compliance with Section 5.040, Clear Vision Areas, of this Code, as well as the regulations of this Chapter.

~~DE.~~ Construction. All signs shall comply with ~~the any~~ applicable building or electrical code provisions ~~of the Oregon State Structural Specialty Code~~, except as otherwise provided in this Chapter.

~~EF.~~ Lighting. Except as otherwise provided in this Chapter, signs may be externally, internally, or directly illuminated, subject to the following:

1. Lighted signs shall be placed, shielded, or deflected so as not to shine into residential dwelling units or structures, or impair the vision of the driver of any vehicle.
2. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
3. Strobe lights or similar devices as well as traveling light patterns (“chaser effect”) are prohibited.
4. Externally illuminated signs shall comply with the requirements of Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting. All externally illuminated signs that measure seven (7) feet or more from the ground level to the top edge of the sign face shall be illuminated from above.
5. Searchlights may be used only in commercial or industrial zones, provided that:
  - a. An owner or lessee may use a searchlight for up to a maximum of seven (7) days in a calendar year.
  - b. The beam of the searchlight may not flash against any building or sweep on an arc greater than forty-five degrees (45°) from vertical.
6. Electronic display signs are permitted only as provided in Section 10.050.
7. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300-milliamper rating for white tubing or 100-milliamper rating for any colored tubing.

8. No exposed reflective type bulb, PAR (parabolic aluminized reflector) spot or incandescent lamp, which incandescent lamp exceeds 250 lumens, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
9. When fluorescent tubes are used for interior illumination of a sign such illumination shall not exceed 800-milliamper rating tubing behind a sign face spaced at least nine (9) inches, center to center.

**FG.** Sign Face Area. The sign face area shall be determined as follows:

1. The sign face area of signs enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. The sign face area does not include foundations, supports, or other essential structures that are not related to the message and images being posted in the sign.
2. When a sign is on a base material and attached without a frame, the dimensions of the base material are to be used unless it is clear that the base is not related to the message or image being posted in the sign.
3. When signs are constructed in individual pieces attached to a building wall, sign face area is determined by a perimeter drawn around all the pieces.
4. For sign structures containing multiple panels oriented in the same direction, the panels together are counted as one (1) sign face.
5. The maximum surface area visible at one time, of a round or three-dimensional sign, is counted to determine the sign face area.
6. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face area unless it is clear that part of the panel is not related to the message or image being posted in the sign.

10.025 Sign Permit Exemptions. The following signs are allowed in all zoning districts without a sign permit:

- A. Public signs constructed or placed in a public right-of-way by, or with the approval of, a governmental agency having legal control or ownership of the right-of-way; signs owned or constructed by the City; signs required by law including, but not limited to, hearing notices; and signs placed in or near a right-of-way by a public utility in response to a hazard or danger to the public.
- B. Directional signs, provided that freestanding directional signs shall not exceed five (5) feet in height and fifteen (15) square feet in area on one (1) sign face.
- C. A single sign or historical marker not to exceed four (4) square feet cut into the surface or

- the facade of a building, or permanently attached and not projecting more than two (2) inches.
- D. Signs located in the interior of any building, or within an enclosed lobby or court of any building or group of buildings, that are designed and located to be viewed exclusively by patrons of such use or uses.
  - E. Painted areas on a wall that are designed and intended as a decorative or ornamental feature, or to highlight a building's architectural or structural features.
  - F. Window signs as a part of the inside display area of a business, provided the window sign does not involve use of flashing or blinking lights.
  - G. Signs not exceeding one (1) square foot in size and affixed to or displayed from a residential dwelling unit.
  - H. Holiday lights and decorations.
  - I. Any inflated sign or inflated device, including multiple inflated signs or devices bundled together, that floats in the air and individually or collectively is five (5) square feet or less in sign face area.
  - J. Flags less than twenty-four (24) square feet in size measured border to border.
  - K. Lawn signs, provided only three (3) are allowed per lot for not more than ninety (90) consecutive days.
  - L. Real estate signs, provided:
    - 1. Maximum sign area on one face shall not exceed six (6) square feet of sign area in residential zones or thirty-two (32) square feet in commercial and industrial zones.
    - 2. Not more than one (1) sign is allowed per street frontage.
    - 3. Real estate signs shall be removed within fourteen (14) days after the sale or lease of the property has been executed.

10.030 Prohibited Signs. The following signs are prohibited and shall be considered nuisances:

- A. Any sign constructed, erected, replaced, altered, repaired, or maintained in a manner not in compliance with this Chapter.

- B. Bench signs.
- C. Permanent banner signs.
- D. Roof signs.
- E. Signs in public right-of-ways other than public signs installed or authorized by a governmental agency or public utility.
- F. Signs placed or painted on a motor vehicle or trailer that is parked with the primary purpose of providing a sign not otherwise allowed by this Chapter.
- G. Any inflated sign or inflated device, including multiple inflated signs or devices bundled together, that floats in the air and individually or collectively exceeds five (5) cubic feet in area.
- ~~H. Any sign that moves, rotates, revolves, flaps, flutters, or simulates animation, except for flags in accordance with this Chapter.~~
- ~~H.I. Any sign that is not exempt, not a lawful nonconforming sign, or that was not erected, constructed, or placed in accordance with a permit.~~

10.035 Signage within Residential Zones. In addition to exempt signs regulated by Section 10.025, this Section specifies the allowed signs on all land within the R-20, R-10, R-7, R-5, R-4, and A-2, zoning districts, and on any site within the Town Center Overlay District, MO/H, NC, CC, and GC zoning districts where the use of the land is characterized as residential. This Section does not authorize non-exempt signs on residential sites with fewer than six (6) dwelling units.

