



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

January 16, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Newport Plan Amendment
DLCD File Number 008-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 31, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative
James Bassingthwaite, City of Newport

<paa> ya

FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

JAN 11 2008

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Newport Local File No.: 6-Z-07
(If no number, use none)

Date of Adoption: January 7, 2008 Date Mailed: January 10, 2008
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: August 23, 2007

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amendments to sign ordinance to address constitutional issues and to clarify and reorganize particular sections of the ordinance. Proposed fee increases for sign permits and provides additional direction on when signs are permitted within the public right-of-way.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Adopted ordinance had minor changes from proposed ordinance relating to fees, mural signs, clarification on when governmental agencies are allowed to utilize otherwise prohibited signs, and other minor changes.

Plan Map Changed from: -- to --

Zone Map Changed from: -- to --

Location: -- Acres Involved: --

Specify Density: Previous: -- New: --

Applicable Statewide Planning Goals: 1, 2

Was an Exception Adopted? Yes: No: X

DLCD File No.: 008-07 (16333)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: * No:

*Mailed in time for DLCD to receive 45 days prior to first hearing.

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____

City of Newport, Port of Newport, ODOT, Lincoln County

Local Contact: James Bassingthwaite Area Code + Phone Number: 541-574-0626

Address: 169 SW Coast Highway

City: Newport Zip Code+4: 97365-4713

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF NEWPORT
ORDINANCE NO. 1943

An Ordinance Superseding Ordinance No. 1330, as amended, and Amending the
Newport Municipal Code by Adding a New Chapter 10.10 Signs

Findings

1. The City Council initiated proposed minor text amendments (File No. 6-Z-07) of the Newport Sign Ordinance (No. 1330, as amended) to address constitutional issues and to clarify and reorganize particular sections of the ordinance. The ordinance also proposed to raise fees charged for sign permits and provided additional direction on when signs are permitted within the public right-of-way. A number of sections of the existing sign ordinance that involved regulation of signage based on content of the sign were eliminated or reworked such that the sign ordinance is content neutral to comply with constitutional requirements for content neutral sign regulations.
2. The Planning Commission reviewed this proposed amendment at both a work session on August 27, 2007, and a public hearing held on October 8, 2007. Following the public hearing on October 8, 2007, the Planning Commission voted 5-0 (Patrick, Brusselback, Mosley, Atwill, and Newman) in favor of recommending approval of the amendments with recommended modifications included as part of the amendments.
3. The City Council held a public hearing held on November 5, 2007, and considered the Planning Commission recommendation. The council further deliberated on the matter at its meetings on December 3 and 7. The Council agrees with the amendments as recommended by the Planning Commission, with further modifications clarifying conflicting ordinance language regarding the extent of the exemption from the sign ordinance given to federal, state, and local governments and clarifying what signage is allowed if painted directly on a building.
4. Based on the Planning Staff Memorandum prepared for the City Council and the affidavits of mailing and publication and the material in file entered into the record at the City Council hearing, the Council concludes that appropriate notification was given for both the Planning Commission and City Council public hearings.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

- Section 1. The Newport Municipal Code is amended by adding a new Chapter 10.10 Signs to read as shown in the attached Exhibit A.
- Section 2. Ordinance No. 1330, as amended, shall remain applicable to all applications submitted prior to the effective date of this ordinance, but

shall cease to be effective as to any application submitted after the effective date of this ordinance.

Section 3. This ordinance shall take effect 30 days after adoption.

First Reading:

January 3⁷, 2008

Second Reading:

Adopted by Roll Call Vote:

January 7, 2008

Signed by the Mayor on January 3⁷, 2008.



William D. Bain, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

EXHIBIT "A"

CHAPTER 10.10 SIGNS (GENERAL)

10.10.005 Short Title

This chapter may be referred to as the Newport Sign Code.

10.10.010 Purpose

The purposes of the Newport Sign Code are:

- A. To protect and promote the health, safety, property, and welfare of the public, including but not limited to promotion and improvement of traffic and pedestrian safety.
- B. To improve the neat, clean, and orderly appearance of the city for aesthetic purposes.
- C. To allow the erection and maintenance of signs consistent with the restrictions of the Newport Sign Code.
- D. To prevent distraction of motorists, bicyclists and pedestrians.
- E. To allow clear visibility of traffic signs and signal devices, pedestrians, driveways, intersections, and other necessary clear vision areas.
- F. To provide for safety to the general public and especially for firemen who must have clear and unobstructed access near and on roof areas of buildings.
- G. To preserve and protect the unique scenic beauty and the recreational and tourist character of Newport.
- H. To regulate the construction, erection, maintenance, electrification, illumination, type, size, number, and location of signs.

10.10.015 Scope

All signs shall comply with this chapter. Provided however, that any signs in the Agate Beach area annexed in 1998 shall comply also comply with Chapter 10.15, and in the event of an inconsistency between the two chapters, Chapter 10.15 shall prevail as to any property within the Agate Beach area.

10.10.020 Prohibited Signs

No sign may be erected, maintained, or displayed except as expressly authorized by this chapter.

| 10.10.025 Conflicting Provisions

| If any provisions of this chapter conflict with any law or regulation requiring a sign or notice, the law or regulation requiring the sign or notice shall prevail.

| 10.10.030 Definitions

The definitions in this section apply in this chapter.

