

**BEFORE THE CITY COUNCIL
FOR THE CITY OF HOOD RIVER, OREGON**

ORDINANCE NO. 2004

✓
BY JY CODIFIED
Date 3/28/13

**An Ordinance Amending the Hood River Municipal Code
Title 17 (Zoning) Chapter 1 (General Provisions), Chapter 3 (Land Use Zones) and
Chapter 4 (Supplementary Provisions), repealing Chapter 13 (Sign Regulations),
and Adopting a new Title 18 (Signs and Related Regulations), Chapter 01 (General
Provisions) and Chapter 02 (Sign Regulations).**

The Hood River City Council finds as follows:

WHEREAS, the City Council determined there was a need to update and revise certain provisions in Title 17 of the Hood River Municipal Code ("HRMC") and to remove the Sign Code from Title 17 and place it in its own non-land use title, Title 18, to address a variety of issues affecting the community; and

WHEREAS, the City commissioned and adopted an Economic Opportunities Analysis ("EOA") under State-wide Planning Goal 9 (Economic Development) that was adopted by the City Council on July 11, 2011 as Ordinance 1994, and which recommended revision of certain goals, policies and implementation strategies under Goal 9 (Economic Development) of the Comprehensive Plan associated with improving employment opportunities; and

WHEREAS, Policy 6 of Goal 9 (Economic Development) recognizes that the City has several commercial areas that have unique characteristics including the Central Business District, The Heights Business District, the Waterfront, and West Cascade. Policy 6 states that the City will seek to distinguish these differences and propose ways to maintain these distinct employment districts; and

WHEREAS, the EOA also recommended certain zoning ordinance (Title 17) amendments in commercial and industrial zones to improve employment opportunities, including prohibiting low density single-family, duplex and triplex residential uses in the General Commercial (C-2) Zone, but conditionally allowing mixed-use development subject to certain standards; and

WHEREAS, in association with Ordinance 1994, the City Council adopted certain zoning ordinance amendments to the General Commercial (C-2) Zone to eliminate single family dwellings and accessory uses, duplexes and triplexes as outright permitted uses; to allow conditionally stand-alone residential dwellings subject to a minimum density standard and only when developed as Planned Unit Developments; and, to allow conditionally residential uses constructed in conjunction with commercial uses on the same lot or parcel subject to a minimum density standard; and

WHEREAS, due to time constraints associated with a grant funding the EOA, the zoning ordinance amendments adopted with Ordinance 1994 were not comprehensive enough, and it became apparent that additional amendments were needed to better implement the EOA; and

WHEREAS, a conditional use permit requirement for dwellings in the C-2 Zone is not a legally sufficient basis to prohibit dwellings which is called for when residential development conflicts with the need for commercial job-creating development; and

WHEREAS, since the adoption of Ordinance 1994, the City Council has concluded that construction of dwellings in the General Commercial (C-2) Zone within the Waterfront area may conflict with the overriding policy of creating employment opportunities in that area, which means promoting commercial and industrial development; and

WHEREAS, currently there are no residential dwellings located in the C-2 Zone within the Waterfront area; and

WHEREAS, the City Council determined that residential uses in the Waterfront area should be eliminated in order to stem the erosion of the commercial land base but, after receiving compelling testimony from property owners, determined that a compromise would be acceptable that allows residential uses subject to special restrictions intended to ensure residential uses remain subordinate and complimentary to commercial uses;

WHEREAS, any restrictions on residential development in the Waterfront area may be revised in the future to facilitate additional residential development when it is found to support employment opportunities and is otherwise consistent with the goals, policies and implementation strategies of the Comprehensive Plan and the EOA; and

WHEREAS, greater flexibility is needed for placement of garden sheds and similar structures that are accessory to residential dwellings in the Urban Low Density Residential (R-1), Urban Standard Density Residential (R-2), Urban High Density Residential (R-3) and Office/Residential (C-1) zoning districts; and

WHEREAS, allowing small accessory structures to be placed within the normal setbacks without adversely impacting neighboring properties is a more efficient use of land; and

WHEREAS, to avoid conflicts with State land use laws, the City desires to remove Sign Regulations from the Zoning Ordinance (Title 17) and to place the Sign Regulations and associated definitions in a separate new title (Title 18) of the Hood River Municipal Code; and

WHEREAS, the Hood River Planning Commission held public work sessions on these zoning ordinance amendment proposals on September 17, 2012 and October 1, 2012; and

WHEREAS, Notice of a Proposed Amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on October 15, 2012, which was 35 days prior to the first evidentiary hearing; and

WHEREAS, notices were mailed in accordance with ORS 227.186 (Measure 56) on October 31, 2012, to owners of property zoned General Commercial (C-2) located north of Interstate 84, west of the Hood River (SR-35) Bridge, and east of the Hook; and

WHEREAS, notice of the proposed municipal code amendments was published in the Legal Notices section of the Hood River News on November 7, 2012; and

WHEREAS, the Planning Commission held a public hearing on November 19, 2012, and recommended adoption of amendments to the Hood River Municipal Code set forth in Exhibits B and C, attached hereto and by this reference incorporated herein; and

WHEREAS, the City Council opened a public hearing to consider these Municipal Code amendments on December 10, 2012 and continued the hearing to January 14, 2013; and

WHEREAS, the City Council considered the Planning Commission's recommendations in a public hearing at its regular meetings on January 14, 2013, January 28, 2013, and February 11, 2013, at which time it accepted public testimony; and

WHEREAS, after due consideration and public deliberation, the City Council voted to tentatively approve the amendments as set forth in Exhibit A, B and C.

