

COMMUNITY DEVELOPMENT DEPARTMENT

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Albany OR 97321

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NOTICE OF DECISION

GENERAL INFORMATION

DATE OF NOTICE: June 29, 2018

FILE: DC-01-18

TYPE OF APPLICATION: Development Code amendments to update the City's existing sign regulations (Article 13) to be more content-neutral and to improve clarity and readability.

REVIEW BODIES: Planning Commission and City Council (Type IV land use process)

APPLICANTS: City of Albany, Community Development Department

ADDRESS/LOCATION: Not Applicable

On June 27, 2018, the Albany City Council adopted Ordinance No. 5909 to amend the Albany Development Code as described above.

A Copy of Ordinance No. 5909 is available on request. The supporting documentation relied upon by the City in making this decision is available for review at the Community Development Department, City Hall, 333 Broadalbin Street SW, on the second floor. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. For more information, please contact Bob Richardson, Planning Manager at (541) 917-7555.

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per ORS 197.830 a notice of intent to appeal the plan and/or zoning map amendments shall be filed with LUBA no later than 21 days after notice of the decision is mailed or otherwise submitted to parties entitled to notice.

Mayor

Attachment:

- Ordinance No. 5909 with Associated Exhibits

ARTICLE 13 SIGNS

13.000 Overview This article contains the City's standards for signage.

The following is a list of the main headings in this article.

- General Provisions
- General Sign Regulations
- Exemptions
- Temporary Signs or Displays
- Permanent Signs
- Review Procedures
- Variances
- Nonconforming Signs
- Definitions

GENERAL PROVISIONS

13 110 PURPOSE

- (1) While signs communicate all types of helpful information, unregulated signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values; the character of the various neighborhoods; the creation of a convenient, attractive, and harmonious community; protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- (2) A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral, but accessory and subordinate, part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (1) of this section.
- (3) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (4) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are

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- (4) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are

intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

- (5) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

13.120 APPLICABILITY

- (1) No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any sign or cause or permit the same to be done, contrary to or in violation of any of the provisions of this article.
- (2) This article shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other city code provision or other applicable law. In any case where a part of this article conflicts with a provision of any development, building, fire, safety, or health ordinance or code, the provision which establishes a stricter standard for the protection of the public health and safety shall prevail.
- (3) Where signs within or extending into the public right-of-way require Public Works Department approval, the action giving approval for such signs may contain any condition(s) which the Public Works Department deems necessary to ensure safety, proper maintenance, and appearance and removal of such sign when required.
- (4) This article is not intended to and does not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of the sign message shall prevail.

GENERAL SIGN REGULATIONS

13.210 PROHIBITED SIGNS

Signs are prohibited except as authorized by this ordinance. In addition, the following signs are specifically prohibited and may not be placed within the City of Albany:

- (1) **Obstructing Signs.** A sign or sign structure that is attached to or placed against a building or other structure in such a manner as to prevent or inhibit ingress or egress through any door or window required or designated for access to any building or that is attached to or obstructs a fire escape, exit, or standpipe.
- (2) **Obscene Sign.** It shall be unlawful for any person to display upon any sign any obscenity or obscene material as defined in ORS Chapter 167.
- (3) **Roof Signs.** A sign or any portion of which is displayed above the roof line.
- (4) **Flashing or Animated Signs,** or signs that glare, change color more than three times per minute, reflect, blink, or appear to do any of the above.

- (5) Signs in vision clearance areas as defined in Section 12.180, except for approved Directional and Public Safety Signs, Governmental Signs, and sign poles that meet the standards of Section 12.180.
- (6) Signs attached to any public tree or public utility pole, other than warning signs issued by public utilities.
- (7) Signs using bare-bulb illumination or lit so that the immediate source of light is exposed to direct view from a public street or highway. This is not intended to prohibit the use of neon or LED as a source of illumination provided the intensity or brilliance of such lights do not cause a safety hazard. In no case shall displays have a brightness level greater than three-tenths foot-candle above ambient light conditions and not more than one foot-candle of illumination may leave the property boundaries.
- (8) Signs using flame as a source of light.
- (9) Any sign that purports to be or is an imitation of or resembles an official traffic sign or signal, or that bears the words “STOP, GO, SLOW, CAUTION, DANGER, WARNING,” or similar words, when used in a manner resembling an official traffic sign.
- (10) Any sign, which by reason of its size, location, movement, content, coloring, or manner of illumination may be confused with or construed as a traffic control device, or that hides from view any traffic sign or signal.
- (11) Any sign placed on the roof of a marquee.
- (12) Any sign or portion thereof erected within future street right-of-way as depicted in the Transportation System Plan as amended, unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street widening at no expense to the City.

13.220 INSTALLATION AND MAINTENANCE OF SIGNS

- (1) All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and be maintained in a safe, neat, clean, and attractive condition, free from rust, corrosion, peeling paint, or other surface deterioration.
- (2) Unless otherwise approved by the City of Albany, all temporary signs must meet the following standards:
 - (a) Shall be adequately secured and supported with a base capable of keeping the sign upright in a moderate wind (i.e., approximately 13 - 18 mph).
 - (b) May not be located in any public right-of-way.
 - (c) May not be placed within any vision clearance area as defined in Section 12.180.
 - (d) May not block public entrances.
 - (e) No sign shall obscure more than 50 percent of any individual window.
 - (f) Shall be maintained in a safe, neat, clean, and attractive condition.
 - (g) No person who places a sign under the temporary sign provisions of this article shall permit the sign to remain in place after the period specified for display has expired.
- (3) A temporary sign (including A-frame signs, yard signs, and banners) attached to, or placed inside, a vehicle or trailer parked on private property for more than 48 hours is subject to the temporary sign limitations of this Article. This is not intended to preclude permanent

signs such as those painted on vehicles. Parking on a public street for the purposes of displaying or advertising from a vehicle is regulated by 13.21.030 of the Municipal Code.