- A. "Adjacent" means immediately next to and on the same side of the street.
- B. "Awning" includes any structure made of cloth, metal, or similar material with a frame attached to a building that may project outwards but can be adjusted to be flat against the building when not in use.
- C. "Building" shall include all structures other than sign structures.
- D. "Bulletin Boards." A bulletin board is a surface for posting posters, cards, or notices, usually of paper, and not illuminated or electrical.
- E. "Business" means the premises where a duly licensed business is conducted. Multiple businesses conducted within the same premises shall be subject to the same limits as would a single business on the same premises.
- F. "Canopy" includes any structure made of cloth, metal, or similar material projecting out from a building that is fixed and not retractable.
- G. "Clearance" is the distance between the highest point of the street, sidewalk or other grade below the sign to the lowest point of the sign. (See Exhibit A.)
- H. "Display Area" means the area of a regular geometric figure that encloses all parts of the display surface of the sign. Structural supports that do not include a display or message are not part of the display area.
- I. "Erect" means to build, attach, hang, place, suspend, paint, affix, or otherwise bring into being.
- J. "Externally Illuminated Sign" is a sign illuminated by an exterior light source that is primarily designed to illuminate the sign.
- K. "Face" means any part of a sign arranged as a display surface substantially in a single plane.
- L. "Grade" means the surface of the ground at the point of measurement. Height shall be measured from the lowest point of the grade immediately below the sign or any sidewalk or street within 5 feet of the sign and the top of the sign.

M. "Internally Illuminated Sign" shall mean a sign illuminated by an interior light source, which is primarily designed to illuminate only the sign.

N. "Multiple Business Property" means a property used for business or commercial purposes under a single ownership or control and containing less than 40,000 square feet of land area and on which three or more separate businesses or commercial enterprises are located.

O. "Painted" includes the application of colors directly on a wall surface by any means.

P. "Person" means individuals, corporations, firms, partnerships, associations, and joint stock companies.

Q. "Premise" means a lot, parcel, or tract of land.

R. "Reader Board" is a sign designed so that the contents of the sign may be changed.

S. "Shopping Center" means any property used for business or commercial purposes under a single ownership or control having at least 40,000 square feet of land area and on which are located business or commercial improvements containing at least 20,000 square feet of floor space.

T. "Sign" means any medium, including structure and component parts, which is used or intended to be used to display a message or to attract attention to a message or to the property upon which such sign is located.

1. "Freestanding sign" means any sign not attached to any structure other than the sign structure.

a. "Pole sign" means a freestanding sign that is mounted on a pole or other support that is not as wide as the sign.

b. "Monument sign" means a freestanding sign in which the sign structure is at least as wide as the sign.

2. "Mural sign" means a sign that is painted directly on the wall of a building or retaining wall, without any sign structure or additional surface.

3. "Portable sign" means a sign that is not attached to the ground or any structure and is movable from place to place. "Portable sign" does not include any sign carried or held by an individual.

4. "Projecting sign" means a sign attached to the wall or roof of a building with a sign face that is not parallel to the wall or roof.

5. "Roof sign" means a sign attached to a roof of a building, or a sign

attached to a wall of a building but extending above the top edge of the wall where the sign is located.

6. "Temporary sign" means any sign, regardless of construction materials, that is not permanently mounted and is intended to be displayed on an irregular basis for a limited period of time
7. "Wall sign" means any sign attached to a wall of a building that does not extend above the wall of the building and is parallel to and within one foot of the wall.
8. "Window Sign" shall mean any sign placed inside or upon a window facing the outside and which is visible from the exterior.

U. "Sign Business" means the business of constructing, erecting, operating, maintaining, leasing, or selling signs.

V. "Sign Structure" means the supports, upright braces, and framework of the sign.

10.10.035 Application, Permits and Compliance

A. Except as exempted by this chapter, no person shall erect, replace, reconstruct, move or remove any permanent sign without a sign permit, or place a temporary or portable sign without a sign permit. All signs shall comply with this chapter and any other applicable law. Any sign permit may be withdrawn for violation of this chapter or any other applicable law.

B. Written applications on city forms are required. The applicant shall provide the following information:

1. Name, address, and telephone number of the applicant.
2. Proposed sign location, identifying the property and any building to which the sign will be attached.
3. A sketch, plan, or design showing the method of attachment, structure, design, and such other information necessary to allow a determination of compliance. Nothing in this section requires the applicant to provide any information regarding the content of any message displayed on the sign.
4. Grade, height, dimensions, construction materials, and specifications.
5. Underwriter Laboratories certification in the case of an electrical sign.
6. Name and address of the person, firm, corporation, or other business association erecting the structure.

C. The city shall issue a sign permit based on a determination that the proposed sign complies with this Chapter and other applicable law. Construction of the sign must be completed within 90 days after issuance of the sign period. An extension of the 90 day period may be granted. If a sign was partially constructed and not completed within the 90-day period or any extension, the partially completed work shall be removed. Permits shall specify the location, size and type of sign, and any conditions applicable to the sign. Permits for temporary signs and portable signs in rights of way shall specify the duration of the permit and/or the times when the signs may be in place.

