

Title 17

HISTORIC PRESERVATION

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Chapter 17.04

GENERAL PROVISIONS

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17.04.010 Short title.

This title shall be known as the "Historic Preservation Ordinance of the City of Aurora" and shall be referred to herein as "this title." (Ord. 416 § 8.10.010, 2002)

17.04.020 Purpose.

It is the general purpose of this title to provide the principal means for the preservation of the buildings and sites and the visual character of the historic Aurora Colony. This title is designed to regulate the design of buildings and structures within the historic commercial and residential overlays defined in Title 16 of the Aurora Municipal Code.

This title promotes preservation and restoration of existing structures and construction of new structures with consideration of Aurora's unique heritage and recognizes the role of historic preservation in protecting and enhancing real property values, and safeguarding and enhancing the livability and appearance of the city. (Ord. 416 § 8.10.020, 2002)

17.04.030 Adoption of guidelines.

The Aurora Design Guidelines for Historic Properties are incorporated as Appendix A set out in the Appendix to this code. These guidelines are the basis for reviewing applications for a certificate of appropriateness. (Ord. 416 § 8.10.030, 2002)

17.04.040 Applicability.

A. Except as otherwise specifically provided by this title, all exterior changes to a building or site within the historic commercial overlay and the historic residential overlay must be approved under this title. It is unlawful for any person to erect, establish, construct, move into, externally alter, enlarge, use, or cause to be used, any building, structure, improvement or use of premises located in the historic commercial or historic residential overlays in a manner contrary to the provisions of this title.

B. The only exterior changes not subject to the requirement for approval under this title are:

1. Exterior painting, reroofing and general repairs when the new materials match those already in use; and
2. Landscaping work including shrubbery, annual plantings and general maintenance. The removal of trees greater than twenty-four (24) inches in diameter requires approval. (Ord. 416 § 8.10.040, 2002)

17.04.050 Pre-existing approvals.

All development applications approved more than two years prior to the adoption of the ordinance codified in this title shall be considered void, unless the historic review board determines that the conditions of approval are substantially completed. All development applications approved less than two

years prior to the adoption of said ordinance may occur according to such approvals. All development applications received by the city after the adoption of said ordinance shall be subject to review for conformance with the standards under this title or as otherwise provided by state law. (Ord. 416 § 8.10.060, 2002)

17.04.060 Interpretation.

A. An interpretation is a decision which is made under land use standards that require an exercise of policy or legal judgment. By definition, an interpretation does not include approving or denying a building permit issued under clear and objective land use standards.

B. Each development and use application and other procedure initiated under this title shall be consistent with the adopted comprehensive plan of the city as implemented by this title and applicable state and federal laws and regulations. All provisions of this title shall be construed in conformity with the adopted comprehensive plan.

C. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provision of this title or of any other ordinance, or resolution, the most restrictive or that imposing the higher standard shall govern.

D. The historic review board shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this title. All requests for interpretations shall be in writing and on forms provided by the city recorder. Upon receipt of such a request, the historic review board shall schedule the interpretation as a consideration item at the next regularly scheduled meeting

unless a special meeting is requested pursuant to Section 17.12.040.

If the person making the request disagrees with the historic review board's interpretation, they may appeal it to the city council. The council will hear the appeal as a consideration item at the next month's regularly scheduled meeting. The decision of the council shall be conclusive upon the parties.

E. The city recorder shall keep a written record of all interpretations and shall make the record available for review on written request.

F. The city council may exempt special events from the provisions of this title. A special event is an activity lasting a total of seven contiguous calendar days or less in a one-year period and approved by the city council. (Ord. 416 § 8.10.070, 2002)

17.04.070 Fees.

To defray expenses incurred in connection with the processing of applications, the city may charge fees as established by resolution of the council. The filing of an application shall not be considered complete, nor shall action be taken to process it until the required fee has been paid. (Ord. 416 § 8.10.080, 2002)

17.04.080 Enforcement.

Enforcement of this title shall be as codified in Chapter 16.82 of the Aurora Municipal Code. (Ord. 416 § 8.10.090, 2002)

Chapter 17.08

DEFINITIONS

Sections:

17.08.010 **Meaning of words generally.**

17.08.020 **Meaning of common words.**

17.08.030 **Meaning of specific words
and terms.**

17.08.010 **Meaning of words generally.**

All of the terms used in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or definition appears in the Oregon Revised Statute, or the context in which they are used clearly indicates to the contrary. (Ord. 416 § 8.40.010, 2002)

17.08.020 **Meaning of common words.**

A. All words used in the present tense include the future tense.

B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.

C. All words used in the masculine gender include the feminine gender.

D. The word "building" includes the word "structure."

E. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

F. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

G. The term "this title" shall be deemed to include the text, the accompanying Aurora Design Guidelines for Historic Properties and all amendments made hereafter to either.

H. The word "shall" is mandatory and the word "may" is permissive.

I. Where the word "must" or "shall" is used in the Aurora Design Guidelines for Historic District Properties (Appendix A), the guideline in question must be met if it is applicable to the application in order for the historic review board to issue a certificate of approval.

J. Where the word "should" is used in the Aurora Design Guidelines for Historic District Properties (Appendix A), the guideline is strongly recommended.

K. Where the word "encouraged" is used in the Aurora Design Guidelines for Historic District Properties (Appendix A), the applicant is urged to consider complying with the guideline, but is not required to do so to receive approval. (Ord. 419 § 20D, 2002; Ord. 416 § 8.40.020, 2002)

17.08.030 **Meaning of specific words
and terms.**

The meaning of all specific words and terms, except as specifically defined in this title, shall be as defined in Aurora Municipal Code Title 16.

"Adaptive use" means the process of converting a building to a new use that is different from that which its design reflects. For example, converting a residential structure to offices is adaptive use. Good adaptive use projects retain the historic character while accommodating the new functions.

"Booth" means an open-air structure typically consisting of partial walls, counter and roof and which is portable, either as a whole or in parts.

"Canopy" means a protective exterior cover consisting of a roof, typically made of cloth, plastic or other materials that may be

self-supported or using the support of another structure. Canopies may contain partial walls.

"Preservation" means the maintenance and repair of existing historic materials, and the conscious retention of the property's form as it has evolved over time. This method of treatment focuses on maintenance and repair of historic materials and features, rather than extensive replacement and new construction. New exterior additions are not part of this treatment. Sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make a property function is appropriate.

"Rehabilitation" means there is a need to alter or add to an historic property to meet continuing or changing uses while retaining the property's historical, cultural, or architectural values. This method of treatment is used when repair and replacement of deteriorated features is necessary; when alterations and additions to the property are planned for a new or continued use; when depiction of a particular period is not appropriate.

"Remodeling" means to remake or to make over the design image of a building. The appearance is changed by removing original detail and by adding new features that are out of character with the original. A "stylistic" change is often involved. A remodeling project is inappropriate on an historic building in Aurora, because it would involve altering its historic character.

"Renovation" means to improve by repair, to revive. In renovation, the usefulness and appearance of the building is enhanced. The basic character and significant details are respected and preserved, but some sympathetic alterations may also occur. Alterations that are made are generally reversible, should

future owners wish to restore the building to its original design.

