



ORDINANCE 2012-009

AN ORDINANCE AMENDING THE SIGN CODE SECTION OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE (16.102)

WHEREAS, As part of the Code clean-up project, the City initiated an amendment to the Sherwood Zoning and Community Development Code (SZCDC) to consider modifications to the Sign Code; and

WHEREAS, Upon review, the City determined that the Sign Code would better serve the interests of citizens and staff by differentiating between permanent signage, and Temporary, Portable, and Banner signs; and

WHEREAS, The amendments were developed after full consideration of public input, the Planning Commission input, and a staff recommendation; and

WHEREAS, The City determined that the current sign code was vague, confusing, and difficult to enforce; and

WHEREAS, Upon review, the City determined that the regulation of Temporary, Portable, and Banner Signs warranted a separate chapter within the SZCDC; and

WHEREAS, Amendments were developed and proposed to modify the sign code to ensure that it was content neutral, and was limited to regulating the size, height, materials, and placement of signs within the City of Sherwood; and

WHEREAS, The proposed amendments were subject to full and proper review and a public hearing before the Planning Commission on March 13, 2012; and

WHEREAS, The Planning Commission voted to forward a recommendation to the City Council; and

WHEREAS, The City Council held a public hearing on July 17, 2012; and

WHEREAS, After full consideration of the public input, Planning Commission recommendation, staff recommendation, and community values, the Council determines that the proposed changes to the Sign Code meet the applicable Comprehensive Plan criteria and are consistent with regional and state standards.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings. After full and due consideration of the proposal, the Planning Commission recommendation, the record, findings, and the evidence presented at the public hearing, the Council adopts the findings of fact related to the modifications to the sign code contained in Exhibit A and amends the text of the SZCDC regarding signs contained in Exhibit A-2.

Section 2. Approval. The proposed amendments for sign code (PA 11-07) identified in Exhibit A-2, are hereby **APPROVED**.

Section 3 - Manager Authorized. The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to the Department of Land Conservation and Development and necessary updates to Chapter 16 of the municipal code in accordance with City ordinances and regulations.

Section 4 - Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 7th day of August 2012.



Keith S. Mays, Mayor

Attest:



Sylvia Murphy, CMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Langer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Butterfield	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Folsom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>

City of Sherwood **July 17, 2012**
Planning Commission Recommendation to the City Council
File No: PA 11-07 Sign Code Amendments

The Planning Commission held a public hearing on February, 28 2012, and a subsequent hearing on March 13, 2012 to consider the proposed amendments and forwarded a recommendation of approval to the Council. The proposed amendments are attached to this report as Exhibit A-1 (clean version) and Exhibit A-2 (track changes version)

Proposal: A proposal to amend the Sherwood Sign Code. Specifically, the proposal would divide the existing sign code into two separate chapters within the Sherwood Zoning and Community Development Code (SZCDC). Chapter 16.100 would include all sign related definitions and regulate permanent signage, whereas, Chapter 16.102 would regulated temporary, portable, and banner signs. The primary purpose of these amendments are to clearly regulate the “time, place, and manner,” of temporary signage based on prescriptive size, placement, and duration limitations for temporary, portable, and banner signs.

I. BACKGROUND

- A. Applicant: This is a City initiated text amendment.

- B. Location: The proposed amendment is to the text of the development code and, applies citywide.

- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission considered the matter on February 28, 2012, and again on March 13, 2012. A motion passed to forward the language in Exhibit A to the City Council for their consideration. The City Council is expected to consider the proposal, and make the final decision whether to approve, modify, or deny the proposed language. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals.

- D. Public Notice and Hearing: Notice of the July 17, 2012 City Council hearing on the proposed amendment was published in *The Times* on July 5, 2012, and published in the July edition of the Gazette. Notice was also posted in five public locations around town and on the web site on 6/26/12.

DLCD notice for the proposed amendment was mailed on November 21, 2012.

- E. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).

- F. Background:
The City underwent periodic review in 1989-1991 and the Zoning and Community Development Code was comprehensively reviewed and updated as part of that process. Since that time, there have been a number of updates to comply with regional and state laws, and to address local issues, but over time, the changes have been inconsistent with other language in the Code, or have often times put different sections of the code at odds

with other sections. Beginning in late 2009, City staff and the Planning Commission began to review and identify issues with the development code that needed to be amended, and/or clarified. The City Council, Planning Commission and staff identified the need to conduct a comprehensive update of the Development Code. As a result, a number of Code “clean-up” items were identified and placed into a work program for review and consideration.

This particular update focuses on signs within the City of Sherwood, and while the process focused primarily on temporary signs, portable signs, banner signs, and murals, it has evolved into a broader, yet minor review of the permanent sign code as well. Changes to the permanent sign code have been very limited in scope. The desire to review the existing temporary and portable sign language stems from past complaints that the sign code is complex and difficult to understand and administer. There have also been complaints regarding the visual clutter that temporary signs create, and a perception that the current wall sign provisions may have unintended consequences.

The proposed code language is a result of extensive opportunities for public comment as discussed later in this report, and are grounded in a solid understanding of signs as protected free speech under the first and fourteenth amendments to the US Constitution and Article One of the Oregon Constitution. The proposed language remains content neutral and is in the public interest. The proposed language does not place limitations on the contents of any signage that is proposed to be regulated, but does advance a legitimate public purpose by regulating for aesthetic and public safety purposes. The proposed language is limited to regulating the time, manner, and place of proposed signage within the City of Sherwood city limits.

