# RESOLUTION NO. 2014-3161

**A RESOLUTION ACCEPTING THE TEMPORARY AND PORTABLE SIGN AD-HOC COMMITTEE'S RECOMMENDATIONS PRESENTED IN EXHIBIT A REGARDING CHANGES TO TEMPORARY AND PORTABLE SIGNAGE WITHIN THE CITY OF NEWBERG.**

## RECITALS:

1. On October 7, 2013, the City Council adopted Resolution No. 2013-3080, establishing a Temporary and Portable Sign Ad-Hoc Committee. The committee's charge is as follows: "The committee will make a determination as to what, if any, changes to the current development code regarding temporary and portable signs may be desirable. If the committee determines changes may be warranted, the committee is to draft recommended development code amendments for consideration of adoption by the city council. Such recommended changes shall meet two criteria: improve the likelihood the intended message will reach its target audience; while at the same time, meet the spirit and intent of the purpose of the sign regulations as stated in Section 15.435.010 of the Newberg development code." The committee was formed in response to concerns expressed by members of the business community regarding the current sign code for temporary and portable signs.

2. The purpose of the city's sign regulations per the Newberg development code is as follows:

   ***15.435.010 Purpose.***
   *A. The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well-planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.*

3. The committee began meeting in November 2013 and continued to do so approximately every two weeks. The committee examined the current sign code regarding temporary and portable signs, toured the city to see how the code is being implemented "on the ground", conversed with various business owners (included the owners of the three largest auto dealerships) regarding the implementation of this type of signage, and explored options on how the city may improve temporary and portable signage in a way that will benefit local businesses as well as the community in general.

4. Exhibit A describes the final recommendations from the committee to the council. Some of the recommendations include changes to the Newberg Development Code.

## THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The Newberg City Council accepts the Temporary and Portable Sign Ad-Hoc Committee's report as described in Exhibit A.

# Newberg Temporary and Portable Sign Ad Hoc Committee Recommendations to Newberg City Council July 21, 2014

## 1. Develop a downtown wayfinding system

The city of Newberg should develop a wayfinding sign system for the downtown area (C-3 zone). The purpose of the system would be to help visitors to the downtown to locate and discover public and private destinations. An ad hoc committee of the Newberg City Council should be created (members appointed by the Mayor) and the committee's goal should be to develop recommendation for council's consideration of adoption regarding the general appearance of the signs, where they are to be located, how the sign system shall be installed and maintained (both private and public operators should be considered), and any other goals that the council feels is necessary to ensure that the wayfinding sign system will be an attractive and useful addition to the city's historic downtown area. The committee should coordinate with other entities within the community with existing and/or intended wayfinding signage entities (CPRD, Cultural District, Chamber of Commerce, etc.) to ensure all such signage achieves a coordinated appearance.

Any potential wayfinding system that may be adopted should be intended to augment signage that is currently allowed and be an additional option to the current sign code.

## 2. Develop a sign permit program

The committee heard from some representatives of the business community that current regulations regarding portable and temporary signs are too restrictive. To address this concern, the committee recommends the city develop a sign permit program that would allow additional temporary and portable signage with a city approved sign plan. The program would include regulations and a review process that would ensure that such signage has an attractive, coordinated, and maintained appearance.

The following general criteria would be used to develop specific code language for the proposed sign permit program:

1) Multiple signs allowed by approved sign plan and permit

2) Time: up to one year. Request to extend existing, approved sign plan would be quick and easy.

3) Number: C-2 zone: 1 per 100 feet of street frontage. C-3 zone: 1 per 15 feet of street frontage, with a maximum of 4 signs. Institutional zone: 1 per 100 of street frontage.

   At least one per business allowed. Business must have a business license and occupy a discrete space.

4) Square footage and size: Total signage for a property will be 1 square foot per 1 foot of street frontage. Maximum allowed for any specific sign will be based on the location of the sign. The farther the distance a sign is from the front property line, the greater size that will be allowed

for a specific sign. For every 10 feet from the property line, the maximum square footage for a sign may be an additional 10 square feet larger. In other words, if a sign is between the property line and 10 feet from the property line, then the sign may be up to 10 square feet in size; if a sign is between the 10 feet and 20 feet from the property line, then the sign may be up to 20 square feet in size, and so on.

5) Review criteria for signage in plan:

- Size
- Colors
- Style
- Font
- Size appropriate for setback location

6) Fee: $10 for each month a permit is in effect or $100 per year. Permit application form simple to complete.

7) Maintenance: Condition of permit approval would be that the business would maintain signage in good condition. A permit may be revoked at any time the city deems this condition is not being met.

Sign plan applications shall be reviewed and approved by the city's planning division. Plan approval/disapproval will be based on a set of criteria that is intended to achieve attractive, coordinated portable signage on a property. An appeal to the application decision may be made to a hearing officer appointed by the city manager.

**3. Pennants, streamers, and inflatable objects**

The use of pennants, streamers and inflatable objects as signage are not addressed in the development code. Therefore, the committee recommends that Section *15.435.100 Temporary signs for events* of the Newberg Development Code be amended as follows (NOTE: amendments are double underlined; code language deletions are ~~strikeouts~~):

*15.435.100 Temporary signs for events.*

In addition to the portable signs otherwise permitted in this code, a lot may contain temporary signs in excess of the number and size allowed by NMC 15.435.090 during events as listed below~~.~~ Pennants, streamers, and inflatable objects may be used during these events.