"Restoration" means to reproduce the appearance of a building exactly as it looked at a particular moment in time; to reproduce a pure style, either interior or exterior. This process may include the removal of later work that deviates from the original style or the replacement of missing historic features. Use a restoration approach for missing details or features of an historic building when the features are determined to be particularly significant to the character of the structure and when the original configuration is accurately documented.

"Tent" means a protective exterior cover consisting of roof and walls typically made of cloth, plastic or other flexible material and having a supporting structure. (Ord. 419 § 20E, 2002; Ord. 416 § 8.40.030, 2002)

Chapter 17.12

HISTORIC REVIEW BOARD

Sections:

- 17.12.010 Authority.**
- 17.12.020 Responsibilities.**
- 17.12.030 Membership.**
- 17.12.040 Meetings.**

17.12.010 Authority.

The historic review board shall have the authority to approve or deny, in whole or in part, development applications and/or building permits, which include new construction or exterior modifications to cultural resources throughout the city or new construction or exterior modifications located on properties within the historic commercial overlay and the historic residential overlay.

The historic review board shall not be authorized to limit or regulate where growth and land development takes place or control the interior space of a building design. (Ord. 416 § 8.20.010, 2002)

17.12.020 Responsibilities.

A. The historic review board shall maintain an inventory of cultural resources, including those within the historic commercial overlay, the historic residential overlay and within the city's urban growth boundary.

B. With the assistance of the State Historic Preservation Office, the historic review board shall draft and recommend to the council for adoption the prescriptive standards to be used by the historic review board in reviewing applications for certificates of appropriateness to construct any structure, alter the exterior of any existing structure or any activity that visually impacts properties iden-

tified in the Aurora comprehensive plan as a cultural resource or located within the historic commercial overlay and the historic residential overlay district.

C. The historic review board shall be responsible for participation in, promoting and conducting public informational, educational and interpretive programs pertaining to local resources.

D. The historic review board may review and comment upon potential conflicts of land use, housing, redevelopment, municipal improvements, and other types of planning and programs undertaken by any agency of the city, county or state as these relate to the cultural resources of the community.

E. The historic review board shall perform other functions as may be designated by the city council. (Ord. 416 § 8.20.020, 2002)

17.12.030 Membership.

A. Persons who want to be considered for appointment shall submit a written letter of interest to the mayor. The historic review board shall consist of five unpaid members who are nominated by the mayor and appointed by city council. Members may include persons residing within or outside the boundaries of the historic commercial or historic residential overlays. Three members shall own, rent or lease property in the boundaries of the historic commercial or historic residential overlays.

B. Three members shall reside within the city limits. Those members required to be residents of the corporate city limits must have a minimum of six months of such residency before considered eligible for appointment to the board.

C. As available, board members shall be appointed from the following categories:

1. An architect with preservation expertise;
2. A historian with knowledge of local history;
3. A professional in the field of landscape architecture, real estate, urban planning, construction, community development, archeology, law, finance, cultural geography, cultural anthropology, or related fields with demonstrable interest, competence or knowledge of historic preservation;
4. A member of the Aurora Colony Historical Society; and/or
5. Interested persons residing within the corporate limits of the city.

D. No member of the historic review board may concurrently hold other appointed or elected office in the city, with the exception of members of the budget committee.

E. All appointments to the historic review board shall be for a three-year term, with staggered expiration years. A vacancy shall be filled in the same manner as the original appointments, and the appointee shall hold office for the remainder of the unexpired term. A member who is absent for three consecutively scheduled meetings without having been excused by the board may be removed and the vacancy filled. (Ord. 416 § 8.20.030, 2002)

17.12.040 Meetings.

A. The regular meeting of the historic review board shall be held on the fourth Thursday of every month.

B. Special meetings may be called by the chairperson of the historic review board with five days notice posted on the bulletin board in front of City Hall. (Ord. 416 § 8.20.040, 2002)

Chapter 17.16

DECISION MAKING PROCEDURES

Sections:

- 17.16.010 Purpose.**
- 17.16.020 Consolidation of proceedings.**
- 17.16.030 Application process.**
- 17.16.040 Time period for decision making.**
- 17.16.050 Approval authority responsibilities.**
- 17.16.060 Notice of pending decision.**
- 17.16.070 Decision procedure.**
- 17.16.080 Standards for the decision.**
- 17.16.090 Notice of decision.**
- 17.16.100 Record of proceeding.**
- 17.16.110 Appeal.**
- 17.16.120 Modification and revocation of approvals.**
- 17.16.130 Re-submittal of an application previously denied.**
- 17.16.140 Expiration and extension of approvals.**

17.16.010 Purpose.

The purpose of this chapter is to establish procedures for the consideration of applications for a certificate of appropriateness. (Ord. 416 § 8.30.010, 2002)

17.16.020 Consolidation of proceedings.

Whenever an applicant requests a certificate of appropriateness for a development that will also require development approvals under Title 16 of the Aurora Municipal Code, the certificate of appropriateness shall be reviewed separate from the approvals required under Title 16 as provided in this title. (Ord. 416 § 8.30.020, 2002)

17.16.030 Application process.

A. The applicant shall be the recorded owner of the property or an agent authorized in writing by the owner.

B. The application shall be made on forms provided by the city.

C. The application shall:

1. Include the information requested on the application form;
2. Address appropriate criteria in sufficient detail for review and action; and
3. Be accompanied by the required fee.

D. An application shall be deemed incomplete unless it addresses each element required to be considered under applicable provisions of this title and the application form, unless that requirement has been found inapplicable by the city staff. City staff shall not accept an incomplete application.

E. If an application is incomplete, city staff shall:

1. Notify the applicant within thirty (30) days of receipt of the application of exactly what information is missing; and
2. Allow the applicant thirty (30) days to submit the missing information.

F. The application shall be deemed complete when the missing information is provided and at that time the one hundred twenty (120) day time period shall begin to run for the purposes of satisfying state law.

G. If the applicant refuses to submit the missing information, the application shall be deemed incomplete on the sixty-first day after city staff first received the application and returned to the applicant. (Ord. 416 § 8.30.030, 2002)

17.16.040 Time period for decision making.

The city shall take final action on an application for a certificate of appropriateness including the resolution of all appeals, within one hundred twenty (120) days after the application is deemed complete, except:

A. The one hundred twenty (120) day period may be extended for a reasonable period of time at the request of the applicant;

B. The one hundred twenty (120) day period applies only to a decision wholly within the authority and control of the city.

C. If the historic review board fails to approve, approve with modification, or denial of an application within seventy-five (75) days after the application is determined to be complete, the historic review board shall cause notice to be given and the matter to be placed on the council's agenda. A public hearing shall be held by the council and the decision shall be made by the council. No further action shall be taken by the historic review board. (Ord. 416 § 8.30.040, 2002)

17.16.050 Approval authority responsibilities.

A. The historic review board shall make a public decision in the manner prescribed by this chapter and shall have the authority to approve, approve with conditions, approve with modifications or deny the following:

1. Interpretations subject to Section 17.04.060;
2. Signs subject to Chapter 17.20;
3. Accessory dwelling units subject to Chapter 17.24;
4. Applications for a certificate of appropriateness;
5. Recommendations to city council for amending this title;

6. Appeals of decisions by the administrative approval authority;

7. Any other matter not specifically assigned to the administrative approval authority, or the city council under this title.