The current code language resides in Division V. Community Design of the Sherwood Zoning and Community Development Code (SZCDC), and more specifically within Chapter 16.102. In preparation for the sign code review and update, staff surveyed the following literature and sign codes from around the country:

Literature

- *A Framework for On-premise Sign Regulations - 2009*
- *On-Premise Signs as Storefront Marketing Devices and Systems – 2005*
- *The Signage Sourcebook: A Signage Handbook – 2003*
- *Updating Sign Ordinances –1991*
- *Sign Regulation for Small and Midsize Communities: Planning Advisory Service Report –1989*

Sign Codes

- Yonkers, NY Sign Code
- Flagstaff, AZ Sign Code
- Lake Oswego, OR Sign Code
- City of Tigard, OR Sign Code
- City of Beaverton, OR Sign Code
- City of Wilsonville, OR Sign Code
- City of Tualatin, OR Sign Code
- Bainbridge Island, WA Sign Code
- Portland, OR Sign Code
- ODOT Temporary Sign Rules

Finally, City staff identified concerns with the language as it is currently written in that it is complex and requires considerable staff time to administer. Further, the Code Enforcement Officer, a half time position, is charged with investigating and processing, not only sign violations, but all violations, of the municipal code. Understandably, the more serious

violations warrant more of his time, which in turn leads to a perception of inconsistent enforcement.

The planning department works closely with the Code Enforcement Officer to ensure that his understanding of the code is consistent with what the planners tell the public at the front counter. Currently, the Code Enforcement Officer spends about 10-20% of his code enforcement time working with temporary sign violations. At the outset of this project the primary goal was to make the proposed language clear, objective, and easy to understand. As a result, staff, and through this recommendation, the Planning Commission is proposing that the sign code be split into two distinct Chapters. Chapter 16.100 would include all sign related definitions, and list the regulations for permanent signage within the City. Chapter 16.102 would only list the regulations for temporary, portable, and banner signs within the City.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The City sent a request for comments to potentially affected agencies on December 13, 2011. DLCD notice was sent on November 21, 2011. The City has not received any agency comments to date on the proposed amendments.

Public:

There has been extensive public outreach and opportunities for the public to provide their personal opinions and comments on sign regulation over the past six months. This outreach began with an initial meeting with identified stakeholders. Stakeholders identified and invited included business owners, the Sherwood Chamber of Commerce Executive director, citizens who had applied for temporary sign permits in the past, citizens who had been subject to code enforcement actions regarding signs in the past, citizens who had filed complaints about signage in the past, and a member of the Planning Commission. Not everyone who was invited attended. The purpose of the meeting was to ascertain their perceptions of the existing code.

Generally, members felt that the code was clear but only selectively enforced, and that certain individuals or businesses were treated more favorably than others. There was discussion about finding ways to be more consistent in the City's enforcement of the code.

There was a concern that the cost of the sign permits were too high, and one of the stakeholders indicated that many businesses simply forego the cost of the permit, and are comfortable with taking the risk that the code enforcement officer will pull their signs. A few folks felt that the materials used to make the signs were cheap and often end up as litter on the side of the road.

The information gathered from the meeting along with discussions related to sign regulation were discussed with the Planning Commission in work sessions on September 27th, 2011, and November 8th, 2011.

The ideas crafted over the course of the two work sessions with the Planning Commission were presented to the public in an Open House format on November 17, 2011. Staff provided the same information in the lobby of City Hall, and at the Community Development counter along with comment cards and contact information for City staff until the first part of February.

Staff refined and drafted the proposed language based on discussions with the Planning Commission on December 13, 2011, and in a joint work session with the Planning Commission and City Council on January 17, 2012.

The initially proposed language was circulated to everyone who had provided comments or attended a public event over the previous months on January 27, 2012. Those same folks were invited to meet with staff on February 2, 2012 to provide further input.

Following that meeting, and subsequent hearings with the Planning Commission, staff refined the language into the proposal that is the subject of this staff report. The proposed language was provided in its most current iteration to the same folks that the previous version was mailed to on June 26, 2012, and posted on the City's website along with the public notice.

Specific concerns raised by Daryl Winand, the Governmental Affairs Liaison for the Portland Metro Association of Realtors, Charles Jagow, a trustee with St. Paul Lutheran Church and School, and Matt Grady, a project manager with Gramor Development at the Planning Commission hearing are addressed below:

Daryl Winand – Governmental Affairs Liaison for the Portland Metro Association of Realtors raised had concerns regarding:

- Proposed limitations on height and width of Temporary signs within residential areas
- A requirement for any portable signs located within the right-of-way to obtain a permit
- The elimination of the Tuesday and Thursday-Sunday exemption for portable signs within the right-of-way
- Realtors would not want to put stickers onto their signs when placed within the right-of-way

Staff Response: After meeting with Mr. Winand and listening to his concerns staff refined the height and width limitations for temporary signs that could be placed within the right-of-way in residential zones. His insight to the typical "colonial" or "post" sign that realtors typically used assisted us in making that determination. Regarding the location of signs within the public right-of-way, staff has advocated for this provision as a way to track the number and location of signs within the right-of-way, as well as an opportunity to educate folks about the regulations pertaining to signage placed within the right-of-way. This would also aid code enforcement staff in identifying signs that are or are not permitted within the right-of-way.