NOW THEREFORE, based on the foregoing Findings, the Hood River City Council ordains as follows:

Section 1 - General Commercial (C-2) Zone Revision. The Hood River Municipal Code, Title 17 (Zoning), Chapter 01 (General Provisions), Sections 17.01.050 (General Commercial Zone C-2) and 17.01.060 (Definitions) are hereby amended to read as set forth in Exhibit A, attached hereto and by this reference made a part hereof. In particular, HRMC §17.03.050 is amended to place special restrictions on residential uses as conditional uses in the Waterfront area, and HRMC §17.01.060 is amended to redefine WATERFRONT.

Section 2 – Small sheds allowed within side- and rear-yard setbacks. The Hood River Municipal Code, Title 17 (Zoning), Chapter 04 (Supplementary Provisions), Section 17.04.030 (General Provisions Regarding Accessory Uses) is hereby amended to read as set forth in Exhibit B, attached hereto and by this reference made a part hereof. In particular, HRMC §17.04.030 is amended to reduce

setback requirements to a minimum of three feet from side and rear property lines in the Urban Low Density Residential (R-1), Urban Standard Density Residential (R-2), Urban High Density Residential (R-3) and Office/Residential (C-1) zoning districts for accessory structures (sheds) that are less than 10 feet tall and less than 100 square feet in area.

Section 3 – Repeal of the City’s Sign Regulations in Chapter 17.13. The Hood River Municipal Code, Title 17 (Zoning), Chapter 13 (Sign Regulations) is hereby repealed in its entirety.

Section 4 – Amendment of HRMC 17.01.060 deleting references to Sign Regulations. The Hood River Municipal Code, Title 17 (Zoning), Chapter 01 (General Provisions), Section 17.01.060 (Definitions) is hereby amended to read as set forth in Exhibit C, attached hereto and by this reference made a part hereof. In particular, HRMC §17.01.060 is amended to remove definitions associated with Sign Regulations.

Section 5 – Adoption of Revised Sign Regulations in Title 18. The Hood River Municipal Code is hereby amended by adopting Title 18 (Signs and Related Regulations), Chapter 1 (General Provisions) and Chapter 2 (Sign Regulations) as set forth in Exhibit C, attached hereto and by this reference made a part hereof.

Read for the First Time this 11th day of February, 2013.

Read for the Second Time and approved this 25th day of February 2013. This Ordinance shall take effect on the 31st day following the second reading.

AYES: 6 _____
NAYS: 0 _____
ABSTAIN: 0 _____
ABSENT: 1 _____




Arthur Babitz, Mayor

ATTEST:



Jennifer Gray, City Recorder

Approved as to form:



Daniel Kearns, City Attorney

17.01.060 Definitions. As used in this title, the singular includes the plural and the masculine includes the feminine and neuter. The word "may" is discretionary, but the word "shall" is mandatory. The following words and phrases shall have the meanings given them in this section.

* * *

WATERFRONT AREA means the area of the City west of the Hood River (SR-35) Bridge, north of I-84, and east of the Hook, including the Hook.

17.03.050 General Commercial Zone (C-2)

A. Permitted Uses. Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed in the C-2 Zone:

1. Rooming and boarding houses
2. Home occupations
3. Bed and breakfast
4. Family day care
5. Residential care facility
6. Group residential, if less than 15 persons
7. Transportation facilities pursuant to 17.20.050(A)
8. Accessory dwelling units

B. Permitted Uses Subject to Site Plan Review. Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed in the C-2 Zone subject to Site Plan Review:

1. Commercial uses
2. Industrial uses incidental and essential to an on-site commercial use (Refer to the section below, "K")
3. Change of use
4. Parking lots of four (4) or more spaces, new or expanded, and or the equivalent of paving equal to four (4) or more parking spaces
5. Multi-family dwellings with a minimum density of 11 units/net acre.
6. Group residential, if fifteen (15) or more persons
7. Transportation facilities pursuant to 17.20.050(B)
8. Professional Office and Office Uses.

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C. Conditional Uses. Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed with a conditional use permit in the C-2 Zone:

1. Residential uses, excluding multi-family, subject to the following: a) shall be reviewed through the Planned Unit Development (PUD) process; b) PUD common open space criterion is not applicable; and c) shall achieve a minimum of 11 units/net acre.
2. Residential uses a minimum of 11 units/acre in conjunction with commercial uses on the same lot or parcel.