A. Freestanding Signs

1. Maximum sign area, on one (1) sign face, shall not exceed thirty-two (32) square feet.
2. Height shall not exceed six (6) feet.
3. Freestanding signs may not be illuminated.
4. One (1) freestanding sign is allowed per street frontage.

B. Temporary Signs

1. Maximum sign area for a temporary portable sign or temporary freestanding sign, on one (1) face, shall not exceed twelve (12) square feet. Maximum sign area for a temporary banner shall not exceed ninety-six (96) square feet.

2. One temporary sign is allowed per street frontage.
3. Temporary signs shall be valid for a period not exceeding thirty (30) consecutive days from date of approval and shall be removed within fourteen (14) days after the election, sale, rental, lease, or conclusion of event. A property shall not have more than four (4) temporary sign permits issued in a calendar year. Temporary signs are not eligible for a permit extension.
4. Temporary signs may not be illuminated.

10.040 Signage within Commercial and Industrial Zones. In addition to exempt signs regulated by Section 10.025, the provisions of this Section regulate other allowed signs on all land zoned MO/H, NC, CC, GC, IP, LI, or GI, and any site zoned R-20, R-10, R-7, R-5, R-4, or A-2, where the use of that land is characterized as commercial, industrial, or institutional.

A. Freestanding Signs

1. A freestanding sign may not exceed one (1) square foot of sign area per linear foot of site frontage, provided the maximum sign face area is not more than one hundred fifty (150) square feet. For calculation purposes, corner signs that face more than one (1) street shall be assigned a site frontage by the applicant. For calculation of leased premises, the frontage shall be the tenant's frontage.
2. Height shall not exceed twenty-four (24) feet.
3. Illumination may be internal, external, or direct.
4. One (1) freestanding sign is allowed per street frontage.

B. Wall Signs

1. Maximum sign face area shall not exceed ten percent (10%) of the gross wall area of each wall to which the sign is attached or painted. In calculating maximum allowable area for a wall sign, each face of a building shall include all window, door, and wall area.
2. Where two (2) or more uses are located in the same building, the maximum permitted area for all signs may be divided among the uses. A separate wall sign or a joint-use wall sign may be erected, provided that the maximum allowable sign area shall not be exceeded.
3. The maximum sign area for an individual wall may be distributed among any number of wall signs.
4. The wall sign shall be attached to the wall of the building, shall leave no part of

the sign extending above the roofline of the building, and shall be designed as an integral component of the building design.

5. No wall sign shall project more than eighteen (18) inches from the wall to which it is attached.
6. Illumination may be internal, external, or direct.

C. Awning Signs

1. Maximum sign area shall not exceed twenty percent (20%) of the awning area.
2. The sign shall be integrated into the design and material of the awning on which it is located.
3. Illumination may be external only.

D. Temporary Signs

1. Maximum sign area for a temporary portable sign, wall sign, or freestanding sign, on one (1) sign face, shall not exceed thirty-two (32) square feet. Maximum sign area for a temporary banner shall not exceed ninety-six (96) square feet.
2. One (1) temporary sign is allowed per street frontage.
3. Temporary signs shall be valid for a period not exceeding thirty (30) consecutive days from date of approval and shall be removed within fourteen (14) days after the election, sale, rental, lease, or conclusion of event. A property shall not have more than four (4) temporary sign permits issued in a calendar year. Temporary signs are not eligible for a permit extension.
4. Temporary signs may not be illuminated.

E. Freeway Signs

1. Maximum sign face area, on one (1) sign face, shall not exceed six hundred seventy-two (672) square feet.
2. Height shall not exceed sixty (60) feet above the freeway elevation as measured from mean sea level for that portion of the freeway perpendicular to the footing of the freeway sign.
3. Illumination may be external only.

F. Projecting Signs

1. The maximum sign face area, for an individual projecting sign, shall not exceed four (4) square feet.
2. The lowest portion of a projecting sign shall be no less than seven and one-half (7 ½) feet above the ground beneath the sign.
3. Projecting signs may not be illuminated.
4. One projecting sign allowed per site.

G. Portable Signs

1. The sign shall be displayed only during the business hours of the business for which it is permitted.
2. The maximum sign face area on one (1) sign face, or the cumulative area of multiple sign faces when there is more than one (1) sign face, shall not exceed ~~ten~~ twelve (12) square feet.
3. The top of the sign shall not exceed six (6) feet above the ground, except that A-frame signs shall not exceed four (4) feet in height.
4. The sign shall be located within the boundaries of the site where the business occupant is located.
5. Portable signs may not be illuminated.
6. One portable sign is allowed per business.

10.045 Signage within the Central Business District (CBD) and Urban Mixed Use (MU-3) Zones. In addition to exempt signs regulated by Section 10.025, the provisions of this Section regulate other signs on all land within the CBD and MU-3~~Central Business District~~ zoning districts.

A. Wall Signs

1. Maximum sign face area, for an individual wall sign, shall not exceed thirty-six (36) square feet in the CBD zoning district; or ten percent (10%) of the gross wall area of each wall to which the sign is attached or painted in the MU-3 zoning district. In calculating maximum allowable area for a wall sign, each face of a building shall include all window, door, and wall area.-
2. The cumulative allowable area of all signs on one wall shall not exceed ten percent (10%) of the gross wall area to which the signs are attached or painted.
3. Where two (2) or more uses are located in the same building, the maximum permitted area for all signs may be divided among the uses. A separate wall sign

or a joint-use wall sign may be erected, provided that the maximum allowable sign area shall not be exceeded.