B. The city council shall make a public decision in the manner prescribed by this chapter and shall have the authority to approve, deny or approve with conditions the following:

1. Appeals of decisions made by the historic review board;
2. Matters referred to the council by the historic review board;
3. Review of decisions of the historic review board, whether on the council's own motion or otherwise.

C. The planning director shall have the authority to approve, deny or approve with conditions the following applications:

1. Temporary uses pursuant to Section 17.28.030. (Ord. 419 §§ 20A, 29A (part), 2002; Ord. 416 § 8.30.050, 2002)

17.16.060 Notice of pending decision.

A. The notice requirements of this section are applicable to applications that are subject to Aurora Municipal Code Chapters 16.58 (Site Development Review), 16.60 (Conditional Uses) or 16.72 (Subdivisions).

B. Notice required by this section shall be given in the following manner:

1. At least fourteen (14) days prior to the scheduled decision, notice shall be sent by mail to:
 - a. The applicant and all owners or contract purchasers of record of the property, which is the subject of the application;
 - b. All property owners of record or the most recent property tax assessment roll with one hundred (100) feet of the property;

c. Any person who requests, in writing; and

d. The appellant and all parties to an appeal.

2. City staff shall include a copy of the notice and a copy of the mailing labels in the administrative record.

3. At least fourteen (14) days prior to the pending decision, notice of a pending decision notice shall be posted on the bulletin board in front of City Hall.

4. Notice of a pending decision by the historic review board shall include the following information:

a. A description of the subject property and a general location, which shall include tax map designations from the county assessor's office;

b. A map showing the location of the subject property;

c. A description of what the application will allow the applicant to do and what the applicable criteria for the decision are;

d. State that a fourteen (14) day period for submission of written comments is provided prior to the decision;

e. State the place, date and time that the written comments are due;

f. State that copies of all documents or evidence relied upon by the applicant are available for review, the address where copies can be reviewed and that copies can be obtained at cost;

g. A statement that issues which may provide the basis for an appeal must be raised in writing during the comment period and comments must be sufficiently specific give the decision maker an opportunity to respond to the issue;

h. A statement that the decision does not require an exercise of policy or legal judgment, or a public hearing;

i. A statement that the applicant and any person who submits written comments during the fourteen (14) day period shall receive notice of the decision.

C. The failure of a property owner to receive notice shall not invalidate the action provided a good faith attempt was made to notify all persons entitled to notice.

D. Personal notice is deemed given when the notice is deposited with the United States Postal Service.

E. In computing the length of time that notice is given, the first date notice is given shall be excluded and the day of the hearing or the date on which the appeal period expires shall be included unless the last day falls on any legal holiday or on Saturday, in which case, the last day shall be the next business day.

F. The records of the Marion County assessor's office shall be the official records used for giving notice required in this title, and a person's name and address which is not on file at the time the notice mailing list is initially prepared is not a person entitled to notice. (Ord. 419 § 29A (part), 2002; Ord. 416 § 8.30.060, 2002)

17.16.070 Decision procedure.

The historic review board decision shall be conducted as follows:

A. Request the applicant present the application, explain any graphic or pictorial displays which are a part of the application and provide such other information as may be requested by the approval authority;

B. Read all written comments into the record;

C. Allow the applicant to respond to all written comments;

D. Because this is a limited land use decision process, there is no procedural requirement for the board to allow oral testimony. Oral testimony may be permitted at the discretion of the board. If permitted, the applicant shall be allowed to respond to all oral testimony.

E. Make a decision pursuant to Section 17.16.080 or continue the decision to gather additional evidence or to consider the application further. (Ord. 416 § 8.30.070, 2002)

17.16.080 Standards for the decision.

A. The decision shall be based on proof by the applicant that the application fully complies with the relevant guidelines in the Aurora Design Guidelines for Historic Properties.

B. The approval authority may:

1. Adopt its own findings and conclusions;

2. Adopt findings and conclusions submitted by any party provided all parties have had an opportunity to review the findings and comment on the same; or

3. Adopt findings and conclusions from another source, either with or without modification, having made a tentative decision, and having directed staff to prepare findings for review and to provide an opportunity for all parties to comment on the same.

C. The decision may be for denial, approval or approval with conditions.

1. Conditions may be imposed where such conditions are necessary to:

a. Carry out applicable provisions of the Aurora comprehensive plan,

b. Carry out the applicable implementing ordinances; and

2. Prior to the commencement of the issuance of any permits or the taking of any action under the approved certificate of appropriateness, the owner and any contract purchasers of the property which is the subject of the approved application may be required to sign and deliver to the city their acknowledgment in a development agreement and consent to such conditions:

a. The mayor shall have the authority to execute the development agreement on behalf of the city,

b. No building permit shall be issued for the use covered by the application until the executed contract is recorded and filed in the county records, and

c. Such development agreement shall be enforceable against the signing parties, their heirs, successors and assigns by the city. (Ord. 419 § 29A (part), 2002; Ord. 416 § 8.30.080, 2002)

17.16.090 Notice of decision.

A. All decisions require a notice of decision. The notice of decision shall include a brief statement that identifies the guidelines considered relevant to the decision, states the facts relied upon in making the decision, explains the justification for the decision based on the guidelines and facts set forth and a brief explanation of the appeal process. The certificate of appropriateness may be combined with the notice of decision.

B. The applicant and any person who submits written comments during the fourteen (14) day period shall be entitled to receive the notice of decision.

C. City staff shall include a copy of the notice of decision and a copy of the mailing labels in the administrative record.

D. The notice of decision shall be reduced to writing, signed by the historic review board chair, and mailed to the applicant and all parties in the action within ten (10) calendar days after the decision is made. The vice chair is authorized to sign the notice of decision when the chair of the historic review board is not available to sign. (Ord. 419 §§ 20B, 29(A) (part), 2002; Ord. 416 § 8.30.090, 2002)

17.16.100 Record of proceeding.

The record shall include:

A. A copy of the application and all supporting information, plans, exhibits, graphics, etc.;

B. A copy of the notice of pending decision and a list of all persons who were given mailed notice;

C. All testimony, evidence and correspondence relating to the application;

D. All information considered by the approval authority in making the decision;

E. If approved or approved with conditions, a copy of the certificate of appropriateness signed by the approval authority;

F. A list of the conditions, if any, attached to the approval of the application; and

G. A copy of the notice of the decision, which was given pursuant to Section 17.16.090, and a list of all persons who were given mailed notice. (Ord. 419 § 29(A), 2002; Ord. 416 § 8.30.100, 2002)

17.16.110 Appeal.

A. Standing to Appeal. Any person shall be considered a party to a matter, thus having standing to seek appeal, provided the person submitted written comments to the approval authority during the fourteen (14) day period prior to the decision or the person was enti-

pled as of right to notice prior to the decision to be reviewed.

B. Computation of Appeal Period.

1. The length of the appeal period shall be fifteen (15) days from the date of the final decision.

2. In computing the length of the appeal period, the day of the decision is mailed shall be excluded and the last day for filing the appeal shall be included unless the last day falls on a legal holiday for the city or on a Saturday, in which case, the last day shall be the next business day.

C. Determination of Appropriate Appeal Body.

1. Any decision made by the historic review board under this chapter, may be reviewed by the council by:

a. The filing of a notice of appeal and payment of required fees by any party to the decision before five p.m. on the last day of the appeal period;

b. The council, on its own motion, seeking appeal by voice vote prior to the end of the appeal period.

