

**158.10. SIGN REGULATIONS****158.10.01 Purpose**

The purpose of this Section is to create the legal framework for a comprehensive and balanced system of signs to facilitate an easy and pleasant communication between people and their environment and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and community appearance. With these purposes in mind, it is the intent of this Code to authorize the use of signs which are:

- A. Compatible with their surroundings;
- B. Appropriate to the activity that displays them;
- C. Expressive of the identity of individual activities and the community as a whole;
- D. Legible in the circumstances in which they are seen; and,
- E. Cognizant of the need for adequate business identification while promoting an attractive appearance throughout the community through use of sensible quality control, through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter.

**158.10.02 General Requirements And Provisions**

All signs shall comply with the following general requirements and provisions:

- A. Maximum area of any advertising sign is sixty (60) square feet. Other provisions of this code may reduce that area.
- B. Pole signs shall be prohibited.
- C. No sign shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No sign with a rotating beam, beacon, strobe or flashing illumination resembling any emergency lights shall make use of the words "STOP," "LOOK," "DANGER" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- D. No sign or sign structure shall be located or constructed in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing.
- E. No sign shall be designed and placed so as to confuse traffic information for pedestrians or drivers of motor vehicles.
- F. The light from an illuminated sign shall be so shaded, shielded or directed that the light does not shine or cause glare onto any surrounding public street or private residence.
- G. No exposed incandescent bulbs shall be used for illuminating signs unless they are shielded so as to not be visible from public streets and adjacent properties.
- H. No sign shall contain statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
- I. No sign shall advertise an activity, business, product or service which is no longer conducted on the premise upon which the sign is located.
- J. No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, strings of light bulbs or spinners.
- K. No sign shall move in any manner or have a major moving part.

- L. No sign shall obstruct any window, door, fire escape, stairway or any opening intended to provide air, egress or ingress for any building or structure.
- M. No sign of a temporary or permanent nature shall be affixed to any public utility pole, fence or tree.
- N. No commercial, industrial, business identity or other advertising sign shall be permitted in any residential zoning district.
- O. All signs shall be of sound structural quality, and be maintained in good repair.
- P. No sign shall be permitted to be placed on any wall fence or standard facing the side of any adjoining lot located in a Residential District .
- Q. No lighter than air devices such as balloons shall be utilized for temporary or permanent signage.
- R. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said signage are not permitted. This does not apply to signs on vehicles during the normal course of business.

### **158.10.03 Exempt Signage**

The following types of signs are exempted from all the provisions of this chapter except for construction and safety regulations:

#### **A. Public Signs**

Signs of a noncommercial nature and in the public interest, erected by or on the order of public officials in the performance of their duty, such as safety signs, danger signs, trespassing signs, traffic signs and memorial plaques.

#### **B. Institutional Signs**

1. Signs setting forth the name of any simple announcement for any public, charitable, educational or religious institution located entirely within the premise of that institution, up to an area of 24 square feet. Such signs may be illuminated in accordance with the regulations contained herein. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet above ground level.
2. Signs erected by community, social, religious, and fraternal organizations, not to exceed (10) days per year for a fund raising or community event, and the sign shall not be larger than four (4) square feet not more than forty (40) inches tall. Such sign, to be exempt shall be placed only on the premises where the event is to be held or conducted.

#### **C. Integral Signs**

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent-type construction and made an integral part of the structure.

#### **D. Private Traffic Directional Signs**

Signs directing traffic movement onto a premise or within a premise, not exceeding three square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the provisions contained herein. Horizontal directional signs on and flush with paved areas are exempt from these standards. Signs indicating reserved parking are exempt when limited to three square feet per sign.

#### **E. Small Signs**

A nameplate which shall not exceed one square foot in area is permitted for each dwelling unit of a single family or row structure; such nameplate shall indicate nothing other than the name and address of the occupant.

**F. Flags**

Flags of any country, state, unit of local government or non-profit organization shall be permitted. Corporate flags shall be permitted when flown in conjunction with the flag of the United States of America; however, such corporate flags shall be no larger than 24 square feet.

**158.10.04 Temporary Signs**

The following signs shall be permitted anywhere within the jurisdiction and shall be required to have a permit for a temporary sign unless otherwise specified:

**A. Contractor's Signs**

Signs identifying individual contractors associated with any construction shall be limited in size to 12 1/2 square feet. Contractors signs of 12 1/2 square feet or less do not require permits. However, these shall be subject to vision clearance on corner lots as defined in Section 158.10.