13.230 ABANDONED AND UNUSED SIGNS

- (1) A sign shall be deemed abandoned if the sign structure has been damaged and repairs and restoration are not started within one year of the date the sign was damaged, or are not diligently pursued, once started. Abandoned signs shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found.
- (2) A sign frame shall not be left empty, and a blank sign face shall be installed if necessary.

13.310 SIGNS EXEMPT FROM SIGN PERMIT

A sign which is consistent with the type, description, and maximum duration in Table 13-1 is subject to the General Provisions and General Sign Regulations of this Article; however, no sign permit or sign registration is required before placing, constructing, or erecting such a sign. All other temporary or permanent signs are subject to the sign permit or sign registration requirements of this Article.

**TABLE 13-1
SIGN TYPES EXEMPT FROM SIGN PERMIT**

Sign Type	Description	Maximum Duration
(1) Exempt Governmental signs. The signs described in this section are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response, and protecting property rights or the rights of persons on property. These signs include, but are not limited to:		
(a) Traffic control devices	Traffic control devices on private or public property erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.	Signs may be temporary or permanent
(b) Signs required to identify the address of the property	Signs required to identify the address of the property so that public safety departments can easily identify the address from the public street. The size and location of the identifying numerals and letters, if any, must be proportional to the size of the building and the distance from the street to the building, and in no case shall individual characters be less than three inches tall nor exceed 12 inches in width or height. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.	Signs may be temporary or permanent
(c) Signs necessitated by federal, state or local law	Signs necessitated by federal, state, or local law requiring a property owner to post a sign on the owner’s property to warn of a danger, to prohibit access to the property, or for public safety.	Signs may be temporary or permanent
(d) Signs of public utility companies	Signs of public utility companies indicating danger, or that serve as an aid to public safety, or that show the location of underground facilities or of public telephones.	Signs may be temporary or permanent

Sign Type	Description	Maximum Duration
(e) Official or legal signs	Official or legal signs which are erected by public officers performing official duties including those erected pursuant to law, administrative order, or court order.	Signs may be temporary or permanent
(f) Signs erected, maintained or authorized by a public authority	Signs erected, maintained or authorized by a public authority (e.g., Landmarks Commission) identifying sites, buildings, districts, or structures of recognized historical value or providing wayfinding.	Signs may be temporary or permanent
(g) Government flags	A flag that has been adopted by the federal government, this State, or the local government may be displayed as provided under the law that adopts or regulates its use.	Signs may be temporary or permanent
(2) Exempt Non-Governmental Signs Property owners may place, construct, or erect the following signs on their property		
(a) Sites with legal Home Businesses	On a site with a home business established in accordance with Section 3.090-3.160, one (1) sign not larger than 12 inches by 18 inches may be placed in a window or attached to the building.	Signs may be temporary or permanent
(b) Directional and Public Safety	Signs that are for public safety and direction such as parking directional signs and wayfinding signs – when attached to a building, etc. shall be located and sized commensurate with their function but shall not exceed eight square feet per face per sign. The maximum height for freestanding directional/public safety signs is three feet. All signs must be placed outside of any vision clearance area.	Signs may be temporary or permanent
(c) Window Sign	Window signs are only allowed within non-residential zones. They are allowed without regard to other aggregate or number sign restrictions provided that window signs shall not obscure more than 50 percent of any individual window.	Signs may be temporary or permanent
(d) Awning or Marquee	Exempt awning or marquee signs are only allowed in non-residential zones. Such signs may only be located on the valance or bottom vertical 12 inches of the awning or on the face or vertical edge of a marquee.	Signs may be temporary or permanent
(e) Signs not meant to be visible off-site	Signs that are not meant to be visible off-site, such as exterior signs in a stadium or menu boards for drive-up restaurants that are visible only to patrons, and signs on the interior of a mall or building not visible from a public right-of-way	Signs may be temporary or permanent
(3) Exempt Temporary Signs. Properties owners may place, construct, or erect the following signs on their property.		
(a) Small Temporary Sign	One temporary sign with a sign face no larger than three square feet.	365 days/year
(b) Signs during an Election	One temporary sign per issue and per candidate based on the ballot of an election within the district where the property is located. <u>Residential zones</u> - Signs are limited to an area of four square feet per face and a maximum height of three feet.	From 45 days prior to an election until 7 days after

Sign Type	Description	Maximum Duration
	<u>Commercial or industrial zones</u> - Signs are limited to an area of eight square feet per face and a maximum height of five feet.	
(c) Property for Sale or Rent	<p><u>Residential Zones</u></p> <ul style="list-style-type: none"> i. One sign per street frontage with a maximum of two signs per lot. ii. Up to two directional signs may be erected off premises with the receiving property owner’s permission, but no more than one off-premises sign may be located on any tax lot. iii. Signs shall not exceed six square feet per face. iv. A-frame signs are allowed if they do not exceed four square feet per face and shall be removed at dusk and not replaced before sunrise. <p><u>Commercial, Industrial, and Mixed Use Zones</u></p> <ul style="list-style-type: none"> i. Signs shall conform to all restrictions (such as number and size) applicable to that zone, except that no temporary sign shall exceed 100 square feet in area per face and 10 feet in height. ii. If a developed property meets or exceeds the maximum signage allowed, then one additional wall sign per frontage shall be allowed not exceeding 10 percent of the wall face area. 	From the time the property is offered for sale or rent (either through a licensed real estate agent or by the owner through advertising in a local newspaper of general circulation or other public means) until 15 days after the date on which the transaction has been closed
(d) Subdivisions (when involving more than three lots being offered for sale)	<ul style="list-style-type: none"> i. Signs shall be limited to one double-faced sign of 32 square feet per face, placed at a right angle to the street, or two 24 square foot signs facing the street. Such signs shall be at least 700 feet apart and shall not exceed a height of eight feet. ii. Signs shall be placed within the subject subdivision. 	From the time the lots are offered for sale until the end of two years, or when 90 percent of the subdivision lots contain a completed structure, whichever occurs first
(e) When Property is Open to the Public	One temporary sign on site when the property owner is opening the property to the public. The sign shall not exceed four square feet per face and four feet in height.	From one week prior to event until the day after the event. No more than a total of 15 consecutive days for extended sales
(f) Transient and Itinerant Merchants and Vendors	<p>Signage for Transient and Itinerant Merchants and Vendors authorized in accordance with Albany Municipal Code Chapter 5.10 shall be allowed as follows:</p> <ul style="list-style-type: none"> i. One sign per street frontage. ii. Sign area can be no greater than 32 square feet. 	For the duration of the activity authorized by Albany Municipal Code Chapter 5.10
(g) Search Lights	Permitted within commercial zones only. Search lights shall comply with applicable Federal aviation laws.	No more than five days in a row, up to a maximum of 15 days in any calendar year