2. Failure to file an available appeal shall be considered a failure to exhaust administrative remedies. The local appeals process must be completed before any appeal is made to the land use board of appeals.

D. The notice of appeal shall be filed within the appeal period and contain:

1. A reference to the application sought to be appealed;

2. A statement of the petitioner's standing to the appeal;

3. The specific grounds for the appeal;

4. The date of the decision on the action;

5. The applicable fees.

E. The appeal hearing shall be confined to the record of the decision.

F. Upon appeal, notice shall be given to parties who are entitled to notice under Sections 17.16.060 and Section 17.16.090.

G. The appellate authority shall affirm, reverse or modify the decision, which is the subject of the appeal. The decision shall be made in accordance with the time provisions of Section 17.16.040; or upon the written consent of all parties to extend the one hundred twenty (120) day limit, the appellate authority may remand the matter if it is satisfied that testimony or other evidence could not have been presented or was not available at the time of the initial decision. In deciding to remand the matter, the appellate authority shall consider and make findings and conclusions regarding:

1. The prejudice to parties;
2. The convenience or availability of evidence at the time of the initial hearing;
3. The surprise to opposing parties;
4. The date notice was given to other parties as to an attempt to admit; or
5. The competency, relevancy and materiality of the proposed testimony or other evidence. (Ord. 419 §§ 20C, 29A (part), 2002; Ord. 416 § 8.30.110, 2002)

17.16.120 Modification and revocation of approvals.

The approval authority may modify or revoke any approval granted pursuant to this chapter for any of the following reasons:

- A. A material misrepresentation or mistake of fact made by the applicant in the application or in testimony and evidence submitted, whether such misrepresentation is intentional or unintentional;
- B. A failure to comply with the terms and conditions of approval;

C. A material misrepresentation or mistake of fact or policy by the city in the written or oral report regarding the matter whether such misrepresentation is intentional or unintentional. (Ord. 419 § 29A (part), 2002; Ord. 416 § 8.30.130, 2002)

17.16.130 Re-submittal of an application previously denied.

An application which has been denied or an application which was denied and which on appeal has not been reversed by a higher authority, including the land use board of appeals, the land conservation and development commission or the courts, may not be resubmitted for the same or a substantially similar proposal or for the same or substantially similar action for a period of at least twelve (12) months from the date the final city action is made denying the application unless there is a substantial change in the facts or a change in city policy which would change the outcome. (Ord. 419 §§ 29A (part), 2002; Ord. 416 § 8.30.130, 2002)

17.16.140 Expiration and extension of approvals.

A. Approval under this title shall be effective for a period two years from the date of approval.

B. Approvals shall lapse if:

1. Substantial construction of the approved plan has not been completed within a two-year period;
2. Construction on the site is a departure from the approved plan.

C. City staff may, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided, that:

1. No changes are made on the original approve tentative plan;

2. The applicant has expressed written intent of submitting a final plat within the one-year extension period; and

3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

4. Written notice of the decision regarding an extension of time shall be provided to the applicant. (Ord. 419 § 29A (part), 2002; Ord. 416 § 8.30.140, 2002)

Chapter 17.20

SIGNS

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- 17.20.040 Application.**
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- 17.20.060 Exempt signs.**
- 17.20.070 General sign provisions.**
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- 17.20.090 Historic residential overlay.**
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- 17.20.110 Nonconforming signs.**
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- 17.20.130 Relief from sign standards.**
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17.20.010 General authority.

Before any construction, erection, placing, painting, carving or otherwise giving public exposure of any sign occurs in the historic commercial overlay or the historic residential overlay, application must be made to both the historic review board and a city building official. The applicant must receive a certificate of appropriateness from the historic review board before a building permit can be issued by the building official. The sign provisions of this chapter may be considered as a part of a development application or individually. Applications shall be filed with the city recorder on an appropriate form in any manner prescribed by the city, accompanied with an application fee in the amount established by general resolution of the city council. (Ord. 416 § 8.50.010, 2002)

17.20.020 Purpose.

Sign guidelines and criteria can enhance the economic vitality and contribute to the visual quality of the city. Well-designed signs attract the eye, complement each other and draw attention to the buildings containing the businesses for which they are intended to advertise. In the review of sign applications within the city, the following criteria and standards will be considered by the historic review board.

A. Signs are necessary to communicate information about places, goods, services and amenities. As such, they have a useful function; they should not confuse; they should inform with clarity.

B. Signs are a part of the town's street scape. Signage, in a collective sense, has a civic obligation to be in character with the rest of the street scape.

C. Buildings are signs in that they represent a kind of imagery through their architecture.

D. Signage is visual. Good signage is an art form that should be addressed with sensitivity. In addition to communicating information, signage is an architectural element.

E. Signs on buildings should not dominate or obscure the architecture of the building. A sign on a building should be compatible or integrated with its architecture. (Ord. 416 § 8.50.020, 2002)

17.20.030 Sign permits required.

A. Existing Signs. All existing signs on each business and residential premises shall be required to conform to the standards of this chapter on or before July 1, 2003. Upon adoption of the ordinance codified in this title, the person(s) in control of the business

or property or in control of each business contained thereon, shall be required to submit a completed application form with a photograph of all existing signs according to Section 17.20.040(C), and pay no sign permit fee, except those signs approved by the historic review board after October 26, 1995.

1. As of the effective date of the ordinance codified in this title, Aurora's historic district contains four existing backlit reader boards, specifically for the business of the "General Store," "Aurora Colony Market," "Nagl Floor Covering," and "Aurora Cycle." Due to the historic business related use of these signs and notwithstanding Section 17.20.110(B)(2), these four reader board signs may continue, for their useful life, as nonconforming uses after the July 1, 2003 deadline requiring sign conformance.

B. Proposed Signs. No person shall place on, or apply to, the surface of any building, any painted sign, or erect, construct, place or install any other sign, unless a sign permit has been issued by the city for such sign. Application for a sign permit shall be made by the permittee in accordance with Section 17.20.040. The person(s) in control of the building or property or in control of each business contained thereon, shall make application for a sign permit in writing upon forms provided by the city. Such application shall contain the proposed location of each sign on the premises, the street and number of the premises, the name and address of the sign owner, the type of construction of each sign, the design and dimensions of each sign, type of sign supports, location of each sign on the premises, and other such information as may be required by the city.

C. No person having a permit to erect a sign shall construct or erect same in any

manner, except in the manner set forth in the approved certificate of appropriateness. All departures from signage plans for which a certificate of appropriateness has been issued shall be approved in advance by the historic review board.

D. Sign Permit Fees. The application for a certificate of appropriateness for a sign shall be accompanied by a filing fee in an amount established by general resolution of the city council. (Ord. 419 §§ 19, 23H, 2002; Ord. 416 § 8.50.030, 2002)

17.20.040 Application.

A. The applicant shall submit three copies of:

1. A drawing of the sign indicating its colors, lettering, symbols, logos, materials, size, and area;

2. An elevation and plot plan indicating where the proposed sign will be located on the structure or lot, method of illumination, if any, and similar information.

