



AGENDA
MAYOR'S DOWNTOWN TASK FORCE
Meeting #5 – August 11, 2008
2:00 p.m. – 4:00 p.m.
Siskiyou Room, Community Development Building
51 Winburn Way, Ashland OR

- 2:00 p.m. Call to Order – Pam Hammond
- 2:05 p.m. Public Comment
- 2:15 p.m. Right of Way
a) Review and Discussion of Draft Right of Way Ordinance
- 3:15 p.m. Issues Recap
a) Review of Draft Sign Ordinance Changes
b) Review Draft Parking Regulations Ordinance
- 3:45 p.m. Wrap Up Discussion
a) Task Force Recommendations Document for Council
b) Remaining Issues/Comments
- 4:00 p.m. Adjourn

**DOWNTOWN TASK FORCE
MEETING MINUTES
AUGUST 4, 2008**

CALL TO ORDER

Task Force Chair Pam Hammond called the meeting to order at 2:00 p.m. in the Siskiyou Room, 51 Winburn Way.

Members Present:

Pam Hammond, Paddington Station, Chair
Renee Compton, Rocky Mountain Chocolate Factory
Daniel Greenblatt, Greenleaf Restaurant
Sandra Slattery, Chamber of Commerce
John Stromberg, Planning Commission
Dana Bussell, Public Arts Commission
George Kramer, Citizen at Large
Don Laws, Citizen at Large
Dale Shostrom, Citizen at Large

City Staff Present:

Martha Bennett, City Administrator
Richard Appicello, City Attorney
Bill Molnar, Community Development Director
Adam Hanks, Permit Center Manager

Absent Members:

Dave Dotterer, Planning Commission
John Morrison, Mayor

Hammond clarified the group would be discussing Issues #1 and #2 today, which deal primarily with sign square footage and how it relates to 3D items on private property. She noted they would be addressing the right-of-way issues at their final meeting next week.

COMMITTEE DISCUSSION OF OPTIONS

Permit Center Manager Adam Hanks provided a presentation to group which reviewed current sign code allocation examples, exempt sign options, examples of 3D signs, and options for 3D objects and representations of merchandise.

City Administrator Martha Bennett clarified there are three types of signs: permanent, exempt, and temporary. Mr. Hank's clarified businesses are required to go through a permitting process for permanent signage and commented on how the allocation of signage is determined for business located on second and third stories.

Comment was made questioning if the 20% temporary signage allocation was "on the table" for possible revision. Staff indicated yes, and clarified businesses have to change their signs once a week in order for them to qualify as temporary signage. Community Development Director Bill Molnar explained the purpose of the exempt category is to provide businesses with additional flexibility. He noted they are unable to separate the display of menus from other signage and stated this starts to get into the content issue. Mr. Hanks noted most businesses can achieve their signage goals and still work within the City's sign code. He added a lot of this depends on how the business decides to divvy up their signage allotment. He clarified "dead space" does count towards the total sign square footage, and noted they would normally draw a rectangle around the wording/image and determine the square footage based on that.

Mr. Hanks asked how the group would like to proceed with exempt signs. Compton questioned if they could remove the limitations from displaying signage in windows. Laws commented that this would drastically change the sign code. Mr. Molnar clarified this is an option; however, it would create conflicts with other sections of the Ashland Municipal Code and could cause a domino effect. Stromberg commented that it

seems they are drifting away from their original assignment, which was to recommend some common sense, minor adjustments to relieve some of the businesses current issues. Shostrom stated that it is difficult to picture what is legal and what it not, and stated a before and after picture would help determine which is preferred.

Hammond suggested they come up with a blanket, square footage signage allotment, based on the size of the building, and allow businesses to use if for whatever they want. She stated removing the exempt and temporary categories would make things much simpler and easier to understand. Bussell suggested cutting the sign categories down to two: temporary and permanent. Stromberg commented that simplifying is an attractive option, but it presumes that the existing code was not created through a thoughtful process with lots of expertise. Hammond commented that what they have now is not very enforceable and causes confusion for the merchants. Stromberg recommended they make modest changes to the existing code and then recommend that the Council direct the Planning Commission to look into more extensive changes.

