

ORDINANCE NS-2154

AN ORDINANCE AMENDING THE BEND CODE BY ADDING SECTIONS 22 ADJUSTMENT TO STANDARDS TO THE SIGN CODE

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. The requested text amendment will allow the Community Development Department Director to administratively approve, approve with conditions or deny requests to adjust a numerical standard of the Sign Code up to a maximum of 25%.
- D. Notice to DLCD of the amendment is not required because the amendment does not involve application of the statewide land use planning goals.
- E. The City provided notice of the Planning Commission meeting and the City Council meeting as required by applicable state and City law.
- F. The Planning Commission held a hearing and recommends approval of the text amendment with some changes to the language that does not affect the substance of the request.
- G. 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.
- H. The City has followed all applicable procedures in this Text Amendment process.
- 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. A new Section 22 Adjustment to Standards is added to the Sign Code as follows:

**BEND CODE CHAPTER 9
CITY OF BEND SIGN CODE**

SECTION 22 ADJUSTMENT TO STANDARDS

Purpose

This section is intended to provide for flexibility to specific criteria of the Sign Code in order to allow for creativity in sign location and design relative to the particular topography and/or building architecture where a sign otherwise complies with the provisions of this Code in all respects except size, height, location or other numeric standards. This Chapter provides uniform procedures for the granting or denial of applications for an Adjustment to Standards.

Applicability

Adjustment of up to 25% may be approved by the Community Development Director to each of the specific numeric standards in this Code that regulate the following:

1. Wall Sign location. Increase the maximum height on which a sign may be installed on a building wall.
2. Sign dimension and area. Increase the maximum allowed size of individual signs or of the total allowed building sign area.
3. Sign height. Increase the maximum allowed height of on-site ground, monument or pole signs, or of building or wall signs.
4. Other numeric standards in this code except where an exception is expressly prohibited.
5. Legal non-conforming signs. Allowing legal non-conforming on-site pole, ground or monument signs to be structurally altered at their existing base or pole structure location provided that the extent of non-conforming sign height or sign size is reduced.

Pre-application Conference

A pre-application conference with the City of Bend is recommended for

applicants who are unfamiliar with the sign permit process. The purpose of the conference shall be to acquaint the applicant with the procedural requirements and to identify issues likely to arise in processing an application.

Application Requirements

Applicants for a sign permit may seek an adjustment to the standards of this ordinance by filing an application for an Adjustment to Standards. The application shall contain information as specified on the application form and shall be accompanied by the required fee.

Approval Process

An Adjustment to Standards is reviewed under the Type II procedure contained in the Bend Development Code. If the Adjustment to Standards is denied, a party may appeal the decision to the Bend Planning Commission in accordance with the appeals section of the Bend Development Code.

A request to exceed a numeric standard by more than 25 percent may only be approved through the Variance process.

Criteria of Approval

The Community Development Director or designee shall review the application and approve, approve with conditions or deny the request. A decision and any conditions placed on the decision shall be in writing. The decision shall include findings demonstrating that all of the following criteria have been met:

1.
 - (a) Unusual conditions associated with the sign location have been identified that interfere with the reasonable visibility of the sign, or;
 - (b) There are proposed sign design elements that are in scale with and compatible with the landscape, topography, building design and surrounding district but are not otherwise permitted by this code;
2. The request does not create a vision clearance hazard for pedestrians, motor vehicles or bicyclists;
3. The request does not impede public safety or adequate emergency access to the site;
4. The request does not impact public or private easements;

5. The request does not limit solar access standards for abutting properties. In order to meet this criterion, the Director may require that the sign structure be placed as close to the south property line as possible. And;
6. The request otherwise complies with the provisions of the Sign Code.

Additional Requirements

1. If the Adjustment to Standards involves a setback, the plot plan shall be prepared by an Oregon registered surveyor.
2. Adjustment will not be granted for prohibited signs or to construction and maintenance standards.
3. Approval of an Adjustment to Standards shall become void if the approved work is not completed within 6 months of the approval date.

Section 3. All other provisions of the sign code remain in effect.

Read for the first time the 1st day of December, 2010.

Read for the second time the 15th day of December, 2010.

Approved by roll call vote the 15th day of December, 2010.

YES: 5 NO: 2

Authenticated by the Mayor the 15th day of December, 2010.

Approved as to form:



City Attorney's Office



Kathie Eckman, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder