



ORDINANCE NO. 2015-2782

AN ORDINANCE AMENDING THE NEWBERG DEVELOPMENT CODE REGARDING TEMPORARY AND PORTABLE SIGNS

RECITALS:

1. The Newberg City Council initiated a potential amendment to Newberg's Development Code regarding temporary and portable signs on July 21, 2014, under City Council Resolution No. 2014-3161.
2. After proper notice, the Newberg Planning Commission held a hearing on November 13, 2014, to consider the amendment. The Commission considered testimony and continued the public hearing to their next scheduled meeting on December 11, 2014.
3. On December 11, 2014, the Planning Commission considered additional testimony, deliberated, and continued the hearing to January 8, 2015.
4. On January 8, 2015, the Planning Commission considered additional testimony, deliberated, and continued the hearing to February 12, 2015.
5. On February 12, 2015, the Planning Commission considered additional testimony, deliberated, and approved Planning Commission Resolution No. 2015-305.
6. On May 4, 2015, after proper notice, the City Council opened the hearing on the sign code amendment, and continued it without discussion to July 6, 2015, to allow the Planning Commission and staff additional time to coordinate with ODOT and Yamhill County.
7. On July 6, 2015, the City Council continued the hearing to September 8, 2015, to allow additional time for coordination with ODOT and Yamhill County.
8. On August 13, 2015, after proper notice, the Planning Commission reopened their public hearing to consider new information, and adopted Resolution No. 2015-308. This resolution replaced Resolution No. 2015-305, and recommended that the City Council adopt amendments to the Newberg Development Code regarding temporary and portable signs.
9. On September 8, 2015, the Newberg City Council held a hearing on the proposed sign code amendment, considered testimony, and deliberated.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Council finds that amending the regulations for temporary and portable signs would be in the best interests of the city. The Council adopts the amendments to the Newberg Development Code as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.

2. The findings shown in Exhibit "B" are hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is: October 7th, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 8th day of September, 2015, by the following votes: **AYE:** 7 **NAY:** 0 **ABSENT:** 0 **ABSTAIN:** 0



Sue Ryan, City Recorder

ATTEST by the Mayor this 10th day of September, 2015.



Bob Andrews, Mayor

List of Exhibits:

Exhibit "A": Development Code Text Amendments

Exhibit "B": Findings

**Exhibit “A” to Ordinance 2015-2782
Development Code Amendments –File DCA-14-001
Temporary and Portable Signs**

1. The Newberg Development Code shall be amended as follows:

**Note: Existing text is shown in regular font.
Added text is shown in double-underline
Deleted text is shown in ~~strikethrough~~.**

15.05.030 Definitions.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Building face” means an exterior wall of a building that generally faces one direction and that is visible from the public right-of-way. A building face is broken by a change in building direction of 60 degrees or more, except for minor extensions or indentations that are shorter than 50 percent of the building frontage (see Appendix A, Figure 15).

“Building frontage” means the longest horizontal distance between lines perpendicular to a building face (see Appendix A, Figure 15).

“Flag” means fabric that is attached to a pole on one end only that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

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

“Readerboard” means a portable sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. “Readerboard” does not include animated signs, nor does it include signs where less than 20 percent of the sign area can be so changed or rearranged.

“Sign” means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. “Sign” includes banners, flags, balloons with graphics, letters, or advertising, and murals.

“Sign, animated” means a sign that has a display that changes more than once in any 10-minute period.

“Sign area” means the area of a sign which is computed by means of the smallest square, circle, rectangle, triangle, or combination of the smallest square, circle, rectangle, or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this code and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding the area of all sign faces visible from any one point. When two sign faces are placed back to back or at an angle of less than 45 degrees to one another so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than

42 inches apart, the sign area shall be computed by the measurement of the largest face (see Appendix A, Figure 16).

“Sign, attached” means any sign attached to any part of a building, as contrasted to a freestanding sign.

Attached signs are of two types:

1. Minor Attached. A sign not to exceed six square feet in area (three square feet in residential zones) that does not extend above the roof line of the building it is attached to.
2. Major Attached. All other attached signs.

“Sign, freestanding” means any sign supported by structures or supports that are anchored in the ground and that are independent from any other building or structure. Freestanding signs are of two types:

1. Minor Freestanding. A freestanding sign that is less than or equal to six square feet in area (three square feet in residential zones) and three feet in height.
2. Major Freestanding. All other freestanding signs.

“Sign, portable” means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs connected to A- or T-frames; menu and sandwich board signs; umbrellas, balloons, flags, or banners containing signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said sign is permanently affixed to the vehicle and said vehicle is licensed for movement on public streets.

“Sign, public” means any sign that is placed within public right-of-way by or under direction of a governmental agency.