D. When electrical permits are required, they shall be obtained and the installation approved prior to making connection to the electrical power source.

E. Permit fees shall be paid with submission of the sign permit application, as follows:

1. For the erection, placement, replacement, reconstruction, or relocation of a sign, a fee of \$100. A supplemental fee of \$100 shall be charged for the initial permit for a mural sign that exceeds the maximum permissible size for a wall sign in the same location. Non-profit organizations are exempt from the requirement to pay the supplemental fee for a mural sign.
2. For the repair, demolition, or removal of an existing sign and/or its supporting structure, no fee.
3. For temporary signs placed in the right of way, a fee of \$25 per sign for the first sign and \$10 per sign for each additional sign. Non-profit organizations are exempt from the requirement to pay this fee.
4. For portable signs placed in the right of way, a fee of \$25 per sign per application for the first sign and a fee of \$10 per sign for each additional sign. A fee for use of the right of way of \$25 per month per sign with a maximum of \$100 per year shall also be charged for use of the public right-of-way. Non-profit organizations are exempt from the requirement to pay either fee required by this section.

10.10.040 Signs in Public Rights-of-Way

A. Except as provided in this section, permanent signs wholly located within rights of way are prohibited. A sign permit does not allow a sign to project into any part of any public right-of-way unless expressly stated in the permit. Each applicant shall determine the location of the public right-of-way and whether any proposed permanent sign will project into any public right-of-way. Any sign permit that allows a sign projecting into any public right-of-way shall be revocable at any time by the city with or without cause.

B. Permits are required for temporary or portable signs within rights of way and may be issued only if authorized in this section.

1. Permits for temporary and/or portable signs in rights of way may be granted if the sign is to be in place for no more than five consecutive days and no more than 10 total days in a calendar year.
2. Permits for portable signs within rights of way for more than five consecutive days and more than 10 total calendar days in a year may be granted if the portable sign is placed adjacent to a business location operated by the permittee, the sign is removed at all times when the business is not open, and the sign is within the following areas:
 - a. On SW Coast Highway between SW Angle Street and SW Fall Street.
 - b. On SW Bay Boulevard between SW Bay Street and SE Eads Street.
 - c. On Hubert Street between SW 7th Street and SW 9th Street.
 - d. In the area bounded by Olive Street on the south, NW 6th Street on the north, SW High Street and NW Coast Street on the east and the Pacific Ocean on the west, including both sides of each named street. For purposes of this section, "Olive Street" means both Olive Street and the area that Olive Street would occupy if it continued straight to the Pacific Ocean west of SW Coast Street.
3. Permits may be granted under Subsections B.1 and B.2 of this section only if:
 - a. The sign is not within any vehicle travel lane;
 - b. The sign does not restrict clear vision areas at intersections and driveway access points; and
 - c. The sign does not prohibit pedestrian movement on a sidewalk.

C. The following signs are exempt from the prohibitions and requirements of this section:

1. Sign placed by the city or other governmental entity with responsibility for the right of way.
2. Permanent signs placed in a location where allowed by a license or easement from the city to an adjacent property owner to occupy the right of way. Signs allowed by this exemption must comply with all other requirements of this chapter, and the display area of the signs will be included in the calculation of the maximum display area of the adjacent property.

3. Signs not exceeding one square foot on a pole in the right of way placed on the pole by its owner.
- D. Signs placed in ODOT right of way may also require approval from ODOT.
- E. No permit may be issued for a sign in the right-of-way unless the applicant provides proof of liability insurance in an amount determined to be sufficient by the City Manager.

10.10.045 Prohibited Signs

No sign shall be constructed, erected, or maintained:

- A. That uses lights unless effectively screened, shielded, or utilized so as not to direct light directly into the eyes of motorists traveling on any street or highway.
- B. That includes any single light bulb that creates more light than a 60 watt incandescent bulb.
- C. That uses neon tubing on the exterior surface of a sign for sign illumination where the capacity of such tubing exceeds 300 milliamperes rating for white tubing or 100 milliamperes rating for any other color of tubing.
- D. That uses flashing or intermittent light.
- E. That uses any type of rotating beacon light, zip light, or strobe light, or any light not directed to or part of the illumination of the sign.
- F. That uses wind-activated devices or devices which flutter in the wind, such as propellers, but excluding flags, banners, and pennants.
- G. That is flashing, blinking, fluctuating, or animated, that has parts that are flashing, blinking, fluctuating, or animated; or that includes similar effects.
- H. That uses a guy wire for support of a sign, except where there exists no other means of support for a sign otherwise conforming to the requirements of this chapter.
- I. That has any visible moving parts, visible revolving parts, visible mechanical movement of any description, or any other apparent visible movement achieved by electrical, electronic, or kinetic means, including intermittent electrical pulsations or movement or action by wind currents.
- J. That is erected at the intersection of any street that substantially obstructs free and clear vision of motorists, pedestrians and cyclists, or at any location where it may interfere with, obstruct, or be confused with any authorized traffic

sign.