Hammond reviewed Issue #1 and listed the four options for the group. She noted the Task Force tentatively selected Option 4 at their last meeting, which is to allow one of the exempt signs to be three dimensional, and asked if they would like to proceed with this recommendation. Kramer clarified Option 4 would create the opportunity for one, small 3D sign to be placed on private property. Laws questioned how businesses could create a meaningful 3D sign that fits into the 1x1x2 sign limitation and voiced concern with business owners trying to protect what they have instead of thinking of the streetscape as a whole. Comment was made questioning if this option would apply to just the downtown area or the entire City. Stromberg suggested staff refine the permitted size and scale of 3D objects to allow for more flexibility. He recommended a cubic dimension with minimums and maximums. Shostrom voiced his support for Option 4 with three exempt signs. Greenblatt noted this option would leave some of the cited merchants out of compliance and questioned if this would really solve the problem.

PUBLIC COMMENT

Susan, Black Sheep/Noted the issues she has faced with signage and stated she has needed each sign that has been put up. She asked for examples of signage that is permitted and samples of what compliance looks like.

Art Bullock, Ashland Resident/Stated there are two primary public interests that the group has not addressed: 1) the public does not want so much signage that windows look cluttered, and 2) the public does not want so much signage that you cannot see into the business. He stated he does not think the Task Force can make small tweaks and be able to address these public interests and stated a more fundamental rewrite is necessary.

Garrett, Duex Chats/Asked for examples of approved signage and questioned the placement of signs on multiple entrances.

COMMITTEE DISCUSSION OF OPTIONS (Continued)

Hammond clarified this exempt sign discussion is in relation to the downtown area only. She acknowledged that Option 4 is not much more than a band-aid and agreed that they should recommend to the Council that these issues be looked at in depth. Slattery commented that she did not realize the temporary signage allocation was as flexible as it is. Hammond commented on the possible formation of a group (either through the Chamber of Commerce or the City) that helps merchants deal with their signage.

Stromberg/Kramer m/s to approve Option 4 with 3 exempt signs. DISCUSSION: Stromberg clarified this motion includes the understanding that they will recommend this be further evaluated by the Planning Commission. Laws commented on the point of this group coming together, and stated it was not to change the whole spirit of the sign code. Compton questioned if this option would provide enough relief to the

merchants. Ms. Bennett commented on the complexity of the entire issue and commented on who this specific option would address. **Voice Vote: all AYES. Motion passed unanimously.**

Kramer commented that the recommendation to the Planning Commission should be a global recommendation that comes at the end of their work.

Hammond introduced Issue #2 and the related options. Bussell provided some background on Option 3 and stated Ashland is unique in that it considers art to be a sign. She noted any type of representational structure is not allowed and wall graphics are also not permitted. Bussell explained the Public Art Master Plan recommended modifying the sign code to allow for certain types of public art. Ms. Bennett commented on the rules that govern Oregon and stated Ashland is not the first community to experience problems in this area. City Attorney Richard Appicello clarified if art is owned (donated) to the City and properly placed, it is exempt from the sign code. Ms. Bennett noted this issue still needs to go through the Public Arts Commission.

Kramer clarified Issue #2 deals with issues like Wiley's Alfredo statue. Bussell questioned if they are talking about the entire City. She stated this won't be too much a concern for downtown, since there is not much space, but noted the areas outside downtown are most likely to have national chains. Kramer felt size and material limitations would address these concerns. Staff clarified they do not consider sandwich boards 3D signs. Ms. Bennett clarified Option 4 would not work for Wiley's Pasta because Alfredo comes in every night. Stromberg suggested they deal with sandwich boards and items like the Alfredo statue separately. Staff clarified the problems with sandwich boards is more of a right of way issue, which will be addressed next week. Kramer suggested creating an additional exempt sign opportunity outside the Downtown Design Overlay Zone that includes allowable material types and size limitations. The group briefly discussed possible objects this suggestion may open the door to.

Bussell recommended they add a public art exemption for city owned facilities/city property. City Attorney Richard Appicello was asked to bring back options at the next meeting to address Bussell's concerns regarding public art.