Sign Type	Description	Maximum Duration
(h) Construction Project Signs	On sites which are actively under construction (building permits are in process). The maximum height for freestanding construction project signs is 10 feet.	For the duration of project construction

TEMPORARY SIGNS OR DISPLAYS

13.410 TEMPORARY SIGNS OR DISPLAYS – GENERAL REQUIREMENTS

- (1) Each temporary sign must be registered with the Community Development Department each calendar year that specifies the display dates for the year, unless otherwise exempt from a sign permit or registration under ADC 13.310.
- (2) Temporary signs shall be constructed, installed and maintained in accordance with 13.220(2).
- (3) No person who places a sign under the provision of this section shall permit the sign to remain in place after the period specified for display has expired.
- (4) No street banner sign shall be erected over public property unless first approved by the Public Works Department. The action giving approval for such signs may contain any condition(s) which the Public Works Department deems necessary to ensure safety, proper maintenance, and appearance and removal of such sign when required.

13.420 TEMPORARY SIGNS OR DISPLAYS IN NON-RESIDENTIAL ZONING DISTRICTS

Temporary signs or displays pursuant to this section are only permitted within non-residential zoning districts. Each business may have a total of two temporary signs at any one time.

- (1) **Banners and Inflatable Signs.** The area of temporary banners shall not exceed 50 square feet in the CB, DMU, NC, HD, MUR, WF, MS, LE, ES, TD and OP zones and 75 square feet in all other non-residential zones, or in the case of inflatable signs, 500 cubic feet. Inflatable signs must be no taller (as measured from grade) than freestanding signs allowed in the particular zone. Banners, inflatable signs and displays are allowed up to 120 days per calendar year.
- (2) **A-Frame Signs.** A-frame or similar styles of portable signs are subject to the following standards, except for portable signs within the Downtown Parking Assessment District:
 - (a) **A-Frame Signs.** A-frame or similar styles of portable signs are subject to the following standards, except for portable signs within the Downtown Parking Assessment District:
 - (b) The maximum height of the sign may not exceed four feet.
 - (c) A-frame signs shall be spaced at least 10 feet apart.
 - (d) There is no limit on the number of display days per calendar year for A-frame signs.
- (3) **Portable Signs within the Downtown Parking Assessment District.** The following standards apply to portable signs within the Downtown Parking Assessment District (a map is located at the end of this Article):
 - (a) One A-frame sign per business is permitted in the right-of-way if the following standards are met:
 - i. The sign may not exceed three feet in width or four feet in height;

- ii. At least five feet of unobstructed sidewalk shall remain available for pedestrian use;
- iii. Displays may not be located within 10 feet of a street or alley intersection.
- (b) “Open” banner-flags up to five feet tall and two feet wide are permitted in the right of way with an approved permit.
- (c) There is no limit on the number of display days per calendar year for portable or “open” banner-flags.
- (4) Pennants, Flags, and Streamers may be used as part of an opening or promotional event up to 120 days per calendar year. A flag that has been adopted by the federal government, this State or the local government may be exempt pursuant Section 13.310.

13.430 TEMPORARY EVENT SIGNS

For the purposes of this section, a temporary event is defined as an event held at the Linn County Fair and Expo Center or an event within the City limits that excludes sales or sales promotions unless related to fund-raising for a non-profit organization or institution. Temporary events signs shall meet the following standards:

- (1) Signs must be displayed for no more than 21 days.
- (2) Signs located off-premises must not exceed four square feet in residential zones and 32 square feet in non-residential zones.
- (3) Unless otherwise authorized under ADC 13.410(4) or 13.420(3), signs must not be located in the public right-of-way.
- (4) Signs must not be located within the Clear Vision Area as defined in Section 12.180.
- (5) Temporary event signs must be registered with the Community Development Department specifying display dates for the year. One registration per event is required, regardless of the number of signs that are to be displayed for the event.

PERMANENT SIGNS

13.510 PERMANENT SIGNS

The following standards apply to permanent signs.

- (1) A sign permit must be obtained for each sign, unless otherwise exempt from a sign permit or registration under ADC 13.310.
- (2) Permanent signs are classified in three categories:
 - (a) Wall Signs are signs attached to, erected against, or painted on a wall of a building or structure (including signs painted or affixed to the surface of an awning or marquee), with the exposed face of the sign in a plane approximately parallel to the face of said wall. Wall signs have one sign face. Wall signs are subject to additional standards in ADC 13.520.
 - (b) Freestanding Signs are signs, including monument signs, 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. Freestanding signs may have one or more sign faces. Freestanding signs are subject to additional standards in ADC 13.530.
 - (c) Projecting Signs are signs projecting more than 12 inches from a structure. A sign suspended from a marquee or awning is considered a projecting sign. Projecting signs

are subject to additional standards in ADC 13.540. Projecting signs may have one or more sign faces.

- (3) All permanent signs shall be designed and constructed to meet the requirements of the State of Oregon Structural Specialty Code. Any electrical apparatus used in connection with a sign must be covered by an electrical permit. The amperage and voltage of such apparatus must be permanently affixed to the sign.
- (4) Exempt Signs pursuant to ADC 13.310 and Temporary Signs pursuant to ADC 13.410 – 13.430 are not subject to the standards for permanent signs and are not included in the calculation of aggregate area.

13.520 WALL SIGNS

The following standards apply to wall signs other than Exempt Signs pursuant to ADC 13.310 or Temporary Signs pursuant to ADC 13.410 – 13.430.