**B. Construction Signs**

Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of 16 square feet for each firm up to a total maximum of 96 square feet. No sign shall be located within any right-of-way nor shall any sign be located so as to obstruct visibility. Additionally, the placement of all signs shall conform with vision clearance on corner lots as defined in Section 158.10. The sign shall be confined to the site of construction and shall be removed within ten days of the beginning of the intended use of the project. In the case of a building intended for four or more separate tenants, the construction sign shall be removed upon the occupancy of 50 percent of the gross floor area.

**C. Real Estate Signs**

Real estate signs advertising the sale, rental or lease of the premise or part of the premise on which the signs are displayed up to a total of six square feet, are not required to have a permit. All signs larger than six square feet will be required to obtain a permit. All such signs shall be removed within 14 days of the sale, rental or lease, and shall be placed only on the property which is for sale or lease. No sign shall be located within any right-of-way nor shall any sign be located so as to obstruct visibility. Additionally, the placement of all signs shall conform with vision clearance on corner lots as defined in Section 158.10.

**D. Temporary Subdivision Construction Signs**

1. One temporary sign at each street entrance to a new subdivision is permitted. Such signs shall not exceed 32 square feet and shall be limited to the name of the subdivision, the developer and developer's address and telephone number.
2. No temporary subdivision sign shall be erected prior to receiving primary plat approval by the Commission. Temporary subdivision signs are permitted for a period of one year from the date of construction, provided that they shall be removed upon the erection of permanent subdivision identification signs. Temporary subdivision signs are subject to permit requirements.

**E. Banners**

Banners advertising public, church, or service organization entertainment or events may be approved by the Planning Director. Banners will be allowed during and for 14 days before and three days after the event. Installation of all such banners shall only be made by the town. All street banners shall be delivered to the town at least ten days prior to the intended installation date.

**F. Grand Opening Signs**

Grand opening signs announcing the commencement of new business entities shall be allowed for a period of 14 days prior to and 14 days after the announced opening date for the business. Such signs require a permit, but shall be exempt from fees.

**G. Portable Signs**

Portable signs with message boards advertising special products or otherwise promoting business or individuals are not permitted, except as follows:

1. The Planning Director may issue a special 14-day permit for a portable sign to be established at an approved location as a temporary portable sign upon an application stating that such request is for a special event or promotion.
2. Under no circumstances shall more than two such permits be issued to any one location in any calendar year.

**H. Temporary Uses and Special Events**

Signs associated with events and temporary uses operated by nonprofit and not for-profit entities shall conform to the provisions of this chapter including permit requirements. However, these signs shall be exempt from fees.

**I. Individual Sale Signs**

Signs advertising garage sales, rummage sales, yard sales, and similar types of sales do not require permits. Said signs shall be six square feet or less and shall not be located in any right-of-way. Individual sale signs shall be allowed only during the actual days of the sale and shall be removed by the operator after the sale.

**J. Roadside Sales Stands**

Signs identifying roadside sales stands are permitted in all zoning districts, subject to the following:

1. One sign shall be permitted off-site to advertise the sales stand, provided that the sign does not exceed 12 1/2 square feet and is not located in a public right-of-way. Additionally, written evidence of the property owner's permission to erect the sign must be presented with the permit application.
2. Signs for roadside sales stands are permitted only for the season during which the stand is open.

**158.10.05 Permanent Nonexempt Signs - Permits And Fees****A. Permit Requirements**

No permanent, nonexempt sign shall be erected, altered or relocated without a permit issued by the Planning Director except as otherwise provided herein. A sign permit shall be valid for a period of six months from the date of issue, however, the Director may grant an extension for cause of an additional 180 days.

