Black is Walt’s

Red is current Zoning ordinance or sign ordinance 99-02

Green is my addition

Blue is my comment

On this document I frequently listed Walt’s version in Black, 99-02 or present Zoning Ordinance in Red and sometimes my version in Green. You of course can come up with your own version for PC consideration if you like. I also changed twelve (12) to twelve and similar; it seems redundant, but if someone prefers it we can change it back. I also changed this Ordinance to either This Development Ordinance or Section 4.07 as appropriate.

SECTION 4.06 UTILITY ~~LINES AND~~ FACILITIES

**~~Section~~****~~4.06.01~~****~~Purpose~~**

~~To provide adequate services and facilities appropriate to the scale and type of development.~~

**~~Section~~****~~4.06.02~~****~~Standards~~**

~~(A) Design and Location. The location, design, installation, and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.~~

~~(B) Private Utilities. All development which has a need for electricity, gas, and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.~~

~~(C) Water Service. All development which has a need for public water shall install the facilities pursuant to the requirements of the City. Installation of such facilities shall be coordinated with the extension of necessary sanitary sewer services and storm drainage facilities.~~

~~(D) Sanitary Sewer. All development which has a need for public sanitary sewers shall install the facilities pursuant to the requirements of the Nehalem Bay Wastewater Agency. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.~~

~~(E) Streetlights~~**~~.~~** ~~When required, the installation of streetlights shall be pursuant to the requirements of the City standards and the requirements of the utility company.~~

~~(F) Easements, General~~**~~.~~** ~~Easements shall be provided along property lines as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions and partitions.~~

All this is covered below.

**Section** **4.06.03** **Public** **~~Facility~~****~~Improvements~~ Facilities**

(A) Whenever feasible, utility lines will be located underground and along existing rights‑of‑way. Above ground utilities are subject to design review by the Planning Commission. All above ground utilities should be designed to minimize view interference and the amount of land clearing This is present code

(B) Except for sanitary sewer, all public facility improvements shall be designed and constructed in compliance with Wheeler Public Works Department requirements. ~~The City Engineer (or designee)~~ Public Works shall determine compliance with these standards. These standards are considered requirements and may not be altered pursuant to provisions in Section 4.07..Walt

(C) Sanitary sewer facility improvements shall be designed and constructed in compliance with Nehalem Bay Wastewater Agency requirements. The Agency shall determine compliance with these standards. These standards are considered requirements and may not be altered pursuant to provisions in Section 4.07 ~~this Ordinance~~. Walt

(D) Streetlights**. T**he installation of streetlights shall be pursuant to the requirements of the City ~~standards~~ and the requirements of the utility company. Walt

(E) Easements shall be provided when necessary to provide public utilities to Wheeler residences and businesses. My summary of the Zoning Ordinance

Doug comment: Walt seems quite verbose without adding much so I shortened it adding back the present code on underground utilities. Although easements, streetlights, sewer and water are mentioned in specific sections of the present ordinance (mainly estuary and planned development), there was no general mention of them like the above The following 2 are 11.070 & 11.075 of the Zoning Ordinance and should be added here, although Walt may or may not have covered them elsewhere.

(F) Each lot and parcel shall abut a street other than an alley for a width of at least 25 feet or have vehicular access by means of a recorded easement for a width of 25 feet.

(G) The City shall review, ~~under ORS 368.326 ‑ 368.366,~~ proposals for the vacation of public easements or right-of-ways which provide access to estuarine waters. Existing right-of-ways and similar public easements which provide access to coastal water shall be retained or replaced if they are sold, exchanged or transferred. Rights‑of‑way may be vacated so long as equal or improved access is provided as part of a development project. .

SECTION 4.07 SIGNS

**Section** **4.07.01** **Purpose**

The purpose of this Section is to regulate the ~~indiscriminate~~ use of both on premise and off premise signage, thereby preserving the natural beauty and aesthetic features of Wheeler and its adjacent areas. It is the policy of the City of Wheeler to promote public safety and accordingly, this Section regulates such factors as the type, size. number, location, illumination, construction. and maintenance of signs within the City of Wheeler.New by Walt All sign areas defined below shall not exceed 24 square feet unless specifically square footage is contained in the definition below or a lesser sign area is specified later in this section . Me to keep the 24 square feet from being in a lot of definitions. I also add the word sign to the definitions that were descriptions of signs. For instance Bench Sign was just Bench in 99-02 and Walt’s.

**Section** **4.07.02** **Definitions**

For the purposes of this Section, the following definitions shall apply:

If you are trying to reference Walt to 99-02, 99-02 definitions are not in alphabetical order; in fact they seem to be in random order.

**Alteration or Altered.** Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in a sign message ~~copy~~ or sign face alone shall not be considered an alteration. Copy means message; I had to look it up.This is new by Walt.