Currently, there is an exemption for portable signs located within the right-of-way on Tuesdays, and Thursday evenings until Sunday evenings, essentially making the code effective only two and a half days out of the week. The exemption was written with the real estate industry in mind, but has been repeatedly used as a defense by folks who have had their signs pulled by the code enforcement officer on days when signs are not exempt claiming that the exemption is confusing. We certainly realize the importance to realtors and home buyers and sellers of directing folks to open houses, but unfortunately, we cannot regulate content, and do not recommend any language that would favor one group over another. Because the exemption is a confusing component of the current code, staff would strongly recommend that it be eliminated or modified.

One option to consider might be to allow A-frames, or another agreed upon sign type within the right-of-way without a permit provided they were only located within the right-of-way for the duration of whatever event or business they are promoting. As an alternative, the code could be written in a manner that places a maximum time limit for the sign in the right-of-way to ensure that they are only placed when necessary, and are not intended to replace permanent signage. One of these options may address two of Mr. Winand's concerns in that the sign would not require a sticker if it did not require a permit.

Charles Jagow, a trustee with St. Paul Lutheran Church and School has met with staff on two separate occasions, and provided written comments by way of a letter dated January 17, 2012. Mr. Jagow is concerned about the proposed limitations on banner signs. According to Mr. Jagow, "The realignment of Sherwood-Scholl's [AKA Roy Rogers] Road resulted in limited visibility of St. Paul. As a result, St. Paul installed two wooden signs with metal supports extending above to display banners for various church and school events..." The Church relies on the banners for outreach to the community. Mr. Jagow adds that the landscaping along Roy Rogers Road should be considered in limiting height. Finally, Mr. Jagow requests that the fees be nominal and permits bundled when possible.

Staff Response: It should be noted that the existing banner signs are currently not permitted by the code, and could not have been permitted by staff given that they are in the County right-of-way and Washington County does not allow temporary signs within their rights-of-way. According to Steve Conway, Senior Planner with Washington County, the County does not permit banner signs anywhere within the county. This particular instance may not have been enforced because there have not been any complaints filed, and the County would not enforce it, because it's in the City limits. The current code requires banner signs to be attached to a building, so both signs with the banner posts are violating the current code language. Staff has not identified proposed language that would allow them to hang a banner as desired, but welcomes suggested solutions from the Commission or Council that would be acceptable to meet the community values.

The Planning Commission and Council could exempt non-profit organizations from sign standards, but that would favor one group over another, and the code is intended to fair and treat people equitable. Because they are temporary signs, staff would recommend against treating them as non-conforming signs as that would potentially open the flood gates to other claims as they pertain to temporary, portable, or banner signs. In addition, it is not likely that they are legal non-conforming signs given that the permit for the permanent sign was issued in 2002.

Mr. Jagow's concern regarding fees is noted, and will be discussed with the Council once the final language is decided upon.

Matt Grady, a project manager with Gramor Development has met and discussed the proposed language with staff at the open house in November, and again at the counter. Mr. Grady submitted written comments in the form of a letter dated February 6, 2012. In his letter, Mr. Grady sought clarification of some of the existing standards, as well as, raised concerns related to projecting signs, signs on vacant lands, the proposed awning sign language, and the 20-foot spacing requirement for projecting signs.

Staff Response: Specifically, Mr. Grady wanted some clarification as to whether or not pole signs and signs on vacant property were intended to be prohibited in the sign code. Pole signs are expressly prohibited in the current as well as the proposed language. With the exception of temporary and portable signs, and consistent with the existing language, permanent signage is not permitted on vacant land within the City. Mr. Grady proposed that the awning signs be increased from 4 square feet to 6 square feet in size. After speaking with him, it became apparent that he thought a projecting sign and the awning sign were the same sign type. Staff proposed some minor edits to clarify that standard. Finally, Mr. Gramor requested language that would eliminate the 20-foot spacing requirement, and replace it with one projecting sign per business, per storefront space. His reasoning for the request is that it has been his experience that businesses want projecting signs over their doors, and that the doors are not always spaced 20-feet apart. Staff felt that the request was reasonable, and have proposed that change as part of this request.

The two letters provided by Mr. Jagow and Mr. Grady are attached to this report as exhibits 3 and 4.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.A and C

16.80.030.A - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

While this specific proposal does not include changes to the text of the Comprehensive Plan, it is a proposal that would amend language of a document that implements the Comprehensive Plan and is reviewed in that light. There are no specific standards other than ensuring that the language is consistent with the existing Comprehensive Plan and any applicable State or City Statutes and regulations. The proposed changes would accomplish the following objectives:

- Separate the language for temporary, portable, and banner signs from the permanent sign language to clearly differentiate the standards that apply to each.
- Clarify the time, manner, and place for temporary, portable, and banner signs by limiting their size, height, location, and clearly indicating when a permit is required.
- Provides language that is clear, objective, and easy to understand.

Upon review of the Comprehensive Plan, the only policy that specifically relates to this proposal would be Policy 3 in Community Design. That policy states, "The natural beauty and unique visual character of Sherwood will be conserved." The policy is accompanied by a strategy that states, "Adopt a sign ordinance which regulates the number, size and quality of signs and graphics. Standardize and improve the quality of public signs and traffic signalization." This code promotes the policy by implementation of the strategy. There do not appear to be any comprehensive plan requirements that would conflict with the proposed code language.

Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed language. Metro is silent to signage.

Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the comprehensive plan has been acknowledged by the State, there are no known conflicts with this text change. Staff is not aware of any other state or local regulations that the proposed amendment would conflict with. The language has been drafted in a manner that strives to remove conflicts in the code, and to provide clarity. The Code does not limit the ability of people to exercise free speech, but rather limits the time, place, and manner in which the speech is provided so that it does not infringe on others pursuits of their rights as spelled out in both the Oregon and US Constitutions.