Stromberg/Compton m/s to create a category for movable 3D signs, that 1) are not measured as part of the total sign allotment, 2) meet certain material and construction standards (to be determined by staff), 3) fit within a volumetric maximum, and 4) this category would apply to areas outside the Downtown Design Zone and the Historic Districts.

Stromberg/Compton m/s to amend motion to add a setback from the public right-of-way (for staff to determine). DISCUSSION: It was clarified this amendment would be added to the original motion.

Voice Vote on motion as amended: Hammond, Compton, Greenblatt, Slattery, Kramer, Shostrom and Laws, YES. Shostrom and Bussell, NO. Motion passed 7-2.

Staff clarified the Task Force would be dealing with Issue #4 and the remaining right-of-way issues at their final meeting next week.

ADJOURNMENT

Meeting adjourned at 4:15 p.m.

Respectfully submitted

April Lucas, Administrative Assistant

Memo

Date: August 7, 2008
Bill Molnar, Community Development Director
From: Adam Hanks, Permit Center Manager
To: Downtown Task Force
Re: Draft Ordinance Language

The following draft language is a first cut at providing some ordinance language structure to the recommendations provided to Staff by the Downtown Task Force in the last five meetings. There will no doubt be modifications made as the process proceeds.

Issue #1 – Exempt Signs

Current Code Language

18.96.030 G. Small incidental signs provided said signs do not exceed two square feet in area per sign, not more than two in number on any parcel or two per street frontage, whichever is greater.

Proposed Code Language

18.96.020, 12. Exempt sign – A sign (temporary or permanent) that has specific dimensions, materials and allowed uses (see 18.96.030) that can be installed and removed without permit application or other approval by the City of Ashland, but that remain subject to the restriction of 18.96.040

18.96.020, 20. Permanent Sign – A sign that requires sign permit approval prior to its installation and must comply with all pertinent sections of AMC 18.96

18.96.030 G. Small incidental signs provided said signs do not exceed two square feet in area per sign, not more than two in number on any parcel business frontage or two per street frontage, whichever is greater in Commercial, Industrial & Employment zones outside the Downtown Design Standards Overlay Zone.

18.96.030 H. Small incidental signs in any zone within the Downtown Design Standards Overlay, not more than three in number on any business frontage or two per street frontage, whichever is greater. The combined area of the three signs may not exceed seven square feet. One of the three signs may be a three dimensional object with a volume not to exceed three cubic feet with the cubic measurement counting towards the overall area maximum of seven square feet.



Issue #2 – Three Dimensional Signs/Representations of Merchandise

Current Code Language

18.96.040 F. No three dimensional statue, caricature or representation of persons, animals or merchandise shall be used as a sign or incorporated into a sign structure

Proposed Code Language

18.96.040 Prohibited Signs F. No three dimensional statue, caricature or representation of persons, animals or merchandise shall be used as a sign or incorporated into a sign structure in the C-1-D or the Downtown Design Standards Overlay other than those allowed per 18.96.030

18.96.020 - Definitions

29 Three Dimensional Sign – A sign having a third dimension greater than 24 inches with its volume measured in cubic feet.

18.96.090 – Commercial, Industrial and Employment Districts

B. Types of Signs Permitted.

5. Three Dimensional Signs/Representations of Merchandise (3-D Sign).

a. Number

One 3-D sign shall be permitted for each parcel containing street frontage in addition to a ground, wall, marquee or awning sign

b. Area

The 3-D sign shall not have a volume greater than 20 cubic feet. Any flat surfaces in excess of 2 square feet shall be considered as part of the total aggregate square footage allotment for the total sign area for the parcel.

c. Placement

The 3-D sign shall be located a minimum of 10 feet from property lines

d. Height

The 3-D sign shall have a height above grade not to exceed 5 feet.

e. Material

The 3-D sign must be constructed of durable materials including but not limited to wood, metal, masonry, ceramic and other materials suitable for exterior use. Materials that are prohibited for use include foam, plastic, glass, mirrors, or other similar reflective materials.

Issue #3 – Limited Access Businesses



Current Code Language

18.96.080 – Commercial-Downtown Overlay District (C-1-D)

B. 4. Projection Signs.

a. Number.