**Bench Sign.** A permanent sign - not exceeding twelve square feet in total sign area - represented on the surface of or forming an integral part of the bench design. Walt left out the 12 sq ft is from 99-02, but I adderd it back.

City Ingress or Egress Sign. A permanent sign on City property that identifies the City to vehicular or pedestrian traffic. These signs are not bound by the 24 square foot rule, and only require City Council approval. The new “Wheeler” signs fit here.

**Event.** An activity or form of entertainment offered ~~during the normal course of~~ ~~business~~ by sponsoring business or organization, during regular or extended business hours, and not of a continuing nature. Sales, clearance and specials are not considered events. Present 99-02 says not in normal business hours, Walt says during regular business hours and both are wrong because the next part says during regular or extended business hours.

**Event-related Sign on Private Property**. A temporary sign advertising an event sponsored by a non-profit and tax- exempt organization, service group, or a licensed commercial or industrial business, and displayed for ~~a limited period of time~~. for a period of no more than three consecutive days, at anytime during regular or extended business hours. ~~(See section 1:4E exception).~~ Green from 99-02. I clarified the difference between Event Related and Section 1.4 (E) exception.

**Event-related Sign on City Property** ~~Temporary Event-related Signage to be sited on public (City) property:~~

Two event-related signs not exceeding forty-eight (48) square feet each in total sign area may be displayed on public (City) property by a registered non-profit and tax-exempt organization, provided an application is filed with the City Manager ~~Recorder~~  thirty (30) days prior to the proposed event and said event, its site, theme, sign siting, hours, and duration are approved by the City Council. Such signs may be temporarily affixed to public (City) land, and shall not be displayed prior to fourteen (14) days before the event and must be removed within two (2) days following completion of the event. Incidental booth and informational signs sited within the approved site of the event are allowed only during the duration of the event. This is Ssection 1.4 (E) exception which I renamed “Event Related on City property”.

**Exterior Sign.** Any permanent or temporary sign displayed outside of a building, whether on the building itself, or the land on which the building is situated, or on vacant land. 99-02

**Free-Standing Sign.** A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign. New by Walt

**Frontage**. The linear feet of a building that adjoins a public road or road right-of-way. New by Walt

**Grade**. The curb line or in the absence of a curb line, the edges of the street pavement of the primary access street frontage for all freestanding signs. For signs mounted on a building, **grade** shall be the sidewalk, street or ground directly below said sign. New by Walt

**Grandfathered Sign.** A sign existing before adoption of the Sign Ordinance 99-02. Grandfathered Signs shall never be increased in sign area or height, but may be maintained. They do not fall under the Nonconforming Sign regulations. We only have the one on 101. Saying it has to conform in 3 years would be overturned by any court.

**Height.** Height is measured from the grade of the curb line lowest to the base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the ground level shall be used to measure the height.

New by Walt

**Illuminated Sign.** A permanent or temporary sign which radiates light by transmission or is purposefully illuminated by any other means and is visible from any public property or right-of- way. 99-02

**Incidental Sign~~s~~.** A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. New by Walt

**Interior Sign.** Any permanent or temporary sign displayed within a structure. 99-02

**Message Sign.** A sign which can change its message electronically including, but not limited to, signs displaying time and temperature.New by Walt and 99-02 does probibit this so we need to define it.

**Multi-faced Sign.** A sign which has two or more identical sign faces, contained in a single sign structure. 99-02

**Mural.** A covering of the surface area of a wall with paint or other artistic medium, that creates a pictorial or abstract design and usually without advertising or commercial symbolism - such as logos or trademarks - or any representation of a product or business, except to identify the artist. New by Walt Murals are not limited by the 24 sqaure foot rule, but must be approved by the Planning Commission before they are started. Me. Nothing else is specifically mentioned about Murals later so I added the PC approval.

**Nonconforming Sign.** Any sign which lawfully exists prior to the effective date of ~~this Chapter~~ but, which due to the adopted requirements, no longer complies with the height, area and placement regulations or other provisions of these regulations.

 **Nonconforming Sign.** A sign existing at the effective date of this Development Ordinance and subject to, but not in compliance with, the provisions of this Development Ordinance

I like 99-02 with added reference to this document

**Off-premises Sign**. A sign which advertises a business or activity other than that which is conducted or takes place on the premises or property upon which the sign is located.

A permanent or temporary exterior sign not exceeding twenty-four (24) square feet in total sign area and which advertises or directs attention to a business, product, service, event or activity that is conducted, sold, offered or takes place on premises other than that upon which the sign is located. I like Walt’s in black better than 99-02 in red.

**Owner.** The owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed.

New by Walt

**Permanent Sign.** A sign affixed to land, a building or structure, or represented thereon and intended by design, purpose or actual usage to exist for a long, indefinite period; not a temporary sign as defined below. I corrected punctuation otherwise 99-02 without the 24 sq ft.