“Sign, temporary” means a portable sign that is limited by law to placement for a specified period of time.

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.

B. These regulations are designed:

1. To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.
2. To enhance the attractiveness of Newberg as a place to conduct business.
3. To enable the identification of places of residence and business.
4. To allow freedom of expression.
5. To reduce distractions and obstructions from signs which would adversely affect safety.
6. To reduce the hazards from improperly placed or constructed signs. [Ord. 2499, 11-2-98. Code 2001 § 151.590.]

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.

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.]

15.435.030 Permit required.

A. Except as follows, no person or entity shall place any sign within the city without first obtaining a permit from the director.

B. The following do not require sign permits, but must otherwise comply with the standards of this chapter:

1. Minor freestanding signs.
2. Minor attached signs.
3. Temporary signs.
4. Portable signs.
5. Flag display (one allowed on each street frontage)

65. 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 the issuance of such permit. [Ord. 2499, 11-2-98. Code 2001 § 151.592.]

15.435.040 General requirements – All signs.

A. All signs shall comply with the standards contained in the current edition of the Oregon Structural Specialty Code. If the standards of that code and this development code conflict, this development code shall prevail. All signs shall be kept in repair and in a proper state of preservation as required under the current edition of the Oregon Structural Specialty Code.

B. No sign shall have bright or flashing lights shining on a public way that blind or impair the vision of drivers. No sign shall be constructed such that it may be confused with any traffic sign, signal or device.

C. In the C-3 zone, animated signs are prohibited.

D. All signs shall comply with the vision clearance standards of NMC 15.410.060.

E. Signs located in the airport overlay subdistrict shall comply with the height and visual interference restrictions of that district. [Ord. 2731 § 3, 10-18-10; Ord. 2565, 4-1-02; Ord. 2561, 4-1-02; Ord. 2499, 11-2-98. Code 2001 § 151.593.]

15.435.080 Minor attached signs, and awning signage, and umbrella signage.

A. Minor Attached Signs.

1. Spacing. No two minor attached signs on one building that are both visible from any one point shall be closer than 25 feet.
2. Size.
 - a. Residential Zones. Minor attached signs shall not exceed three square feet in area.
 - b. Other Zones. Minor attached signs shall not exceed six square feet in area.
3. Height. Minor attached signs shall not extend above the roof line of the building they are attached to.
4. Projections.
 - A. C-3 Zone. Minor attached signs may project no more than three feet into a public right-of-way, but no closer than two feet from the curb line. The lower edge of any minor attached sign shall be at least eight feet above ground level. This requirement supersedes the relevant sign standards in the current edition of the Oregon Structural Specialty Code.
 - b. Other Zones. The same projection is allowed as for major attached signs, NMC 15.435.070.

B. Awning Signage. Awnings are encouraged along the frontage of buildings in the C-3 district.

1. C-3 Zone. Back-lit translucent awnings are not allowed. Lettering may appear on curved surfaces, but shall be limited to the lowest 12 inches of the awning (measured vertically from the lowest edge). Freestanding letters mounted on top of the front vertical surface are also allowed, though they shall not exceed eight inches in height.
 - a. Other minor attached signs may be attached to or suspended from an awning or canopy, provided they are less than six square feet in size.
 - b. The lower edge of any awning shall be at least eight feet above ground level. This requirement supersedes the relevant sign standards in the Uniform Sign Code.
 - c. Signage is not allowed on any awning surfaces that are not specifically permitted in this section.
2. Other Zones. Awning signs in other zones shall be regulated as either minor or major attached signs.

C. Umbrella Signage. Signs on umbrellas are allowed without a sign permit but are limited to the lowest 12 inches of the umbrella (measured along the umbrella surface from the lowest edge). Umbrella signs shall comply with all other municipal code requirements.

15.435.090 Portable signs.

- A. Number. Not more than one portable sign may be located on any one street frontage, except temporary signs allowed per NMC 15.435.100.
- B. Size.
1. Residential Zones.
 - a. Residential Uses. One portable sign not to exceed six square feet.
 - b. All Other Permitted Uses. One portable sign not to exceed six square feet if located in the front yard, or 16 square feet if located elsewhere on the property.
 2. Other Zones. The one portable sign may not exceed 12 square feet if located in the front yard, or 40 square feet if located elsewhere on the property.
- C. Design. No portable sign shall be permanently affixed to any structure or the ground. No portable sign shall be attached to a tree, or utility pole, traffic sign, street sign, or any publicly-owned pole, post, wire or cable, except as authorized by the city. All signs shall be designed to be removed quickly. No portable sign shall be animated or internally illuminated. No readerboard shall be used as a portable sign, except as a temporary sign as permitted NMC 15.435.100.
- D. Location. No portable sign shall be located within the public right-of-way except as allowed under NMC 15.435.110.
- E. Height. The height of a portable sign shall not exceed the maximum height of buildings in that zone. [Ord. 2499, 11-2-98. Code 2001 § 151.598.]