B. Signs existing September 26, 1995 shall be photographed with enough visual detail to determine their approximate size and location for inventory purposes. (Ord. 416 § 8.50.040, 2002)

17.20.050 Definitions.

As used in this chapter:

"Advertising structure" means any notice or advertisement, pictorial or otherwise, and any structure used as, or for the support of, any notice or advertisement for the purpose of making anything known about goods, services or activities not on the same lot as the advertising structure.

"Alterations" means any change in size, shape, and method of illumination, position,

location, construction or supporting structure of a sign.

"Balcony" means a platform projecting from the exterior wall, enclosed by a railing, supported by brackets or columns or cantilevered out.

"Banner" means a temporary paper, cloth, or plastic sign advertising a single event of civic or business nature.

"Billboard" means the same as "advertising structure."

"Building facade" means the vertical exterior wall of a building including all vertical architectural features.

"Building register sign" means a sign that identifies four or more businesses contained within a single building structure or complex.

"Bulletin board" means a sign of a permanent nature, but which accommodates changeable copy, indicating the names of persons associated with, events, conducted upon or products or services offered upon, the premises upon which the sign is located.

"Business" means commercial or industrial enterprise.

"Business frontage" means the lineal front footage of the building or a portion thereof, devoted to a specific business or enterprise, and having an entrance/exit opening to the general public.

"Cartoon" means a caricature of an animate or inanimate object intended as humorous.

"Construction sign" means a sign stating the names, addresses or telephone numbers of those individuals or businesses directly associated with a construction project on the premises.

"Curvilinear" means represented by curved lines.

"Direct illumination" means a source of illumination directed towards such signs so that the beam of light falls on the exterior surface of the sign.

"Flag" means a light flexible cloth, usually rectangular and bearing a symbol(s) representing a nationality, statehood, or other entity.

"Flashing sign" means a sign incorporating intermittent electrical impulses to a source of illumination, or revolving in a manner, which creates the illusion of flashing, or which changes color or intensity of illumination.

"Fluorescent colors" means extra bright and glowing type colors; includes dayglow orange, fluorescent green, etc.

"Fluorescent lighting" means light provided by tubes.

"Free-standing" means a sign, which is entirely supported by a sign structure in the ground.

"Frontage" means the single wall surface of a building facing a given direction.

"Illustration" means a line drawing or silhouette of a realistic object.

"Marquee" means a permanent roofed, non-enclosed structure projecting over an entrance to a building, which may be attached to the ground surface, or not.

"Neighborhood identification" means a sign located at the entry point to a single-family subdivision comprising not less than two acres, or a sign identifying a multiple-family development.

"Neon light" means a form of illumination using inert gases in glass tubes and includes black light and other neon lights.

"Parcel" or "premises" means a lot or tract of land under separate ownership, as depicted upon the count assessment rolls, and having frontage abutting on a public street.

"Primary revenue source" means no less than seventy-five (75) percent of gross total principal income derived from a business.

"Public right-of-way" means the area commonly shared by pedestrians and vehicles for rite of passage. An easement for public travel or access including street, alley, walkway, driveway, trail or any other public way; also, the land within the boundaries of such easement.

"Quality material" means materials that are appropriate to make temporary window signs, including poster board, heavy bond paper or wood. All temporary signs will be lettered using the approved lettering styles. Brown paper or brown bags, ragged edges or light-weight paper are not allowed.

"Real estate sign" means a sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease or rent.

"Sidewalk" means hard surface strip within a street right-of-way to be used for pedestrian traffic.

"Sign" means any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising a property or the establishment or enterprise, including goods and services, upon which the signs are exhibited. This definition shall not include official notices issued by a court or public body or officer, or directional, warning or information signs or structures required by or authorized by the law or by federal, state, county or city authority.

Sign, Area of. In determining whether a sign is within the area limitations of this title, the area of the total exterior surface shall be measured and computed in square feet; provided, that where the sign has two or more faces, the area of the total exterior surface

shall be measured and divided by the number of faces; and provided further, that if the interior angle between the two planes of two faces exceeds one hundred thirty-five (135) degrees, they shall be deemed a single face for the purposes hereof. Measurement shall be made at the extreme horizontal and vertical limit of a sign.

"Street frontage" means the lineal dimension in feet of the property upon which a structure is built, each frontage having one street frontage.

"Wind sign or device" means any sign or device in the nature of a series of one, two or more banners fastened in such a manner as to move upon being subject to pressure by wind or breeze.

"Window" means all the glass included with one casement. (Ord. 416 § 8.50.050, 2002)

17.20.060 Exempt signs.

The following signs and devices shall not be subject to the provisions of this chapter and shall not require a certificate of appropriateness or a sign permit application:

A. Identification Signs.

1. Memorial and Historic Identification Signs. Memorial tablets, cornerstones or similar plaques, such as National Register listing, not exceeding six square feet.

2. Small Business-Related Informational Signs. Small nonilluminated informational signs such as "open/closed" signs (including one three foot by five foot flag or banner per store front), credit card signs, rating or professional association signs, and signs of a similar nature. Only one of each type of sign is permitted and no more than four of these signs are allowed for any individual business or on any parcel of property. The total area

for these types of signs may not exceed three square feet in area. If logos are used, they should be no larger than one square foot. historic review board approved colors and lettering styles must be utilized.

3. Occupant or Owner Sign. A sign identifying the name of the occupant or owner, provided the sign is not larger than one square foot, is unilluminated and is either attached to the structure or located within the front yard setback.

4. Donation Name Plates. Donation nameplates located on benches are allowed.

B. Signs as Symbols.

1. Flags. Flags of national, state, or local government, and flags of U.S. historical significance (no more than two flags per store front, each flag not to exceed a size of three feet by five feet).

C. Temporary Signs.

1. Political Signs. Temporary political signs not exceeding four square feet, provided the signs located on private property, and are erected not more than thirty (30) days prior to, and removed within seven days following, the election for which they are intended.

2. Real Estate or Construction Signs. Temporary, nonilluminated real estate or construction signs (no more than one per parcel) not exceeding four square feet, provided such signs are removed within fifteen (15) days after sale, lease or rental of the property, or the completion of the project.

3. New Business Signs. Temporary signs for new businesses, after the city has been notified through a business permit license, for a period not exceeding ninety days.

4. Sale or Product Advertising Window Signs, Grand Opening And Going Out of Business Signs. Temporary fabric or paper

signs for special events, sales, or grocery store type products may be placed upon the window opening of a nonresidential building, when such signs do not obscure more than twenty (20) percent of the window or wall area and no more than ten (10) percent of the total primary facade area. These temporary signs will not be put up more than fifteen (15) days prior to the event or sale and will be removed immediately after the event or sale. These temporary signs need to be of quality material and in keeping with the Aurora's historic character.

5. Business Change of Location. Businesses that are changing location may place a single one square foot inside a window facing outward for sixty (60) days before moving and up no more than sixty (60) days after vacancy.

6. Garage Sale Signs. Garage sale signs shall include the address of the person giving the sale, dates of the sale and be limited to three weekends per year per address. Signs are to be removed immediately at the close of the sale. Signs shall be maximum size of two square feet, signs shall be no more than four feet in height, and shall be self-supported and not affixed to public signs or utility poles. Signs shall not be placed in the city's park. Signs may be placed in the city right-of-way if placed no closer than four feet from the street. Sign may also be placed on private property with the owner's permission.