10.10.050 Height and Dimensional Requirements

A. The maximum height of all signs other than mural signs shall be no greater than 30 feet above grade.

B. The maximum horizontal or vertical dimension of the display surface of any sign other than mural signs shall not exceed:

1. Thirty feet for freestanding and roof signs on properties adjacent to Highways 101 or 20 that are located at least 125 feet from the center line of the highway and at least 76 feet from the center line of any other street.
2. Fifty feet or the width of the wall for wall sign horizontal dimension.
3. Except as otherwise provided by the chapter, the maximum horizontal or vertical dimension of any display surface shall not exceed 20 feet.

10.10.055 Projection and Clearance

A. Signs shall not project more than 3 feet over any public right-of-way, and in no case shall be within 2 feet of a traveled roadway.

B. The minimum clearance of any sign over driveways, parking lots, or public right-of-ways is 16 feet, excepting that the minimum clearance of any sign over a sidewalk is 8 feet, unless the sidewalk is used as a driveway.

10.10.060 Number and Area of Signs

A. Each right-of-way frontage of a business shall be limited to only one projecting or freestanding sign unless the frontage exceeds 200 lineal feet, in which case one additional freestanding or projected sign is permitted. Other signs are not limited in number unless specifically limited or restricted elsewhere in this Chapter.

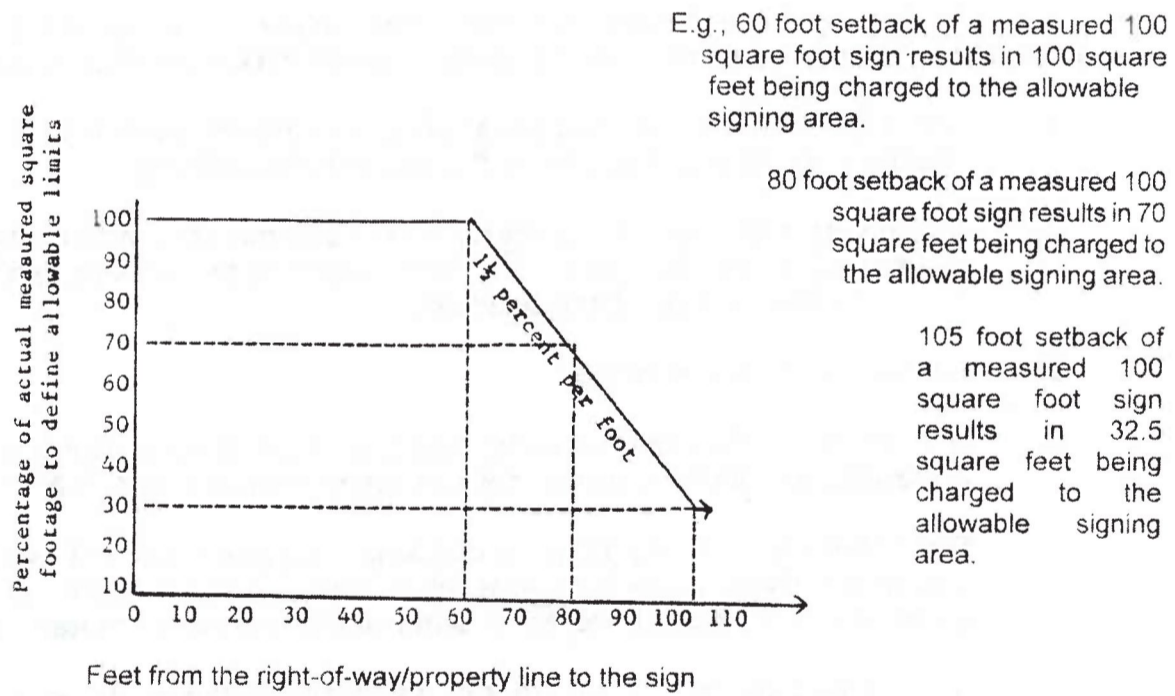
B. Each street frontage of a business shall be limited to no more than 200 square feet of display area for all non-exempt signs other than mural signs. Freestanding and projecting signs having two sides facing in opposite directions shall be counted as having only one face, which shall be the larger of the two faces if not of equal size. Only the larger face of back-to-back signs within two feet of each other and signs on opposite parallel ends of awnings shall be counted towards total maximum size.

1. The maximum total area of wall signs is two square feet of sign area for each lineal foot of street frontage.

2. The maximum total area for freestanding and projecting signs is one square foot of display area for each lineal foot of street frontage.

C. Notwithstanding any limitation on total sign area, each separate business is allowed at least 50 square feet of display area.

D. The maximum display area allowed shall be adjusted based on distance from the nearest property line, using the graph below:



E.g., 60 foot setback of a measured 100 square foot sign results in 100 square feet being charged to the allowable sign area.

80 foot setback of a measured 100 square foot sign results in 70 square feet being charged to the allowable sign area.

105 foot setback of a measured 100 square foot sign results in 32.5 square feet being charged to the allowable sign area.

10.10.065 Exempt Signs

The following signs are exempt from regulation under this chapter:

A. Signs erected or maintained by or on behalf of a federal, state, or local governmental body. This exemption shall not apply to signs that are otherwise prohibited under Section 10.10.045 except when the sign is placed in a public right-of-way by the entity responsible for managing the public right right-of-way as allowed under Section 10.10.040 (C)(1).