**Premises**. The land upon which any building is situated, including the building itself and any business housed therein. 99-02

**Reader-board or Directory**. A permanent sign comprised of several signs which can be removed individually or whose copy can be changed without damaging the integrity of those remaining. 99-02 without the 24 sq ft.

**Roof Line.** Either the eaves of the roof, or, the top of the parapet, at the exterior wall. A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes. New by Walt

**Roof Sign.** A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign. New by Walt, but we need it

**~~Rotating/Revolving Sign.~~** ~~A sign, all or a portion of which, moves in some manner.~~ New by Walt, but not allowed in 99-02

**Sign.** Any writing, including letter, word, or numeral; pictorial presentation, including illustration or decoration; emblem, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

Sign. Any identification, description, illustration, banner, mural, symbol, logo or device ~~sited~~ located within the City of Wheeler and which directs attention to a product, place, service, activity, event, person, real estate, institution or business.

I like present 99-02 in red better than Walt’s in black.

**Sandwich Board or A-frame Sign**. A temporary sign, having two faces not supported by a structure in the ground nor attached to or erected against a structure; capable of being moved.

A temporary sign triangular in profile having two faces and not exceedingtwenty-four (24) square feet in total SIgnarea.

A temporary sign, having two faces that is not attached to anything. The City Manager must approve the sign location based on it not hindering pedestrian traffic or affecting clear vision for vehicular traffic.. Green is Me; you have 3 choices here.

**Sign Area.** The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.

Sign Area. The overall dimensions of the surface(s) displaying the advertising or informational message.

I like 99-02 in red better.

**~~Sign Face.~~** ~~Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "Sign Area."~~ New by Walt, but not needed if we keep 99-02 Sign Area definition.

**Sign Structure.** The supports, uprights, braces, framework and other structural components of the sign.New by Walt; I don’t see including this.

**Temporary Sign.** A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

. Temporary Sign. A sign not affixed to land, a building, or structure, or represented thereon, and intended by design, purpose or actual usage to exist or function for a short, limited duration. ~~and not exceedingtwenty-four (24) square feet of total sign area.~~

The 24 feet isn’t needed due to the note at the top of this section; otherwise I like 99-02 better.

**Wall Sign.** A sign attached to, erected against or painted on a wall of a building or structure, ~~with the exposed face of the sign in a plane approximately parallel to the face of said wall.~~ New by Walt

**Section** **4.07.04** **General** **Provisions**

(A) It shall be unlawful for any person, business or organization to place, erect or maintain any sign within the City except as specifically provided for herein. If any aspect of the sign is not clearly provided for within Section 4.07, a Variance application may be submitted.

It shall be unlawful for any person, business or organization to place, erect or maintain any sign within this City except as specifically provided for herein. If any aspect of the sign is not clearly provided for within this Ordinance, a variance application must be made to the Wheeler City Recorder, who will forward the application to the Wheeler Planning Commission, for its' consideration of the variance request in accordance with Section 2.1 of this Ordinance.

We don’t need the procedure written in here since variances are covered elsewhere. I like Walt’s.

(B) Conflicting Standards. Signs shall be allowed subject to the provisions of this Section, except when these provisions conflict with the specific standards for signs in the subject district. All Walt. I think the intent is to say covenents can be more restrictive.

Conflicting Standards. Signs shall be allowed subject to the provisions of this Section unless Covenents or similar development specific rules are more restictive. Me

(C) Public Property. No sign shall be sited on public property except as specifically provided for herein. Signs shall not extend over a City street right-of-way, except over public sidewalks, in which case the bottom of the sign must be at least 80 inches above the sidewalk.99-02

(D) Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:

1. All signs shall comply with the applicable provisions of Uniform Building Code in

effect at the time of the sign permit application and all other applicable structural, electrical and other similar regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.

2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.

3. All signs shall be maintained in a good structural condition and readable at all times.

4. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws regulating signs.

1.6 SIGN MATERIALS AND CONSTRUCTION METHODS: A. Signs shall be constructed of durable material.

B. Construction methods shall be per the Uniform Building Code.

 1.7. No sign shall exceed the heigth restrictions of the zone in which it is located.

1.8 SIGN MAINTENANCE:

A. The licensed business or business complex is required to keep their sign(s) clean, readable and well maintained.

B. The City shall notify the owner of the real property where a sign has been abandoned or allowed to fall into disrepair and shall require reasonable repair, replacement or removal within thirty (30) days. If compliance does not occur within the thirty (30) day period, the City is authorized to cause removal or repair of such signs at the expense of the party so notified.

1. All signs shall comply with the applicable provisions of Uniform Building Code in

effect at the time of the sign permit application and all other applicable structural, electrical and other similar regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.