3. Hospitals, sanitariums, rest homes, nursing or convalescent home
4. Schools and day care facilities
5. Public parks, playgrounds, and related facilities
6. Utility or pumping substations
7. Churches
8. Commercial Uses on parcels of more than 1.5 acres.
9. Public facilities and uses
10. Hostels

D. Special Restrictions on development in the C-2 Zone within the Waterfront Area. The Waterfront Area, as defined in Section 17.01.060, includes certain development restrictions that apply in addition to and supersede the regulations that apply in the C-2 Zone generally. Uses generally allowed outright, subject to site plan review and conditionally in the Waterfront Area are those set forth in Subsections A, B and C, respectively, except that all of the following additional restrictions apply to development within the Waterfront Area, none of which are eligible for a variance under HRMC Chapter 17.18:

1. Residential uses are prohibited unless combined with commercial uses in the same structure, i.e., must be mixed use; all such development that includes a residential component requires a conditional use permit.
2. There is no minimum required residential density in the C-2 Zone within the Waterfront Area.
3. No more than 50% of the gross floor area of any building may be devoted to residential use, and the building's primary use shall be commercial, not residential.
4. No residential use is allowed on the ground floor, and no more than 50% of the ground floor may be used for parking.
5. For any residential uses approved in the C-2 Zone within the Waterfront Area, a deed restriction, in a form acceptable to the city attorney, shall be recorded with title to the residential property that precludes any residential owner, lessee or guest from objecting to normal and customary commercial, recreational or light industrial uses (including operation of the city's wastewater treatment plant) and any impacts there from, such as noise, dust glare, odors, hours of operation, truck traffic, parking and the like.
6. The City may impose reasonable conditions on the approval of any residential use in the C-2 Zone within the Waterfront Area to ensure compliance with these special restrictions.

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E. Site Development Requirements.

1. Minimum Lot Area: None.
2. Minimum Frontage:
 - a. Fifty (50) feet on a dedicated public street or
 - b. Thirty (30) feet on a public dedicated cul-de-sac.

F. Setback Requirements. The minimum setback requirements shall be as follows:

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1. Front - not required.
2. Side and rear - not required except in the case where the structure is adjacent to a residential zone, in which case a three (3) foot setback is required for structures up to two (2) stories, and increased one (1) foot for each additional story above two (2) stories.

G. Maximum Building Height.

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1. Thirty-five (35) feet for residential use.
2. Forty-five (45) feet for commercial use or for mixed commercial and residential use.
3. No commercial structure shall exceed a height of forty-five (45) feet.

H. Parking Regulations.

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1. One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
2. In no case shall there be less than two (2) off-street parking spaces.
3. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24.
4. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.
5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New parking area
6. All residential uses shall comply with the off-street parking standards as follows, unless exempt above:
 - a. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
 - b. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.
 - c. Required setback areas may be utilized for off-street parking for multi-family dwellings.
 - d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.
 - e. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off-street loading facilities.
7. Bicycle parking as required by 17.20.040.

I. Lighting. Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.

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J. Signs. All signs shall be in conformance with the sign regulations in this title.

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K. Landscaping. All landscaping shall be in conformance with the landscaping standards in this title.

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L. Manufacturing. Manufacture or assembly of goods is a permitted use, provided such manufacturing or assembly is within or contiguous to a permitted commercial use. The retail sales and the commercial character shall be the prominent use. The goods manufactured and/or assembled shall be sold on a retail basis out of the commercial use which is the storefront for such sale. All uses shall meet the following standards:

1. Any use, or portion thereof, causing noise shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.
2. Any use, or portion thereof, causing vibration shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
3. Any operation producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
4. There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard.
5. If the retail and industrial uses are housed in separate buildings on the site, the industrial building shall be equal to or less in size to the commercial building.
6. In the case of two or more separate buildings, the one closest to the public dedicated street must retain a retail storefront and a pedestrian-friendly character. New construction or major renovations shall achieve this standard through use of the following design elements:
 - a. Major renovations are considered any activity on the exterior of a building that exceeds ten percent (10%) of the structure's cost or fair market value or \$75,000, whichever is more, as determined by the building official.
 - b. The building entrance shall be oriented toward the primary street, whenever physically possible.
 - c. Off-street parking or driveways shall not be placed between the building and the primary street, whenever physically possible.
 - d. The retail storefront shall utilize regularly spaced and similarly shaped windows with window hoods or trim.
 - e. The retail storefront shall have large display windows on the ground floor and shall be framed by bulkheads, piers, and a storefront cornice.
 - f. For properties located within the Downtown Local Historic District, refer to the District's Design Guidelines.

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M. Commercial buildings between 25,000 square feet and 50,000 square feet. No new buildings shall exceed a combined contiguous length of three hundred (300) feet; nor shall any one

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building exceed a footprint of 50,000 square feet. Any building or contiguous group of buildings which exceed these limitations and which were in existence prior to the effective date of this ordinance may expand up to ten percent (10%) in area or length beyond their original area or length. Neither the gross square footage nor combined contiguous building length, as set forth in this section, shall be changed by a variance. The following standards shall apply to buildings or a group of buildings on one (1) site over 25,000 square feet in size:

1. Buildings shall have an entrance for pedestrians directly from the street to the building interior. This entrance shall be designed to be attractive and functional and shall be open to the public during all business hours. Public sidewalks shall be provided adjacent to a public street along the entire street frontage.
2. Building facades greater than one hundred (100) feet in length shall have offsets, jogs, or other architectural distinctive changes.
3. Any wall which is within thirty (30) feet of the street, plaza, or other public open space shall contain at least twenty percent (20%) of the wall area facing the street in display areas, windows, or doorways. Windows must allow views into working areas or lobbies, pedestrian entrances, or display areas. Blank walls within thirty (30) feet of the street are prohibited. Up to forty percent (40%) of the length of the building perimeter, with the exception of the side facing the street, is exempt from this standard if facing toward loading or service areas.
4. A building shall be setback not more than twenty (20) feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas. If more than one structure is proposed for a site, at least twenty-five percent (25%) of the aggregate building frontage shall be within twenty (20) feet of the sidewalk.
5. Developments shall divide large building masses into heights and sizes that relate to human scale by incorporating changes in building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.
6. One street tree chosen from the street tree list shall be placed along the perimeter of the parcel fronting the street for each thirty (30) feet of frontage for that portion of the development facing the street.
7. Landscaping shall be designed so that fifty percent (50%) coverage occurs after one year from the date the certificate of occupancy is issued and ninety percent (90%) landscaping coverage occurs after five (5) years from the date the certificate of occupancy is issued.
8. Parking areas shall be shaded on the interior and exterior by deciduous trees, buffered from adjacent non-residential uses, and screened from residential uses. The appearance of a "sea of asphalt" shall be avoided.
9. A ratio of one (1) tree for each seven (7) parking spaces shall be required to create a canopy effect. The trees shall be an appropriate large, canopied shade tree and/or a conifer.
10. Landscaped areas shall be substantially evenly distributed throughout the parking area and parking perimeter.