- (1) Projection. No wall sign shall project more than 12 inches beyond the wall (or awning or marquee) to which it is attached.
- (2) Placement. No wall sign shall extend above the roof or eave-line of the building. Signs attached to the vertical face of an awning or marquee shall not extend above or below the face to which it is attached.
- (3) Illuminated wall signs abutting a parking lot must be at least 75 feet from a property line facing a residential zone.
- (4) Interior Lot Line Signs. A principal wall sign may be located on the side of a building facing an interior lot line if written consent of the abutting property owner is obtained for the erection of the sign or the sign is 50 feet or more from the abutting property. Sign and area for both the interior lot line sign and street frontage signs shall not exceed that allowed for the street frontage and shall not be in addition thereto.
- (5) Signs on Fences. Fence signs shall be subject to the same size and placement requirements as a wall sign and shall not exceed the height of the fence.
- (6) Sign Area by Zone. The amount of wall sign area permitted in each zone is specified in Table 13-2. The aggregate area of all wall signs on each building frontage shall not exceed the amount of wall sign area allowed per lineal foot of building frontage. In addition, the aggregate wall sign area shall be subject to the minimum and maximum ranges for each building frontage. The amount of signage allowed is for each building frontage and may not be transferred to a different building frontage. For multi-tenant buildings the building frontage is calculated individually for each tenant.

**TABLE 13-2
SIGN AREA BY ZONE – WALL SIGNS**

Zone	Amount of wall sign area per lineal foot of building frontage	Minimum and Maximum Range for Each Building Frontage	
		Minimum	Maximum
CC, RC, PB, LI, HI, and IP	1.5 sf per lineal foot	48 sf	200 sf
NC, MS, MUC and WF	1.5 sf per lineal foot	32 sf	160 sf
OP, ES and TD	1.5 sf per lineal foot	32 sf	80 sf
CB, DMU, and HD	1.0 sf per lineal foot	32 sf	120 sf
LE and MUR	1.0 sf per lineal foot	32 sf	80 sf
All residential zones	See ADC 13.560 and 13.570		

*The standards of this table may be modified for signs within Integrated Business Centers in accordance with Subsection (7)

- (7) Sign Area within Integrated Business Centers.
 - (a) Wall sign area is limited to the provisions of Subsection (6), except a tenant occupying a minimum of 40,000 square feet in gross floor area is allowed a bonus to the maximum size provisions in the PB, CC, RC, LI, HI, and IP zones so that the maximum wall sign area for that business is 240 square feet.
 - (b) Business center identity wall signs may be placed over all shared main public entries to the business center. Shared public entries must be shared by at least two tenants. Such signs are limited to 130 square feet in size.
 - (c) When an individual business does not have frontage on a street or parking lot, the business is allowed a maximum aggregate wall sign area of 16 square feet.

13.530 FREESTANDING SIGNS

The following standards apply to freestanding signs other than Exempt Signs pursuant to ADC 13.310 or Temporary Signs pursuant to ADC 13.410 – 13.430.

- (1) Supports. A freestanding sign shall be directly supported by poles or foundation supports in or upon the ground. No external cross-braces, guywires, “T-frames,” “A-frames,” “trusses,” or similar bracing systems shall be used in constructing freestanding signs.
- (2) Clearance.
 - (a) No freestanding sign shall be closer than 2-1/2 feet from the curb line or over any state highway right-of-way as specified in state law. In the event the street shall be widened or changed in any manner so that the change would result in the projection of a sign to a distance over public property, then the owner of said sign shall remove it and replace it at the expense of the owner.
 - (b) Freestanding signs shall have a minimum clearance of 15 feet over a driveway or parking area.
 - (c) Freestanding signs shall have a minimum clearance of eight feet over a pedestrian walkway or sidewalk.
- (3) Location. Signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.

- (4) Location. Signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.
 - (a) One freestanding sign shall be permitted for each lot frontage which meets the minimum street frontage specified in Table 13-3. Two or more parcels of less than the minimum required street frontage each may be combined for purposes of meeting this standard, with the approval of all affected property owners.
 - (b) When a freestanding sign is located at the corner of two intersecting rights-of-way and placed a distance from the right-of-way corner of less than 50 lineal feet, the sign shall be counted as one sign for each frontage.
- (5) Sign Area. Signs shall not exceed a total face area of 3/4 square feet for each lineal foot of street frontage with the maximum area per face as specified in Table 13-3. When a face can be seen from a street, then that face shall count as part of the aggregate area for that street frontage (not to exceed counting one face per frontage). The maximum size allowed for such sign shall be based on the street frontage with the highest average daily traffic count or the average of the two frontages. In all cases a minimum allowance of 20 square feet per sign face is guaranteed.
- (6) Height. Signs shall be no higher than as specified in Table 13-3.

**TABLE 13-3
SIGN AREA BY ZONE – FREESTANDING SIGNS***

Zone	Maximum Sign Area per Face	Maximum Height	Minimum Street Frontage Required
PB, CC, RC, LI and HI	160 sf	30 feet	75 lineal feet
IP	160 sf	15 feet	75 lineal feet
MUC	120 sf	25 feet	75 lineal feet
WF, MS, and NC	120 sf	15 feet	75 lineal feet
ES, TD, and OP	50 sf	15 feet	75 lineal feet
CB, DMU, HD, LE, and MUR	50 sf	15 feet	50 lineal feet
All Residential Zones	See ADC 13.560 and 13.570		

*The standards of this table may be modified for signs within Integrated Business Centers in accordance with Subsection (7) and for signs located within the freeway interchange area in accordance with Subsection (8).