2. No sign shall exceed the heigth restrictions of the zone in which it is located.

3. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment.

4. The sign owner shall be responsible for maintaining the sign in good structural condition and keeping it readable at all times.

5. The City shall notify the owner of the property where a sign has been abandoned or allowed to fall into disrepair and shall require reasonable repair, replacement or removal within thirty days. If compliance does not occur within the thirty day period, the City is authorized to cause removal or repair of such signs at the expense of the party so notified

Me in green; you have 3 choices. I combined Walt’s and 99-02 (Section 1.6, 1.7, & 1.8) in red. Walt has the height restrictions & 1.8 B wording elsewhere, but it fits here.

**Section** **4.07.05** **Nonconforming** **Signs**

(A) Alteration of Nonconforming Sign Faces. When a nonconforming ~~sign face~~ Sign Area is damaged or destroyed by fire, flood, wind, or similar calamity, such sign face may be restored to its original condition within 180-days of such calamity except If any non-conforming sign is damaged or altered by any cause to an extent exceeding fifty percent (50%) of its replacement cost, it shall be reconstructed in conformance with the provisions of Section 4.07. ~~However,~~ ~~a sign structureor support mechanisms so~~ Also if a support structure is damaged, it shall not be replaced except in conformance with the provisions of these regulations.

(B) ~~Any non-conforming sign used by a business or businesses complex must be brought into conformance with the requirements of this Ordinance prior to any expansion or change in use of the business or businesses complex concerned. No building permits for new construction shall be issued without full compliance with this provision~~.

(C) Permits for Properties with Nonconforming Signs. No permits shall be issued for new or altered signs, building remodels, additions or new construction unless all signs of the individual property or business comply with Section 4.07 ~~these regulations~~.I combined B & C

Any non-conforming sign used by a business or a business complex must be brought into conformance with the requirements of this Ordinanceprior to any expansion or change in use of the business or business complex concerned. No building permit for new construction shall be issued without full compliance with this provision.

2. If any non-conforming sign is damaged or altered by any cause to an extent exceeding fifty percent (50%) of its replacement cost, it shall be reconstructed in conformance with the provisions of this Ordinance.

What I did with Walt’s is a little different than 99-02, but is very similar.

(D) All ~~pennant~~ permanent signs must comply with the provisions of Section 4.07 ~~Ordinance~~ within three years of the effective date of this Development Ordinance.99-02, but I updated Ordinance to Development

(E) All temporary signs shall come into conformance with the provisions of this Section 4.07 ~~Ordinance~~ sixty days from the effective date of this Development Ordinance. 99-02

(F) Signs for which a variance has been granted by the City are exempt only from the provisions of ~~this~~ Section 4.07 ~~Ordinance~~ for which the variance was granted. 99-02

**Section** **4.07.06** **Review** **Procedures**

(A) Business License. At the time of an application for a business license, the applicant will also receive an application for a sign permit ~~and a handout summarizing the sign criteria.~~ No sign permit shall be issued by the City Manager ~~Recorder~~ until the applicant has filed for or received a business license, unless the applicant is not required to be licensed.

This is 99-02, but if the handout did exist, I doubt we can find it.

(B) Permit Required. Unless otherwise authorized by provisions in this Section, sign permits shall be required for all residential, commercial, industrial and public/semi-public uses. No property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid sign permit. New by Walt

(C) Application. Application for a sign permit shall be acquired from and made ~~with~~ to the City Manager ~~Recorder~~ who with the concurrance of the Chair of the Planning Commission is responsible for the review, approval or denial of the application. Required information shall include an accurate rendition of the sign drawn to scale and indicating dimensions, colors, materials, letter style, lighting, location on building or property, the size, dimensions and location of all other sign(s) located on the building or property; and the applicant’s name, address and telephone number. 99-02, but the whole PC has been reviewing the sign permits. I was going to streamline the present procedure.

(D) Sign Permit Fee. The fee for a sign permit shall be based on the City of Wheeler Fee

Schedule and shall be paid when the permit application is filed with the City Manager. 99-02

(E) Signs Subject to State Approval. All signs visible to the traveling public from State highways are subject to the regulations and permit requirements of the Highway Division of the State of Oregon Department of Transportation. Where the regulations of the State and City differ, the more restrictive regulations shall govern.

Applications for signs located on Highway 101 right-of-way within Wheeler City limits must be made to the Oregon Department of Transportation (ODOT) and a copy of their approval placed on file with the City Recorder

Applications for signs located on Highway 101 right-of-way within Wheeler City limits must be made to the Oregon Department of Transportation (ODOT) and a copy of their approval placed on file with the City Manager. Where the regulations of the State and City differ, the more restrictive regulations shall govern.