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. An unlimited number of temporary signs are allowed 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~~ no more than 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. An unlimited number of temporary signs are allowed during the event. The applicant shall notify the city in writing of the beginning and ending dates prior to the Other Event.

D. Flags. ~~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 Memorial Day, Presidents Day, Independence Day, Veterans Day, Labor Day, Flag Day, Peace Officers Day, the Friday of the Camellia Festival, the Friday of the Old Fashioned Festival, or on any festival day designated by the Newberg City Council.

15.435.105 Sign Permit Program for Portable Signs on private property

A. Purpose: The purpose of the sign permit program is to allow additional temporary and portable signage for properties within the C-2, C-3, and Institutional zones than is otherwise allowed by the municipal code.

The goal of the permit program is to allow additional signage on private property with a coordinated appearance.

B. Process: Applications for a permit under the sign permit program will be reviewed under a Type I process. Signage allowed under the permit must be well-maintained both physically and operationally. Signage under the permit that is found to not be well-maintained may result in the permit being revoked. Permits may be obtained for up to one year. Permits may be renewed, as long as they continue to meet the permit requirements. Only a property owner or their designee is allowed to obtain a permit under the sign permit program. A property owner is allowed one sign permit per property.

C. Criteria: The following criteria must be met for permit approval under the sign permit program:

1. Number of signs per property: 1 per 100 feet of street frontage in C-2 zone; 1 per 15 feet of street frontage, with a maximum of 4 signs total within the C-3 zone; and, 1 per 100 feet of street frontage within the Institutional zone. If more than one business is located on a property, at least one sign per business is allowed, as long as the business occupies a discrete space and possesses its own business license.
2. Size and location of signs: Maximum total signage for all temporary and portable signs under a sign permit shall be 1 square foot per 1 foot of street frontage. Maximum size allowed for any specific sign will be based on the location of the sign, up to a maximum of 40 square feet. The farther the distance a sign is from the front property line, the greater size that will be allowed for a specific sign. Maximum size for signage within the first 10 feet from the property line is 10 square feet. For every additional 10 feet from the property line, the maximum square footage for a sign will be an additional 10 square feet larger. Example: if a sign is between the front property line and 10 feet from the property line, then maximum sign size is 10 square feet; if a sign is between 10 feet and 20 feet from the property line, then the maximum sign size is 20 square feet in size, and so on.
3. Coordinated appearance: Every sign approved under an individual sign permit must have a cohesive, coordinated appearance. Signs must meet three of the following five criteria: similar size, colors, shape, materials, and/or font.

15.435.110 Signs within the public right-of-way.

A. Public signs are ~~allowed~~ ~~permitted~~ in the public right-of-way as ~~allowed~~ ~~permitted~~ by the governmental agency responsible for the right-of-way.

B. Temporary and/or portable signs for other than traffic control and motorist advisories are not allowed within state highway right-of-way administered by the Oregon Department of Transportation except on resoluted highways. In 2015, the resoluted highways in Newberg were: On First Street from Harrison Street to River Street, on Main Street from First Street to Illinois Street, and on College Street from First Street to Vermilion Street. On a resoluted highway the city manages the portion of the right-of-way behind the curb and can permit portable signs on the sidewalk. Portable and/or temporary signs are not allowed by ODOT on Hancock Street except within the College Street or Main Street rights-of-way. Portable and/or temporary signs are not allowed within county road right-of-way administered by Yamhill County.

C. B. For lots in the C-3 and C-4 zones, the one allowed portable sign per street frontage may be located, without permit, in the public right-of-way fronting that lot except as stated in 15.435.110B, provided it meets the following standards:

1. The sign may not be less than two feet nor more than four feet high. The sign must also conform to 15.410.060 if it is within the clear vision zone.
2. The sign may not be located within the vehicular path.
3. If located on a sidewalk, the sign must leave a clear access path area of at least five feet wide measured horizontally across the main part of the sidewalk and may not be located on an ADA wheelchair ramp.
4. If the sign is located adjacent to a striped on-street parking area, the sign must be located adjacent to the stripe.
5. The sign may not be located within three feet of a fire hydrant.
6. The sign owner must have the sign removed ~~be removed~~ during ~~nonbusiness~~ hours when the business being advertised is closed, ~~or hours the adjoining property is uninhabited~~. In addition, signs must not be present between the hours of 2 AM and 5 AM.
7. The person placing the sign in the right of way must obtain written permission from the owner, or their designee, of the property abutting the right-of-way ~~shall grant permission~~ for any sign, other than a public sign, that is placed within that right-of-way fronting the property owner's lot. The written permission must be attached to the sign, and may be attached to the inside surface of an A-frame sign.
8. If more signs than are allowed by this code ~~are~~ ~~than one sign is~~ located in the right-of-way fronting one lot, all signs may be forfeited as per subsection (F E) of this section.
9. Portable and/or temporary signs are not allowed by ODOT on sidewalks along Hancock Street except within the College Street and Main Street rights-of-way.