CHAPTER 17.04 - SUPPLEMENTARY PROVISIONS

Legislative History: Ord. 1488 (1980); Ord. 1648 (1991); Ord. 1676 (1992); Ord. 1721 (1996); Ord. 1774 (1999); Ord. 1903 (2006); Ord. 1925 (2006); Ord. 1937 (2007); Ord. 1975 (2009)

SECTIONS:

- 17.04.010 Maintenance of Minimum Ordinance Requirements
- 17.04.020 Access/Frontage
- 17.04.030 General Provisions Regarding Accessory Uses or Structures
- 17.04.040 General Exceptions to Building Height Limitations
- 17.04.050 Fences and Walls
- 17.04.060 Retaining Walls
- 17.04.070 General Exceptions to Lot Area Requirements
- 17.04.080 Illegal Occupancy
- 17.04.090 Vision Clearance Area
- 17.04.100 Home Occupation
- 17.04.110 Bed and Breakfast
- 17.04.120 Maximum Lot Coverage
- 17.04.130 General Requirements for Parking Lots
- 17.04.140 Exception to Permit Expiration

17.04.030 General Provisions Regarding Accessory Uses and Accessory Structures.

An accessory use or structure shall comply with the requirements for a principal use or structure with the following exceptions:

A. In the R-1, R-2, R-3 and C-1 zones, accessory structures used for non-business purposes that are less than 10-feet tall and have a footprint less than 100-square feet in gross area (i.e. exterior dimensions) may encroach into the side- and rear-yard setback areas of the underlying zoning district but shall be located no less than three (3) feet from side- and rear property lines (including eaves and other projections).

Comment: No other changes proposed to Chapter 17.04.

CHAPTER 17.01 - GENERAL PROVISIONS

Legislative History: Ord. 1522 (1982); Ord. 1488 (1980); Ord. 1653 (1992); Ord. 1658 (1992); Ord. 1662 (1992); Ord. 1690 (1993); Ord. 1717 (1995); Ord. 1734 (1997); Ord. 1774 (1999); Ord. 1904 (2006); Ord. 1912 (2006); Ord. 1925 (2006); Ord. 1937 (2007); Ord. 1994 (2011)

17.01.060 Definitions. As used in this title, the singular includes the plural and the masculine includes the feminine and neuter. The word "may" is discretionary, but the word "shall" is mandatory. The following words and phrases shall have the meanings given them in this section:

Comment: Delete definitions associated with Sign Regulations.

~~**SIGN ABANDONMENT** means a sign structure not containing a sign for one hundred and twenty (120) contiguous days or a sign not in use for one hundred and twenty (120) contiguous days.~~

~~**SIGN AREA** means the area of the smallest geometric figure which encompasses the facing of a sign, including copy, insignia, background, and borders, but excluding essential sign structure, foundation, or support. For a multi-faced or two-sided sign, the sign area shall be the total of all faces. If the sign consists of more than one (1) section or module, all areas will be totaled.~~

~~**SIGN, AWNING** means a temporary or moveable shelter supported entirely by the exterior wall of a building and composed of fabric or metal with a supporting rigid framework.~~

~~**SIGN, COMBINATION** means any sign incorporating any combination of the features of pole and projecting signs.~~

~~**SIGN, DIRECTIONAL** means a sign displayed strictly for direction, safety, education, or convenience of the public, including signs that identify restrooms, public telephones, and parking area entrances and exits.~~

~~**SIGN, DISPLAY SURFACE** means the area made available by the sign structure for the purpose of display.~~

~~**SIGN, ELECTRIC** means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.~~

~~**SIGN, FREE-STANDING** means a sign erected on a free-standing frame, mast, or pole and not attached to any building.~~

~~**SIGN HEIGHT** means the overall height of a sign or sign structure as measured from the average grade directly below the sign to the highest point of the sign or sign structure.~~

~~**SIGN, PORTABLE** means a temporary sign capable of being moved easily and is not permanently affixed to the ground or a structure.~~

~~SIGN, PROJECTING~~ means a sign, other than a wall sign, that projects from and is supported by a wall of a building or structure.

~~SIGN, ROOF~~ means a sign erected upon a roof line or parapet of a building or structure.

~~SIGN, SANDWICH BOARD~~ means an A board capable of being moved and not supported by a structure in the ground, nor attached to or erected against a structure.

~~SIGN STRUCTURE~~ means any structure that supports or is capable of supporting any sign as defined in this code. A sign structure may be a single pole and may or may not be an integral part of the building.