3 Choices again. I combined Walt & 99-02 in green.

(F) Current Signs. Owners of ~~conforming or nonconforming~~ signs existing as of the date of the adoption of this Development Ordinance are not required to obtain a permit. Walt with my changes

**Section** **4.07.07** **Signs** **Generally** **Permitted**

The following signs and sign work are permitted in all zones. No permit shall be required and the sign shall not be included when determining compliance with total allowed area: Walt

If you are trying to mach Walt’s to 99-02, it’s tough; they are all over the place in terms of order.

(A) Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this Development Ordinance. If structural changes are made, the sign shall conform in all respects with these regulations.

(A) Existing sign faces may be changed without a new permit subject to approval of the City Manager with the concurrence of the Chair of the Planning Commission. Structural changes require a new permit. This is Walt only; I like mine better in green.

 (B) Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.

B. All publicly owned and maintained street, traffic, warning, directional and regulatory signs.

C. Oregon Department of Transportation signs and Travel Information Council signs

D. Government and other public organizations' identification, informational and

directional igns.

I prefer Walt’s. Wow; Walt was more succinct.

(C) Public memorial tablets, cornerstones or plaques and on-premises signs identifying certified historical sites. 99-02

(D) Incidental signs that do not exceed six square feet in area.

G. Incidental exterior signs, not exceeding two square feet individually and six square feet of total sign area displayed by a licensed commercial or industrial business for the direction and safety of the public, such as those which identify public rest rooms, telephones, parking areas, open, closed, exits and other public facilities.

H. Informational signs, not exceedingtwo square feet individually and six square feet of total sign area, whose purpose is to provide pertinent information concerning services offered by the licensee, such as vacancy signs, product identification, menus, business hours or credit cards accepted

(D) . Incidental exterior signs, not exceeding two square feet individually and six square feet of total sign area displayed by a licensed commercial or industrial business to provide

(1) direction and safety to the public, such as those which identify public rest rooms, parking areas, open, closed, exits and other public facilities or

(2) pertinent information concerning services offered by the licensee, such as vacancy signs, product identification, menus, business hours or credit cards accepted

I combined 99-02 G. & H. in the green above.

The Flag Section:

(E) Flags on permanent flag poles which are designed to allow raising and lowering of the flags.

(M) Flags of national and state governments displayed on the premises by public facilities, not-profit and tax-exempt organizations, service groups, licensed commercial or industrial businesses, or private residences. Such flags, attached or unattached to any structure, shall not exceed five feet by seven feet, shall not exceed the height restrictions of the Zone in which it is located and shall be limited to one each of international, national or state governments.

E. Flags of national and state governments displayed on premises by public facilities, non-profit and tax exempt organizations, service groups, licensed commercial or industrial businesses, or private residences. Such flags, attached or unattached to any structure, shall not exceed five (5) feet by seven (7) feet, shall not exceed the height restrictions of the Zone in which it is located and shall be limited to one each of intemational, national or state governments

(E) Flags of national and state governments displayed on the premises by public facilities, not-profit and tax-exempt organizations, service groups, licensed commercial or industrial businesses, or private residences. Such flags – that can be attached to a strucrure or on permanent flag poles which are designed to allow raising and lowering of the flag - shall not exceed five feet by seven feet, shall not exceed the height restrictions of the Zone in which it is located and shall be limited to one flag each of international, national or state governments.

I combined Walt’s 2; I wonder about international (maybe should have been organizational) I guess it could a transplanted Canadian or other country resident flying their flag.

 (F) Signs within a building.

M. Signs within a building that are not intended to be visible from the exterior of the building.

Since most signs are at least partially visible from the outside, I would go with Walt’s. Also I don’t see anywhere a business can advertise “T-Shirts on sale today” or such except here or (G)

(G) Signs painted or hung on the inside of ~~windows. Interior~~ windows and interior neon signs which are visible from the outside of a business within the ~~General~~  Commercial or Industrial ~~Water-Resources Commercial~~ Zones are allowed., ~~and may flash or otherwise move as long as sign doesn’t use strobe lights or other lights or flashing that imitate strobe lights~~. Flashing lights not permited; rest Walt with my changes in green

(H) One residential name plate not exceeding four square feet in area.

L. One (1) non-illuminated wall sign for a licensed home occupation, or cottage industry, on premises and not exceeding two (2) square feet of the total sign area.

(H) One residential name plate or one non-illuminated wall sign for a licensed cottage industry, on premises and not exceeding four square feet of the total sign area. With approval of the City Manager and the concurrence of the Chair of the Planning Commission a small sign light that is only lighted at night and directed only at the sign can be used by businesses that may be visited after dark.

I am not sure Walt’s was supposed to replace L of 99-02 so I rewrote the whole thing. A residential name plate to me is the historical house name (very common in Europe, but not here). I also changed 2 square feet to 4 for cottage industries. I can say from personal experience a Bed & Breakfast without a lighted sign is very hard to find at 5 pm in winter.