4. Illumination may be external only.

#### B. Projecting Signs

1. The maximum sign face area, for an individual projecting sign, shall not exceed four (4) square feet.
2. The lowest portion of a projecting sign shall be no less than seven and one-half (7 ½) feet above the ground beneath the sign.
3. Projecting signs may not be illuminated.
4. One projecting sign is allowed per site.

#### C. Portable Signs

1. The sign shall be displayed only during the business hours of the business for which it is permitted.
2. The maximum sign face area on one (1) sign face, or the cumulative area of multiple sign faces when there is more than one (1) sign face, shall not exceed ~~ten~~ twelve (12+0) square feet.
3. The top of the sign shall not exceed six (6) feet above the ground, except that A-frame signs shall not exceed four (4) feet in height.
4. The sign shall be located in one of the following locations:
  - a. ~~within~~ Within the boundaries of the site where the business occupant is located.
  - b. In a public right-of-way directly in front of the site where the business occupant is located, provided approval is secured from the agency with jurisdiction over the right-of-way and that placement of the sign shall not interfere with movement of or obstruct visibility for pedestrians and vehicles.
5. Portable signs may not be illuminated.
6. One portable sign is allowed per business.

#### D. Temporary Signs

1. Maximum sign area for a temporary portable sign, wall sign, or freestanding sign,

on one (1) face, shall not exceed sixteen (16) square feet. Maximum sign area for a temporary banner shall not exceed ninety-six (96) square feet.

2. One (1) temporary sign is allowed per street frontage.
3. Temporary signs shall be valid for a period not exceeding thirty (30) consecutive days from date of approval and shall be removed within fourteen (14) days after the election, sale, rental, lease, or conclusion of event. A property shall not have more than four (4) temporary sign permits issued in a calendar year. Temporary signs are not eligible for a permit extension.
4. Temporary signs may not be illuminated.

#### 10.050 Electronic Display Signs.

- A. Electronic display signs shall be allowed only in commercial and industrial zones, subject to the provisions of this Chapter. Electronic display signs may be allowed at a Community Service Use in a residential zone subject to a conditional use permit, issued pursuant to Chapter 6.330 of this Code.
- B. One electronic display sign shall be allowed per premises.
- C. The message on an electronic display sign shall change no more than once every ten (10) seconds for signs with an electronic sign face of four (4) square feet or less, and no more than once every two (2) minutes for signs with an electronic sign face greater than four (4) square feet. The change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than two (2) seconds between each separate message or display.
- D. Electronic display signs may not be substituted for a nonconforming sign or mounted upon a nonconforming sign or sign structure, unless the sign and sign structure are brought into compliance with all of the provisions of this title.
- E. Lumination.
  1. An electronic display sign may not have a nighttime (dusk to dawn) lumination intensity of more than 1000 (nits) and shall not have a daytime (dawn to dusk) lumination intensity of more than 8000 (nits) over ambient light conditions.
  2. The sign shall have a mechanism that automatically adjusts the lumination level to comply with the standards in this Section.
- F. Electronic display signs shall be equipped with a means to immediately turn off the display when it malfunctions. The party owning or controlling an electronic display sign shall turn off the sign or lighting within four (4) hours of being notified by the Director or designee that it is not in compliance with the standards

of this Section.

- 10.055 Nonconforming and Abandoned Signs. All signs erected after the effective date of this title, which are in violation of any provisions of this Chapter, shall be removed or brought into conformance upon written notice by the Director.
- A. Signs that have been lawfully erected prior to the date this Code is adopted that do not conform to the regulations of this Chapter are nonconforming signs and may continue to exist, subject to the following provisions:
1. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.
  2. Signs that are moved, replaced, or structurally altered shall be brought into conformance with this Chapter.
  3. A nonconforming sign that is damaged shall not be repaired if the estimated expense of repairing the sign exceeds fifty-percent (50%) of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within ninety (90) days of the date the sign was damaged.
  4. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty-percent (50%) or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, if such repairs and restoration are started within ninety (90) days of the date the sign was damaged and are diligently pursued thereafter.
- B. A sign shall be deemed abandoned when:
1. The site where the sign is located has been vacated for a period of sixty (60) days or more;
  2. The sign does not have a message or image on the sign face area for a period of sixty (60) days or more; or
  3. The sign has been damaged and there has not been diligent progress in making repairs for a period of sixty (60) days or more.
- C. If a sign is abandoned, the Director shall send notice to the property owner and sign owner, if the Director is able to determine the sign owner is by looking at the sign. Notice shall be sent via regular and certified mail, return receipt requested, stating that the sign has been abandoned and must be removed.
1. The notice shall direct that the sign be removed by a specified date and shall

inform the property owner and sign owner, if known, of the basis for concluding that the sign has been abandoned. The notice shall also inform the property owner and the sign owner of their appeal rights.

2. A property owner or sign owner who disagrees with the Director's determination that a sign has been abandoned may appeal the Director's notice by filing a written appeal with the Director within ten (10) days of the date on the notice.
3. The appeal shall identify the notice that is being appealed and explain why the Director's determination is wrong.
4. Upon timely receipt of an appeal, the Director shall process the appeal in accordance with Chapter 2 of this Code.

- D. If the abandoned sign is not removed by the specified date in the Director's notice and the owner has not requested an appeal, or if the sign is not removed within the time specified in the decision rendered following the appeal, the Director shall cause the sign to be removed. The cost of removal shall be entered by the City Recorder on the docket of City liens against the property owner, and shall be collectible in the same manner as liens for public improvements. The Director may also file charges against the property owner or sign owner in Troutdale Municipal Court.