~~SIGN, TEMPORARY~~ means any exterior sign, banner, pendant, valance, or display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, to be displayed for a period not exceeding ninety (90) days.

~~SIGN, WALL~~ means any sign attached to, erected against, or painted on the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

Comment: No other changes proposed to definitions.

TITLE 18 – SIGNS AND RELATED REGULATIONS

CHAPTER 18.01 - GENERAL PROVISIONS

Legislative History:

SECTIONS:

18.01.010 Title

18.01.020 Purpose

18.01.030 Compliance with Title Provisions

18.01.040 Interpretation

18.01.050 Relationship to Other Regulations

18.01.060 Definitions

18.01.010 Title. This title shall be known as the Sign Ordinance of the City of Hood River and shall be referred to herein as "this title."

18.01.020 Purpose. This title has been designed in accordance with the goals, policies, and most appropriate statements of the intent of the City's Comprehensive Plan. It is the purpose of this title, therefore, to provide a means for the implementation of the Comprehensive Plan.

18.01.030 Compliance with Title Provisions

- A. No permit shall be issued by the Building Official for the construction, reconstruction, or alteration of a sign or lot that does not conform to the requirements of this title.
- B. A plan showing the proposed construction or structural alteration shall be required. The applicant shall be responsible for the accuracy of the plan.

18.01.040 Interpretations

- A. The City Manager or other city official, as designated by the City Council, shall have the initial authority and responsibility to interpret and enforce all terms, provision, and requirements of the Sign Ordinance. If requested, the City Manager shall make an interpretation in writing. The City Manager's interpretation does not have the effect of amending the provisions of this Title. Any interpretation of this Title shall be based on the following considerations:
 - 1. The Comprehensive Plan;
 - 2. The purpose and intent of the Sign Ordinance as applied to the particular section in question; and
 - 3. The opinion of the City Attorney.
- B. Written Interpretation. If an interpretation is requested in writing, it shall be issued within twenty one (21) days after receiving the request. The interpretation becomes effective twelve (12) days after it is mailed or delivered to the requestor, unless an appeal is filed.
- C. Appeals. Within twelve (12) days of the mailing of the interpretation, the requestor may appeal the Sign Regulation interpretation to the City Planning Commission per the appeals procedure outlined in Review Procedures (Chapter 17.09), with the exception that written notice of the hearing is provided only to the appellant when the request does not concern any specific property.
- D. Interpretations on File. The City Manager shall keep on file a record of all Sign Ordinance interpretations.

18.01.050 Relationship to Other Regulations. Where this title imposes a greater restriction upon the use of a sign, the provisions of this title shall govern.

18.01.060 Definitions. As used in this title, the singular includes the plural and the masculine includes the feminine and neuter. The word "may" is discretionary, but the word "shall" is mandatory. The following words and phrases shall have the meanings given them in this section.

SIGN means any identification, description, illustration, symbol, or device that is free-standing, affixed, painted, or has relief upon an awning, building, structure, or land, which communicates a message or idea, or identifies, or directs attention to a product, place, activity, person, institution, or entity.

SIGN ABANDONMENT means a sign structure not containing a sign for one hundred and twenty (120) contiguous days or a sign not in use for one hundred and twenty (120) continuous days.

SIGN AREA means the area of the smallest geometric figure which encompasses the facing of a sign, including copy, insignia, background, and borders, but excluding essential sign structure, foundation, or support. For a multi-faced or two-sided sign, the sign area shall be the total of all faces. If the sign consists of more than one (1) section or module, all areas will be totaled.

SIGN, AWNING means a temporary or moveable shelter supported entirely by the exterior wall of a building and composed of fabric or metal with a supporting rigid framework.

SIGN, COMBINATION means any sign incorporating any combination of the features of pole and projecting signs.

SIGN, DIRECTIONAL means a sign displayed strictly for direction, safety, education, or convenience of the public, including signs that identify restrooms, public telephones, and parking area entrances and exits.

SIGN, DISPLAY SURFACE means the area made available by the sign structure for the purpose of display.

SIGN, ELECTRIC means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

SIGN, FREE-STANDING means a sign erected on a free-standing frame, mast, or pole and not attached to any building.

SIGN HEIGHT means the overall height of a sign or sign structure as measured from the average grade directly below the sign to the highest point of the sign or sign structure.

SIGN, PORTABLE means a temporary sign capable of being moved easily and is not permanently affixed to the ground or a structure.

SIGN, PROJECTING means a sign, other than a wall sign, that projects from and is supported by a wall of a building or structure.

SIGN, ROOF means a sign erected upon a roof line or parapet of a building or structure.

SIGN, SANDWICH BOARD means an A-board capable of being moved and not supported by a structure in the ground, nor attached to or erected against a structure.

SIGN STRUCTURE means any structure that supports or is capable of supporting any sign as defined in this code. A sign structure may be a single pole and may or may not be an integral part of the building.

SIGN, TEMPORARY means any exterior sign, banner, pendant, valance, or display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, to be displayed for a period not exceeding ninety (90) days.