7. Holiday Lighting. Noncommercial decorations, including blinking lights, displayed on traditionally accepted civic, patriotic, and/or religious holiday, provided that such decorations are maintained a safe condition and do not constitute a fire hazard. Decorations in the historical commercial overlay must be removed, or cease to be used, within

thirty (30) days following the holiday/event to which they relate.

8. Civic and Special Event Banners. Temporary banners, pennants and flags advertising civic and special (not sale) events shall be permitted for no more than sixty (60) days before the event and must be removed within forty-eight (48) hours after the event concludes.

D. Government Signs.

1. Construction Signs. Signs placed by state or federal governments for the purpose of construction, maintenance or identification of roads or other public agencies for the direction of traffic, and designed to fulfill the requirements of state and federal funding agencies.

2. Public Meeting Notices. Temporary paper signs that serve as notice of a public meeting when removed promptly after such meeting is held.

3. Town Identification Signs. One town identification sign shall be permitted at each entry to town located on major roadways, not exceeding twenty (20) square feet.

E. Security Signs. Signs relating to security monitoring which may include company logo are exempt and limited to twelve (12) square inches in size when located on a window or two square feet when free-standing. (Ord. 419 §§ 23A, 23B, 2002; Ord. 416 § 8.50.060, 2002)

17.20.070 General sign provisions.

The following general sign provisions apply to all signs, except those exempt signs specifically listed in Section 17.20.060, within the city:

A. Sign Design.

1. Materials. Wood is the recommended material for both the sign and the stanchion

(in the case of free-standing signs). Signs, which use plastic as part of the exterior visual effects, are prohibited.

2. Shape. Rectangular, straight-edge and oval signs are the preferred shape for signs. Signs with highly stylized, curvilinear edges are not recommended. Refer to the approved sample sign styles available at City Hall.

B. Sign Color.

1. Maximum of Four Colors. The number of colors used on signs shall be minimized for maximum effect. As a result, each sign may contain only four colors, not including the background.

2. Fluorescent Colors. Fluorescent colors are not allowed.

3. Dark Letters over Light Background. All signs shall have dark colored letters placed on top of a light colored background.

C. Sign Graphics, Lettering and Content.

1. Graphics. Sign graphics shall be carved, applied, painted or stained. Three-dimensional signs are not recommended.

2. Keep Graphics Simple. Sign graphics shall be simple and bold and in keeping with the historic review board guidelines. Sign graphics can contain line drawings or silhouette images of live or inanimate objects. Cartoon images, either line drawn or silhouette, of live or inanimate objects are prohibited.

3. Lettering. To maintain continuity, all sign lettering shall be stylistically similar to the list of approved fonts in Section 17.20.140. All lettering shall be uniformly aligned, evenly spaced, precise, cleanly executed and legible.

4. Historic Building Name Signs. Signs placed flat against the facade of the building that identify the historic name of a building are encouraged, provided they are of uniform

color and design throughout the city and are no more than six square feet in area.

5. City Directional Signs. Signs and graphics for which the city is responsible (i.e., parking lots, public facilities, street signs, etc.) shall have a single lettering style and use black for the lettering and white as a background. Signs for city parks shall not exceed twelve (12) square feet.

E. Sign Lighting.

1. External Lighting Only. When lighting is used for signs, only subdued external and indirect incandescent lighting is allowed. Internal illumination and fluorescent and/or internal neon lighting is not allowed. Special illumination circumstances, such as lottery signs and product advertising signs, will be considered on a case-by-case basis.

2. No Flashing or Blinking Lights. No sign shall contain any flashing lights, blinking or moving letters, characters or other elements, nor shall it be rotating or otherwise movable. (Ord. 419 § 23C, 2002; Ord. 416 § 8.50.070, 2002)

17.20.080 Prohibited signs.

A. Paper Signs. Paper signs are not allowed on the exterior of any building or attached to any sign, except as provided in Section 17.20.060.

B. Billboards or Off-Premises Advertising Signs. Billboards or off-premises advertising signs, temporary signs, wind signs or devices are prohibited, except as allowed in Section 17.20.060.

C. Flashing Signs. Signs with lights or illuminations, which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent Electrical pulsations are prohibited.

D. Bench Signs. Advertising murals and bench signs are prohibited. However, donation name plates are allowed.

E. Logo or Trademark Signs. Signs or devices (such as drink dispensers) placed on the outside of a business that display the symbol, slogan or trademark of national product brands of soft drinks, or other products, or services shall be prohibited.

F. Misleading Signs. Any unofficial sign which purports to be, is in imitation of or resembles an official traffic light or a portion thereof, or which hides from view any official traffic sign or signal, is prohibited.

G. Signs Obstructing Egress. No sign or portion thereof shall be so placed as to obstruct any fire escape, standpipe or human exit from a window located above the first floor of a building; obstruct any door or exit from a building; or obstruct any required light or ventilation.

H. Utility Poles. No sign shall be attached to a utility pole.

I. Reader Board Sign. Except as exempted in Section 17.20.030, reader board signs are prohibited. (Ord. 419 § 23E, 2002; Ord. 416 § 8.50.075, 2002)

17.20.090 Historic residential overlay.

Signs in the historic residential overlay shall be permitted as follows:

A. Neighborhood Identification. One sign shall be permitted at each entry point to developments, with more than ten (10) lots or dwelling units, not exceeding an area of eight square feet per sign, nor five feet in height above grade. See also the general sign provisions Section 17.20.070.

B. Conditional Uses. Where otherwise permitted, one sign of not more than four square feet, either attached to the building or

freestanding, shall be permitted for conditional uses. If freestanding, the sign shall be mounted in a planter or landscaped area and shall not exceed five feet in height, nor shall it be located within ten (10) feet of any property line. (Ord. 416 § 8.50.080, 2002)

17.20.100 Historic commercial (HC) overlay.

All signs in the historic commercial overlay shall require approval by the historic review board pursuant to this chapter. Signs should not be the dominant feature of a building or site, yet they are a key component in identifying businesses and contributing to the liveliness of the street with their individuality. These guidelines create a system whereby signs identifying businesses are visible to both pedestrian and automobile traffic without detracting from the architecture or overpowering the streetscape. Special consideration may be granted for signage design that is consistent with the historical age and style of the building. The following types of signs are permitted within the historic commercial overlay:

A. Right-Angle Signs. Right-angle signs (those signs placed perpendicular to the building facade) may be either attached to the wall surface or hung from the underside of a marquee or balcony. Right-angle signs are designed for viewing by pedestrians walking under such signs. See also the general sign provisions, Section 17.20.070.

1. Number. There shall be no more than one right-angle sign for every seventeen (17) feet of street frontage.

2. Area. The square footage of all right-angle signs on a single building frontage shall not exceed one percent of the area of that building facade to which the sign is attached.

No individual sign shall be more than six square feet in area. A single right-angle sign identifying four or more businesses may be a maximum of ten (10) square feet.

3. Placement. Right-angle signs shall be below the sill of the second story windows or below the roofline, eave or parapet of a one-story building. No sign projecting over the public right-of-way shall be less than eight feet from the ground level. No sign shall project more than six feet from the vertical surface of a building facade, provided it is no closer than two feet from the face of the curb or edge of pavement.

B. Wall Signs. Wall signs are those signs attached and parallel to the building facade, and which extend no more than six inches from the surface of the wall. (Parapet signs are a type of wall sign, but are treated separately). See also the general sign provisions, Section 17.20.070.