B. Signs not visible from a public right-of-way or from property other than the property where the sign is located. For purposes of this section, "property where the sign is located" includes all property under common ownership," and "visible" means that the sign face is visible.

10.10.070 Partially Exempt Signs

A. The following signs are exempt from the permit requirement and, except as expressly provided to the contrary, do not count towards maximum display area:

1. One sign not exceeding two square feet on each property with a separate street address, placed flat against the building.
2. In a residential zone on a property where a home occupation is legally conducted, a non-illuminated sign not exceeding two square feet in area, placed flat against the building.
3. Signs placed on post boxes.
4. Non-illuminated signs on private property oriented towards internal driveways and parking areas, not to exceed 3 square feet in area.
5. Signs that are an integral part a building, including those cut into any masonry surface, as well as signs integrated into the structure of a building constructed of bronze or other non-combustible materials.
6. Signs placed within a public right of way place by the public entity with responsibility for administering the right of way.
7. Flags.

B. Each religious institution is allowed to have, in addition to signage otherwise allowed, additional signage not to exceed 48 square feet in area, including each face of any multiple faced sign. No single sign face may exceed 24 square feet, except reader boards, which may not exceed 32 square feet and bulletin boards, which may not exceed 16 square feet. The sign(s) allowed by this subsection are exempt from the maximum total display area standard.

C. Each community center and educational institution is allowed one reader board not exceeding 32 square feet in area in addition to other allowed signs. The sign allowed by this subsection is exempt from the maximum total display area standard.

D. Temporary signs complying with all of the following are permitted in all zones without a permit, in addition to any other permitted signs:

1. The signs must be entirely on private property and outside of any vision clearance areas.
2. The signs do not exceed 20 square feet of display area or any horizontal or vertical dimension of 8 feet.
3. The signs are not erected more than 90 days prior to the date of an election and they are removed within 30 days after the election.
4. They are erected or maintained with the consent of the person or entity lawfully in possession of the premises and any structure to which they are attached.

E. One temporary portable sign per private property placed on private property is permitted. Temporary portable signs shall be made of permanent, durable materials and shall be maintained in a good condition. Temporary signs (portable and attached) in the aggregate may not exceed 24 square feet for all display area surfaces on a single property. Temporary signs shall not be included in the calculation of total maximum display area. All portable signs shall be weighted, anchored or constructed so that they will not move or collapse in the event of wind, or otherwise create a hazard.

10.10.075 Roof Signs

One roof sign per business property is permitted.

10.10.080 Signs at Subdivision Entrances

One permanent sign per subdivision entrance not to exceed 16 square feet in area is permitted. Signs at subdivision entrances may be illuminated but which shall not obstruct any required vision clearance area.

10.10.085 Vehicle Signs

Any sign attached to or imprinted upon a validly licensed motor vehicle operating legally upon the streets and highways of the State of Oregon is exempt from this Chapter while the vehicle is traveling upon any street or highway, or while such vehicle is parked to carry out an activity incidental to interstate commerce, but is otherwise not exempt unless:

A. The sign is painted or otherwise imprinted upon, or solidly affixed to, the

surface of the vehicle, with no projection at any point in excess of 6 inches from the surface of the vehicle.

B. The vehicle, with the sign attached, complies with all applicable requirements of the Motor Vehicle Code required for the lawful operation thereof.

10.10.090 R-1, R-2 and R-3 Residential Districts

In all R-1, R-2, and R-3 residential districts, the following signs are allowed:

- A. One non-illuminated sign not exceeding 2 square feet.
- B. One non-illuminated temporary sign not exceeding 8 square feet in area.
- C. One non-internally illuminated sign not exceeding 20 square feet in area placed flat against the building for each apartment complex.

10.10.095 R-4 Residential District

In an R-4 residential district, the following signs are allowed:

- A. For residential uses, signs allowed in the R-1, R-2 and R-3 districts.
- B. For hotels, motels, recreational vehicle parks, and movie theaters, no more than two illuminated signs that do not exceed 100 square feet in total area. The signs may be internally or externally illuminated.
- C. For all other uses, a maximum of 20 square feet of sign area per street frontage. The maximum area shall be a combination of wall and freestanding signs. Freestanding signs shall be set back a minimum of 10 feet from all property lines and shall not exceed 8 feet in height. No sign may be internally illuminated.

10.10.100 Commercial, Industrial and Marine Districts

In commercial, industrial, and marine zoning districts, the following signs are allowed:

- A. The total area for wall signs shall not exceed two square feet of display area for each lineal foot of street frontage of the street.
- B. The total area for projecting and freestanding signs shall not exceed one square foot of display area for each lineal foot of street frontage. One projecting or freestanding sign is allowed for each 100 feet of street frontage.
- C. Each frontage of a business shall be limited to not more than 2 signs, only one of which may be other than a wall sign unless there is more than 100 lineal feet of street frontage.
- D. Window signs shall not exceed 16 square feet in area. Window signs are not

included in the calculation of total display area.

E. Mural signs are permitted.

10.10.105 Signs in Shopping Centers

For shopping centers and multiple business properties, the number and size of signs are governed by this section, notwithstanding the provisions of the underlying zone.