~~(I) Murals for commercial and industrial uses. Otherwise, only that portion of the mural considered advertising shall be included in the sign area calculation. The calculation shall be in accordance with provisions in the “sign area” definition.~~

The definition of a mural is no advertising; this is Walt’s

(J) Temporary signs placed on private property used in conjunction with political campaigns and elections. Political signs shall be removed within 14 days after the election.

F.Political signs advertising a candidate or an issue involved in a scheduled public election. Such signs shall not be placed on public property, shall not exceed nine (9) square feet in area, and shall be removed within two ( 2) days following the election.

(J) Temporary signs placed on private property used in conjunction with political campaigns and elections. Political signs shall not exceed 9 square feet in area and shall be removed within 2 days after the election. I combined Walt’s and 99-02.

(K) Signs on athletic fields and scoreboards intended for on-premises viewing. Walt

(L) Garage and/or yard sales not to exceed two square feet in area. All such signs shall not be placed more than one day prior to the sale and must be removed within one day after the sale.

One (1) temporary garage sale sign located only on the premises of the sale and not exceeding twelve (12) square feet and two (2) directional garage sale signs, off­ premises on private property, not exceeding four (4) square feet each. Such signs shall not be placed prior to two (2) days before the sale and shall be removed within two (2) days following completion of the sale.

I prefer 99-02 in red. With the (number) deleted

(N) Bulletin boards - on premises or window space - not exceeding twelve square feet, for use by the public to advertise community or regional events, the non-commercial (private) sale of miscellaneous items not related to the licensee providing the space, or other notices of public interest. 99-02, but I changed the punctiation.

(O) Two signs, each not exceeding four square feet in area, at the site of construction to identify the prime building contractor and ~~or~~ architect. Such signs may be displayed only after the building permit has been posted and may remain as long as the building permit is in effect. Such signs must be removed when the project is completed. 99-02 said and, Walt said or. And is correct.

(P) One permanent. on-premises sign not exceeding twenty-four square feet identifying the name of the building on which it is located, provided it does not include, in whole or in part, the name of any business situated therein. 99-02

(Q) Seasonal lights and decorations displayed on premises by a licensee, as well as other- traditional signs decorations for traditional holidays. 99-02

I don’t see where Walt addressed the following 2 from 99-02, but I would include them here.

K. One permanent non-illuminated ground or wall sign, on premises, identifying a residential area or multi family structure and not exceeding twelve square feet.

N. One real estate sign and/or "open house" sign on premises and two related directional off-premises signs, on private property, during the period of the sale. These signs shall not exceed six square feet each in sign area.

**Section** **4.07.08** **Prohibited** **Signs**

The following signs are prohibited in all zones:

(A) Balloons or similar types of tethered objects. (B) Roof signs.

(D) Signs that emit odor, visible matter, or sound; however, an intercom system for customers remaining in their vehicles, such as used in banks shall be allowed.

(E) Signs that use or employ side guy lines of any type.

(F) Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.

(G) Signs closer than 36-inches horizontally or vertically from any overhead power line or public utility guy wire.

(H) Private signs that project into or over driveways and public rights-of-ways, except signs under a canopy that project over a public sidewalk and the bottom of the sign is at least

8-feet above the sidewalk.

(I) Signs that obstruct a required vision clearance area, obstruct a vehicle driver's view of official traffic control signs, or which present a traffic hazard.

(J) Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appear to direct traffic.

(K) Private signs or supporting structure placed, installed or maintained on a pole, post, utility pole or placed on its own stake within any public or private right-of-way, alley or driveway, city-owned or leased property, public or private sidewalks or walkways open to public use.

(L) Message signs.

2.0 PROHIBITED SIGNS.

A. Signs that contain or are illuminated by flashing, intermittent, revolving, moving, or rotating light or has any animated or moving parts.

B. Signs placed so that the sign extends above a flat roof or the ridge of a pitched roof.

C. Signs that interfere with, imitate, or resemble any official City identification, informational or directional sign.

D. Off-premises signs within estuarine waters, intertidal areas or tidal wetlands.

E. No part of this Ordinance is intended to permit a person, business or organization to erect, display or maintain any sign that is prohibited by the Oregon Department of Transportation or Federal Government

The following signs are prohibited in all zones:

(A) Balloons or similar Modified Walt; we allow wind socks elsewhere

(B) Roof signs.Walt is bettter than 99-02 on this

(D) Signs that emit odor, visible matter, or sound; however, an intercom system for customers remaining in their vehicles, such as used in banks shall be allowed.

(E) Signs that use or employ side guy lines of any type.

(F) Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.

(G) Signs closer than 36-inches horizontally or vertically from any overhead power line or public utility guy wire.

(H) Private signs that project into or over driveways and public rights-of-ways, except signs under a canopy that project over a public sidewalk and the bottom of the sign is at least

8-feet above the sidewalk.