- (7) Shared Freestanding Signs within Integrated Business Centers. When two or more businesses within an Integrated Business Center combine their permitted freestanding signs into one sign the following standards apply:
 - (a) One freestanding, shared sign per street frontage that has a customer entrance is allowed. The shared sign must comply with Subsection (5), except that a bonus to the maximum size provisions is allowed in the PB, CC, RC, LI, HI, and IP zones so that the maximum area is 200 square feet per face and the minimum allowance is 60 square feet.
 - (b) In lieu of (a) above, integrated business centers that utilize shared freestanding signs that are less than eight feet tall, may locate one such sign per public entrance. Such shared signs are limited in aggregate area to 200 square feet.
 - (c) Properties having two or more street frontages, one of which is in excess of 400 feet, are permitted two shared freestanding signs on the long frontage provided that the total

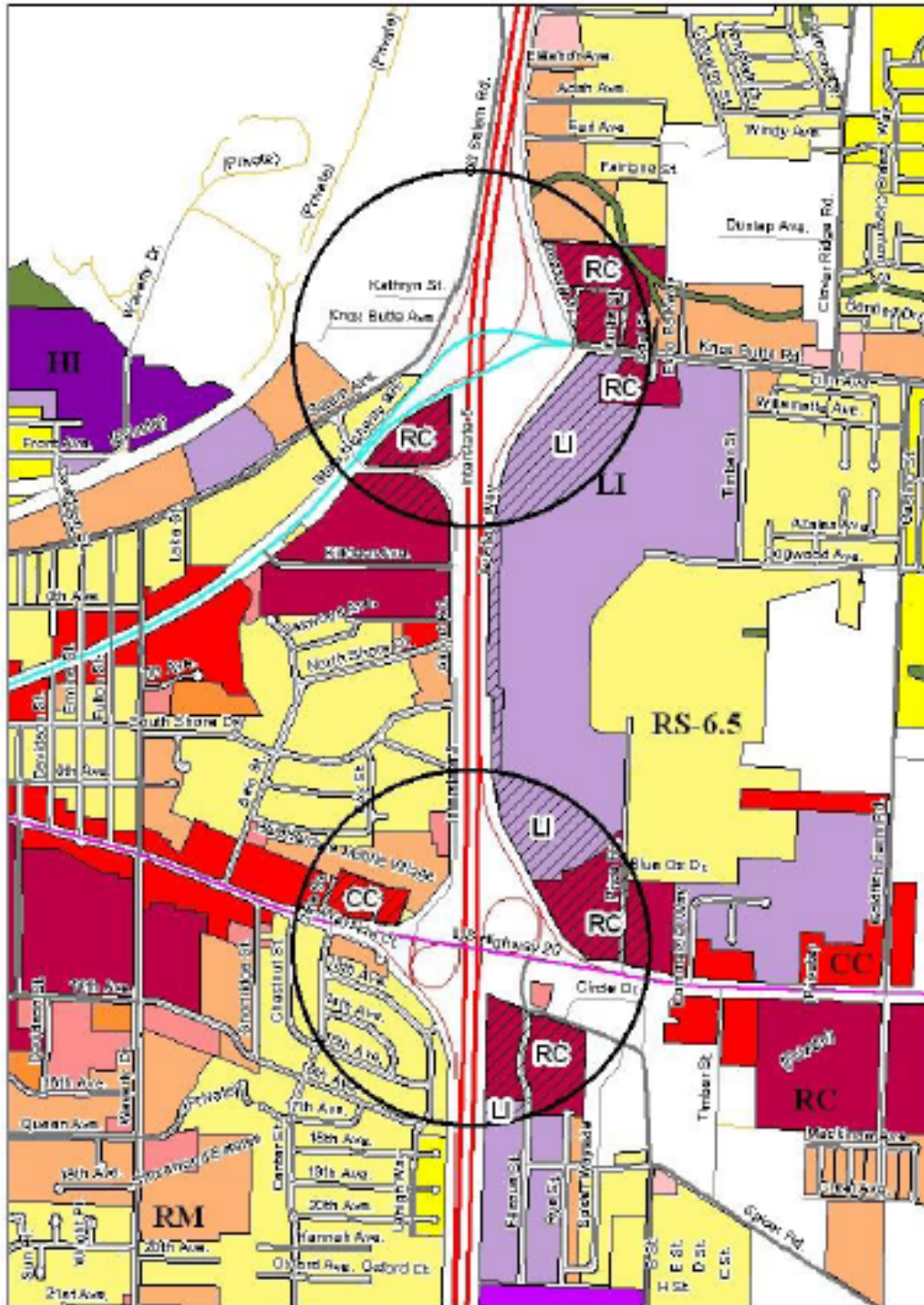
combined area does not exceed 200 square feet (on one face); however, no freestanding sign is allowed on the other frontage.

- (d) If the business within an Integrated Business Center is not represented on a shared freestanding sign, one freestanding monument sign is permitted for each freestanding pad building. The sign structure is limited to eight feet tall measured from ground level and 10 feet in horizontal length. The sign face(s) is/are limited to a maximum area of 32 square feet.
 - (e) Sign Spacing. A minimum of 100 feet of spacing is required between freestanding signs.
- (8) Freeway Area Signs General Provisions.
- (a) The Freeway Interchange Area is defined and shown in Figure 1.
 - (b) A business within the Freeway Interchange Area may have one freestanding sign up to 50 feet tall. Maximum sign area is limited to 250 square feet for one face and 500 square feet for two or more faces.
 - (c) If such sign is erected, it shall be in lieu of and not in addition to the signs permitted by Subsection (6) for such business along the street frontage on which it is located.

FIGURE 1 FREEWAY INTERCHANGE AREA

13.540 PROJECTING SIGNS

The following standards apply to projecting signs other than Exempt Signs pursuant to ADC 13.310 or Temporary Signs pursuant to ADC 13. 410 – 13.430.