A. The maximum number of freestanding signs on shopping center properties is two and the maximum number of freestanding signs on multiple business properties is one.

B. The maximum number of wall signs for shopping centers and multiple business properties is one per street frontage.

C. For both shopping centers and multiple business properties, the maximum total area display area of all freestanding and wall signs and is one square foot for each lineal foot of street frontage, with a maximum of 200 square feet per sign. Only one side of a double-faced freestanding sign shall be including in the calculation of display area, provided that the sign faces are 180 degrees opposed and separated by two feet or less.

D. In addition to the signs allowed by subsections A through C, each individual business may erect wall signs on the premises controlled by the individual business of up to two square feet of display area for each lineal foot of frontage. For the purposes of this subsection, the term frontage means the distance, measured in a straight line, along any one wall of the business premises facing and providing public access to the separate premises of the business. Where a business has entrances allowing public access on more than one frontage, wall signs may be erected for each frontage, but the display area maximum shall be calculated separately for each frontage.

E. The permit, size, area and number restrictions do not apply to any signs in shopping centers and multiple business properties that are not visible from the public right of way or adjacent property.

10.10.110 Construction and Safety Requirements

All signs shall be well constructed in accordance with all applicable codes and requirements of law and shall be maintained in a safe, neat, and clean condition. Signs that are not in good repair or condition through deterioration or other reasons are prohibited and shall be either repaired or removed. If not repaired or removed by the owner, signs that are not in good repair or condition may be abated as authorized by this code.

10.10.115 Dangerous and Abandoned Signs

A. Any sign or structure that is a nuisance or a dangerous structure may be abated as provided by City ordinances governing nuisances and dangerous structures. If the city manager or building official determines that any sign or sign structure constitutes an immediate threat, danger, or hazard to life, health, or property, the city manager or building official take any action necessary to immediately abate the risk, pursuant to the police power of the City of Newport and without prior notice.

B. Any sign that has been abandoned or reasonably appears to be abandoned constitutes a hazard and may be abated as provided in Subsection A.

10.10.120 Removal of Signs in Rights-of-Way

Any unauthorized sign in a public right-of-way may be removed immediately without notice by the city and removed to a place of storage. A notice of removal shall be sent to any owner of the sign known to the city, notifying the owner that the sign will be destroyed unless the owner claims the sign within 20 days of the notice. If the owner is unknown to the city, no notice is required and the sign may be destroyed if unclaimed after 20 days from the date of removal. No sign removed from the right-of-way shall be returned to the owner unless the owner pays a removal fee to the city in an amount set by council resolution. If the city reasonably estimates the value of the sign materials to be less than \$10, the city may immediately dispose of any sign left in the right-of-way without notice.

10.10.125 Remedies

A sign erected or maintained in violation of this chapter is a nuisance and a civil infraction. The city may pursue any one or more of the legal, equitable administrative and self-help remedies legally available to it. All remedies of the city, both as a governmental body and otherwise are cumulative.

10.10.130 Nonconforming Signs

A. The purpose of this section is to discourage nonconforming signs and to work toward eliminating or removing nonconforming signs or bringing them into conformity with this chapter. Nonconforming signs shall not be enlarged, expanded or extended, nor used as grounds for adding other structures or signs otherwise prohibited.

B. A nonconforming sign may not be altered as to size, message, or construction, except that common and ordinary maintenance to maintain the sign in a good and safe condition is allowed, including incidental structural repair or replacement.

C. If a nonconforming sign is damaged or destroyed by any cause including normal deterioration to the extent that the cost of repair shall exceed 50% of the replacement value of the sign, the sign may not be repaired or restored, and may be replaced only by a sign conforming to the provisions of this Chapter.

10.10.135 Content and Interpretation

This chapter and Chapter 10.15 do not regulate the content of signs and shall be interpreted as not regulating content. These chapters shall be interpreted if at all possible to be consistent with constitutional protection of expression, and any provision that unconstitutionally restricts expression shall not be enforced, and the remainder of the provisions shall continue to be applicable and shall be applied constitutionally.

10.10.140 Variance Requirements

Any person may seek a variance to the numerical provisions of this chapter or of Chapter 10.15 by filing a written application. The procedure and process applicable to zoning variances (including but not limited to the notification process, public hearing process, conditions of approval, time limitations, and revocation of permits as applicable for the type of variance requested) shall be followed. The fee for a variance shall be the same as for a zoning variance. The criteria for the sign variance shall be as specified below. In addition to the requirements for submitting a zoning variance, a sign inventory including the location, type, and size of each sign on the property shall be submitted with the variance application.

A. All sign variance applications that propose to increase the number or size of signs or propose a variance from any other numerical standard shall be determined by the Planning Commission using the zoning Type I Variance procedure, based on a determination that the proposed variance is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant.

B. All sign variance applications based on a change in a sign or signs that decreases but does not eliminate an existing nonconformity shall be determined by the Community Development (Planning) Director using a Type II Variance procedure, based on a determination that the proposed variance will result in a reduction of the nonconformity without increasing any aspect of nonconformity.