1. Number. Only one wall sign is permitted for every seventeen (17) feet of building street frontage.

2. Area. The square footage of all wall signs on a single building frontage shall not exceed six percent of the area of that building facade to which the signs are attached.

3. Placement. Wall signs shall not extend above an eave or ridge line.

4. Former Residential Use. Wall signs on commercial buildings originally built as houses shall not exceed four square feet, be placed sensitively to the architecture, and contain only the business name and/or business category.

C. Parapet Signs. Parapet signs are a distinctive type of wall sign, which are generally located above the lintels of the upper story windows and continue upward on a wall that extends beyond the roof edge (or false

front). They are designed to be legible to pedestrians across the street and persons traveling on the street. Parapet signs generally identify the name of the business establishment. See also the general sign provisions, Section 17.20.070.

1. Number. No more than one parapet sign is permitted per building.

2. Area. A parapet sign shall not exceed six percent of the total square footage of the building facade to which it is attached. A parapet sign shall be no more than two feet in vertical dimension.

3. Placement. Parapet signs shall not extend above the upper edge of the parapet wall. A parapet sign shall not extend any nearer than one foot from either edge of the building. Recessed sign panels located in building parapets should be used when possible.

D. Window and Door Signs. Window and door signs are those, which are painted, displayed or placed inside a translucent or transparent surface facing outward. Window graphics are usually most effective when they are simple and clearly. Generally these types of signs do not identify the primary business to persons outside the building. As a result, these types of signs should be kept to a minimum. See also the general sign provisions, Section 17.20.070.

1. Number. Each building frontage shall have no more than a total of two window/door signs.

2. Area. The total of all window or door signs shall not exceed twenty (20) percent of the total window and/or door area for each building.

3. Placement. In all cases, window graphics shall be limited to the first and second story window.

4. Former Residential Use. Window signs are not allowed on commercial buildings originally built as houses.

E. Balcony or Marquee Signs. Balcony or marquee signs are those signs that are attached to the fascia of the balcony or marquee and are parallel to the street and building facade. They are intended for viewing by travelers on the street or pedestrians on the opposite side of the street. There is little historical precedent for balcony or marquee signs that hang from the fascia, hence signs that are hanging from the outside edge of a balcony or marquee roof are prohibited. See also the General Sign Provisions, Section 17.20.070.

1. Number. Only one attached balcony or marquee sign shall be permitted per building.

2. Area. No more than eighty (80) percent of a balcony or marquee fascia shall be covered with signage.

3. Placement. The attached balcony or marquee sign shall be centered in the middle of the balcony or marquee fascia. The signs shall not project above the marquee roofline or balcony floor line, or below the bottom edge of the balcony or marquee fascia.

F. Free-standing Signs. Free-standing signs are those, which are provided with their own support and are not attached to a building. Typically they are attached or are suspended from a post, pole or stanchion. Aurora had few if any free-standing signs in the late 1880s. Most business activities were conducted in buildings built on the front property line, allowing little room for placement of free-standing signs. See also the General Sign Provisions, Section 17.20.070.

1. Former Residential Use. Free-standing signs are especially appropriate for commercial buildings originally built as houses.

2. Number. No more than one free-standing sign is permitted for each parcel containing one or more business activities within a building structure.

3. Area. A free-standing sign shall not exceed thirty-two (32) square feet in area.

4. Placement. A free-standing sign shall be within the parcel boundaries.

5. Height. A free-standing sign shall not exceed eight feet in height from the top edge of such sign to the grade below.

G. Sandwich and A-Board Signs. Sandwich or A-Board Signs are signs that are ordinarily in the shape of an "A" or some variation thereof, on the ground, easily moveable and which is usually two sided. See also the General Sign Provisions, Section 17.20.070.

1. Number. One sandwich board type sign is permitted per business. Additional sandwich boards granted only on businesses with more than one frontage and then only at the discretion of the governing body.

2. Placement. Sandwich boards shall not obstruct pedestrian walkways, or in any way impede the normal flow of vehicular traffic. These signs shall be placed in a manner that maintains a walkway of not less than thirty-six (36) inches in width and shall be no larger than three feet wide, nor more than four feet high when measured vertically.

3. Removal. Sandwich board signs shall be moveable at all times and displayed only during the open hours of the business.

4. Distance Between Sandwich Boards. Sandwich boards must maintain a minimum distance of fifteen (15) feet from any other sandwich board sign.

5. Location. Location of sandwich boards must be approved at the time of sign application review.

6. No Posters or Promotional Materials. No paper signs of any kind shall be placed upon sandwich board signs. Sandwich boards are not to be used for posters or to display promotional materials, except for special community events, which are limited to the duration of the event.

H. Signs Painted on Buildings. Signs painted directly upon the facade of the building within the HC district shall be consistent with historical documentation. (Ord. 419 §§ 23F, 23G, 2002; Ord. 416 § 8.50.090, 2002)

17.20.110 Nonconforming signs.

All signs existing on the date of adoption of the ordinance codified in this title, and not conforming with the provisions of this chapter are deemed nonconforming signs, except those signs approved by the historic review board after October 26, 1995.

A. No nonconforming sign shall be changed, expanded or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.

B. Termination of Nonconforming Signs.

1. Immediate Termination. Nonconforming signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located shall be terminated within fifteen (15) days after the effective date of said ordinance.

2. Termination by Change of Business. Any nonconforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change in the ownership or control of such business.

3. Termination by Amortization. Any nonconforming sign not terminated pursuant to any other provision of this title shall be terminated on or before July 1, 2003. (Ord. 419 §§ 20, 23I, 2002; Ord. 416 § 8.50.100, 2002)

17.20.120 Termination of signs by abandonment.

A. Obsolete Business Signs. Any sign advertising or relating to a business, except a regular seasonal business, on the premises on which it is located, which business is discontinued for a period of thirty (30) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and all such signage, whether conforming or nonconforming to the provisions of this title shall be removed within thirty (30) days thereafter. Any period of such non-continuance caused by government actions, strikes, materials shortages or acts of God, and without any contributing fault by the business or user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.

B. Appeal. An extension of time for removal of signage of an abandoned business, not to exceed an additional thirty (30) days, may be granted by the city council upon an appeal filed by the legal owner of the premises or person in control of the business. (Ord. 416 § 8.50.110, 2002)

17.20.130 Relief from sign standards.

The historic review board may grant relief from strict compliance with standards contained in this chapter in cases where documented evidence suggests it is impossible or impractical to comply with the standard for one or more of the reasons set forth in the

preceding subsections. The facts and conclusions relied upon to grant relief from a particular standard shall clearly be set forth in the final order of the historic review board.