- (1) Placement. The inner edge of a projecting sign shall not be more than six inches from the face of the building.
- (2) Clearance. Projecting signs shall have a minimum clearance of eight feet over sidewalks, public right-of-way, or grade and 15 feet over driveways and alleys. Signs suspended from marquees and awnings must be a minimum of seven feet, six inches above grade.
- (3) Projection. No projecting sign (or other signs) shall project more than eight feet over public property nor closer than within 2-1/2 feet of the curb line. Signs suspended from a marquee or awning shall not extend beyond the perimeter of the marquee or awning.
- (4) Signs near intersections. When a projecting sign is located at the corner of two intersecting rights-of-ways and positioned so that each sign face is designed to be read from each adjacent right-of-way, the sign will be counted as one sign for each frontage and the area of each face shall count as part of the aggregate area for each frontage, except that the maximum size of such sign may be based on the street frontage with the highest average daily traffic count.
- (5) Number of Signs. One projecting sign shall be permitted for each business or group of businesses occupying a single common space or suite in lieu of a freestanding sign permitted in accordance with ADC 13.530. Signs suspended from marquees or awnings that are four square feet per face or smaller are exempt from sign number and area restrictions.
- (6) Area. Signs shall not exceed an area of 3/4 square feet for each lineal foot of business frontage to which the sign pertains. The maximum area and minimum allowance for projecting signs shall be as specified in Table 13-4.

**TABLE 13-4
SIGN AREA BY ZONE – PROJECTING SIGNS**

Zone	Maximum Sign Area per Face	Minimum Allowance per Face
CB, DMU, HD, LE and MUR	50 sf	12 sf
All other non-residential zones	80 sf	20 sf
All residential zones	See ADC 13.560 and 13.570	

13.550 SIGNS FOR THEATERS

The following standards apply to all theater signs:

- (1) Where a building is built within two feet of a right-of-way line, the theater may elect to use in lieu of all other signs along the same street frontage either signs listed in Paragraphs (2)(a) or (2)(b) below but not both.
- (2) Sizes shall be limited to those regulations of the district in which they are located. For the purpose of limiting the size and number of signs for theaters, advertisements contained within a glass case or frame on the face of the building shall be considered as signs located within a building and shall not be limited. The theater may elect to use:
 - (a) One projecting sign and one reader board type sign limited to a projection of eight feet over public property but not closer than within 2-1/2 feet of the curb line; or
 - (b) One projecting sign and one sign on each face of a theater marquee.

13.560 NEIGHBORHOOD SIGNS

For subdivisions, multiple-family developments (including planned developments), Assisted Living, Daycare Facility (exceeding thresholds for Home Business Allowed Outright), and Residential Care or Treatment Facility (6 or more residents) uses, or identified neighborhood areas, one single- or double-faced, indirectly lit sign not to exceed 24 square feet for one face or 48 square feet in surface area for two or more faces is permitted. If the sign is not attached to a building, the sign may be no more than four feet tall. The applicant for the sign permit must own or represent a majority of the lots or dwelling units within the subdivision, multiple-family development, assisted living or care facility, identified neighborhood area, or the applicable homeowner's association. If the sign pertains to any development request, then the location and design shall be subject to the appropriate review.

13.570 INSTITUTIONAL USES IN RESIDENTIAL ZONING DISTRICTS

The following standards apply to signage for all institutional uses allowed in residential zoning districts and the MUR (Mixed Use Residential) district except the HM (Hackleman Monteith) District:

- (1) When an institutional use is allowed in a residential zoning districts, the size and placement of a sign may be further restricted as part of conditional use permit review.
- (2) Signs shall not exceed 32 square feet per face.
- (3) Except in residentially-zoned historic districts, one freestanding, changing electronic message sign may be permitted as follows:
 - (a) The use has a minimum of 100 feet of public street frontage.
 - (b) Sign face shall be perpendicular to adjacent residential uses.
 - (c) Maximum sign height shall not exceed 12 feet unless minimum clearance standards in Sections 13.510(2)(b) and (c) apply. Under no circumstances shall the sign height exceed 19 feet.
 - (d) The portion of the sign with the changing electronic message shall be turned off between the hours of 9:00 p.m. and 6:00 a.m.
 - (e) The color of the changing electronic message display shall be monochromatic.
 - (f) The duration of the message display shall be not less than 20 seconds and static only.
 - (g) Changing electronic message signs shall not be allowed in residentially-zoned historic districts.

13.580 SIGNS FOR NONCONFORMING USES IN A RESIDENTIAL ZONE

Legal nonconforming uses shall be allowed one permanent attached wall sign not to exceed 24 square feet in sign area. No other permanent signs shall be permitted except for pre-existing nonconforming signs for which required permits have been obtained.

13.590 MURALS

Murals that contain advertising material are subject to conditional use permit approval (Article 2) except that the criteria for approval shall be replaced by the criteria below in Section 13.650(3). Seasonal murals and murals not containing advertising material shall be exempted from this Section.

- (1) **Information Requirement.** The applicant requesting a mural permit shall submit a finished drawing, prepared to scale, of the outside wall, facade, or surface that the applicant proposes to use for said mural and of the mural that the applicant proposes to place on said outside wall, facade, or surface. The mural shall be colored on the drawing the colors that

the applicant proposes to use for the mural and shall be of sufficient detail to allow for a visualization of the actual appearance of the mural. The drawing shall be available for viewing by the public during the regular business hours at the Planning Department. The permit application shall include a statement as to the type of lighting, if any, which will be used to illuminate the mural during hours of darkness.

- (2) Specific Standards. The following standards must be met before the application can be reviewed:
 - (a) All signs relating to the building or structure upon which the mural is to be placed shall be in compliance with the requirements of the Development Code in effect on the date of application. No mural may be placed on any building or structure that includes a nonconforming sign.
 - (b) Only one wall, facade, or surface of a building or structure may be used for a mural.
 - (c) A wall, facade, or surface that is used for a mural pertaining to the business on which it is located shall be counted as one sign. A mural, regardless of size, will count as one-half of the total aggregate sign area allowed for the business.
- (3) Review Criteria. The mural shall be approved if the following criteria are met:
 - (a) The placing of the proposed mural at the location selected by the applicant would not constitute a significant traffic safety hazard.
 - (b) Neither the mural, nor the placement of the mural, would endanger the public health, safety, or general welfare.
 - (c) Any lettering area which advertises the business or products pertaining to the use or uses within the building shall be limited to one-half that permitted under other signage requirements for the building.