**B. Permit Applications**

The permit application shall contain two sets of identical prints showing the following:

1. Information concerning the location, height, and size of sign and the date on which it is to be erected or displayed.
2. A drawing or photograph of the building facade and a lot plan indicating the location of the proposed sign and all existing signs displayed by the activity.
3. If the application is for a wall sign, a drawing to scale showing the location of the sign within the signable area of the building.
4. Specifications for the construction of the sign and for its illumination and mechanical movement, if any, is to be provided.
5. Signature of the owner of the subject property or an affidavit of agency signed by the owner if a sign company is securing the permit.
6. Should the sign be erected in an area designated to be taken or required for the right-of-way for a public street, the owner shall execute and deliver with the permit application a written commitment to remove said sign at his expense upon acquisition of the property by a government authority and waiving any and all claims to damage or compensation by reason of the existence or removal of said sign.

**C. Issuance of Permit**

The Planning Director shall issue a permit for the sign if:

1. It complies with the regulations for signs contained in this Code, or
2. It complies with the special regulations adopted for a designated Area of Special Control, or
3. It complies with a Program for Signs approved under this Code, or
4. It has been authorized as a variance.

**D. Permit Exceptions**

The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:

1. Replacing Copy. The changing of the advertising copy or message on an approved changeable copy sign. This applies specifically to permanent signs designed for changeable copy.
2. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

**D. Fees**

Fees for sign permits shall be fixed by codes.

**158.10.06 Permitted Nonexempt Signs - Regulations by District**

**A. Residential Districts - Permanent Subdivision Signs**

Permanent subdivision identification signs are permitted at each entrance to a subdivision. No permanent subdivision sign shall be installed until after secondary plat approval has been obtained from the commission. All permanent subdivision signs shall be approved by the Commission prior to being installed. Subdivision signs shall be installed on private property subject to an easement for maintenance by the homeowner's association or other entity identified in the subdivision covenants. Permanent subdivision signs are subject to permit requirements.

**B. Business and Industrial Districts**

Uses in Business and Industrial Districts shall be permitted signage as described below, except that no more than two permitted sign types shall be permitted per each property frontage.

1. **Ground Signs.** One ground sign per business is permitted for the purpose of identifying the business or building. All ground signs shall be located on the property to which they apply. No ground sign shall exceed five feet in height or 12 feet in length. Where the ground level is below the level of the street, then the height of the sign may be raised so that it will not exceed five feet above the adjacent street level. Ground signs are subject to permit requirements. Businesses fronting on two public rights-of-way are permitted one sign on each frontage. Ground Signs shall be regulated pursuant to Section 158.10.07(A).
2. **Wall Signs.** One wall sign is permitted per business with a maximum of one square foot of sign area for each two lineal feet of building frontage. In no case shall a wall sign exceed 100 square feet. Wall signs are subject to permit requirements and shall be regulated pursuant to Section 158.10.07(B).
3. **Special Regulations in the Downtown District.** For purposes of this chapter, the Downtown District is identified as the area shown on Exhibit A of Ordinance 1990-12 and hereby adopted by reference and incorporated into this code as if fully set forth herein.
  - a. **Projecting Signs.** In the Downtown District, one Projecting Sign per business is allowed in place of a ground sign or pole sign and is subject to permit requirements. Projecting Signs shall be regulated pursuant to Section 158.10.07(C).
  - b. **Auxiliary Signs.** In the Downtown District, one auxiliary Sign per business is allowed in place of a ground sign or pole sign and is subject to permit requirements. Auxiliary Signs shall be regulated pursuant to Section 158.10.07(D).
  - c. **Permanent Signs.** In the Downtown District, signs shall be located so as to not impair the visibility of any other sign as viewed from any point at which it would otherwise be visible.

#### 158.10.07 Permanent Nonexempt Signs - Regulations by Sign Type

##### A. Ground Signs

1. A ground sign which is 16 feet or more in area may be displayed only on a frontage of 100 feet or more, and may not be closer than 100 feet to any other ground sign which is six feet or more in area.
2. All ground signs must be set back at least 5 feet from the edge of the right-of-way.

##### B. Wall Signs

1. Wall signs may be painted on or attached to the wall but must not project from the wall by more than 12 inches and must not interrupt architectural details.
2. A wall sign that is either a boxed sign or individual letters, placed in a space between windows, may not exceed a dimension two-thirds of the distance between the closest edges of the windows.
3. Wall signs may extend to 20 feet from ground level or to the peak of the building, whichever is lower, on highways with posted driving speeds of 45 miles per hour or less. Wall signs may extend to the peak of a building on highways with posted driving speeds of 45 miles per hour or more with the following height limitations:
  - a. A wall sign displayed by an activity on the first story may not extend above the window sill of the second story.

