

ORDINANCE NUMBER 54

SECOND AMENDMENT TO ORDINANCE 50, DUNES CITY ZONING ORDINANCE, CORRECTING AMBIGUITIES, PROTECTING LOTS PLATTED AND USES EXISTING PRIOR TO ADOPTION OF ORDINANCE 50, PROVIDING ABATEMENT PROCEDURES, AND REVOCATION PROCEDURES FOR VARIANCES.

WHEREAS, the City of Dunes City adopted a Zoning Ordinance on the 13th day of July, 1978, and

WHEREAS, certain substantive ambiguities have come to the attention of the City of Dunes City, and

WHEREAS, these errors might lead to confusion or misunderstanding as to the legislative intent,

THE CITY OF DUNES CITY, does ordain as follows:

That the following changes should be made in Ordinance 50:

1. On page 53, in paragraph V - (i), the Ordinance is amended to read:

Notwithstanding the provisions of this or other sections of this ordinance, a single-family dwelling, mobile home, (or) duplex, which constitutes ...

2. On page 51, paragraph II, the Ordinance is amended to read:

In any district in which single-family dwellings are allowed by permitted or conditional use, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessor buildings may be erected on any single lot of record otherwise conforming to the requirements of all applicable City ordinances effective at the date the lot was platted (at the effective date of adoption or amendment of this ordinance making the lot non-conforming). A single lot of record shall be either ...

3. On page 64, paragraph IV, the Ordinance is amended to read:

Any use which is established, operated, erected, moved, altered, enlarged, painted or maintained contrary to the zoning requirements shall be and is hereby declared to be unlawful and a public nuisance, and may be abated as such. Abatement

proceedings are to be conducted pursuant to Sections II, III, IV, V and VI of the Nuisance Ordinance, and are attached hereto as Exhibit "A" and incorporated herein by reference as a part of the ordinance.

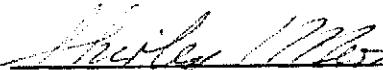
4. On page 46, paragraph XI - (I) the Ordinance is amended to read:

Revocation. Variances shall automatically be revoked if not exercised within one year of the date of approval. Further, variances may be revoked if the City Council determines:

1. There is probable cause to conclude that the conditions of the variance have not been met.
2. The City Council serves notice upon the owner of record of the property by certified mail, return receipt requested, that he is directed to appear and show cause why the variance should not be revoked.
3. Said notice provides a time, place and date of said hearing.
4. Said hearing is in fact conducted, and the City Council finds by preponderance of the evidence that the conditions of the variance have in fact been violated.

PASSED by the City Council of Dunes City, Oregon, this 11th day of January, 1979.

This Ordinance shall take effect on the 10th day of February, 1979.

  
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Shirley Merz  
Mayor of Dunes City

ATTEST:

  
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Patricia L. Barber  
City Recorder

Amends ORD 54

ORDINANCE NO. 74

THIS IS AN ORDINANCE AMENDING SECTION 5-II-W, OF ORDINANCE NO. 50, AND PLACES LIMITATIONS UPON ERECTION OF NEW SIGNS, AND SOME LIMITS ON REPLACEMENT OF EXISTING SIGNS, IN A COMMUNITY COMMERCIAL DISTRICT.

WHEREAS, it has come to the attention of the City of Dunes City that community commercial districts are permitted an "on-premises sign", and that there are no limitations upon the size, color, design and such,

WHEREAS, it appears the City should enact some controls and limitations upon said signs,

THEREFORE, THE CITY OF DUNES CITY DOES ORDAIN AND AMEND ORDINANCE NO. 50, SECTION 5 AS FOLLOWS:

SECTION ONE. Section 5-II-W is abolished.

SECTION TWO. Commercial Signs.

Ordinance 50, Section 5 is amended to include a paragraph No. 5 which will read:

The erection of an on-premise sign is a permitted use except as specifically set forth below, and subject to the limitations set forth below.