10.10.145 Violations

A violation of this chapter or of Chapter 10.15 is a civil infraction, with a civil penalty not to exceed \$500. The penalty for a second or subsequent violation within two years may be up to \$1,000. A violation occurs on the date of the occurrence of the act constituting the violation. Each violation is a separate infraction, and each day in which a violation occurs or continues is a separate infraction.

CHAPTER 10.15 AGATE BEACH SIGN REGULATIONS

10.15.005 Purpose and Applicability

A. This chapter has the same purposes as Chapter 10.10 as well as the

following:

1. To maintain and enhance the aesthetic environment and the neighborhood's ability to attract sources of economic development and growth;
2. To minimize the possible adverse effect of signs on nearby public and private property; and
3. To enable the fair and consistent enforcement of these sign restrictions.

B. This chapter applies within the Agate Beach Neighborhood as defined in the Agate Beach Neighborhood Plan adopted on July 6, 1998, by Ordinance No. 1792 to include that area within the area bounded by the Pacific Ocean on the west, the Urban Growth Boundary (UGB) on the north and east and the Agate Beach Golf Course and N.W. 43rd Street on the south.

10.15.010 Definitions

The definitions in this section apply to this chapter. Any term not defined in this chapter but defined in Chapter 10.10 shall have the meaning defined in Chapter 10.10.

- A. Business frontage. The lineal footage of a building or portion thereof devoted to a specific business.
- B. Frontage, primary. The side(s) of the building facing a street.
- C. Frontage, secondary. Any side of a building not facing a street.
- D. Indirect illumination. A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.
- E. Shopping center or business complex. A group of five or more commercial establishments having common parking facilities.
- F. Sign, abandoned. Any sign which is located on property that becomes vacant and unoccupied for a period of 90 days or more, or, a sign which pertains to a time, event, or purpose which no longer applies.
- G. Sign, alteration. Any change in the size, shape, method of illumination, position, location, material, construction, or supporting structure of a sign.
- H. Sign, flashing. 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 colors or intensity of illumination.
- I. Sign, freestanding. A sign erected on a frame, mast, pole, or other

structure and not attached to any building. See Figure 1.

J. Sign, height. The distance measured from the average elevation of the ground adjacent to the structure that the sign is mounted on or nearest public sidewalk or street curb, when such are adjoining the site, to the maximum height of the face of the sign.

K. Sign, nonconforming. A sign that was lawfully erected but that could no longer be legally erected because of a change in regulations.

L. Sign, portable. Any sign not permanently attached to the ground, a structure, or a building.

M. Sign, projecting. A sign that is wholly or partly dependent upon a building for support and which projects more than 18 inches from such building. See Figure 1.

N. Sign, roof. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. See Figure 1.

O. Sign, structure. The supports, uprights, braces, framework, and other structural components of the sign which does not contain any part of the sign message.

P. Sign, temporary. A sign constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed on a temporary basis. See Figure 1.

Q. Sign, wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than 18 inches from the building or structure. See Figure 1.

R. Sign, window. A sign that is applied or attached to the exterior or interior of an exterior window or located in such a manner within a building. See Figure 1.

10.15.15 Permit Required

Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, alter, or relocate a sign without first obtaining a permit for each separate sign from the Planning Department as required by this chapter.

10.15.020 Exempt Signs

The following signs and devices shall not be subject to the provisions of this chapter.

A. Signs erected or maintained by the City of Newport in any location or by the

State of Oregon or the United States of America in the public right-of-way.

B. Flags.

C. In a residential zone, a permanent non-illuminated sign not exceeding two square feet.

D. Temporary signs not exceeding four square feet of display area per side per sign provided the signs are erected no more than 90 days prior to the date of an election and are removed within 10 days after the election.

E. Temporary signs not exceeding six square feet in residential zones and 32 square feet in area in commercial and industrial zones.

F. Non-illuminated window signs.

G. Non-illuminated signs on private property directed to interior driveways and parking areas. Such signs shall be limited to four square feet.

H. Any sign which is not visible from a public right-of-way or from any property other than the property on which the sign is located.

10.15.025 General Sign Regulations

The following general provisions shall govern all signs in addition to all other applicable provisions of this chapter.

A. Obstruction by Signs. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway, or standpipe; interferes with human exit through any window of any room located above the first floor of any building; obstructs any door or required exit from the first floor of any building; or obstructs any required light or ventilation.

B. Vision Clearance Areas. No signs in excess of two and one-half feet in height shall be placed in the vision clearance areas required by any applicable ordinance, plan or regulation.

C. Bulletin or Reader Boards. Twenty percent of permitted sign area may be allowed as a bulletin board or reader board.

10.15.030 Signs in Residential Zones

Signs in residential zones shall conform to the following regulations:

A. R-1, R-2, and R-3 zoning districts.

1. No portion of a sign may extend beyond any property line of the premises on which the sign is located.

2. Internally illuminated signs are prohibited.
3. One freestanding or wall sign not exceeding 32 square feet and not exceeding five feet in height is allowed for an apartment complex of more than four units, a religious institution, or a school. Any illumination of the sign shall not project onto adjacent properties.