10.060 Enforcement of Permanent Signs. Signs that violate the provisions of this Chapter are deemed a public nuisance. The Director may take any one or more of the following actions to enforce this Chapter: seek a fine pursuant to Chapter 17.110 of this Code, declare the sign a nuisance and proceed pursuant to Municipal Code Title Chapter 8, seek declaratory and injunctive relief, revoke the sign permit or any other action authorized by law.

10.065 Enforcement of Temporary Signs. Enforcement of temporary signs not conforming to regulations of this Chapter shall be subject to the following provisions:

- A. In addition to bringing an action for a violation pursuant to Chapter 17.110 A of this Code, for signs located on public utility poles, traffic sign poles, or public property, the Director may order the immediate removal of any temporary sign in violation of the provisions of this Chapter.
1. If the sign identifies the owner and provides contact information, the Director shall within three (3) business days notify the sign owner of the basis for concluding that the sign is not permitted, that the sign may be retrieved within ten (10) days by paying a twenty dollar (\$20) retrieval fee per sign, and that if not retrieved the sign will be deemed abandoned and will be destroyed. Unless the owner declines to provide an address, the notice shall be in writing and delivered or sent by US Mail.
  2. If the does not contain sufficient information identifying the owner, or contact information, the Director shall hold the sign for thirty (30) days. The owner may retrieve it by paying a twenty dollar (\$20) per sign retrieval fee. If not retrieved

within thirty (30) days, the sign shall be deemed abandoned and may be destroyed.

- B. For temporary signs located on privately-owned property in violation of this Chapter, in addition to the enforcement actions in this Section, the Director may bring an action for abatement in accordance with Title Chapter 8 of the Troutdale Municipal Code.

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## Chapter 10 – Signs

- 10.005 Title. This Chapter shall be known as “The Troutdale Sign Code”.
- 10.010 Purpose. This Chapter is being adopted to protect the health, safety, property, and welfare of the public; provide a neat, clean, orderly, and attractive appearance of the community; improve the effectiveness of signs; provide for safe construction, location, erection, and maintenance of signs; prevent proliferation of signs and sign clutter; and minimize adverse visual safety factors to travelers on public highways and private areas open to public travel. To achieve this purpose it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible from public property, public right-of-ways, and private areas open to public travel. This Chapter shall be construed to carry out this purpose.
- 10.015 Definitions. For purposes of this Chapter, certain terms, phrases, and words shall be construed as follows: Words used in the present tense include the future; the singular tense includes the plural and vice versa; the word “shall” is always mandatory and the word “may” is discretionary; and the masculine gender includes the feminine and vice versa. The following terms shall mean:
- .01 A-Frame Sign. A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom. A-frame signs shall not be permanently attached to the ground, but secured to the ground or sufficiently weighted to prevent the sign from being blown from its location or easily moved.
  - .02 Awning. A shelter projecting from, and supported by, the exterior wall of a building on a supporting framework. The awning may be constructed of rigid or non-rigid materials.
  - .03 Banner Sign. A sign made of fabric or other non-rigid material with no enclosing framework and not qualifying as a flag.
  - .04 Bench Sign. A sign on an outdoor bench.
  - .05 Boundaries of the Site. The area inside the legal lot lines of a site and does not include any property in a public right-of-way.
  - .06 Direct Illumination. Exposed lighting or neon tubes on the sign face.
  - .07 Directional Sign. A sign located within the boundaries of a site and near areas where pedestrians, cyclists, or vehicles travel, and that is intended to inform people of what direction to travel.
  - .08 Electronic Display Signs. Signs, displays, devices, or portions thereof with lighted messages that change at intermittent intervals by electronic process or remote control.

- .09 External Illumination. The light source is separate from the sign and is directed so as to shine on the sign.
- .10 Flags. Any fabric containing colors, patterns, words or symbols, typically oblong or square, attachable by one edge to a pole or anchored at only two (2) corners. If any dimension is more than two (2) times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.
- .11 Freestanding Sign. A sign on a frame, pole, or other support structure that is not attached to any building.
- .12 Freeway Sign. A freestanding sign that is located within eight hundred (800) feet south and one thousand (1,000) feet north of the center median of Interstate 84, and that is more than twenty-four (24) feet in height, with a sign face of more than one hundred fifty (150) square feet.
- .13 Gross Wall Area. The entire area encompassed by the plane of a wall, including windows and doors.
- .14 Height. The vertical distance measured from grade to the highest point of the sign or sign structure.
- .15 Historical Marker. A plaque or sign erected and maintained on property, a building, or structure by an organization that is recognized for routinely identifying sites, buildings, or structures of historical value.
- .16 Inflatable Sign. A sign that consists of a flexible material envelope of non-porous material inflated or shaped from inserted air or other gas.
- .17 Internal Illumination Lighting. The light source is concealed within the sign.
- .18 Lawn Sign. A temporary pole or wall mounted sign with a sign face area less than three (3) square feet and a maximum height less than three (3) feet from the ground. Lawn signs may not encroach into the right of way or obstruct the visibility for the travelling public and may not be illuminated.
- .19 Lighting. Direct, external, or internal illumination.
- .20 Maintenance. Normal care needed to keep a sign functional such as cleaning, oiling, and changing light bulbs.
- .21 Monument Sign. A freestanding sign of which the entire bottom of the sign is generally in contact with or within three (3) feet of grade.
- .22 Permanent Banner Sign. Any banner sign that is not allowed as a temporary sign or that does not qualify as an exempt sign under Section 10.025 of this Chapter.