- A. Prohibited signs. Penants, moving signs, flashing signs, signs which would block other commercial signs, traffic control signs, or such are prohibited. Signs which would interfere with, mislead, or obstruct traffic control signs, and thereby interfere with the motoring public are prohibited.
- B. Height of Sign. No commercial sign in Dunes City shall exceed sixteen (16) feet in height from ground level, or the roadway surface, whichever is higher.
- C. Definitions.
  1. Premise. Premise is defined as a single commercial lot, or group of lots, upon which a business enterprise, or combination of business enterprises operate from a single continuous structure.
  2. Free-Standing Sign. A free-standing sign is a sign not attached to any building, or improvement.

3. Building-Mounted Signs. A building mounted sign affixed to the side or roof of a building, or painted upon the exterior of a building or improvement.
4. Directional Signs. Directional signs are signs which guide customers to areas such as parking, laundry facilities, rest-rooms, boat ramps, etc., and whose principal purpose is not to solicit additional business.

D. PERMITS.

1. New Signs. Any party wishing to erect a new sign must apply for a permit at the Dunes City Hall, and submit with said application a design done to scale indicating the dimensions, height of lettering, background colors, colors of lettering, and other designs, pictures, arrows, or such markings to be made upon the face of the sign.
2. Renovation and Repair of Old Signs. Existing signs may be repaired and repainted without obtaining a permit, so long as there is no significant change in the general dimensions, height, lettering, background colors, colors of lettering, and other designs, pictures, and arrows or markings made upon the face of the sign. In the event such a significant change should occur, it will be necessary to obtain a permit, and comply with the requirements of this Ordinance.
3. Fees. The City Council shall set by resolution fees for obtaining sign permits.

- E. Size of Signs. Commercial property facing Highway 101 shall be entitled to erect a sign whose face does not exceed 125 square feet in a single direction. At other commercial locations, the face of a sign shall not exceed 64 square feet in any direction. In no instance shall the City permit a business to erect upon a premise free-standing and building-mounted signs in excess of 250 total square feet. Two-way signs shall include the square footage on both sides when calculating the total sign square footage. Off-premises signs shall not be computed in the total square footage of the business.

A business seeking signs in excess of 250 feet may apply for a conditional use permit, and the permit

will be issued pursuant to the criteria set forth in Section Nine dealing with Conditional Use Permits. The City shall, by resolution, set a fee for obtaining said permit.

- F. Off-Premise Signs. Off-premise signs shall require a conditional use permit, the fee for which shall be established by resolution by City Council. Off-premise signs are permitted only for the purposes of directing customers to the business enterprise.
- G. Number of Signs. Only a single two-way free-standing sign will be permitted on a business enterprise so long as they are one-way signs only, and they are at least 150 feet apart.
- H. Grandfather. All existing commercial signs in Dunes City are Grandfathered, and may be maintained so long as the use is not expanded or substantially modified.
- I. Hearings. The application for permit shall be tendered to the Planning Commission, at which a hearing will be held. The Planning Commission will make findings of fact, reach conclusions of law, tender recommendations to the City Council. If the applicant wishes a hearing, and an opportunity for input at City Council level, the applicant must request such an opportunity. Otherwise, the City Council will consider the matter on the record and affirm, modify or reverse the recommendations of the Planning Commission. In the event of modification or rejection of the Planning Commission recommendations, the City Council, at it's discretion, accept public comment and input.

### SECTION THREE. Purposes

The purpose of this Ordinance is twofold. First of all, it is the intent of the City Council that commercial signs which are significantly altered or newly established, should be compatible with the existing neighborhood in respect to size, location, number, shape, color, lettering, background coloring, pictures, arrows, markings, and other similar aspects. The second purpose of this Ordinance is to avoid "sign clutter". That is to say the City must balance the need of business establishments to attract customers through reasonable advertising, while avoiding generating eyesores created by multiple signs.

ORDINANCE NO. 74

PASSED BY THE DUNES CITY COUNCIL OF DUNES CITY, OREGON, THIS  
14 DAY OF October, 1982.

APPROVED BY THE MAYOR THIS 18 OF October, 1982

Robert Petersdorf  
ROBERT PETERSDORF, MAYOR

ATTEST:

Dee Stalling  
CITY RECORDER