SIGN, WALL means any sign attached to, erected against, or painted on the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

CHAPTER 18.02 - SIGN REGULATIONS

Legislative History: Ord. 1651 (1992); Ord. 1677 (1993); Ord. 1737 (1997); Ord. 1774 (1999); Ord. 1798 (2000); Ord. 1808 (2001)

SECTIONS:

- 18.02.020 Purpose and Scope
- 18.02.030 Permits Required
- 18.02.040 Application
- 18.02.050 Measurement
- 18.02.060 Fees
- 18.02.070 Maintenance
- 18.02.080 Inspections
- 18.02.090 Abatement of Abandoned Signs
- 18.02.100 Sign Sizes
- 18.02.110 Exemptions
- 18.02.120 Prohibited Signs
- 18.02.130 Non-conforming Exceptional Signs
- 18.02.140 Non-conforming Existing Signs
- 18.02.150 Variance
- 18.02.160 Penalties
- 18.02.170 Severability

18.02.020 Purpose And Scope

- A. This ordinance provides reasonable and necessary regulations for the erection and maintenance of signs in order to:
1. Maintain a balance between the need to identify buildings and activities and the negative impact on community image created by visual clutter;
 2. Protect the public health and safety;
 3. Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the City; and

4. Prevent the interference of signage regulated herein with official traffic signs or signals.
- B. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.
- C. The Uniform Sign Code, as amended, is hereby adopted by reference as though fully set forth. In cases of conflict between the provisions of said sign code and this ordinance, the provisions of this ordinance shall apply.
- D. It is not the purpose of this ordinance to regulate signs that are regulated exclusively by federal or state law. In any case in which federal or state law preempts this ordinance, federal or state law shall apply.

18.02.030 Permits Required. A sign shall not hereafter be erected, re-erected, constructed, and altered, except as provided by this code and after a permit for the same has been issued by the city. A separate permit shall be required for a sign or signs for each entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electric signs. All signs are subject to review by the building and planning departments of the City of Hood River.

18.02.040 Application. Application for a sign permit shall be made in writing upon forms furnished by the City. Such application shall contain the location by street and number of the proposed sign structure, the name and address of the owner, the sign name and address of the contractor or erector, and a complete site plan. The Building Official may require the filing of plans or other pertinent information where in his opinion such information is necessary to ensure compliance with this code. Standard plans may be filed with the City.

18.02.050 Measurement. The following criteria shall be used in measuring a sign and sign placement to determine compliance with this ordinance:

1. Area of Face: "False fronts" and mansard roofs will be excluded when calculating the area of the primary face.
2. Height: The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure.
3. Legal Setback Line: A setback line established by ordinance beyond which a sign may not be built. A legal setback line may be a property, vision clearance, or vehicle clearance line.
4. Roof Line: The ridge on a gable, peaked roof or the parapet or fascia of a flat roof. A mansard roof is considered a gable roof for the purposes of this definition.
5. Sign Area: The area of the smallest geometric figure which encompasses the facing of a sign, including copy, insignia, background, and borders, but excluding essential sign structure, foundation, or support. For a multi-faced or two-sided sign, the sign area shall be the total of all faces. If the sign consists of more than one (1) section or module, all areas will be totaled.
6. Vision Clearance: Vision clearance is a triangular area formed at a corner lot or parcel by the intersection of dedicated public right-of-way lines and a straight line joining said lines through points fifteen (15) feet back from their intersection. The vision clearance area shall provide an area of unobstructed vision from three and one-half (3 1/2) to eight (8) feet above the top of the curb. Natural topographic features, utility poles, and

tree trunks are excluded from this requirement. Refer to Diagram "A" – Visual Clearance (Section 17.04.090).

Comment: Corrected citation

Deleted: 09.040

18.02.060 Fees. A sign permit fee and a plan-checking fee shall be paid in accordance with the schedule established by resolution of the City Council.

18.02.070 Maintenance. All signs and sign support structures, together with all of their supports, braces, guys, and anchors shall be maintained in a safe condition. The display surfaces of all signs shall be kept neatly painted or posted at all times.

18.02.080 Inspections. All signs for which a permit is required shall be subject to inspection by the Building Official. Footing inspections may be required by the Building Official for all signs having footings including post type signs. All signs containing electrical wiring shall be subject to the provisions of the applicable electrical code, and the electrical components used shall bear the label of an approved testing agency. The Building Official may order the removal of any sign that is not maintained in accordance with the provisions of Section 15.24, after notice to the owner of record of the premises in which the sign is located. All signs may be re-inspected at the discretion of the Building Official.

18.02.090 Abatement of Abandoned Signs. Abandoned signs may be abated pursuant to Hood River Municipal Code, Chapter 8.08, as a nuisance.

18.02.100 Sign Sizes.

A. Commercial and Industrial Zones:

1. Number:

- a. The total number of signs per entity shall not exceed three (3) signs, not including free-standing or directional signs; and
- b. There shall not be more than two (2) signs on any building face.
- c. Entities that occupy more than one (1) building shall be treated as separate entities.

2. Area:

- a. The total area of signs allowed on the primary face shall not exceed eight percent (8%) of the building face, occupied by that entity, including windows.
- b. A sign constructed on a second building face of an entity shall not exceed four percent (4%) of that building face.
- c. If an entity has three (3) building faces, the sign allowed on the second building face may be increased to eight percent (8%) of that building face. If a third sign is placed on the third face, it shall not exceed four percent (4%) of that building face.
- d. In no case shall the total area of all signs on any one building face exceed 200 square feet.

3. Height: The maximum height of all free-standing signs, with the exception of the freeway zone, shall be twenty-five (25) feet.