As discussed previously, the proposed amendments have been discussed in several public venues, and provided in several venues available to the public. Staff has always been available to discuss the proposed changes, and have invited comments throughout the course of the discussion. As a whole, the proposed amendments are consistent with Goal 1 (Citizen Participation) and Goal 2 (land use planning).

Formal notice was also published in the newspaper two weeks prior to the hearing, published in the February issue of the Gazette, has been posted around town in several conspicuous places, and is provided on the City's website.

- A courtesy notice of the hearing were also provided to all property owners of Commercial and Industrially Zoned property, and was published in the City Newsletter (the Archer).

FINDING: As discussed above in the analysis, there is a need for the proposed amendments in order to clarify the language, and to reflect the communities' desire as it relates to signage. The proposed amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.3 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. Rather, the proposed amendments are provided to clarify existing language within the existing development code. The proposed amendments will not result in a change of uses otherwise permitted and will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this policy is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, staff recommends Planning Commission forward a recommendation of approval of PA 11-07 to the City Council.

- V. EXHIBITS**
1. Proposed development code changes – Track Changes
 2. Proposed development code changes – Clean Copy
 3. Letter dated January 17, 2012 from Charles Jagow
 4. Letter dated February 6, 2012 from Matt Grady
 5. Existing Code Language

Chapter 16.100

PERMANENT SIGNS*

Sections:

16.100.010 Common Regulations

16.100.015 Sign Related Definitions

16.100.020 Prohibited Signs

16.100.030 Sign Regulations by Zone

* Editor's Note: Some sections may not contain a history.

16.100.010 Common Regulations

A. Sign Permits

1. Except as otherwise provided in this Section and in Chapter 16.102, a person may not construct, install, structurally alter or relocate any sign without first obtaining an administrative sign permit from the City as required by Chapter 16.72, including payment of the fee required by Section 16.74.010. In addition, all permitted illuminated signs are subject to the provisions of the State Electrical Code and any applicable permit fees. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2005-002 § 5; 2002-1132)

B. Sign Application.

1. Application for a sign permit shall be made upon forms provided by the City and shall include the following information:
 - a. Name, address and telephone number of the applicant. Name, address, telephone number and signature of the property owner.
 - b. Location of the building structure, lot or parcel to which or upon which the sign is to be attached or erected.
 - c. A scaled drawing showing sign design including colors, dimensions, sign size, height above ground, method of attachment, construction and materials, type, source and intensity of illumination and the relationship to any building to which the sign will be attached.
 - d. A plot plan drawn to scale indicating the location of all buildings, property lines, existing signs, street lights, easements, and overhead power lines on the same premises.
 - e. Name, address and telephone number of the person or firm who will erect, construct and maintain the sign. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2004-006 § 3; Ord. 86-851)

C. Exceptions

1. The following signs do not require a permanent sign permit but shall conform to all other applicable provisions of this Chapter:
 - a. Traffic signs installed per the Manual of Uniform Traffic Control Devices and other federal, state and local traffic sign regulations.
 - b. Changes to the copy of a legally erected, painted or printed advertising sign, theater marquee or similar sign specifically designed for the use of replaceable copy that does not alter the dimensions of the sign.
 - c. On-site painting, repainting, cleaning and normal maintenance and repair of a sign.
 - d. A sign not exceeding four (4) square feet in size when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
 - e. A sign that is accessory to a construction site and construction activities that does not exceed thirty-two (32) square feet in area, provided that such sign is removed within thirty (30) days from date of issuance of the final occupancy permit or within two (2) years, whichever is less.
 - f. Portable/temporary signs allowed per Chapter 16.102.
 - g. Public utility signs and other signs required by law.
 - h. Signs on private property three (3) square feet or less per sign face and under three (3) feet tall when freestanding and installed to be readable on private property. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2002-1132 §3; Ord. 86-851)

D. Violations

1. The City may order the removal of any sign erected or maintained in violation of the provisions of this Chapter. If the City orders the removal of a sign under this Section, the City shall give ninety (90) days written notice to the owner of the sign or, if the owner of the sign cannot be notified, to the owner of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. After ninety (90) days the City may remove the sign at cost to the owner of the building, structure or premises. All costs incurred by the City will be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as an assessment lien. (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851 §3)

E. Nonconforming Signs

1. Signs that do not conform to the provisions of this Chapter are regarded as non-conforming signs and shall be brought into compliance with this Code's standards.
2. Except as exempted in subsection four (4) below, a nonconforming sign in existence on the effective date of Ordinance 2005-002, shall be brought into compliance within five (5) years of the effective date of Ordinance 2005-002. A nonconforming sign erected after the effective date of Ordinance 2005-002 or made non-conforming by subsequent sign ordinance amendments, shall be brought into compliance within five (5) years of the issuance of a building permit to construct the sign or adoption of the ordinance creating the non-conformity. A nonconforming sign that is not brought into compliance within five (5) years shall be removed at the expense of the sign owner or, at the City's discretion, the owner of the property upon which it is located.
3. Except as exempted in subsection 4 below, a nonconforming sign that is structurally altered, relocated or replaced shall immediately be brought into compliance.
4. A sign that is forty five (45) feet tall or less and that is three hundred (300) square feet or less in size is exempt from the requirement to come into compliance within five (5) years and may remain until: a.) structurally altered, relocated or replaced, or b.) until such time as the property on which it is located is developed or re-developed pursuant to a Type IV land use application. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2005-002 § 5; 2004-006)