- .23 Permanent Sign. A sign attached to a building, structure, or the ground in a manner requiring a permit, and made of materials intended for more than short term use including, but not limited to, freestanding signs, freeway signs, wall signs, and awnings.
- .24 Portable Sign. A sign that is freestanding in design, easily movable, made of durable material as opposed to non-durable material such as cardboard, paper, fabric or pliable plastic, and is not affixed to the ground or to any part of a building.
- .25 Projecting Sign. A sign, other than a wall sign, that projects from, and is supported by, a roof or wall of a building or structure and is generally at right angles to the building.
- .26 Real Estate Sign. A temporary pole or wall mounted sign that displays that a property or unit within a property is for sale or lease and provides contact information for the seller or an agent of seller.
- .27 Repair. Mending or replacing broken or worn parts with comparable materials. Repairs may be made with the sign in position or with the sign removed.
- .28 Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other minor projections.
- .29 Roof Sign. Any sign erected upon or over the roof of any building or structure.
- .30 Searchlights. An apparatus on a swivel that projects a strong, far-reaching beam of light.
- .31 Sign. Any materials placed or constructed so they can be viewed from a right-of-way or another property and that conveys a message or image, and includes the sign structure, display surface, and all component parts of a sign.
- .32 Sign Copy. The message or image conveyed by a sign.
- .33 Sign Face Area. The total display surface area of the sign. When the dimensions of a sign are specified, the term includes the frames or cabinets surrounding a sign; the electronic message center; any base material or supporting structure, unless none of the base material or supporting structure is related to the message or image being portrayed in the sign; and all individual pieces or panels that, when placed together, convey a message or image.
- .34 Sign Owner. The owner of the sign structure as determined by looking at the sign or other means as necessary.
- .35 Site. The area, tract, parcel, or lot of land owned by, or under the lawful control of, one distinct ownership. Abutting platted lots under the same ownership shall be considered one site.

- .36 Street Frontage. The portion of a site that abuts a public street.
  - .37 Structurally Altered. Any work, except maintenance work, that alters or changes the size, shape, or height of a sign. Also includes replacement of sign structure materials with other than comparable materials, for example, metal parts replacing wood parts.
  - .38 Supporting Structure. A structure specifically intended for supporting or containing a sign.
  - .39 Temporary Sign. A sign that is not permanently attached to a building, structure, or the ground, and that is not intended or designed to be placed permanently. Temporary signs include but are not limited to banner signs, lawn signs, and real estate signs.
  - .40 Wall Sign. A sign that is attached to, and extended no more than within eighteen (18) inches from a wall, or painted on a wall, of a building.
  - .41 Window Sign. A sign located in the inside display area of a business window.
- 10.020 General Provisions. All signs in the City of Troutdale, including those exempt from obtaining a sign permit, shall comply with the height limits of the underlying zone, general provisions of this section and, where applicable, with the provisions of Sections 10.025 through 10.055 inclusive. Signs shall not be restricted by content.
- A. Permits Required. Except as provided in Section 10.025, Sign Permit Exemptions, of this Chapter, a permit is required to erect, replace, construct, or alter the location or structure of a sign. A permit shall be issued by the Director if the applicant files an application, filing fee, and plans which demonstrate full compliance with all provisions of this Chapter and other applicable City regulations.
  - B. Procedure. An application for a sign permit is not subject to a land use application procedure as established in Chapter 2 of this Code. Sign permits may be applied for, reviewed, and issued in concurrence with building, electrical, or other relevant permits when required by other codes.
  - C. Sign Maintenance. All signs shall be maintained in a safe condition. Maintenance and repair of a sign, including change of sign copy, shall not require a sign permit. All signs that are damaged and pose a danger to the public shall be repaired or removed.
  - D. Location.
    - 1. All signs may be installed within a front yard or street side yard setback of the underlying zoning district, provided that freestanding signs are not located upon any public utility easements or access easements established on a property.
    - 2. All signs shall be located entirely within the boundaries of a site unless

- specifically authorized by this Chapter.
3. All signs must be installed in compliance with Section 5.040, Clear Vision Areas, of this Code, as well as the regulations of this Chapter.
- E. Construction. All signs shall comply with any applicable building or electrical code provisions, except as otherwise provided in this Chapter.
- F. Lighting. Except as otherwise provided in this Chapter, signs may be externally, internally, or directly illuminated, subject to the following:
1. Lighted signs shall be placed, shielded, or deflected so as not to shine into residential dwelling units or structures, or impair the vision of the driver of any vehicle.
  2. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
  3. Strobe lights or similar devices as well as traveling light patterns (“chaser effect”) are prohibited.
  4. Externally illuminated signs shall comply with the requirements of Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting. All externally illuminated signs that measure seven (7) feet or more from the ground level to the top edge of the sign face shall be illuminated from above.
  5. Searchlights may be used only in commercial or industrial zones, provided that:
    - a. An owner or lessee may use a searchlight for up to a maximum of seven (7) days in a calendar year.
    - b. The beam of the searchlight may not flash against any building or sweep on an arc greater than forty-five degrees (45°) from vertical.
  6. Electronic display signs are permitted only as provided in Section 10.050.
  7. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300-milliampere rating for white tubing or 100-milliampere rating for any colored tubing.
  8. No exposed reflective type bulb, PAR (parabolic aluminized reflector) spot or incandescent lamp, which incandescent lamp exceeds 250 lumens, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
  9. When fluorescent tubes are used for interior illumination of a sign such

illumination shall not exceed 800-milliamper rating tubing behind a sign face spaced at least nine (9) inches, center to center.

