

Legislation Details (With Text)

File #: 17-382 **Version:** 1

Type: Public Hearings **Status:** Held

In control: City Council

On agenda: 8/14/2017 **Final action:**

Title: Amendments to the Salem Revised Code (SRC) Chapter 900, Sign Code. (Ordinance Bill No. 17-17; Case No. CA16-05)

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1 - Ordinance Bill No 17-17, 2. Attachment 2 - Exhibit A to Ordinance Bill No 17-17, 3. Attachment 3 - Planning Commission Recommendation, 4. Attachment 4 - Public Comments, 5. Attachment 5 - Written Testimony, 6. Written Testimony - 1

Date	Ver.	Action By	Action	Result
8/14/2017	1	City Council	continued	Pass

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Lisa Anderson-Ogilvie, AICP,
Interim Community Development Director

SUBJECT:

Amendments to the Salem Revised Code (SRC) Chapter 900, Sign Code. (Ordinance Bill No. 17-17; Case No. CA16-05)

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

ISSUE:

Should City Council advance Ordinance Bill No. 17-17 to second reading for enactment, for the purpose of amending the Salem Revised Code Chapter 900, Sign Code?

RECOMMENDATION:

Advance Ordinance Bill No. 17-17 to second reading for enactment, for the purpose of amending the Salem Revised Code Chapter 900, Sign Code.

SUMMARY AND BACKGROUND:

The proposed amendments modify submittal requirements, eliminate temporary sign permits, exempt public art and art markers from the sign code, establish an additional adjustment process, establish measurable brightness standards, change dwell times for electronic signs, and make general changes for consistency with the zoning code.

FACTS AND FINDINGS:

Procedural Findings

1. Pursuant to SRC 300.1110(a)(2), the Planning Commission may initiate a legislative land use proceeding by the adoption of a resolution referring the matter to public hearing for review and recommendation to City Council. The Planning Commission initiated the code amendment on August 16, 2016 by Resolution No. 16-03.
2. ORS 197.610 and OAR 660-018-0020 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Notice to DLCD was submitted on April 25, 2017.
3. Public notice for the public hearing was mailed on May 17, 2017, and the notice was published in the Statesman Journal newspaper as required under SRC 300.1110(e).
4. The Planning Commission held a public hearing on June 6, 2017. The Planning Commission made one change to the proposal and forwards their recommendation to the City Council for adoption (Attachment 3).

Public Outreach

1. An email was sent to local sign contractors and national sign contractor organizations. An email was sent to West Salem Business Association and the newly formed Downtown Business Association. Staff presented at the West Salem Business Association monthly meeting.
2. City staff conducted outreach with neighborhood associations. An email was sent to all neighborhood associations in December 2016, notifying them of the proposed amendments and offering to present at their meetings. Four neighborhoods invited City staff to present: Lansing Neighborhood Association (LANSING), Northeast Neighbors (NEN), South Central Association of Neighbors (SCAN), and East Lancaster Neighborhood Association (ELNA).
3. In May, a memorandum was sent to all neighborhoods outlining contents of the latest draft of the proposed amendments, including the revisions that were made through the public outreach process.

Testimony Received

During the neighborhood association meetings, citizens expressed concerns that the proposed amendment would make it easier to install illegal signs or affect enforcement of illegal signs.

During the Planning Commission hearing, written testimony was presented and oral testimony was received. Written testimony is Attachment 4. A summary of the written and oral testimony:

1. Installation of Illegal Signs

Citizens expressed concerns that the proposed amendment would make it easier to install illegal signs or affect enforcement of illegal signs.

Staff Response: Most sign compliance issues involve signs which currently do not require temporary sign permits such as lawn signs, rigid signs, or A-Frame signs, and most issues involve improper placement, size, or an excess number of temporary signs. The proposed amendment will eliminate temporary sign permits. There is no change proposed to existing standards for temporary signs. Temporary signs will continue to be subject to the sign code's requirements for size, location, and display. Eliminating the permit requirement will remove an unnecessary regulation without impacting enforcement. Enforcement will continue on signs that block driver or pedestrian visibility.

2. Class 2 Sign Adjustment

SCAN expressed concerns that it appeared that the Class 2 Sign Adjustment was allowing an adjustment without limit on degree of the adjustment.

