

ORDINANCE NO. 4568

An Ordinance amending Section 10 of Planned Development Overlay Ordinance 4506 to allow the placement of a second free-standing sign in the commercial area west of Norton Lane and north of the Three-Mile Lane Frontage Road subject to certain conditions and declaring an emergency.

RECITALS

The Planning Commission received an application from McDonald's Corporation and Dr. George Dunn for an amendment to the commercial lands overlay ordinance, dated March 7, 1994. The purpose of the proposed amendment would be to allow the placement of a second free-standing sign in the commercially zoned area west of Norton Lane and north of the Three Mile Lane Frontage Road. The ordinance presently allows a single free-standing sign in that commercially zoned area. As a single free-standing sign currently exists in the affected area, no additional free-standing sign could be erected without first amending Ordinance 4506.

McDonald's Corporation and Dr. Dunn, who between them own the majority of the property affected by the restriction have unsuccessfully negotiated with the owner of the smaller property on which the free-standing sign is now located. The intent of the negotiations was to form an agreement whereby all three properties could be represented on a single pole to be located east of the existing sign. Because of the lack of success in the negotiations, it is the applicant's position that in order for their properties to be fairly represented, a second free-standing sign must be allowed.

In December of 1991, the City Council approved Ordinance 4506 in response to a need to provide additional commercial lands for future development. Conditions on development were placed in Ordinance 4506 in order to ensure that commercial development along Highway 18 would be attractive and would create an appropriate gateway to the community. It was never the intent of the authors of Ordinance 4506 to create sign "rights" which could be vested in one property owner and which in turn would place the other property owners affected by the ordinance at the mercy of the owner of such rights.

The McMinnville Planning Commission held a public hearing on the proposed amendment on April 14, 1994, after which they recommended that amendments as drawn below be approved; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That subsection (g) of Section 10 of Ordinance 4506 be amended by inserting the words "and signs" between the word "buildings" and the word "must" in the first sentence.

Section 2. That the terms and provisions of subsection (h) of Section 10 of Ordinance 4506 be supplanted with the following terms and provisions:

(h) That only one free-standing sign, limited to a maximum of 30 feet in height, is allowed on the east side of Norton Lane. All other signs must either be flush against the buildings and not protrude more than 12 inches from the building face, or they must be non-illuminated or indirectly illuminated monument-type signs not exceeding six feet in height nor 100 square feet in area.

Section 3. That Section 10 of Ordinance 4506 is amended by adding the following subsections:

(i) That signage on the west side of Norton Lane is subject to the following:

(1) That the single free-standing sign located on Tax Lot 4422CD 1601 may continue to exist in its present configuration (maximum of 13 feet in height, maximum of 16 square feet per side of sign body).

(2) All other signs must either be flush against the buildings and not protrude more than 12 inches from the building face, or they must be non-illuminated or indirectly illuminated monument-type signs not exceeding six feet in height nor 100 square feet in area.

Section 4. Inasmuch as this matter has been fully heard before the Planning Commission and the Council, it is desired that the provisions of this ordinance become immediately effective; therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by the Council and approval by the Mayor.

Passed by the Council this 24th day of May 1994, by the following votes:

Ayes: Aleman, Kirchner, Massey, Olson, Payne, Windle


Nays: _____

Emergency clause passed by the Council this 24th day of May 1994 by the following votes:

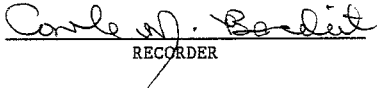
Ayes: Aleman, Kirchner, Massey, Olson, Payne, Windle

Nays: _____

Approved this 24th day of May 1994.


MAYOR

Attest:


RECORDER