G. **Sign Face Area.** The sign face area shall be determined as follows:

1. The sign face area of signs enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. The sign face area does not include foundations, supports, or other essential structures that are not related to the message and images being posted in the sign.
2. When a sign is on a base material and attached without a frame, the dimensions of the base material are to be used unless it is clear that the base is not related to the message or image being posted in the sign.
3. When signs are constructed in individual pieces attached to a building wall, sign face area is determined by a perimeter drawn around all the pieces.
4. For sign structures containing multiple panels oriented in the same direction, the panels together are counted as one (1) sign face.
5. The maximum surface area visible at one time, of a round or three-dimensional sign, is counted to determine the sign face area.
6. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face area unless it is clear that part of the panel is not related to the message or image being posted in the sign.

10.025 **Sign Permit Exemptions.** The following signs are allowed in all zoning districts without a sign permit:

- A. Public signs constructed or placed in a public right-of-way by, or with the approval of, a governmental agency having legal control or ownership of the right-of-way; signs owned or constructed by the City; signs required by law including, but not limited to, hearing notices; and signs placed in or near a right-of-way by a public utility in response to a hazard or danger to the public.
- B. Directional signs, provided that freestanding directional signs shall not exceed five (5) feet in height and fifteen (15) square feet in area on one (1) sign face.
- C. A single sign or historical marker not to exceed four (4) square feet cut into the surface or the facade of a building, or permanently attached and not projecting more than two (2) inches.
- D. Signs located in the interior of any building, or within an enclosed lobby or court of any building or group of buildings, that are designed and located to be viewed exclusively by patrons of such use or uses.

- E. Painted areas on a wall that are designed and intended as a decorative or ornamental feature, or to highlight a building's architectural or structural features.
- F. Window signs as a part of the inside display area of a business, provided the window sign does not involve use of flashing or blinking lights.
- G. Signs not exceeding one (1) square foot in size and affixed to or displayed from a residential dwelling unit.
- H. Holiday lights and decorations.
- I. Any inflated sign or inflated device, including multiple inflated signs or devices bundled together, that floats in the air and individually or collectively is five (5) square feet or less in sign face area.
- J. Flags less than twenty-four (24) square feet in size measured border to border.
- K. Lawn signs, provided only three (3) are allowed per lot for not more than ninety (90) consecutive days.
- L. Real estate signs, provided:
  - 1. Maximum sign area on one face shall not exceed six (6) square feet of sign area in residential zones or thirty-two (32) square feet in commercial and industrial zones.
  - 2. Not more than one (1) sign is allowed per street frontage.
  - 3. Real estate signs shall be removed within fourteen (14) days after the sale or lease of the property has been executed.

10.030 Prohibited Signs. The following signs are prohibited and shall be considered nuisances:

- A. Any sign constructed, erected, replaced, altered, repaired, or maintained in a manner not in compliance with this Chapter.
- B. Bench signs.
- C. Permanent banner signs.
- D. Roof signs.

- E. Signs in public right-of-ways other than public signs installed or authorized by a governmental agency or public utility.
- F. Signs placed or painted on a motor vehicle or trailer that is parked with the primary purpose of providing a sign not otherwise allowed by this Chapter.
- G. Any inflated sign or inflated device, including multiple inflated signs or devices bundled together, that floats in the air and individually or collectively exceeds five (5) cubic feet in area.
- H. Any sign that moves, rotates, revolves, flaps, flutters, or simulates animation, except for flags in accordance with this Chapter.
- I. Any sign that is not exempt, not a lawful nonconforming sign, or that was not erected, constructed, or placed in accordance with a permit.

10.035 Signage within Residential Zones. In addition to exempt signs regulated by Section 10.025, this Section specifies the allowed signs on all land within the R-20, R-10, R-7, R-5, R-4, and A-2, zoning districts, and on any site within the Town Center Overlay District, MO/H, NC, CC, and GC zoning districts where the use of the land is characterized as residential. This Section does not authorize non-exempt signs on residential sites with fewer than six (6) dwelling units.

A. Freestanding Signs

- 1. Maximum sign area, on one (1) sign face, shall not exceed thirty-two (32) square feet.
- 2. Height shall not exceed six (6) feet.
- 3. Freestanding signs may not be illuminated.
- 4. One (1) freestanding sign is allowed per street frontage.

B. Temporary Signs

- 1. Maximum sign area for a temporary portable sign or temporary freestanding sign, on one (1) face, shall not exceed twelve (12) square feet. Maximum sign area for a temporary banner shall not exceed ninety-six (96) square feet.
- 2. One temporary sign is allowed per street frontage.
- 3. Temporary signs shall be valid for a period not exceeding thirty (30) consecutive days from date of approval and shall be removed within fourteen (14) days after the election, sale, rental, lease, or conclusion of event. A property shall not have more than four (4) temporary sign permits issued in a calendar year. Temporary

signs are not eligible for a permit extension.

4. Temporary signs may not be illuminated.

10.040 Signage within Commercial and Industrial Zones. In addition to exempt signs regulated by Section 10.025, the provisions of this Section regulate other allowed signs on all land zoned MO/H, NC, CC, GC, IP, LI, or GI, and any site zoned R-20, R-10, R-7, R-5, R-4, or A-2, where the use of that land is characterized as commercial, industrial, or institutional.

A. Freestanding Signs

1. A freestanding sign may not exceed one (1) square foot of sign area per linear foot of site frontage, provided the maximum sign face area is not more than one hundred fifty (150) square feet. For calculation purposes, corner signs that face more than one (1) street shall be assigned a site frontage by the applicant. For calculation of leased premises, the frontage shall be the tenant's frontage.
2. Height shall not exceed twenty-four (24) feet.
3. Illumination may be internal, external, or direct.
4. One (1) freestanding sign is allowed per street frontage.