- b. A wall sign displayed by an activity above the first story may be no higher than the window sill of the third story.
- c. If a building has two or more stories, a wall sign displayed by activities featuring live entertainment on the premises and by places of assembly seating 200 or more may extend up to but no higher than the peak of the building.

**C. Projecting Signs**

- 1. Projecting signs must clear sidewalks by at least eight feet and may project no more than four feet from a building or one third the width of the sidewalk, whichever is more.
- 2. Projecting signs must be spaced at least 30 feet apart. This spacing requirement does not apply to a projecting sign that displays only symbols.
- 3. Projecting signs may not extend vertically above the window of a second story.

**D. Auxiliary Signs**

- 1. Awnings, marquees, and canopies may extend to within one foot of the vertical plane of the curb. Letters, numbers or symbols may be attached to or painted, stenciled, or otherwise placed on these special signs.
- 2. Time and temperature devices may be displayed provided they are spaced at least 400 feet apart.

**158.10.08 Areas of Special Control**

- A. The Town of Pendleton, by code and following notice and hearing, may designate architectural, historic, or scenic areas as Areas of Special Control with respect to signage.
- B. The Town of Pendleton shall maintain and shall revise as required a zoning map of Pendleton on which the Town of Pendleton shall indicate the boundaries of all designated Areas of Special Control.
- C. The Town of Pendleton shall adopt special regulations for signs in Areas of Special Control which shall be consistent with the character of the Area of Special Control.
- D. Special regulations for Areas of Special Control supersede and may be either more or less restrictive than the regulations for signs contained in this Code.

**158.10.09 Master Sign Plans**

- A. One or more adjacent activities not located in an Area of Special Control may submit a Program for Signs to the Plan Commission. The Program for Signs shall contain a visual representation of the lettering, illumination, color, area, height, placement and location of the signs proposed for display. The items of information displayed on the signs proposed by an activity in a Program for Signs shall not exceed the items of information allowance.
- B. The Board of Zoning Appeals may approve a Program for Signs if the signs visually represented in the Program are consistent with the purposes of this Code, are appropriate to the function and architectural character of the building in which the activity is located, and are compatible with existing adjacent activities.
- C. An activity whose Program for Signs has been approved by the Board of Zoning Appeals may display only signs that comply with the approved program.

**158.10.10 Nonconforming Uses And Signs**

- A. Any building or land use not conforming to the zoning chapter provisions for the district in which it is located shall, nevertheless, comply with all the provisions of this sign chapter for the district.

- B. All permanent signs existing at the time of the enactment of this chapter which do not comply with the provisions of this chapter shall be classified as nonconforming signs. If at any time such nonconforming signs are moved or replaced, they shall be subject to the provisions of this chapter. Nothing in this chapter shall prevent the restoration of a sign damaged less than 70 percent of its market value at the time of damage. Any sign damaged 70 percent or more shall be restored only in conformance with the provisions of this chapter.
- C. A legal non-conforming sign shall immediately lose its legal non-conforming designation if:
  - 1. the sign is not kept in good repair and in safe condition and if said condition continues for 6 months;
  - 2. the sign is relocated;
  - 3. the complete sign is replaced;
  - 4. the permit, variance, or condition under which the sign was allowed expires.
- D. Upon the adoption of this chapter, the Planning Director shall perform an inventory of permanent signs within the jurisdiction. Documentation shall be kept on file in the Planning Department, as well as furnished to each owner, attesting to the legal status of said signs.

#### **158.10.11 Inspection, Removal And Safety**

##### **A. Inspection**

Signs for which a permit is issued shall be inspected by the Planning Director after installation to assure compliance with the permit and this chapter.

##### **B. Removal of Signs**

The Planning Director may order the removal of any sign erected in violation of this chapter. He shall give 30 days notice in writing to the owner of such sign, or the owner of the property on which the sign is located, to remove the sign or to bring it into compliance.

- 1. The Planning Director may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.
- 2. A sign shall be removed by the owner or lessee of the premise upon which the sign is located when the business which it identifies is no longer conducted on the premise. If the owner or lessee fails to remove it, the Planning Director shall give the owner ten days written notice to remove it. Upon failure to comply with this notice, the Planning Director or his duly authorized representative may remove the sign at cost to the owner.