One sign shall be permitted for each business or group of businesses occupying a single common space or suite in lieu of a wall sign.

b. Area.

Except for marquee or awning signs, a projecting sign shall not exceed an area of one square foot for each two feet of lineal business frontage that is not already utilized by a wall sign. The maximum area of any projecting sign shall be 15 square feet.

c. Projection.

Signs may project from the face of the building to which they are attached a maximum of two feet if located eight feet above grade, or three feet if located nine feet above grade or more.

d. Height and extension above roof line.

Signs shall not extend above the roofline, eave or parapet wall of the building to which they are attached, or be lower than eight feet above grade.

e. Limitation on placement.

No projecting sign shall be placed on any frontage on an arterial street as designated in the Ashland Comprehensive Plan.

Proposed Code Change

The projection section within the C-1-D is referenced differently than projection signs in the Commercial, Industrial and Employment Districts and currently allows signs to project consistent with the State building code so no new modifications will be proposed unless it is the intent of the Task Force to increase the projection sign for the Commercial and Employment zones outside of the downtown from 18 inches to 24 inches.

Issue #4 – Commercial Use of the Sidewalk including Sidewalk Café's

See draft ordinance from City Attorney's office

Issue #5 – Signage in the Right of Way

The City will be developing policies and procedures for the use of general business identification/directional signs, both for limited use of specific business identification if certain defined criteria exist and for business category signage, i.e. "shops", "restaurants", etc. The policy will include specifications and criteria for their placement, size, font, color, materials and number.



Signs will need to be reviewed by the Public Works Dept for state and federal sign standards, as well as the Historic Commission for placement within the Downtown National Historic District.

Issue #6 – Newspaper/Publication Racks within R-O-W

The City will commit to work on newsrack placement & use ordinance to be in place before next season (April '09). Issues to work out include: maximum groupings by area, distance between groupings, aesthetic standards, who owns/operates, fee, maintenance standards, what types of newspapers/publications would qualify, etc

In the mean time, the City will inventory all news/publication racks within the downtown area to ensure compliance with the required setback from the curbline (18 inches) and work with the City Attorney's office on removal of racks that are either abandoned or unsafe to the public.

Issue #7 – Encroachment Permit Process

See draft ordinance from City Attorney's office

Issue #8 & 9 – Downtown Parking Issues

See draft ordinance from City Attorney's office (originally provided in the July 28th meeting packet)



ORDINANCE NO. _____

AN ORDINANCE AMENDING AMC CHAPTER 13
AND CHAPTER 6, AMENDING REGULATIONS
CONCERNING USE OF CITY SIDEWALKS

Annotated to show ~~deletions~~ and **additions** to the code sections being modified. Deletions are **~~bold lined through~~** and additions are **in bold underline**.

WHEREAS, the City of Ashland wishes to modify and update City Ordinances relating to use of City Right-of-way, City Sidewalks and City Streets, to clarify permissible uses, prohibited activities and to establish permit requirements and other provisions; and

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS

SECTION 1. *Chapter 13.02 is hereby added to read as follows:*

13.03 Sidewalk Regulation

13.03 .010 Purpose

Obstruction of pedestrian traffic can be a criminal offense; accordingly, the purpose of this chapter is to clarify that City sidewalks are intended and reserved for the use of the public as a safe and convenient means of conveyance from one place to another. Where private use of City sidewalks is requested, such use may only be permitted in safe locations and pursuant to a City permit or agreement.

13.03.020 Prohibition / Permit Required

Private use of city property, including private use of city sidewalks, and sidewalk permit areas is prohibited, except when authorized in a permit or agreement with the City of Ashland pursuant to this Chapter.

13.03.030 Definitions

A. Abutting property owners and occupants. Any owner or occupant of property which abuts the subject adjacent sidewalk permit area.

B. Adjacent sidewalk area. That portion of the public sidewalk between the curb line and the property line demarcated by extending the side building lines of the premises until they intersect the curb.

C. Sidewalk permit area. That area of a City public sidewalk being lawfully utilized by a person or entity pursuant to a permit or agreement with the City of Ashland. Lawful use requires that rates be fully paid and not in arrears. Uses and activities in the sidewalk area

must be consistent with and in compliance with all other applicable laws, if any, including Federal, State, County and City regulations, including land use regulations and controls, if any.