B. Wall Signs

1. Maximum sign face area shall not exceed ten percent (10%) of the gross wall area of each wall to which the sign is attached or painted. In calculating maximum allowable area for a wall sign, each face of a building shall include all window, door, and wall area.
2. Where two (2) or more uses are located in the same building, the maximum permitted area for all signs may be divided among the uses. A separate wall sign or a joint-use wall sign may be erected, provided that the maximum allowable sign area shall not be exceeded.
3. The maximum sign area for an individual wall may be distributed among any number of wall signs.
4. The wall sign shall be attached to the wall of the building, shall leave no part of the sign extending above the roofline of the building, and shall be designed as an integral component of the building design.
5. No wall sign shall project more than eighteen (18) inches from the wall to which it is attached.
6. Illumination may be internal, external, or direct.

C. Awning Signs

1. Maximum sign area shall not exceed twenty percent (20%) of the awning area.
2. The sign shall be integrated into the design and material of the awning on which it is located.
3. Illumination may be external only.

D. Temporary Signs

1. Maximum sign area for a temporary portable sign, wall sign, or freestanding sign, on one (1) sign face, shall not exceed thirty-two (32) square feet. Maximum sign area for a temporary banner shall not exceed ninety-six (96) square feet.
2. One (1) temporary sign is allowed per street frontage.
3. Temporary signs shall be valid for a period not exceeding thirty (30) consecutive days from date of approval and shall be removed within fourteen (14) days after the election, sale, rental, lease, or conclusion of event. A property shall not have more than four (4) temporary sign permits issued in a calendar year. Temporary signs are not eligible for a permit extension.
4. Temporary signs may not be illuminated.

E. Freeway Signs

1. Maximum sign face area, on one (1) sign face, shall not exceed six hundred seventy-two (672) square feet.
2. Height shall not exceed sixty (60) feet above the freeway elevation as measured from mean sea level for that portion of the freeway perpendicular to the footing of the freeway sign.
3. Illumination may be external only.

F. Projecting Signs

1. The maximum sign face area, for an individual projecting sign, shall not exceed four (4) square feet.
2. The lowest portion of a projecting sign shall be no less than seven and one-half (7 ½) feet above the ground beneath the sign.
3. Projecting signs may not be illuminated.

4. One projecting sign allowed per site.

G. Portable Signs

1. The sign shall be displayed only during the business hours of the business for which it is permitted.
2. The maximum sign face area on one (1) sign face, or the cumulative area of multiple sign faces when there is more than one (1) sign face, shall not exceed twelve (12) square feet.
3. The top of the sign shall not exceed six (6) feet above the ground, except that A-frame signs shall not exceed four (4) feet in height.
4. The sign shall be located within the boundaries of the site where the business occupant is located.
5. Portable signs may not be illuminated.
6. One portable sign is allowed per business.

10.045 Signage within the Central Business District (CBD) and Urban Mixed Use (MU-3) Zones. In addition to exempt signs regulated by Section 10.025, the provisions of this Section regulate other signs on all land within the CBD and MU-3 zoning districts.

A. Wall Signs

1. Maximum sign face area, for an individual wall sign, shall not exceed thirty-six (36) square feet in the CBD zoning district; or ten percent (10%) of the gross wall area of each wall to which the sign is attached or painted in the MU-3 zoning district. In calculating maximum allowable area for a wall sign, each face of a building shall include all window, door, and wall area.
2. The cumulative allowable area of all signs on one wall shall not exceed ten percent (10%) of the gross wall area to which the signs are attached or painted.
3. Where two (2) or more uses are located in the same building, the maximum permitted area for all signs may be divided among the uses. A separate wall sign or a joint-use wall sign may be erected, provided that the maximum allowable sign area shall not be exceeded.
4. Illumination may be external only.

B. Projecting Signs

1. The maximum sign face area, for an individual projecting sign, shall not exceed four (4) square feet.
2. The lowest portion of a projecting sign shall be no less than seven and one-half (7 ½) feet above the ground beneath the sign.
3. Projecting signs may not be illuminated.
4. One projecting sign is allowed per site.

C. Portable Signs

1. The sign shall be displayed only during the business hours of the business for which it is permitted.
2. The maximum sign face area on one (1) sign face, or the cumulative area of multiple sign faces when there is more than one (1) sign face, shall not exceed twelve (12) square feet.
3. The top of the sign shall not exceed six (6) feet above the ground, except that A-frame signs shall not exceed four (4) feet in height.
4. The sign shall be located in one of the following locations:
  - a. Within the boundaries of the site where the business occupant is located.
  - b. In a public right-of-way directly in front of the site where the business occupant is located, provided approval is secured from the agency with jurisdiction over the right-of-way and that placement of the sign shall not interfere with movement of or obstruct visibility for pedestrians and vehicles.
5. Portable signs may not be illuminated.
6. One portable sign is allowed per business.

D. Temporary Signs

1. Maximum sign area for a temporary portable sign, wall sign, or freestanding sign, on one (1) face, shall not exceed sixteen (16) square feet. Maximum sign area for a temporary banner shall not exceed ninety-six (96) square feet.
2. One (1) temporary sign is allowed per street frontage.
3. Temporary signs shall be valid for a period not exceeding thirty (30) consecutive days from date of approval and shall be removed within fourteen (14) days after the election, sale, rental, lease, or conclusion of event. A property shall not have

more than four (4) temporary sign permits issued in a calendar year. Temporary signs are not eligible for a permit extension.