(I) Signs that obstruct a required vision clearance area, obstruct a vehicle driver's view of official traffic control signs, or which present a traffic hazard.

(J) Signs not originated by a governmen agency that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appear to direct traffic. 99-02 with my modification of not originated by a governmen agency

(K) Private signs or supporting structure placed, installed or maintained on a pole, post, utility pole or placed on its own stake within any public or private right-of-way, alley or driveway, city-owned or leased property, public or private sidewalks or walkways open to public use.

(L) Vatiable Message signs .

(M) Signs that contain or are illuminated by flashing, intermittent, revolving, moving, or rotating light or have any animated or moving parts.

(N) Off-premises signs within estuarine waters, intertidal areas or tidal wetlands. 99-02

(O) No part of Section 4.07 is intended to permit a person, business or organization to erect, display or maintain any sign that is prohibited by the Oregon Department of Transportation or Federal Government 99-02

I combined 99-02 (2.1) and Walt’s in Green. Walt has a lot of good points here that the 99-02 writers never thought of. I did change Walt’s J (and 99-02) so that it does not conflict with another section

**Section** **4.07.09** **Signs** **Requirements**

(A) Allowances

1. The issuance of a sign permit to organizations not required to be licensed, yet sited within the City's Commercial or Industrial Zones, and licensed businesses within Residential zones, limits the display of signage to that described within the approved permit application, provided the total sign area does not exceed that of the sign's type described in ~~this Section.~~ the definitions or elsewhere in Section 4.07..99-02 with my change

2. The issuance of a sign permit to other licensed businesses or organizations sited within the City of Wheeler allows the licensee to display any of the signs described in this Section, provided the total sign area of the signs displayed does not exceed forty-eight (48) square feet except as otherwise prohibited in Section 4.07 .99-02 except thete are much lower limits on specific signs later in Section 4.07.

3. There is no minimum heigth or minimum width of a single sign area as long as the sign area does not exceed 24 square feet (3,456 square inches) I have had several questions on this with people thinking it had to be 2’ x 12’, 3’ x 8’ or 4’ x 6’ (even increments in feet) so included the inches.

4. Note that the 24 square foot limitation does not apply to Bench Signs, Event-related Sign on City Property or Murals which have different size requirements specified in the definitions. Me

(B) Permanent Signage.

1. One or ~~more~~ two permanent on-premises signs, not exceeding twenty-four square feet per sign, displaying the type of business or service offered by the licensee 99-02, but per 4.07.09 and also in 99-02 the total area can only be 48 so two, not more is correct.

2. One directory or reader board on premises, per building occupied by a group of licensees on the same premises. An additional individual -permanent sign identifying the licensees and not exceeding eight square feet is also permitted in this instance. 99-02

3. One permanent off-premises sign only shall be allowed per licensee. 99-02

4. One bench sign only shall be allowed a licensee. If sited of-premises, it shall be defined as a permanent off-premises sign. 99-02

5. Banners, pennants, streamers, spinners, wind socks, kites, ~~balloons~~, and the like

which move or are supported as a result of air-pressure; may be part of the permanent signage allowed a licensed commercial or industrial business ifthe business sells them and their business license so reflects. Such devices may be part of the temporary signage of any licensed permitted business sited in a non- residential zone. 99-02. We probibited ballons eatlier, and that is a good thing in my opinion.

(C) Temporary Signage.

1. One temporary sign (on premises only) plus two event-related signs shall be allowed a licensee. 99-02

2. A temporary sign displayed to identify a newly licensed business or organization

until a permanent sign is acquired may be permitted by the City. The applicable permit fee will be required as though a permanent sign were being permitted. 99-02

3. Two event related signs only shall be allowed a licensee. They shall be displayed only on the days the event is conducted, on premises or other private property with the owner’s permission. Non-profit and tax-exempt licensees may display event related signs two days prior to and during the event, on premises or other private property with the owner's permission.

99-02

4. Temporary event-related signage on public property: two event related signs not exceeding forty-eigh square feet each in total sign area may be displayed on public (City) property by a registered non-profit and ~~or~~  tax-exempt organization, provided an application is filed with the City Manager ~~Recorder~~ thirty days prior to the proposed event and said event, its site, theme, sign siting, hours, and duration are approved by the City Council. Such signs may be temporarily affixed to public (City) land, and shall not be displayed prior-to fourteen days before the event and must be removed within two days following completion of the event. Incidental booth and informational signs sited-within the approved site of the event are allowed only during the duration of the event. 99-02 except or vs. and. An organization can be registered as a non profit in a state, but not have federal tax exempt status. We need to keep the intent of 99-02 with and.

(D) Sign Illumination.

