



STAFF REPORT

Meeting Type: Planning Commission
Meeting Date: April 22, 2024
From: Kelly O’Neill Jr.
Subject: Sign Code Modification Work Session

DECISION TO BE MADE:

Hold a work session to discuss proposed sign code modifications to Chapter 15.32 of the Sandy Municipal Code.

BACKGROUND / CONTEXT:

The City of Sandy sign code regulations were last revised in 2011. Staff started working on code changes to Chapter 15.32, Sign Code, in 2017. The code amendments were largely completed by early 2020 but were shelved due to the pandemic in 2020 and were further shelved due to other projects that assumed a higher priority. Staff’s goals with these proposed amendments include removing first amendment violations related to illegal content regulation, removal of burdensome code provisions, and modifying the code for easier comprehension and implementation. Staff worked with attorneys at Beery, Elsner, and Hammond (BEH) to determine first amendment violations and modify the code based on past court decisions.

KEY CONSIDERATIONS / ANALYSIS:

The following information outlines the primary proposed code modifications:

Section 15.32.015 Director – Staff proposes this new section to define the Development Services Director and the use of the word ‘Director’ throughout Chapter 15.32.

Section 15.32.020 Signs permitted only in commercial and industrial zones.

- A. Sign Lighting** – Staff modified this section to allow new internally illuminated signs in the C-1 zoning district. Staff finds that the existing restriction on internally illuminated signs in the C-1 zoning district is overly burdensome and unnecessary. Staff also moved code language associated with sign lighting from Section 15.32.070 to Section 15.32.020, so it is easier to find for the reader.
- B. Wall Signs** – Staff modified this section to make it clear on how to complete measurements and also removed unnecessary language. The proposed modifications also allow for each tenant to have a wall sign area without dividing their signage with other tenants. The existing language was overly burdensome as it required tenants in a multiple tenant building to calculate sign area for all existing wall signs.
- C. Projecting Signs** – Staff modified this section to make it clear to the reader how to calculate height, clearance, and projection distance.

- D. Freestanding Signs** – Staff finds this was one of the most confusing and poorly written sections of the entire sign code. The existing code language has led to frustration from applicants and staff for many years. Staff combined freestanding signs and integrated business center signs (used to be Subsection E. of Section 15.32.020) into a more readable and understandable code section.
- E. A-frame Signs** – Staff finds this code section was overly restrictive and bureaucratic. Staff proposes to remove the A-frame Sign Committee (this committee has not met since early 2017) requirements and allow staff to work directly with applicants. Since March 2017, staff have approved A-frame signs and staff have not noticed many issues. The proposal also includes expanding the permitted A-frame sign material.
- F. Electronic Message Signs** – Staff finds that allowing electronic message signs to change more often than every 1 hour is prudent. Staff proposes that electronic message signs can change every 30 seconds.
- G. Food Cart Signs** – This is a new section that applies to food carts. This section only allows food cart signage on two sides of each cart. This proposed section prohibits roof signs, temporary signs, and signs that drape or project.
- H. Temporary Sign** – The most important changes to this section are in regard to duration requirements. The modified code language decreases the maximum time to 120 days per calendar year and removes the first amendment violation related to reading the sign language to determine if an event has ended. The proposed code changes also provide more clarity on anchoring requirements and not obstructing sight clearances. Staff also moved search lights to this section as they are temporary signs.

Section 15.32.030 Permanent signs allowed in residential zones – The proposed modifications in this code section require additional design requirements for multifamily (i.e. apartment) signage, subdivision gateway signage, and commercial institutional uses within residential zones. Staff finds that the design requirements for multifamily signs, subdivision signs, and commercial and institutional uses within residential zones should be similar to signage in commercial and industrial zoning districts.

Section 15.32.032 Signs allowed in residential zones exempt from permits but subject to regulations. – The modified code language removes the first amendment violations related to reading the sign language to determine if the signage is related to an election or if an event has ended.

Section 15.32.035 Temporary signs for community events. – The city attorney’s office and staff worked closely on modifying this code section to comply with first amendment allowances and to define what are community events.

Section 15.32.040 Signs allowed in all zones exempt from permits but subject to regulation. – The proposed modifications add some clarity that exempt signs shall not be located in the right-of-way. The modifications also add some clarification on regulations for signs held by people.

Section 15.32.050 Signs permitted in all districts, exempt from permits.

- B.** The proposed modifications remove the first amendment violation that flags shall be limited to official national, state, and local government flags and banners.
- Formally E.** Staff proposes deleting this subsection as we are unsure how it would be enforced and would require staff to enter private property to review these types of signs.
- Formally J.** The proposed modifications add clarity that window signage may not exceed 33 percent of a window, otherwise this violates Chapter 17.90 that states that windows are required to “contain clear glass to allow views to interior activity or display areas.”

Section 15.32.060 Nonconforming signs. – The modifications in this section remove unnecessary language, remove first amendment violations, and make it easier to understand for the reader.

Section 15.32.070 General construction and maintenance requirements. – The modifications in this section remove unnecessary language and make it easier to understand for the reader. Staff also propose to move the lighted sign requirements from this section to Section 15.32.020 (A.).

Section 15.32.080 Prohibited signs. – The proposed modifications remove the first amendment violation that signs on benches cannot promote commercial advertisements by eliminating signs on benches altogether. The proposed changes also add clarity that roof signs are not allowed on food carts.

Section 15.32.120 Permit approval. – The proposed modifications remove the requirement that the permit fee be doubled if a sign installation starts prior to obtaining a sign permit. Staff found this requirement unnecessarily punitive. This section has also been modified to remove redundancies that are in the Oregon Structural Specialty Code and enforced by the Building Division.

Section 15.32.140 Permit appeal. – The proposed modification to twelve (12) days for an appeal is consistent with the appeal period set forth in Title 17.

Section 15.32.150 Variances to standards. – Similar to A-frame sign review, staff finds this code section was overly bureaucratic. Staff proposes to remove the references to Sign Review Committee (this committee has not met since 2016) and allow staff (i.e. the Director) to work directly with applicants on sign variance requests. The proposed code modifications include variance criterion. Appeals of the Director's decision would be reviewed by the City Council.

Section 15.32.180 Periodic review. – Staff propose removing this section as it's unnecessary.

Section 15.32.190 Violations. – The proposed modifications are referenced in Chapter 1.16 of the Sandy Municipal Code.

Section 15.32.200 Limitation of liability. – Staff proposes to remove this section as our attorney's office states it is unnecessary to have in this code chapter. Our attorney's office stated the following: "There wouldn't be any city liability anyway. City officials and employees are protected by law from personal liability. Moreover, the courts have held that mere issuance of a permit (building, sign, etc.) does not confer liability on the city if the approved activity is not conducted safely."

Section 15.32.210 Definitions. – Staff proposes 13 additional definitions to make it clearer to the reader what specific terms and phrases mean. Staff has also incorporated local examples of appropriate signage.

RECOMMENDATION:

Staff recommends that the Planning Commission discuss the proposed code modifications and provide staff with suggested modifications for the City Council to consider. Since this chapter is outside Title 17 of the Sandy Municipal Code, the Planning Commission will not hold a legislative hearing on this code modification, but instead it will advance directly to the City Council.

LIST OF ATTACHMENTS / EXHIBITS:

Exhibit A. Sign Code markup

Exhibit B. Sign Code clean copy