F. Abandoned Signs

A person who owns or leases a sign shall remove the sign when the business advertised is discontinued or moves. The City shall give the owner of the building, structure or premises upon which an abandoned sign is located ninety (90) days written notice to remove the sign. After ninety (90) days the City may remove the sign at cost to the owner of the building, structure or premises. All costs incurred by the City may be a lien against the land or premises on which such sign is located and may be collected or foreclosed in the same manner as similar liens. (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851, § 3)

G. Reserved (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851, § 3)

H. Construction and Maintenance

Except as otherwise provided in this Code, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code. All signs, supports, braces, guys and anchors and sign sites shall be kept in good repair and maintained in a clean, safe condition. (Ord. 86-851, § 3)

16.100.015 Sign Related Definitions

- A. Animated Signs: Signs that are animated by a person or animal using, carrying, or wearing a sign.

- B. Area, Sign Face: The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets or sides:
 - a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall include all written advertising copy, symbols or logos.
 - b. If the sign is composed of more than two (2) sign cabinets, sign faces, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign.
- C. Awning or Canopy Sign: A sign attached below a building awning, porch, canopy, or other roof-like structure and limited to six (6) square feet.
- D. Banner Sign: Signs made of lightweight fabric or other non-rigid material characteristically supported by two (2) or more points, and hung only on a permanent structure such as a building, fence, or wall.
- E. Commercial Center: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having at least two (2) but no more than three (3) legally permitted businesses on the site.
- F. Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having four (4) or more legally permitted businesses on the site.
- G. Electronic Message Signs: Consistent with 16.100.020.E.and F., electronic message signs may not change more than once every thirty (30) seconds. In addition, the change may not involve movement or flashing. Electronic message signs are limited to no more than thirty-five (35) percent of the total sign area per sign face. (Ord. 2004-006 § 3) (Ord. No. 2009-003, § 2, 2-17-2009)
- H. Flag sign: A sign constructed of lightweight material designed to wave or move in the wind to attract attention to a particular location. For the purposes of this code an example would be a vertical banner. Flag signs are sometimes referred to as teardrop or feather banners.
- I. Free-Standing Signs:
 - a. Monument Sign: A sign constructed so that it is erected on grade or set into a hillside. If the monument sign is supported by poles, the sign shall extend to cover the support poles to within four (4) inches of the grade. Each free-standing monument sign shall have no more than two (2) faces.

- b. Column Sign: A sign supported by two square columns covered by wood, brick, metal or stone with a minimum width of twenty-four (24) inches or a single square column with a minimum width of thirty-six (36) inches.
- c. Pole Sign: A free-standing sign mounted on one (1) vertical support less than thirty-six (36) inches wide.
- J. Mural – An image located on the side of a wall that is commissioned and/or approved by the City Council via resolution.
- K. Over-Right-of-Way Banner Sign: A banner sign, usually associated with a community-wide event, placed over a public right of way for a limited period of time.
- L. Permanent Residential Development Sign: Any sign erected in association with a single-family attached, single-family detached, duplex or townhome subdivision or Planned Unit Development (PUD). (Ord. 2005-002 § 5; 2004-006)
- M. Portable A-Frame Sign: A double-faced portable sign with an A-shaped frame, no greater than four (4) feet in height and seven (7) square feet per sign face, composed of two (2) sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.
- N. Portable Sign: Small movable signs no greater than 24 inches in height and a sign face no larger than 18 inches by 24 inches in size used for a temporary period of time. Portable signs include stand-alone signs, not attached to a building or any other permanent structure. Examples include political signs, real estate open house signs, and other similar signage.
- O. Projecting Sign: A projecting sign is a sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane that is generally perpendicular to the wall.
- P. Roof Signs: Signs erected in or directly above a roof or parapet of a building or structure.
- Q. Rotating or Revolving Signs: Signs that rotate or turn in motion by electrical or mechanical means in a circular pattern
- R. Single Business Site: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or any other recorded document, having a single legally permitted business on the site.
- S. Snipe Sign: Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects.

- T. Temporary Sign: Signs that are firmly affixed to a temporary structure that is placed into the ground and designed to be temporary. Characteristics of a temporary sign include signs constructed of a rigid material attached to wood or metal posts which do not require permanent footings. Examples of temporary signs include, but are not limited to residential and commercial real estate signs.
- U. Vehicle Sign: A sign that is attached to a vehicle, on or above the vehicle that is parked in a location for the primary purpose of advertising.
- V. Wall Sign: A sign attached to, erected against or painted on a wall of a building.