B. R-4 zoning districts.

1. The same provisions as the R-1, R-2, and R-3 zone contained in Subsection A apply.
2. One freestanding sign and one wall sign per frontage are permitted for conditional uses as part of the conditional use approval. The freestanding sign shall not exceed a height of five feet and one square foot of area per foot of frontage not to exceed 50 square feet. The wall sign shall not exceed one square foot of sign area per foot of frontage not to exceed 50 square feet. For properties with frontage on Highway 101, the height of a freestanding sign may increase one foot for every foot from the center line of the highway to a maximum height of 20 feet, and the area may increase by one square foot for every foot from the center line of Highway 101 to a maximum size of 100 square feet.

10.15.035 Signs in Commercial and Industrial Zones

This section applies to signs in commercial and industrial zones.

- A. The number, type and size of signs allowed on the basis of business frontage shall be placed only on that business frontage, and no building shall be credited with more than two business frontages.
- B. Two signs per primary frontage are permitted.
- C. Except for mural signs, the total display area of all signs on a single street frontage shall not exceed one square foot for each lineal foot of street frontage, not to exceed 60 square feet. For property that has frontage on Highway 101, the total square footage may increase one square foot for every foot from the center line of the highway, with a maximum total area of 100 square feet.
- D. Portable signs are prohibited.
- E. Illuminated signs shall be shielded so as not to significantly shine onto residential properties.
- F. The following types of signs are permitted:
 1. Wall Signs

a. Number. Two signs per building primary or secondary frontage shall be permitted for each business, or one sign per frontage per business for a shopping center or business complex.

b. Area. Total sign area shall not be more than one square foot of sign area for each lineal foot of primary frontage. In no case shall a wall sign exceed 60 square feet.

c. Projection. Except for marquee or awning signs, a projecting sign may project a maximum of eighteen inches from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight feet above grade.

d. Extension above roof line. Signs may not project above the roof or eave line of a building.

2. Freestanding Signs.

a. Number. One sign shall be permitted per property.

b. Area. Signs shall not exceed an area of one square foot for each two lineal feet of street frontage, with a maximum area of 60 square feet per sign. For property that has frontage on Highway 101, the total square footage may increase one square foot for every foot from the center line of said highway, the total area not to exceed 100 square feet.

c. Placement. Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which the sign is located.

d. Height. No freestanding sign shall exceed five feet above grade. For property that fronts Highway 101, the height of the sign may increase by one foot for every foot from the center line of said highway, but in no case shall the height exceed 20 feet.

3. Awning Signs.

a. Number. Two signs shall be permitted for each business frontage in addition to the allowed wall signs. Such signs may be attached to, painted on or suspended from the awning.

b. Area. Awning signs shall be counted toward the permitted aggregate sign area for wall signs. Signs on the ends of awnings shall be counted as one sign as long as the faces are parallel and opposed to each other.

c. Projection. Signs may not project beyond the face of the

awning.

d. Clearance above grade. The lowest portion of a sign attached to an awning shall not be less than seven feet, six inches above grade.

4. Illuminated window signs, such as neon signs, are limited to two per primary building frontage. The sign must be placed inside the building and shall not be directed to residentially zoned property. The total area of such signs is limited to ten square feet per primary business frontage.

5. Mural signs.

10.15.040 Nuisance Signs

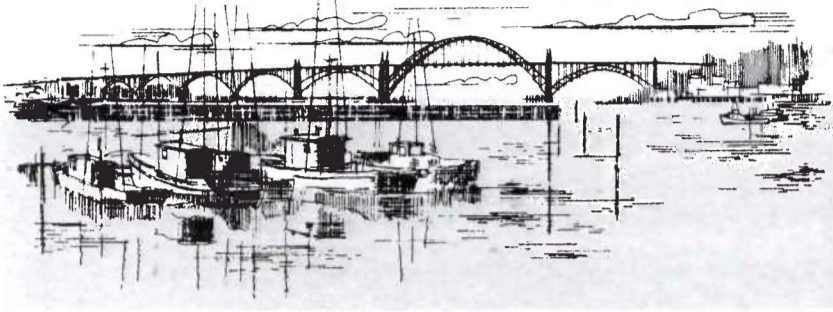
The following signs are public nuisances:

- A. Flashing signs visible from a public street or highway right-of-way.
- B. Illegal signs.
- C. Temporary signs that have remained in place beyond a temporary basis.
- D. Signs in a dangerous state of repair.
- E. Abandoned signs.

10.15.045 Nonconforming Signs

11

The alteration of the size, shape, or location of any existing nonconforming sign is prohibited unless the alteration brings the sign into conformance with this chapter. Damage to or replacement of nonconforming signs may be repaired or replaced if the cost of the repair or replacement is less than 50% of the value of the cost of replacing the sign with a conforming sign.



CITY OF NEWPORT

169 SW COAST HWY

NEWPORT, OREGON 97365

TDD/VOICE 1-800-735-2900

OFFICE OF Community Development

**CERTIFICATE OF MAILING OF NOTICE OF ADOPTION AND THE
ADOPTED TEXT AND FINDINGS AS APPLICABLE**

Local File # 6-7-07

Date of Deposit in the U.S. Mail: 1/10/08

Name of Person Mailing WANDA HANEY

Signature of Person Mailing *Wanda Haney*



City of Newport
169 SW Coast Hwy
Newport, OR 97365



Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540