C. For lots in other zones, one portable sign per street frontage may be allowed in the public right-of-way, provided:

1. The applicant first obtains a sign permit from the director approving the location of the sign. Approval is at the sole discretion of the director. The permit shall be affixed to the sign.
2. The standards of subsections (B)(1) through (B)(6) of this section are met.

D. For lots in other zones, two portable signs per street frontage may be allowed in the public right-of-way except as stated in 15.435.110B provided:

1. The standards of subsection C above shall be met with the exception of subsection (C)(6).

2. Signs may be displayed only during the following hours:

Monday: 6am to 10pm
Tuesday: 6am to 10pm
Wednesday: 6am to 10pm
Thursday: 6am to Midnight
Friday: 24 hours
Saturday: 24 hours
Sunday: Midnight to 10pm

In addition, no sign may be displayed for more than 4 consecutive days.

3. Any sign installed or placed in the public right-of-way within these zones not in conformance with subsection (C)(7) above shall be forfeited to the owner of the property abutting the right-of-way and is subject to confiscation by said owner.

4. Portable and/or temporary signs are not allowed in the right-of-way along Highway 99W, Highway 240 or Highway 219 except as noted in B above.

E. D. No other signs shall be placed within the public right-of-way except as specifically permitted by this code.

F E. Any sign installed or placed in the public right-of-way, except in conformance with the requirements of this code, shall be forfeited to the city public and subject to confiscation by city employees. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign. Identifying information on the sign shall be prima facie evidence that the individual or entity so identified is the violator. [Ord. 2706 § 1 (Exh. A(2)), 10-6-08; Ord. 2564, 4-15-02; Ord. 2499, 11-2-98. Code 2001 § 151.600.]

Penalty: See NMC 15.05.120.

**Exhibit “B” to Ordinance 2015-2782
Findings –File DCA-14-001
Temporary and Portable Signs**

Newberg Development Code § 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.

(B) These regulations are designed:

- (1) To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.*
- (2) To enhance the attractiveness of Newberg as a place to conduct business.*
- (3) To enable the identification of places of residences and business.*
- (4) To allow the freedom of expression.*
- (5) To reduce distractions and obstructions from signs which would adversely affect safety.*
- (6) To reduce the hazards from improperly placed or constructed signs.*

Newberg Comprehensive Plan

H. THE ECONOMY

GOAL: *To develop a diverse and stable economic base.*

POLICIES:

1. General Policies

- p. The City shall strive to develop and promote a high quality of life in the community in order to attract and retain a diverse and highly skilled workforce.*
- q. The City shall foster an environment of business innovation so that the community may remain economically competitive.*

J. URBAN DESIGN

GOAL 1: *To maintain and improve the natural beauty and visual character of the City.*

POLICIES:

1. General Policies

- g. *Community appearance should continue to be a major concern and subject of a major effort in the area. Street tree planting, landscaping, sign regulations and building improvements contribute to community appearance and should continue to be a major design concern and improvement effort.*

3. Commercial Areas Policies

- c. *The City shall maintain sign regulations to help create a business environment that is attractive to customers and citizens. The City and appointed committees shall seek to eliminate signs that detract from the aesthetics of commercial areas and that violate adopted sign design regulations. (Ordinance 98-2499, November 2, 1998).*

Findings: As stated in the above policies, visual appearance and economic vitality are both very important to the community. Signs are by their nature designed to be visible and are therefore a significant part of the city's visual appearance. Sign regulations are necessary to control the visual impact of signs. Local businesses and institutions need sufficient signage to communicate with the public and help their businesses or organizations prosper. The proposed code regulations would allow more temporary and portable signs with a permit than is currently allowed, which would aid local businesses and institutions but could have a negative visual impact if unlimited. However, the criteria that must be met to obtain a permit will ensure that the signs allowed under the permit will meet the goals of the Newberg Development Code regarding the purpose of sign regulations. Also, the code changes regarding the use of other signage (pennants, streamers, inflatable objects, flags) clarify how and when these types of temporary signs are to be used. The proposed development code amendment therefore conforms to the Newberg Comprehensive Plan by balancing the goals of protecting the visual character of Newberg and fostering a strong economic environment.