1. Light from ~~or illuminating a~~ an illuminated sign within the City of Wheeler shall be directed away from a Residential use or zone, shall not move or flash, create or reflect excessive glare and shall not be located so as to detract from or impair a motorist’s vision or view of traffic signs or signals, or vehicular or pedestrian traffic. This is also 99-02, but I reworded for clarity.

2. Light from ~~or illuminating a~~ an illuminated signs of licensed businesses or permitted organizations located within a Residential zone shall not move or flash, create or reflect excessive glare and shall not be located so as to detract from or otherwise impair the enjoyment aesthetic quality of the neighborhood.

 This is also 99-02, but I reworded for clarity.

(E) ~~Sign Height Restrictions. No sign shall exceed the height restrictions of the zone in which it is located~~

~~(F) Sign Materials and Construction Methods.~~

~~1. Signs shall be constructed of durable material.~~

~~2. Construction methods shall be per the Uniform Building Code.~~

(G) ~~Sign Maintenance.~~

~~1. The licensed business or business complex is required to keep their sign(s) clean, readable and well maintained.~~

~~2. The City shall notify the owners of the real property where a sign has been abandoned or allowed to fall into disrepair and shall require reasonable repair, replacement or removal, within thirty (30) days. If compliance does not occur within the thirty (30) day period, the City is authorized to cause removal or repair of such~~

~~signs at the expense of the party so notified.~~

E - G Included in 4.07.04

**Section** **4.07.10** **Variances** **-** **Signs**

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances ~~to Section 157.408 shall be processed according to the variance procedures in Section 157.506 but~~ shall be subject to the following criteria: Numbers must be from some other city’s code; they aren’t Oregon state format.

(A) There are unique circumstances of conditions of the lot, building, or traffic pattern such that the existing sign regulations create an undue hardship;

(B) The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to the business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Chapter:

(C) The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare;

(D) The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, franchise store signs) shall not be listed or considered as a reason for a variance; and

(E) The variance request shall not be the result of a self-imposed condition or hardship

 A. A request for a variance may be initiated by a licensee by filing an application with the City Recorder. The City Recorder may request drawings or materials essential to an understanding of the circumstancesunderlying the request for the variance, before referring the variance request to the Wheeler Planning Commission.

B. No variance shall be granted by the Wheeler Planning Commission unless it can be shown that all of the following conditions exist:

1. Exceptional or extraordinary circumstances apply to the premises upon which the licensee's business is located and over which the licensee has no control.

2. The variance is necessary for the preservation of a right of the applicant substantially the same as owners of other businesses in the same zone possess.

3. The variance would not be materially detrimental to the purposes of this Ordinance, the ComprehensivePlan, to other businesses in the same zone, or otherwise conflict with the objectives of any City policy, or State and Federal Statutes.

**Section** **4.07.10** **Sign Variances, Appeals and Enforcement**

Any allowance for signs not complying with the standards set forth in these regulations

shall be by variance..

(A). A request for a variance may be initiated by filing an application with the City Manager. The City Manager shall request drawings or applicable materials essential to an understanding of the circumstances underlying the request for the variance, before referring the variance request to the Wheeler Planning Commission.

(B). No permanent sign variance shall be granted by the Wheeler Planning Commission unless it can be shown that all of the following conditions exist: Temporary sign variances only need to meet condition 3 below.

1. Exceptional or extraordinary circumstances apply to the premises upon which the licensee's business is located and over which the licensee has no control.

2. The variance is necessary for the preservation of a right of the applicant substantially the same as owners of other businesses in the same zone possess.

3. The variance would not be materially detrimental to the purposes of this Development Ordinance, the ComprehensivePlan, to other businesses in the same zone, or otherwise conflict with the objectives of any City policy, or State and Federal Statutes.

(C) An appeal from a ruling by the City Manager regarding a requirement of Section 4.07 may be made to the Planning Commission.

(D) Any Planning Commission Decision decision can be appealed to the City Council which will accept the appeal only if two or more members of the Council file a written request for such consideration with the Mayor within fifteen days after the Planning Commission has rendered a decision. Reword of 99-02

(E) It is the responsibility of the City Managerr to interpret and enforce Section 4.07.

(F) A person, licensee or organization violating Section 4.07 shall, upon conviction,

be punished by a fine of not more than $250 per violation. A violation of Section 4.07 shall be considered a separate offense for each day the violation continues.

(G) Any sign that fails to comply with the provisions of Section 4.07 following its effective date, except those subject to the provisions of Section 4.07.05 (D) and (E), is hereby declared to be a public and private nuisance. In addition to the penalties provided herein for violation thereof, such a sign may be removed or caused to be removed by the City Manager or someone designated by the Manager, who may enter upon private property and remove a sign without liability therefore. The cost of removal of such a sign shall be borne by the owner of the sign or, if the sign has been abandoned, by the owner of the property upon which the sign is located.