4. Free-standing signs:

- a. Free-standing signs shall be limited to one (1) per parcel and shall be included in the total area of allowed signs for each entity.
- b. Free-standing signs shall not exceed a total of sixty-four (64) square feet of area and not exceed two (2) faces.
- c. Parcels over 150,000 square feet (3.44 acres) in one (1) ownership shall be entitled to a free-standing sign not to exceed a total of 100 square feet.
- d. Free-standing signs (all portions) shall meet the vision clearance and vehicle clearance requirements.
- 5. Projecting Signs: A projecting sign shall not exceed thirty-two (32) total square feet.
- 6. Roof Signs: No sign shall extend above the roof line or the top of a parapet wall, whichever is higher.
- 7. Awnings: signs on awnings shall not exceed the permitted sign area.
- 8. Temporary signs:
 - a. Temporary signs shall be limited to one (1) per parcel for up to ninety (90) days.
 - b. Temporary signs shall not exceed thirty-two (32) square feet in size.
- 9. Sandwich boards:
 - a. Only one (1) sandwich board on private property per entity shall be allowed.
 - b. A sandwich board shall be included in the total number of signs and sign area allowed for a particular entity.

B. Residential zones.

- 1. Subdivisions:
 - a. Permanent signs are limited to a maximum area of sixteen (16) square feet.
 - b. Maximum height of a permanent sign shall be six (6) feet.
 - c. Permanent signs shall be limited to one (1) at each entrance to the subdivision.
- 2. Multi-Family Dwellings:
 - a. A permanent sign for twelve (12) or more multi-family dwelling units may have a maximum area of sixteen (16) square feet.
 - b. A permanent sign for eleven (11) or fewer multi-family units may have a maximum area of twelve (12) square feet.
- 3. Standards:
 - a. Height: Six (6) feet.
 - b. Illumination: Signs may have external illumination. Reflective type bulbs shall be used for indirect illumination of the display surface, if properly shielded from direct glare onto streets and adjacent properties. Electric signs are prohibited.
- 4. Nonresidential Uses (including hospitals, schools, churches, and other institutional uses):
 - a. Size: Maximum twenty-four (24) square feet in size.
 - b. Number: one (1) per parcel unless on a corner lot which allows a maximum of two (2) signs totaling twenty-four (24) square feet in size.
- 5. Temporary Signs:
 - a. Temporary signs shall be limited to one (1) per parcel for up to ninety (90) days.

- b. Temporary signs shall not exceed twelve (12) square feet in size.
- 6. Bed and Breakfast Facilities / Home Occupations:
 - a. Home occupation (Section 17.04.100): a non-illuminated sign no larger than one (1) square foot.
 - b. Bed and breakfast facilities (Section 17.04.110): one (1) non-illuminated sign not exceeding one and one-half (1½) square feet.

C. Open Space/Public Facilities Zone.

- 1. Two (2) signs for each site or facility shall be allowed.
- 2. Each sign shall not exceed twenty-four (24) square feet in size.

D. Freeway Zone.

- 1. Purpose: This special overlay zone is intended to provide for and regulate free-standing signs located along I-84. The affected properties, as described below, are those that depend primarily on highway traffic. Because of the sign's location, traffic along I-84 cannot read them within a reasonable and safe distance to exit the highway. Therefore, height and area limitations for free-standing signs in this zone have been increased.
- 2. Location: The Freeway Zone shall be described as the area located east of the White Salmon-Highway 35 highway, west of the City of Hood River/Hood River County boundary, south of the Columbia River, and north of I-84, located within the city limits of Hood River and zoned Commercial or Light Industrial within the following described boundaries:
 - a. Commencing at Engineer's Centerline Station "'2nd' 13+77.00 P.O.T.", thence north 1-03-44 East to Station "'2nd' 17+01.06 P.S." and the point of beginning of the description contained herein; thence West 40.00 feet to a point; thence Northerly along a 40.00 foot offset line from said '2nd' Street Centerline, said Centerline being described as a 20-00-00 degree spiral to the left with a length of 200 feet and a deflection angle of 2.5, to Station "'2nd' 19+01.06 P.S.C."; thence along a 20-00-00 degree simple curve to the left, an arc distance of 177.48 feet to Station "'2nd' 20+78.55 P.T."; thence from said offset line, Northeasterly a distance of 40.00 feet to said Centerline Station "'2nd' 20+78.55 P.T."; thence North 54-26-03 West along said Centerline a distance of 72 feet to the Centerline of Access Road 'C'; thence North 35-33-50 East a distance of 24 feet to Centerline Station "'R' 1193+06.04 P.C."; thence along a 35-00-00 degree simple curve to the right an arc distance of 162.25 feet to Station "'R' 1194+68.30 P.T."; thence South 87-38-53 East along said 'R' Centerline a distance of 204.75 feet to Engineer's Centerline "'R' 1196+73.05 P.O.T."; thence continuing along said centerline extended a distance of 960 feet to the West bank of the Hood River as it exists this date; thence southerly along said West bank a distance of 800 feet to the North right-of-way of Interstate 84; thence Westerly along said North right-of-way a distance of 900 feet to a point 200 feet East of the Point of Beginning; thence West 200 feet to the Point of Beginning. Bearings, distances, and stations based on Oregon State Highway Division Preliminary Copy of The Construction Detail Map of the "Second Street Interchange, (Hood River)", dated September 1991.

