

## ORDINANCE NO. NS-2148

### AN ORDINANCE AMENDING THE BEND CODE BY AMENDING SECTIONS 12 AND 15 OF THE SIGN CODE RELATED TO MENU BOARDS

#### Findings:

- A. The Bend Sign Code is included as part of Chapter 9 Buildings of the Bend Code.
- B. While the Sign Code is not included in the Development Code, the City processes Sign Code amendments in the same way it processes Development Code amendments because the Sign Code implements portions of the Bend General Plan.
- C. McDonald's USA submitted an application for a text amendment to the Sign Code, accompanied by the required fee. The requested text amendment is to allow more signs and sign area for "drive-up menu boards" and a change in how sign area is calculated.
- C. Notice to DLCD of the amendment is not required because the amendment does not involve application of the statewide land use planning goals.
- D. The City provided notice of the Planning Commission meeting and the City Council meeting as required by applicable state and City law.
- E. The Planning Commission held a hearing and recommends approval of the text amendment with some changes to the language that do not affect the substance of applicant's request.
- F. The text amendment is consistent with Bend General Plan Chapter 9, Policy #4. Other General Plan policies do not apply to the substance of the amendment.
- G. The City has followed all applicable procedures in this Text Amendment process.
- H. Applicant has met its burden of demonstrating the public need and benefit of the text amendment.
- I. This ordinance is adopted by the Council after holding a public hearing and considering the application and all documentation and testimony in the record.

Based on these findings, The City of Bend ordains as follows:

Section 1. The application for a text amendment is approved, as modified.

Section 2. Section 12(1)(a) of the Sign Code is amended (new material shown by underlining) as follows:

Sign area, freestanding signs except menu boards. The sign area shall be the extreme outer dimension of the freestanding structure. The first 12 inches in vertical height of a supporting base are not calculated in the overall sign area; however, all remaining area above the 12 inch minimum base requirement shall be calculated, including air.

Menu Board Signs. The sign area shall be the extreme outer dimension of the freestanding structure. Measurement shall be edge of frame to edge of frame.

Section 3. Section 15(3)(b) is amended as follows (new material shown by underlining, deleted material shown by strikethrough).

(b) Maximum number, area and height. ~~Not more than two signs shall be displayed per business. When two signs are displayed the maximum sign area allowed for each separate sign is 20 square feet and 8 feet in height if freestanding. The maximum sign area for a single sign is 40 square feet.~~ One sign of up to 45 square feet in area and eight feet in height is allowed per drive-through lane for up to two drive-through lanes. One additional sign per site of up to 15 square feet in area and eight feet in height is permitted at the entry to the drive-through area. The signs allowed by this section shall be located on the left side and oriented to the drive-through lanes.

Section 4. All other provisions of the sign code remain in effect.

Read for the first time the 4th day of August, 2010.

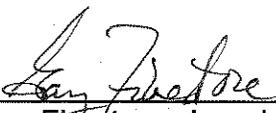
Read for the second time the 18th day of August, 2010.

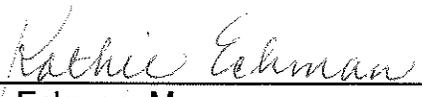
Approved by roll call vote the 18th day of August, 2010.

YES: 5                      NO: 2

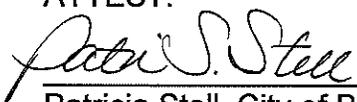
Authenticated by the Mayor the 18<sup>th</sup> day of August, 2010.

Approved as to form:

  
\_\_\_\_\_  
Gary Firestone, Legal Counsel

  
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Kathie Eckman, Mayor

ATTEST:

  
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Patricia Stell, City of Bend Recorder