Staff Response: The sign code currently allows an adjustment of up to 10% as an administrative application, all other deviations require a variance. In 2014, the zoning code was amended to introduce a Class 2 Adjustment, an administrative application that does not limit the degree of the adjustment. The applicant must show that the standard they are seeking to adjust is either clearly inapplicable or equally or better met by the proposed sign. This process requires notice to neighbors and the neighborhood association and is appealable. The same limitations on a variance request will apply to an adjustment, including not allowing an adjustment to brightness, placement in a vision clearance area, decreasing a setback, or permitting a prohibited sign (SRC 900.035(a)(2)). Adding this process will align the sign code with the zoning code.

3. Dwell time of Electronic Display Signs

A sign industry representative recommended that the dwell time for electronic display signs in commercial zones that are designed to buffer residential zones be changed from one hour to 30 seconds based on national data on the impacts of these types of zones on adjacent residential properties.

Staff Response: The dwell time recommended by the Planning Commission for these four zones will be similar to what is allowed in industrial, public, commercial zones and the South Waterfront Mixed-Use zone, which allows the sign to change every eight seconds. The Planning Commission found that these four zones more closely align with commercial zones, than residential zones, which restrict the change time to once per hour.

Proposed Code Amendment

Below is a summary of the proposed amendments:

1. Reduce number of plans.

The current code requires that two copies of plans be submitted. With electronic submittal, two copies are unnecessary. The amendment allows one set of plans to be submitted.

2. Eliminate temporary sign permits.

The City began requiring permits for temporary signs in order to have a mechanism to ensure compliance with the standards. However, we process very few permits for temporary signs, which penalizes the people that apply for the permit, and does nothing to prevent sign code violations.

Our experience shows that most compliance issues involving temporary signs are for signs that already do not require a sign permit. Requiring a permit has proven to be ineffective for ensuring compliance with the sign code.

The standard for temporary signs will remain even without the requirement for a permit. The current code allows for enforcement of the sign code violations, with or without the permit requirement, and allows a fee to be assessed for violations.

3. Exempt public art and markers from sign code.

This amendment would exempt Public Art and Art Markers from sign permits. Public Art, as defined is SRC Chapter 15, means original works of art owned or acquired by the City and accepted into the City's Public Art Collection by the Salem Public Art Commission. Current code language only exempts Public Murals.

4. Establish an additional adjustment process.

The Unified Development Code (UDC) created a Class 2 zoning adjustment to address situations that exceed a Class 1 zoning adjustment but would not warrant a variance process. The Sign Code was not updated to include a Class 2 adjustment. This amendment reflects the change to the UDC zoning adjustment procedure.

5. Establish measurable brightness standards for electronic signs.

Current code language addressing brightness is subjective once installed. More measurable standards are needed to address complaints.

6. Housekeeping changes, such as rename overlay zones to be consistent with Title 10: Zoning Chapters.

Overlay zone areas were separated into new, smaller, overlay zones when the UDC was adopted; the changes will reflect the new names.

7. Dwell time of electronic display signs in Commercial Office (CO) zone, Neighborhood Commercial (CN) zone, Neighborhood Center Mixed-Use (NCMU) zone, and Fairview Mixed-Use (FMU) zone.

After receiving testimony at the public hearing, the Planning Commission amended the proposal to add a change to the dwell time of electronic display signs in Commercial Office (CO) zone, Neighborhood Commercial (CN) zone, Neighborhood Center Mixed-Use (NCMU) zone, and Fairview Mixed-Use (FMU) zone from one hour to thirty seconds.

Findings Addressing Approval Criteria

SRC 110.085 establishes the following approval criteria which must be met in order for a code amendment to be approved:

The amendment is in the best interest of the public health, safety, and welfare of the City; and

Finding: The proposed code amendment will clarify sign code regulation regulations that were amended in 2014. Clarifying the regulations will provide more comprehensive language that will promote more consistent signage in the community and residents of Salem.

The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.

Consistency with Salem Area Comprehensive Plan:

Finding: The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area. Because the proposed amendment primarily revises the sign code to clarify regulations, the goals and policies of the Salem Area Comprehensive Plan for General Development Policies are applicable to the proposed amendment. The proposed amendment has been reviewed for conformance with the applicable goals and policies.

Consistency with Statewide Planning Goals:

Goal 1 - Citizen Involvement: To develop a citizen involvement program that insures the opportunity

for citizens to be involved in all phases of the planning process.

The proposed amendment conforms to this goal because the process associated with the adoption of the proposed amendment requires public notice and affords the public an opportunity to review, comment, and take part in the adoption process.

Aaron Panko
Planner III

Attachments:

1. Ordinance Bill No. 17-17
2. Exhibit A to the Ordinance Bill
3. Planning Commission Recommendation
4. Public Comments