

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Initiation of Process for Eugene Sign Code Amendments

Meeting Date: May 29, 2012
Departments: City Attorney's Office
www.eugene-or.gov

Agenda Item Number: 3D
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ISSUE STATEMENT

The City Council is asked to initiate amendments to the sign code, EC 9.6600 to 9.6680, to consolidate certain exemptions from the permit requirements and to specify a time limit for the City to act on a sign permit application.

BACKGROUND

Eugene's sign code generally requires a property owner to obtain a permit to install a sign on the person's property. The code contains 24 exemptions from that requirement – for example: addresses, murals, parking lot signs, public signs. Last year, the American Civil Liberties Union (ACLU) notified the City that, in the ACLU's opinion, some of the exemptions were based on the signs' content and therefore unconstitutional. In addition, the ACLU expressed concern that the lack of a deadline for City staff to process a sign permit application could, theoretically, allow the City to discriminate against signs with a disfavored message by delaying action on the application. Although the City Attorney's Office disagreed with those contentions, discussions with the ACLU have resulted in a proposal that addresses the ACLU's concerns without impairing the City's ability to protect public safety or prevent the harms associated with unregulated proliferation of signs. The ACLU has agreed that, with the proposed amendments, the sign code would not violate the state or federal constitution.

The proposed amendments to the sign code would:

1. Eliminate the specific exemptions for conference and convention banners, contractor signs, flags, real estate signs and temporary activity signs. Instead, there would be two general exemptions for (a) two freestanding signs or banners, or one of each, in residential zones; and (b) one freestanding sign or banner in a commercial or industrial zone. Each of those signs could not exceed 12 square feet.

(The reason for allowing two exempt signs in residential zones and only one in commercial and industrial zones is that a range of signs are already available by permit in the commercial and industrial zones. The "exemption" means those signs are exempt primarily from the permit and fee requirements. Many other requirements of the sign code would apply.)

2. Make some minor wording changes to some of the other exemptions to make it clear that they are based on the sign's content.

3. Require the City to act on a sign permit application within three weeks of receipt of a complete application.

Because the sign code is in Chapter 9, consideration of the amendments will follow land use code amendment procedures. If the City Council initiates the amendment process, the Planning Commission will consider the proposed amendments, hold a public hearing and make a recommendation to the City Council. The council would then hold a public hearing and take action.

RELATED CITY POLICIES

EC 9.7500 provides that a Land Use Code amendment is a “Type V” application. EC 9.7510 authorizes the City Council to initiate a Type V application on its own behalf. EC 9.7520 – 9.7560 describe requirements for notice, public hearings before both the Planning Commission and the City Council, and related procedures.

The City’s sign code is in EC 9.6600 to 9.6680. EC 9.6600 describes the purposes of the sign code; EC 9.6610 contains the exemptions that are the primary subject of the proposed amendments.

COUNCIL OPTIONS

1. Initiate the process to consider amending the sign code as described above, beginning with the Planning Commission.
2. Take no action on the proposal, leaving the sign code as it is now.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends that the council initiate amendments to the sign code to (a) consolidate exemptions into two general exemptions; and (b) create a time limit for acting on a sign permit application.

SUGGESTED MOTION

Move to initiate amendments to the sign code in Chapter 9 to consolidate exemptions, to limit the time to process a sign permit application and to make clarifying and conforming amendments to other sign code provisions.

ATTACHMENTS

None

FOR MORE INFORMATION

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