REVIEW PROCEDURES

13.610 PERMIT NEEDED

- (1) Except as specifically excluded herein, no property owner, lessee, contractor, or other person shall display or cause to be displayed any sign requiring a permit as set forth in this Code, except for maintenance of signs that conform with this ordinance, without first obtaining from the Director a written permit to do so, paying the fees prescribed therefore, and otherwise complying with all the applicable provisions of this ordinance. If a governmental agency requires the relocation of a sign, the fee described above shall be waived.
- (2) Provided that the sign structure is in conformance with all other provisions of this Article and the subject use has received all required development permits, only structural modifications or enlargements shall be subject to sign permit requirements.

16.620 APPROVAL OF PERMITS

Unless otherwise authorized by this ordinance, no permit shall be issued for any new sign within the city until such sign is reviewed and approved by the Director or their designee. When a sign is to be located on a lot occupied by a structure listed on the official city historic inventory, then the sign shall be considered an exterior alteration subject to the provisions of Article 7.

13.630 APPLICATION REQUIREMENTS

- (1) An application for a sign permit shall be made on a form prescribed by the City and shall be filed with the Community Development Department. The application shall also contain the names and addresses of the sign company, person authorizing erection of the sign, and the owner of the subject property.
- (2) The application shall include, at a minimum:
 - (a) A plot plan drawn to scale indicating the location of the proposed sign and identifying existing signs on the premises;
 - (b) Dimensioned building elevations showing the height and width of the building and the location of all existing signs and the proposed sign. If location is a tenant space within a larger building, show only those signs and elevations that relate to the tenant space;
 - (c) A scale or dimensioned drawing of the proposed sign including graphic design;
 - (d) Structural and mechanical design and engineering data which ensures its structural stability; and
 - (e) Footing diagrams for any sign other than a wall sign (engineered drawings may be required).

13.640 PERMIT ISSUED IF APPLICATION IN ORDER

It shall be the duty of the Director, upon the filing of a complete application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed sign is in compliance with all the requirements of this ordinance and all other laws and ordinances of the City of Albany, he/she shall then issue the sign permit in accordance with a Type I procedure. In addition to obtaining a sign permit, the applicant may also be required to obtain other structural permits. For placement in a city right-of-way, a right-of-way use permit is required (per AMC 13.33).

VARIANCES

13.710 VARIANCES

Variations to this Article will be reviewed as a Type II procedure according to Article 2 (Review Criteria) except that the review criteria of Section 2.500 shall be replaced by the following criteria:

- (1) Granting the variance would not detrimentally impact public safety, including traffic safety, nor any other aspect of public welfare.
- (2) There are unique circumstances or conditions of the lot, building, or traffic pattern such that:
 - (a) The requested variance better implements the purpose of the Article as stated in Section 13.110
 - (b) Granting the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any one business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Article.
- (3) The variance would 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, chain store signs) shall not be listed or considered as a reason for a variance.
- (4) Granting the variance would not obstruct views of other buildings or signs or cover unique architectural features of a building or detract from landscape areas.

- (5) The size and placement of the proposed sign results in signage more consistent with the purposes of the sign code than that allowed under strict interpretation of the Code.

13.711 VARIANCES FOR HISTORIC BUILDINGS

For buildings listed as primary or secondary on the City's adopted Historic Inventory, a variance can be granted for a sign resembling an original historic sign when a recommendation is made by the Landmarks Advisory Commission or its successor on the entire signage of the structure, and the following criteria are met:

- (1) The variance criteria of Section 13.710(1), (4) and (5) have been met.
- (2) The sign takes the place of one of the permitted signs. (A variance for more than the permitted number will require full compliance with Section 13.710.)
- (3) All signs on the structure are reviewed as part of the variance, and conditions can be attached regarding all signs on the structure to achieve greater consistency with the overall purpose of this Article.

NONCONFORMING SIGNS

13.810 GENERAL PROVISIONS

Nonconforming signs are subject to the following provisions:

- (1) Legally established nonconforming permanent signs may continue to exist in accordance with this section. Nonconforming Signs that were not legally established have no legal right to continue and must be removed or reconstructed in conformance with this code.
- (2) Maintenance. A non-conforming sign may undergo normal maintenance, which includes normal care or servicing needed to keep a sign functional, such as cleaning, replacing or repairing a part made unusable by ordinary wear, and changing light bulbs. "Normal maintenance" excludes major structural repairs designed to extend the useful life of the non-conforming sign.
- (3) Sign face. The sign face or sign copy may be changed without affecting the nonconforming status of the sign.
- (4) Ownership. The status of a nonconforming sign is not affected by changes in ownership.
- (5) Changes to nonconforming signs.
 - (a) A non-conforming sign shall not be enlarged or altered in a way that would increase its nonconformity.
 - (b) Signs and sign structures that are moved or replaced shall be brought into conformance with the sign regulations.
 - (c) Signs that are structurally altered more than fifty (50) percent of the replacement value, shall be brought into conformance with the sign regulations.
 - (d) Signs that are structurally altered by fifty (50) percent or less than the replacement value may continue to be used as a nonconforming sign provided the alterations do not increase the nonconformity of the sign.

- (6) Damaged nonconforming signs.
 - (a) When a nonconforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds fifty (50) percent of its replacement value, the nonconforming sign shall be removed or brought into conformance with the sign regulations.
 - (b) When a nonconforming sign is damaged by wind, fire, or by any other cause and the estimated cost to repair the sign is fifty (50) percent or less of its replacement value, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within one year of the date the sign was damaged and are diligently pursued thereafter.
 - (i) Whenever repairs and restoration of a damaged nonconforming sign are not started within one year of the date the sign was damaged or are diligently pursued once started, the sign shall be deemed abandoned.
 - (ii) Abandoned signs shall not be permitted as nonconforming signs. Abandoned signs shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found.

13.820 NONCONFORMING SIGN AREA

Conforming and/or legally established nonconforming signs in existence at the time of the enactment of this ordinance shall be counted in establishing the permitted area or size of all new signs to be allowed on the property.