16.100.020 Prohibited Signs

A. Unsafe or Unmaintained Signs

All signs and sign structures must be constructed, erected and maintained to withstand the wind, seismic and other loads as specified in the Uniform Building Code. No sign shall be constructed, erected or maintained in violation of the maintenance provisions of this Chapter. (Ord. 86-851, § 3)

B. Signs on Streets

No sign shall substantially obstruct free and clear vision along streets or by reason of the position, shape or color, may interfere with, obstruct the view of, or be confused with any authorized traffic signal or device. No sign shall use the words "stop", "look", "danger", or any other similar word, phrase, symbol or character that interferes with or misleads motorists, pedestrians or bicyclists. (Ord. 86-851, § 3)

C. Obstructing Signs

No sign or sign structure shall be located or constructed so that it obstructs access to any fire escape, exit doorway or other means of egress from a building. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that will substantially limit access to the building in case of fire. (Ord. 86-851, § 3)

D. Rotating or Revolving Signs

Rotating or revolving signs are prohibited. (Ord. 86-851, § 3)

E. Illuminated Signs

Flashing signs, exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights and similar devices are prohibited. No exposed incandescent lamp which exceeds twenty-five (25) watts shall be used on the exterior surface of any sign so as to expose the

face of such bulb or lamp to a public street. All permitted signs shall bear an approved Underwriters Laboratory label or equivalent third party product safety testing and certification organization. (Ord. 86851 § 3)

F. Changing Image Signs

Any sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of sign image or message is prohibited. Changing image signs do not include otherwise static signs where illumination is turned off and back on at a maximum of once every thirty (30) seconds and such change does not involve movement or flashing. (Ord. 2003-1153, § 1)

G. Pole Signs, over six (6) feet in height (Ord. 2004-006 § 3)

H. Signs on Vacant Land

Any sign on unimproved property, unless allowed as a portable or temporary sign under Chapter 16.102 is prohibited. (Ord. 2004-006 § 3)

I. Permanent Residential Development Signs (Ord. 2005-002 § 5; 2004-006)

J. Roof Signs (Ord. 2004-006 § 3) (Ord. No. 2009-003, § 2, 2-17-2009)

16.100.030 Sign Regulations By Zone

A. Residential Zones

No permanent sign requiring a permit shall be allowed in residential zones except for the following:

1. Public/Semi-Public Uses

For churches, schools and other public uses located within a residential or institutional public zone:

- a. One (1) wall sign not exceeding thirty-six (36) square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.
- b. One (1) free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

2. Multi-Family Development Signs

- a. One (1) non-illuminated free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted, the maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base. (Ord. 2005-002 § 5; 2004-006)

3. Non-Residential Signs

- a. One (1) monument sign not more than sixteen (16) square feet in area identifying a permitted use in a residential zone shall be allowed. (Ord. 2005-002 § 5; 2004-006; 2002-1132)

B. Commercial Zones

A permanent sign that requires a sign permit is not allowed in a commercial zone except for the following:

1. Free-Standing Signs

- a. Number Permitted: Except as otherwise provided in (1-3) below, one (1) multi-faced, free-standing sign.
 - (1) Where the total street frontage exceeds three-hundred (300) feet in length, one (1) additional free-standing sign is permitted. Except as otherwise permitted in (2) or (3) below, no more than one (1) free-standing sign per street frontage shall be permitted. Where two (2) or more signs are allowed due to multiple frontages, each sign shall be oriented to face a different direction or street frontage.
 - (2) One (1) additional free-standing monument sign may be provided for fueling stations.
 - (3) A Commercial Center or Commercial Plaza with at least two (2) stand-alone businesses may have one (1) additional free-standing sign provided the site has more than three hundred (300) feet of frontage
- b. Height Limit: The maximum sign height shall not exceed six (6) feet in all commercial zones except that in the locations identified in (1-5) below, the height, for no more than one (1) sign per single business site, commercial center or plaza, may be increased to no more than twenty (20) feet to allow for the construction of a column sign only. The exception locations are identified as:
 - (1) On or within one hundred (100) feet of Pacific Highway,

- (2) Tualatin-Sherwood Road between 99W and SW Olds Place,
- (3) Roy Rogers Road between 99W and Borchers
- (4) Sherwood Boulevard between 99W and Century Boulevard, and
- (5) Edy Road between 99W and Borchers.

The height of the sign shall be measured from the average grade of the building footprint located on site to the highest point of the sign. For sites with more than one (1) building, the average grade of the building closest to the location of the sign shall be used.

- c. Clearance: Signs are prohibited over a driveway or parking area.
- d. Area: The maximum sign area for all commercial zones shall not exceed thirty-six (36) square feet per sign face with a maximum of two (2) sign faces permitted except that in those areas identified in 16.100.030.B.1.b.1-5, the sign area for one (1) sign may be increased up to one hundred (100) square feet for a commercial center or up to one hundred fifty (150) square feet for a commercial plaza.
- e. Location: No free-standing sign or any portion of any free-standing sign shall be located within a public right-of-way. Free-standing signs must comply with the Clear Vision Area requirements of Section 16.58.010.

2. Wall Signs

- a. Wall signs in combination with projecting signs shall not exceed twenty percent (20%) of the gross area face of the building to which the sign is attached. Signs placed on or within one (1) foot of display windows and designed to be viewed from the exterior of the building shall be included in determining the amount of signage. A minimum of thirty (30) square feet is guaranteed and the maximum shall be two-hundred fifty (250) square feet. Wall signs may not project more than one and one-half (1 1/2) feet from the wall to which they are attached. Wall signs shall be constructed of rigid materials. No banner sign shall be framed or encased in a manner to be constructed as a wall sign.

3. Projecting Signs

- a. Projecting signs supported by a wall of a building or structure shall be permitted under the following conditions:

(1) Only one (1) projecting sign will be permitted per store front.. Projecting signs

are attached so that they hang perpendicular to the façade of the building, and are limited in size by the provisions of 16.100.030.B.2.a above.

(a) In addition, businesses within commercial districts with a porch or awning, will be permitted to have one (1) additional awning sign that is perpendicular to the building and oriented to pedestrians provided that they are:

- (i) Hung from the roof of the porch or awning;
- (ii) No more than six (6) square feet in area; and
- (iii) The bottom of the sign is at least eight (8) feet above the grade of the sidewalk.