4. Temporary signs may not be illuminated.

10.050 Electronic Display Signs.

- A. Electronic display signs shall be allowed only in commercial and industrial zones, subject to the provisions of this Chapter. Electronic display signs may be allowed at a Community Service Use in a residential zone subject to a conditional use permit, issued pursuant to Chapter 6.330 of this Code.
- B. One electronic display sign shall be allowed per premises.
- C. The message on an electronic display sign shall change no more than once every ten (10) seconds for signs with an electronic sign face of four (4) square feet or less, and no more than once every two (2) minutes for signs with an electronic sign face greater than four (4) square feet. The change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than two (2) seconds between each separate message or display.
- D. Electronic display signs may not be substituted for a nonconforming sign or mounted upon a nonconforming sign or sign structure, unless the sign and sign structure are brought into compliance with all of the provisions of this title.
- E. Lumination.
  1. An electronic display sign may not have a nighttime (dusk to dawn) lumination intensity of more than 1000 (nits) and shall not have a daytime (dawn to dusk) lumination intensity of more than 8000 (nits) over ambient light conditions.
  2. The sign shall have a mechanism that automatically adjusts the lumination level to comply with the standards in this Section.
- F. Electronic display signs shall be equipped with a means to immediately turn off the display when it malfunctions. The party owning or controlling an electronic display sign shall turn off the sign or lighting within four (4) hours of being notified by the Director or designee that it is not in compliance with the standards of this Section.

10.055 Nonconforming and Abandoned Signs. All signs erected after the effective date of this title, which are in violation of any provisions of this Chapter, shall be removed or brought into conformance upon written notice by the Director.

- A. Signs that have been lawfully erected prior to the date this Code is adopted that do not conform to the regulations of this Chapter are nonconforming signs and may continue to

exist, subject to the following provisions:

1. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.
  2. Signs that are moved, replaced, or structurally altered shall be brought into conformance with this Chapter.
  3. A nonconforming sign that is damaged shall not be repaired if the estimated expense of repairing the sign exceeds fifty-percent (50%) of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within ninety (90) days of the date the sign was damaged.
  4. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty-percent (50%) or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, if such repairs and restoration are started within ninety (90) days of the date the sign was damaged and are diligently pursued thereafter.
- B. A sign shall be deemed abandoned when:
1. The site where the sign is located has been vacated for a period of sixty (60) days or more;
  2. The sign does not have a message or image on the sign face area for a period of sixty (60) days or more; or
  3. The sign has been damaged and there has not been diligent progress in making repairs for a period of sixty (60) days or more.
- C. If a sign is abandoned, the Director shall send notice to the property owner and sign owner, if the Director is able to determine the sign owner is by looking at the sign. Notice shall be sent via regular and certified mail, return receipt requested, stating that the sign has been abandoned and must be removed.
1. The notice shall direct that the sign be removed by a specified date and shall inform the property owner and sign owner, if known, of the basis for concluding that the sign has been abandoned. The notice shall also inform the property owner and the sign owner of their appeal rights.
  2. A property owner or sign owner who disagrees with the Director's determination that a sign has been abandoned may appeal the Director's notice by filing a written appeal with the Director within ten (10) days of the date on the notice.
  3. The appeal shall identify the notice that is being appealed and explain why the

Director's determination is wrong.

4. Upon timely receipt of an appeal, the Director shall process the appeal in accordance with Chapter 2 of this Code.

- D. If the abandoned sign is not removed by the specified date in the Director's notice and the owner has not requested an appeal, or if the sign is not removed within the time specified in the decision rendered following the appeal, the Director shall cause the sign to be removed. The cost of removal shall be entered by the City Recorder on the docket of City liens against the property owner, and shall be collectible in the same manner as liens for public improvements. The Director may also file charges against the property owner or sign owner in Troutdale Municipal Court.

10.060 Enforcement of Permanent Signs. Signs that violate the provisions of this Chapter are deemed a public nuisance. The Director may take any one or more of the following actions to enforce this Chapter: seek a fine pursuant to Chapter 17.110 of this Code, declare the sign a nuisance and proceed pursuant to Municipal Code Title 8, seek declaratory and injunctive relief, revoke the sign permit or any other action authorized by law.

10.065 Enforcement of Temporary Signs. Enforcement of temporary signs not conforming to regulations of this Chapter shall be subject to the following provisions:

- A. In addition to bringing an action for a violation pursuant to Chapter 17.110 A of this Code for signs located on public utility poles, traffic sign poles, or public property, the Director may order the immediate removal of any temporary sign in violation of the provisions of this Chapter.
  1. If the sign identifies the owner and provides contact information, the Director shall within three (3) business days notify the sign owner of the basis for concluding that the sign is not permitted, that the sign may be retrieved within ten (10) days by paying a twenty dollar (\$20) retrieval fee per sign, and that if not retrieved the sign will be deemed abandoned and will be destroyed. Unless the owner declines to provide an address, the notice shall be in writing and delivered or sent by US Mail.
  2. If the does not contain sufficient information identifying the owner, or contact information, the Director shall hold the sign for thirty (30) days. The owner may retrieve it by paying a twenty dollar (\$20) per sign retrieval fee. If not retrieved within thirty (30) days, the sign shall be deemed abandoned and may be destroyed.
- B. For temporary signs located on privately-owned property in violation of this Chapter, in addition to the enforcement actions in this Section, the Director may bring an action for abatement in accordance with Title 8 of the Troutdale Municipal Code.