A. Grand Opening Event. A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event. If there are no freestanding signs on a frontage after the grand opening event, one of the

temporary signs may remain on the property for the 60 days immediately after the end of the grand opening event. A temporary electronic message center may be used during a grand opening event.

B. Election Event. An election event begins 90 days prior to and ends 14 days after any public election. During this event a lot may contain up to two additional temporary signs, not to exceed 12 square feet in total area for both signs. These signs shall not be located in the public right-of-way.

C. Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart. A temporary electronic message center may be used during the event.

D. Flag Displays. One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or Newberg city council designated festival. [Ord. 2731 § 3, 10-18-10; Ord. 2499, 11-2-98. Code 2001 § 151.599.]

Penalty: See NMC 15.05.120.

**4. Education/Enforcement/Maintenance**

Efforts by the city regarding the enforcement, education, and maintenance of temporary and portable signage is a critical component to achieving the goal of a high quality-of-life in the community. The city should dedicate the necessary resources as feasible to ensure adequate enforcement, education, and maintenance of signage within Newberg. The city of Newberg should develop proposals that improve existing mechanisms as well as create new mechanisms that will help ensure the adherence and enforcement to the temporary and portable sign development codes. Potential solutions should include the development of public handout materials that explain the temporary and portable sign codes as simply as feasible and adoption of some of the other recommendations mentioned in this memo. The format of such materials should use clear language in layman terms and simple graphics to help convey the information. Finally, the city should seek out partners to assist with this issue, such as the Chehalem Valley Chamber of Commerce and the Newberg Downtown Coalition.

**5. Flags**

The committee has found that there may be insufficient language in the development code regarding the difference between a flag display and flags as portable signs (e.g. teardrop style flags). Therefore, the committee recommends the following amendments to the Newberg Development Code. (NOTE: amendments are double underlined; code language deletions are ~~strikeouts~~):

*15.435.100 Temporary signs for events.*

In addition to the portable signs otherwise permitted in this code, a lot may contain temporary signs in excess of the number and size allowed by NMC 15.435.090 during events as listed below:

A. Grand Opening Event. A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event. If there are no freestanding signs on a frontage after the grand opening event, one of the

temporary signs may remain on the property for the 60 days immediately after the end of the grand opening event. A temporary electronic message center may be used during a grand opening event.

B. Election Event. An election event begins 90 days prior to and ends 14 days after any public election. During this event a lot may contain up to two additional temporary signs, not to exceed 12 square feet in total area for both signs. These signs shall not be located in the public right-of-way.

C. Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart. A temporary electronic message center may be used during the event.

D. Flag Displays. One flag display is permitted on each street frontage. An unlimited number of ~~displays is~~ flags are permitted on any legal holiday or Newberg city council designated festival. [Ord. 2731 § 3, 10-18-10; Ord. 2499, 11-2-98. Code 2001 § 151.599.]

**Penalty:** See NMC 15.05.120.

*Section 15.05.030 Definitions*

"Flag display" means one or more flags attached to a permanently affixed single pole.

**6. Umbrellas**

It is the committee's understanding that the use of umbrellas in conjunction with outdoor seating under the current temporary and portable sign code has been an issue. The committee feels that umbrellas provide an important service to business patrons as protection from the elements, especially with restaurants. Therefore, the committee feels that such umbrellas, with or without signage, should be exempted from the sign code. The committee recommends the following amendments to the Newberg Development Code. (NOTE: amendments are double underlined):

*15.435.020 Applicability and exemptions.*

A. All signs placed or maintained anywhere within the city shall comply with the standards of this chapter, with the exception of the following:

1. Public signs.
2. Signs that are required to be placed by law and that are no more than 50 percent larger than the minimum size required by law or, if there is no minimum size specified, signs with lettering height no more than four inches.
3. Signs painted on or attached to windows that do not cover more than 50 percent of the surface of that window.
4. Signs located entirely within a building and not on a window.
5. Signs not legible from the public right-of-way.
6. Umbrellas used in conjunction with outdoor seating.

B. If any of the signs listed above require permits under the current edition of the Oregon Structural Specialty Code, the sign shall be placed only following issuance of such permit.

C. Nothing in this chapter shall be construed to allow placement of a sign on a property without the authority of the property owner. [Ord. 2499, 11-2-98. Code 2001 § 151.591.]

2. The Newberg City Council initiates the development code amendment process for proposed changes to the Newberg Development Code as described in Exhibit A, with the following changes:

a. The sign permit program in item two only applies to private property and non-public right of way.

b. The proposed change in item six to allow umbrella signs was not supported by the Council and was deleted from the code amendment initiation.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 22, 2014.

**ADOPTED** by the City Council of the City of Newberg, Oregon, on the 21st day of July, 2014.

Sue Ryan, City Recorder

**ATTEST** by the Mayor this 4th day of November, 2014.

Bob Andrews, Mayor