(2) No projecting sign shall be permitted on the same premises where there is a free-standing sign.

(3) No projecting sign shall extend more than three (3) feet above the roof line at the wall or the top of a parapet wall, whichever is higher.

(4) When a projecting sign is used no angle irons, guy wires or braces shall be visible except those that are an integral part of the overall design such as decorative metals or woods or unless they are required for safety.

(5) No sign shall project to within two (2) feet of the curb of a public street or beyond five (5) feet from the building face, whichever is less.

4. Directional Signs

- a. The requirements of chapter 16.102 shall apply. (Ord. 2004-006 § 3; 2002-1132)

C. Industrial Zones

No permanent sign requiring a permit shall be allowed in industrial zones except for the following:

1. Free Standing Signs

- a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.102.030.B.1-5.
- b. Other than allowed under (a) above, a property in an industrial zone may have one (1) multi-faced free-standing sign per street frontage provided the height does not exceed six (6) feet and the sign face does not exceed thirty-six (36) square feet per sign face for a maximum of seventy-two (72) square feet.

2. Directional Signs

- a. The requirements of Chapter 16.102 shall apply.

3. Wall Signs

- a. The requirements of Section 16.100.030.B.2, Commercial Signs shall apply.
(Ord. No. 2009-003, § 2, 2-17-2009)

Chapter 16.102

TEMPORARY, PORTABLE AND BANNER SIGNS*

Sections

16.102.010 Temporary and Portable Signs - Purpose

16.102.020 Temporary and Portable Signs General Regulations

16.102.030 Temporary Signs

16.102.040 Portable Signs

16.102.050 Banner Signs

16.102.060 Violations

* Editor's Note: Some sections may not contain a history.

16.102.010 Temporary and Portable Signs - Purpose

Temporary, portable, and banner signs regulated by this code are intended to allow the City of Sherwood citizens to exercise their right to free speech while ensuring that the City's streets remain clear of visual clutter and safe for travel. Signs that are not clearly regulated by the provisions of this chapter are subject to the standards for permanent signs in Chapter 16.100. Definitions for permanent, temporary, and portable signs can be found in Section 16.100.010.I. All temporary, portable, and banner signs are subject to the time, place, and manner regulations of this chapter

16.102.020 Temporary and Portable Signs General Regulations

A. Temporary and portable signs are prohibited in the following locations:

1. Within any ODOT right-of-way, including but not limited to Highway 99.
2. Within any Washington County right-of-way, including but not limited to Roy Rogers Road, Edy Road, and Tualatin-Sherwood Road. However, if the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed at 50 feet or more from the curb or edge of pavement, subject to authorization from the entity with jurisdiction over the right of way.
3. Within any clear vision area as defined in Section 16.58.010

B.

The following temporary, portable, and banner signs are exempt from the provisions of this chapter.

1. Public notice signs as required by Section 16.72.020, or by any federal, state or local law.

2. Federal, state, and other flags not exceeding twenty-four (24) square feet in all residential zones, and forty (40) square feet in all other zones.
 3. Signs that have been approved in association with a City of Sherwood Special Event Permit.
 4. A public-necessity sign such as safety and instructional signs, for public facilities and public parks, City sponsored community events installed by or with permission of the City of Sherwood.
- C. Temporary and portable signs on private property do not require a permit, but are subject to all of the applicable standards within this section.
- D. Signs shall not be placed on private property without the express permission of the property owner.
- E. Signs shall not be illuminated and may not include pennant strings, balloons, streamers, spinners, propellers, search lights, or other items that involve motion to attract attention.
- F. Signs shall not obstruct vehicular or pedestrian traffic.
- G. It is the responsibility of the person posting a temporary or portable sign to remove it.
- H. In the event that a sign is requested by a business whose regular access is blocked due to road construction and/or road closures, signs may be permitted to remain in the public right-of-way, at an approved location, until construction is completed. Such signs do not require a permit. Such signs may be located in ODOT, City of Sherwood or Washington County right-of-ways if approved by the agency.

16.102.030 Temporary Sign Regulations

- A. The following regulations apply to all temporary signs as defined in Section 16.100.1.21.
1. Temporary signs on properties zoned VLDR, LDR, and MDRL, may be double sided, but are limited to a maximum height of six (6) feet, and a maximum sign width of three (3) feet. The actual sign face of each side of the sign shall not exceed six (6) square feet. The sign must be constructed of wood or vinyl in the colonial post style and is allowed one rider not to exceed 6 inches in height.
 2. Temporary signs in all other zones may be double sided, and are limited to a maximum height of eight and one half (8 1/2) feet, and a maximum width of four (4) feet. The actual sign face of each side of the sign shall not exceed thirty-two (32) square feet.
 3. No more than one (1) temporary sign is permitted on any one (1) lot unless the property fronts more than one (1) street or has more than three hundred (300) feet of frontage along a street. In these limited cases up to two (2) temporary signs may be allowed.
 4. Where multiple temporary signs are placed on the same property, as authorized above, the signs shall be spaced at least fifty (50) feet apart.
 5. Temporary signs are not permitted in the public right-of-way.

16.102.040 Portable sign Regulations

- A. The following regulations apply to all portable signs as defined in Section 16.100.1.13 and 14

in all zones.