3. Number: One (1) free-standing sign shall be permitted for each parcel/ownership and shall be included in the allowed area for signs as listed in the Commercial/Industrial section of this ordinance.
4. Area: The sign shall not exceed an area of 200 square feet per face and shall not have more than two (2) faces.
5. Height: The sign shall not exceed sixty (60) feet.
6. Other signs: All other signs shall meet the requirements of the Commercial/Industrial portion of this ordinance.

18.02.110 Exemptions. The following signs shall not require review under this ordinance:

1. Change of Ownership: A change of sign ownership requires compliance with this ordinance.
2. Directional Signs: Directional signs less than six (6) feet above grade and less than twelve (12) square feet or six (6) square feet per side in compliance with the vision clearance and vehicle criteria.
3. Banners: Banners attached to the City of Hood River's classic light poles
4. Memorial Tablets or Signs: Signs carved into a building or which are a part of materials which are an integral part of the building.
5. Traffic Signs: Traffic, municipal, or directional signs for hospital or emergency services, legal notices, railroad signs, and danger signs.

18.02.120 Prohibited Signs. The following signs are prohibited within the City limits of Hood River:

1. Moving Signs: Moving signs or flashing signs or any sign or structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsation or by action of normal wind currents, excepting clocks, barber poles, public service information signs, and time or temperature signs.
2. Portable Signs: Portable or bench signs, excluding sandwich boards located on private property.
3. Pole and Tree Signs: Signs placed on, painted on, or affixed to any utility pole or tree.
4. Unofficial Signs: Unofficial signs which purport to be, or are an imitation of, or resemble official traffic signs or signals, or which attempt to direct the movement of traffic, or which hide from view any official traffic sign or signal.
5. Car Signs: A sign placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer, which is placed on public or private property for the primary purpose of providing a sign not otherwise permitted in this ordinance.
6. Flags and Banners: Flags, banners, and objects designed to move with the wind that are located on a roof or project above a roof by more than forty-five (45) feet if located on a free-standing pole.

18.02.130 Non-Conforming Exceptional Signs. The Planning Commission will conduct a quasi-judicial hearing in accordance with the requirements of *Review Procedures* (Section 17.09) of the Hood River Municipal Code upon submission of an application for recognition as a nonconforming exceptional sign. The Planning Commission may recognize exceptional nonconforming signs when the following three (3) criteria are met:

1. Age. The sign structure was constructed at least thirty-five (35) years prior to the date of application, and has been maintained or restored in its original location, design, and appearance;
2. Asset. The sign structure is recognized as a special feature in the city, and a visual or historic asset; and
3. Inspection. The sign structure has been inspected and certified by a licensed sign contractor and a licensed electrician (if applicable) to be in safe condition.

18.02.140 Non-Conforming Existing Signs

- A. Nonconforming signs are those signs lawfully installed prior to the effective date of this ordinance that do not conform to the standards of this code.
- B. All nonconforming signs for a single entity shall be made to comply with this ordinance when structural alteration, relocation, replacement with a different sign, or application for a new sign for that entity occurs. Repair of a part of a sign or sign structure to a safe condition, including normal maintenance, shall be permitted without loss of its nonconforming status provided that there are no other changes to the sign or sign structure.
- C. All nonconforming signs shall be made to comply with this ordinance no later than November 1, 1998. Any nonconforming temporary sign shall be made to comply with this ordinance by May 1, 1992. All nonconforming signs located in the Freeway Zone shall be made to comply with this ordinance no later than 180 days after the effective date of this ordinance.
- D. Nonconforming signs lawfully located within the City of Hood River commercial or industrial zone on the effective date of this ordinance that are visible from a federal interstate highway or federally aided primary (hereinafter "such signs") may remain unless funds are allocated to provide for payment of just compensation by the City of Hood River pursuant to ORS Chapter 377 and the Highway Beautification Act, provided that within sixty (60) days from the effective date of this ordinance the owner of each such sign:
 1. Provides proof to the City Planning Department that each such sign was in existence on the effective date of this ordinance;
 2. Provides the location of each such sign on the effective date of this ordinance to the City Planning Department;
 3. Provides a copy of a valid permit for each such sign issued by the State of Oregon pursuant to ORS 377.700 - 377.840.
- E. Signs located on property annexed to the City of Hood River after the adoption of this ordinance shall be made to comply with this Chapter within seven (7) years of annexation.
- F. Signs located on real property located at 3N 10E 27D, Tax Lot 1000, shall be required to comply with the following provisions as long as the property remains in its present configuration.
 1. Two free-standing signs shall be permitted.
 2. Area: No sign shall exceed an area of 200 square feet per face and shall have no more than two (2) faces.
 3. Height: Free-standing signs shall not exceed 60 feet.

18.02.150 Variance. Relief may be requested from all sign regulations except for prohibited signs pursuant to the provisions of the *Variances* section (Chapter 17.18) of this title.

18.02.160 Penalties: Failure to comply with the provisions of this chapter shall constitute a violation and will be subject to the penalty and abatement proceedings in the *Severability – Penalties* section (Chapter 17.10) of this title. In addition to any costs, assessments, or restitution the court may impose, the fine shall not be less than \$250 per violations plus \$2.50 per day in which the person is found in violation, and shall not exceed \$1,000 per violation plus \$10 per day in which the person is found in violation.

18.02.170 Severability. The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.