13.830 EXEMPTION FROM NONCONFORMING STATUS

An owner of a nonconforming sign in existence on the date of enactment of this ordinance may apply for a determination that the sign qualifies as an historic or significant sign. An owner must make such application within six months of being notified of a nonconforming status. Such exemption of nonconforming status may be made by the Hearings Board through a Type II procedure upon finding that any of the following applicable criteria have been met:

- (1) The sign does not constitute a significant safety hazard due to structural inadequacies or the impact on traffic.
- (2) Due to age, relation to an historic event, or general recognition, the sign has become a recognized Albany landmark.
- (3) For an historic sign exemption, the sign is:
 - (a) Attached to a primary or secondary structure as recognized on the City Historic Survey;
 - (b) The sign adds to the architectural and historic significance of the premises, taking into account the size, location, construction, and lighting of the sign; and
 - (c) A recommendation is received from the Landmarks Advisory Commission giving its recommendation on criteria (a) and (b) above.
- (4) For significant signs, the sign is:
 - (a) Maintained essentially as originally constructed, with sufficient remaining original workmanship and material to serve as instruction in period fabrication; and

- (b) The sign is associated with significant past trends in structure, materials, and design and is in conformance with generally accepted principles of good design, architecture, and maintenance.

DEFINITIONS

13.910 DEFINITIONS

The following definitions are in addition to those of Article 22 that shall be used in combination for purposes of this article. When there is duplication, the definitions of this article shall be used.

- A-frame sign: See portable sign.
- Alteration: Any change in the size, shape, method of illumination, sign face, position, location, construction, or supporting structure of a sign.
- Area: The area of a sign shall be the entire area within any type of perimeter or border that encloses the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire area 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.
- Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.
- Building Face: The single wall surface of a building facing a given direction.
- Building Frontage: The portion of the building face most closely in alignment with an adjacent right-of-way or alley or fronting a parking lot when so defined as allowed in this article.
- Bulletin Display: Two or more poster panels side by side on the same sign structure.
- Business: Any commercial, institutional, or industrial enterprise.
- Changeable Copy Sign: A sign that contains numbers, letters or symbols that are designed to be moved, interchanged, or replaced (i.e., reader board).
- Changing Electronic in Message Sign: A sign or portion thereof that displays electronic, non-pictorial, text information which each alphanumeric character, graphic, or symbol is defined by elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area. Changing electronic message signs include computer programmable microprocessor controlled electronic displays.
- Construct: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being.
- Construction Project Sign: A temporary sign erected in conjunction with construction projects.
- Direct Illumination: A source of illumination on the surface of a sign or from within a sign.
- Double Face Sign: A sign with advertising on two surfaces back to back, with the angle between the two sides less than 25 degrees.

Façade:	A façade is an exterior side of a building.
Fence Sign:	A sign attached to or painted on a fence.
Finish Ground Level:	The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, whichever is the lowest.
Flashing Sign:	A sign any part of which pulsates or blinks on and off.
Freestanding Sign:	A sign, including monument signs, 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.
Freeway Interchange Area:	An area zoned CC, RC, LI, or TD area within a 1500-foot radius measured from the center intersection point of Interstate 5 and Knox Butte Road and Santiam Highway, or within a 70-foot strip along the east boundary of the I-5 right-of-way, as shown in Figure 1.
Frontage:	See Building Frontage or Street Frontage.
Government Sign.	A sign that is constructed, placed, or maintained by the federal, state, or local government; or, a sign that is required by a government agency to be constructed, placed, or maintained; or a sign that is required by government regulation to be constructed, placed, or maintained in order to enforce a property owner's rights (e.g., "no trespassing").
Indirect Illumination:	A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.
Industrial Park Area:	Those industrial properties with three or more business tenants as occupants of the property or that share a common off-street parking area, whether or not the businesses, buildings, or land are under common ownership.
Integrated Business Center:	A group of two or more businesses that are planned or designed as a center, or share a common off-street parking area or access, whether or not the businesses, buildings, or land are under common ownership.
Joint Use Sign:	When two or more businesses combine their principal signs into one freestanding sign for each common frontage of such business or for each frontage for an integrated business center in which such businesses are located.
Mansard Roof:	A roof with two slopes on all sides, the lower slope being nearly vertical and the upper nearly horizontal.
Marquee:	A permanent roofed structure attached to and supported by the building and projecting over public property that is constructed for purposes other than signage.
Mural:	A graphic illustration or artful presentation which is painted or otherwise applied without projections to an outside wall of a structure.
Nonconforming Sign:	Any sign that lawfully exists prior to the effective date of this article but, which due to the requirements adopted herein, no longer complies with the height, area, placement regulations, or other provisions of this title.

Portable Sign:	A sign that is not permanently affixed to a building, structure, or the ground, and that is designed to be moved from place to place. Portable signs (not limited to A-frame signs) primarily include signs attached to wood or metal frames designed to be self-supporting and movable.
Projecting Signs:	A sign projecting more than 12 inches from a structure.
Roof Line:	Either the eave 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.)
Roof Sign:	A sign or any portion of which is displayed above the roofline.
Rotating/Revolving Sign:	A sign all or a portion of which moves in some manner.
Sandwich Board Sign:	A two-sided portable sign designed to fold flat; also called an A-frame sign. See also portable sign.
Sign:	Any writing (including letter, word, or numeral); pictorial presentation (including illustration or decoration); emblem (including device, 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 or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.
Sign Height:	The distance from the finished ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.
Single Face Sign:	A sign with a display on only one surface of a sign structure.
Street Frontage:	That portion of a property that abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way. Street frontage excludes that portion of a property that abuts an alley.
Temporary Signs:	Signs not permanently attached to a building, structure, or the ground, which are to be used for a limited period of time. Temporary signs include, but are not limited to: construction project signs, banners, A-frame, inflatable displays, feather signs, and pennants. Signs which require a building permit or electrical permit are not classified as temporary signs.
Transition:	A visual effect used on an electronic message display to change from one message to another.
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.
Window Sign:	A sign affixed to the inside of a window.