1. No more than four (4) portable signs are allowed on any residentially zoned lot, except that properties over an acre in size that are developed with an approved non-residential use may place one (1) portable sign every fifty (50) feet for the length of the sites frontage along a public street.
 2. No more than (1) portable sign per business is allowed in all other zones, except the Institutional and Public (I-P) zone
 3. Properties zoned Institutional and Public (I-P) may place one (1) portable sign, every fifty (50) feet for the length of the sites frontage along a public street.
 4. No portable sign shall be placed in any publicly owned right-of-way except on Friday after 6 am through Sunday at 6 pm unless exempt per B, below or 16.102.020.B above.
 5. Portable signs shall also meet the following standards:
 - a. Because maintenance of the right-of-way in front of a single-family home is the responsibility of the homeowner, a person wishing to place a sign in the right-of-way, in front of someone's home must make a good faith effort to contact the homeowner, and if not home, must leave something in writing that includes the persons contact information and a description of the effort made to contact the homeowner.
 - b. Signs shall not create a traffic safety or maintenance problem, and the City may remove and dispose of any signs that constitute a problem.
 - c. Signs shall be freestanding and shall not be attached to any structure or vegetation such as utility poles, traffic signs, street signs, trees, or similar items.
 - d. Portable Signs shall be either an A-frame design or shall be attached to a wood or wire h-frame stake driven into the ground well clear of tree roots, irrigation lines, and any other underground utility that could be damaged by such stakes.
 - e. Portable signs shall be spaced at least 25 feet apart when placed on the same property.
- B. The following regulations apply to all portable signs located within the Old Town Overlay District
1. A business who has a valid City of Sherwood business license and is physically located within the Old Town Overlay District may display two (2) portable signs, without a permit, on private property or within the public right-of-way in the Old Town Overlay District.
 2. Each portable sign shall be a maximum of six (6) square feet per sign face. A business that wishes to place a portable sign on the sidewalk in front of someone else's property must receive written permission from the property owner of the property where the sign is placed. Signs shall be sited per Section 16.102.040.

16.102.050 Banner Sign Regulations

- A. The following banner signs are exempt from these regulations:
1. Banner signs not intended to be viewed from a public street. (Ord. 2002-1132 § 3)
 2. Signs that meet any of the provisions of section 16.102.020(B)

- B. The following regulations apply to all banner signs as defined in Section 16.100.1.4 and over the right-of-way banner signs in 16.100.1.12 in all zones.
1. Except for banner signs approved as over the right-of-way banner signs or 5 below, banner signs shall be firmly attached to the side of a building,. No banner sign shall be attached to a fence, wall, building roofs, vehicles, trailers, or anything else.
 2. Banner signs shall not cover building windows.
 3. Banner signs shall be maintained in good condition. They shall not droop, have frayed ends, and shall be graphically clear and readable. Sun-faded, weather-damaged banner signs are prohibited.
 4. Banner signs shall be made of all-weather material. (Ord. 2002-1132 § 3)
 5. If the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed on a fence or wall at 50 feet or more from the curb or edge of pavement., subject to authorization from the entity with jurisdiction over the right of way.
- C. Permitted Locations
1. Commercial, Industrial, and Institutional Public Zoning Districts.
 - a. Each business having a valid City of Sherwood business license and who's business is physically located in the Neighborhood Commercial (NC), Office Commercial (OC), Retail Commercial (RC), General Commercial (GC). General Industrial (GI), Light Industrial (LI) or Institutional Public (IP) zoning district may display one (1) banner sign on private property.
 - b. Banner signs shall be no larger than thirty-two (32) square feet in size.
 2. Residential Zoning Districts.
 - a. One (1) banner sign not exceeding thirty-two (32) square feet per tax lot. (Ord. 2002-1132 § 3)
 3. Signs proposed to be located over a public right-of-way are subject to the following provisions:
 - a. An applicant may be approved for one (1) temporary over-the-right-of-way banner sign to be attached to power poles. Over-the-right-of-way banner signs shall be installed only after receiving a permit from the utility provider or its successor. Once a permit is obtained, the applicant is required to receive a right-of-way permit from the City Engineer.
 - b. Over-the-right-of-way banner signs are allowed at the following locations:
 - (1) Over North Sherwood Boulevard, north of the south property line of Sherwood Middle School and south of the north property line of Hopkins Elementary School.
- D. Review Process
1. No banner sign, except signs exempt by the provisions of sections 16.102.020.B, and 16.102.050.A shall be placed anywhere within the City without a permit.
 2. Requests for permits shall be processed through a Type I administrative review and are subject to the standards listed above.
 3. Permits for banner signs within the City shall be valid for a period of thirty (30) days.
 4. Permits may be reissued on the same property a maximum of three (3) times in any calendar year.

16.102.060 Violations to temporary, portable and banner sign standards

1. Fines shall be set by City Council resolution. (Ord. 2002-1132 § 3)
 - A. First Violation –Written warning stating corrective action required to bring the portable sign into conformance is provided to the property owner.
 - B. Second Violation -- Fine.
 - C. Third Violation -- Sign removed and held for thirty (30) calendar days. During this period the sign will be returned to the owner subject to payment equal to twice the original fine.
 - D. Fourth Violation -- The business loses temporary and portable sign privileges for one (1) year. City can remove signs and fine for each offense during this one (1) year probation period. (Ord. 2006-021; 2005-002 § 5; 2002-1132)
 - E. The City is not responsible for any signs not collected by the owner after the thirty (30) day hold period expressed in C above. Such signs shall be properly disposed of by the City in the event that the signs are not collected by the owner within five (5) days after the hold period expires.