



## Staff Report

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**File #:** 17-429

**Version:** 1

**Date:** 8/28/2017

**Item #:**

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

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

### **SUBJECT:**

Amendments to the Sign Code, Salem Revised Code (SRC) Chapter 900

**Note:** Deliberations only. No testimony will be received.

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, amending the Salem Revised Code Chapter 900, the Sign Code?

### **RECOMMENDATION:**

Advance Ordinance Bill No. 17-17 to second reading for enactment, amending the Salem Revised Code Chapter 900, the 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 some electronic signs, and make general changes for consistency with the zoning code.

City Council held a public hearing on August 14, 2017 and received testimony in opposition to the proposed amendments. The public hearing was closed to further testimony on August 14, 2017. City Council voted to continue deliberations to August 28, 2017.

City Council may:

- Proceed to second reading for enactment of the ordinance bill as proposed (staff recommendation),
- Amend the ordinance bill and proceed to second reading for enactment of the engrossed ordinance bill,
- Continue the hearing and refer the ordinance bill to staff with directions to prepare recommendations for other changes as determined by City Council, or
- Abandon the proposal.

## **FACTS AND FINDINGS:**

### ***Testimony Received***

#### ***1. Enforcement of Illegal Signs in Right-of-Way***

Concerns were raised that the proposed amendment would make installation of illegal temporary signs easier.

Staff Response: The proposal is to eliminate permits for the following three types of temporary signs: banners, pennants, and balloons. Temporary lawn signs, rigid signs, and A-Frame signs are already exempt from permit requirements.

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.

The majority of complaints received, and concerns expressed during the public hearing, were for signs that are illegally placed in the City's right-of-way. This is not a permitting issue, but an enforcement issue.

The City will begin removing illegally placed temporary signs once every quarter. In addition, field staff will remove any illegally placed temporary signs at or near work sites. Information regarding the enforcement initiative will be provided to City Council and the public prior to commencement.

#### ***2. Class 2 Sign Adjustment***

Questions were raised regarding the proposed changes to the sign adjustment process.

Staff Response: The sign code currently allows a deviation of up to 10 percent of an applicable height and/or display surface size standard through a Sign Adjustment; any deviation beyond 10 percent requires a Sign Variance. The proposed amendment will create two classes of adjustments. Class 1 Adjustments will be a continuation of the existing Sign

Adjustment which allows a deviation of up to 10 percent. The amendment will create a Class 2 Adjustment, a new process and criteria to allow for deviations beyond 10 percent, as an alternative to the Sign Variance.

For a Class 2 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 a Class 2 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 requested that the dwell time for electronic display signs in the Commercial Office (CO) zone, Neighborhood Commercial (CN) zone, Neighborhood Center Mixed-Use (NCMU) zone, and Fairview Mixed-Use (FMU) be changed from one hour to 30 seconds.

Staff Response: The sign industry representative testified at the Planning Commission hearing that these four zones are designed to buffer residential zones from more impactful commercial zones where a change of every 8 seconds is allowed. He testified that, based on national data, the impacts of these signs on adjacent residential properties was minimal.

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 with residential zones. In residential zones, the change time is once per hour. Existing provisions in the sign code prevent illuminated signs from facing towards residential uses.

Aaron Panko  
Planner III

#### Attachments:

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