A. Exceptional or extraordinary conditions applying to the property which do not apply generally to other properties in the same zone or vicinity, which conditions are a result of building location or style, or other circumstances over which the applicant has no control make strict compliance impossible or impractical; or

B. Relief from the standard for reason set forth, will result in equal or greater compatibility with the architectural style and features, which exist on the building or nearby historical buildings; or relief is necessary to restore or replace a sign in a way which is historically accurate or compatible. (Ord. 416 § 8.50.120, 2002)

17.20.140 List of approved font types.

(Ord. 419 § 23D, 2002: Ord. 416 § 8.50.130,
2002)

Chapter 17.24

ACCESSORY DWELLING UNITS

Sections:

- 17.24.010 Purpose.**
- 17.24.020 Applicability and administration.**
- 17.24.030 Application submittal requirements.**
- 17.24.040 Approval standards.**

17.24.010 Purpose.

Accessory dwelling units are allowed in certain situations to:

A. Create new housing units while respecting the look and scale of single-dwelling neighborhoods;

B. Allow more efficient use of existing housing stock and infrastructure;

C. Provide a mix of housing that responds to changing family needs and smaller households;

D. Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and

E. Provide a broader range of accessible and more affordable housing. (Ord. 416 § 8.60.010, 2002)

17.24.020 Applicability and administration.

A. An accessory dwelling unit may be added to any single-family detached dwelling in the historic residential overlay.

B. Accessory dwellings requiring exterior modifications and detached accessory dwelling units on properties located in the historic residential overlay shall require approval by

the historic review board pursuant to Chapter 17.16. (Ord. 416 § 8.60.020, 2002)

17.24.030 Application submittal requirements.

All applications for accessory dwelling units shall be made on forms provided by the city and shall be accompanied by:

A. The information requested on the application form;

B. A narrative discussing the appropriate criteria in sufficient detail for review and action;

C. The required fee;

D. A site plan drawn to standard engineering scale showing the location of the accessory dwelling unit, the entrance and exits from the site, and areas to be designated for parking; and

E. A completed building permit application. (Ord. 416 § 8.60.030, 2002)

17.24.040 Approval standards.

A. Standards for creating accessory dwelling units address the following purposes:

1. Ensure that accessory dwelling units are compatible with the desired character and livability of Aurora's residential zones;

2. Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;

3. Ensure that accessory dwelling units are smaller in size than principal dwelling units; and

4. Provide adequate flexibility to site buildings so that they fit the topography of sites.

B. The design standards for accessory dwelling units are stated in this section and

Appendix A set out in the Appendix to this code. If not addressed, the base zone development standards apply.

C. Only one entrance to a residence may be located on the front facade of the single-family dwelling facing the street, unless the single-family dwelling contained additional front doors entrances before the conversion accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

D. The size of the accessory dwelling unit may be no more than fifty (50) percent of the living area of the single-family detached dwelling or the maximum allowed for an accessory dwelling unit in the applicable zone or overlay, whichever is less.

E. Accessory dwelling units created through the addition of floor area must meet the following:

1. The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the existing single-family detached dwelling.

2. The roof pitch must be the same as the predominant roof pitch of the existing single-family detached dwelling.

3. Trim on edges of elements on the addition must be the same in type size and location as the trim used on the rest of the existing single-family detached dwelling.

4. Windows must match those in the existing single-family detached dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).

F. Detached accessory dwelling units must meet the following:

1. The accessory dwelling unit must be located in the side or rear yard of the primary detached single-family dwelling.

2. The maximum height allowed for a detached accessory dwelling unit is eighteen (18) feet or seventy-five (75) percent of the height of the primary dwelling unit, whichever is greater.

3. The detached accessory dwelling unit may not have a larger footprint than the footprint of the single-family dwelling unit.

4. The exterior finish and trim material must be visually compatible in type, size and placement, the exterior finish material of the single-family detached dwelling.

5. The roof pitch must be the same as the predominant roof pitch of the single-family detached dwelling.

6. Windows must match those in the single-family detached dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).

H. All parking must meet the requirements of Chapter 16.42, Off-Street Parking and Loading, for single-family residences, except as follows:

1. No additional parking space is required for the accessory dwelling unit if it is created on a site with an existing single-family dwelling and, the roadway surface on at least one abutting street is at least eighteen (18) feet wide.

2. One additional parking space is required for the accessory dwelling unit when:

- a. None of the abutting street roadway surfaces are at least eighteen (18) feet wide;

- b. When the accessory dwelling unit is created at the same time as the single-family detached dwelling is constructed. (Ord. 416 § 8.60.040, 2002)

Chapter 17.28

TEMPORARY USES AND STRUCTURES

Sections:

- 17.28.010 Purpose.**
17.28.020 Application submission requirements.
17.28.030 Temporary use administration and approval.
17.28.040 Temporary structure administration and approval.

17.28.010 Purpose.

The purpose of the temporary use permit is to permit commercial activities that are small scale and short term in nature and generally promote celebration of specific events, holidays and seasons. Examples include, but are not limited to, temporary uses associated with existing licensed businesses, seasonal produce sales and farmers markets.

The purposes of the temporary structure approval are: (1) to permit property owners to utilize temporary structures for up to one year for approved longer term temporary uses, including but not limited to, temporary construction offices and leasing offices for previously approved developments; or (2) to permit property owners to utilize shorter term temporary open air structures, such as tents, booths and canopies of greater than one hundred twenty (120) square feet with approved shorter term temporary uses. (Ord. 419 § 21A (part), 2002; Ord. 416 § 8.70.010, 2002)

17.28.020 Application submission requirements.

All applications for temporary uses or temporary structures shall be made on forms

provided by the city and shall be accompanied by:

A. A site plan drawn to standard engineering scale showing the location of the temporary use or temporary structure, the entrance and exits from the site, areas to be designated for parking, if applicable, and any requested signs; and

B. For structures subject to Section 17.28.040, a letter from the property owner of record giving approval for the proposed temporary structure; and

C. A completed business license application for the temporary use. (Ord. 419 § 21A (part), 2002; Ord. 416 § 8.70.020, 2002)

17.28.030 Temporary use administration and approval.

A. The planning director may approve a temporary use based on following criteria:

1. The temporary use is located in the historic commercial overlay in the commercial zone and the parcel of land on which the temporary use will be located is zoned consistent with the proposed temporary use.

2. Where the temporary use is sited on a property containing an existing business, the temporary use shall directly relate to the existing business.

3. The temporary use will last for no more than two, separate, contiguous seven day periods in any one calendar year and the two periods shall not be permitted back-to-back.

4. The temporary use and all items related to the temporary use shall be removed from the site prior to expiration of the approval period.

5. No regulations prohibiting the activity are identified in a review of the Aurora Municipal Code and Oregon Revised Statutes.

6. Temporary use of tents, booths or canopies less than one hundred twenty (120) square feet are permitted under this section without a temporary structure permit under Section 17.28.040. For temporary uses of tents, booths and canopies greater than one hundred twenty (120) square feet, a temporary structure permit under Section 17.28.040 is required.

7. Tents, booths or canopies shall comply with the requirements of Section 14, Aurora Design Guidelines for Historic District Properties (Appendix A).

B. Temporary uses during special events approved by the city council shall be exempt from temporary use permit requirements.

C. No notice of decision is required, but the planning director shall issue an approved temporary use permit stating how the application satisfies the criteria in Section 17.28.030(A) and specifying the dates for which the approval is valid. A copy of this permit shall be attached to the business license application as filed in City Hall. (Ord. 419 § 21A (part), 2002; Ord. 416 § 8.70.030, 2002)

17.28.040 Temporary structure administration and approval.

All applications for temporary structures shall be submitted and processed according to the requirements of this section. A certificate of appropriateness from the historic review board is required for sites located in the historic commercial or historic residential overlay. (Ord. 419 § 21A (part), 2002; Ord. 416 § 8.70.040, 2002)