13.03.040 Application, Permit Fees and Rates

The application form, initial application fee and monthly square footage concession rate shall be established by resolution of the City Council. The Resolution approving fees and rates shall provide for the annual adjustment of fees and rates by the CPI for the previous calendar year, without the need to formally amend the resolution..

13.03.050 Permit Application

A. Application for a permit to operate a sidewalk cafe shall be made at the Public Works Department on an application form approved by the City. The request for permit shall minimally contain:

(1) A completed application form, signed by the abutting property owner and occupant; and,

(2) A submittal of the rental rate equal to the quarterly (3 month) rental rate for the square footage of the adjacent sidewalk permit area requested; and,

(3) A scale diagram of the sidewalk permit area, with dimensions and the location and description of all structures, materials and activities shown; and

(4) An executed standard form release, hold harmless, and Indemnity agreement, as well as certificates of insurance and endorsement form.

B. Other information shall be provided as required by the Public Works Director to carry out the purpose of this chapter.

13.03.070 Criteria

The Public Works Director shall review the application for its strict compliance with the following mandatory criteria. There are no variances or exceptions to the criteria of this ordinance.

1. Use of Building Occupant. A sidewalk permit area may be approved only for use of the adjacent occupant, with the consent of the property owner, if different; and

2. Six foot clearance area. There shall be at least six feet clear and unobstructed passageway between the sidewalk permit area boundary and any City owned or controlled

benches, barriers, street trees, bike racks, lamp posts, sign posts, and any other City fixtures or obstructions or the curb edge, whichever is closest. The Public Works Director may require more than six feet if necessary to accommodate pedestrian movement and ADA access.

3. Illegal structures or usage. No sidewalk permit area will be approved if the permit area or six foot clearance area adjacent to the permit area contains structures, fixtures, obstructions or materials which have been illegally placed or affixed to or in the City right-of-way. For purposes of this ordinance Illegal structure or usage includes not only items placed or activities conducted without a permit but also items or activities which were initially placed or conducted lawfully but for which the owner/operator has failed to maintain current payment to the City.

4. Minimum square footage. The sidewalk permit area is a minimum of fifty (50) square feet.

5. Minimum Duration. The minimum duration of the permit is quarterly (three months).

6. Arrearages to the City or Pending City Violations. No sidewalk permit area will be approved for when the person or entity applying for the permit has been found in violation or is currently subject to violation proceedings for violation of the City of Ashland Municipal Code concerning or relating to the activity to be conducted in the permit area. This includes but is not limited to actions for failure to maintain business license, arrearages of other delinquency in food and beverage tax receipts, or unpaid balances under the prior sidewalk dining ordinance.

7. Vehicular traffic areas. The sidewalk permit area shall be located at least five feet from driveways and alleys, and at least ten feet from intersections.

8. Designated Zoning. Permits for use of the sidewalk permit area are available only if the property is located in one of the following zoning districts: C-1-D (Commercial Downtown), C-1 (Commercial), or E-1 (Employment). The Public Works Director shall forward all applications for review by the Director of the Community Development Department. The Director shall determine the zoning of the request and whether the proposed use is in conformance with the requirements of the Land Use Ordinance.

9. Alcoholic beverages. The Public Works Director shall forward all applications for review by the City Recorder for any proposed use which involves alcoholic beverages. Written approval of the designated City official in accordance with City ordinances is required for any such proposed use, in addition to state regulatory requirements.

10. Liability Release, Indemnity, Hold Harmless, and Insurance. No sidewalk permit area will be approved without an executed agreement and insurance certificates as required by AMC 13.03.080.

13.03.080 Liability Release, Indemnity, Hold Harmless Agreement and Insurance

Prior to the issuance of permit, Permittee shall:

A. Furnish a signed Release, Hold Harmless and Indemnity agreement, in the City standard form, that the permittee shall release and hold the City of Ashland harmless, as well as defend, indemnify and hold harmless the City, its officers and employees, from any and all claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit. The agreement shall also release the City from any and all liability

B. Furnish and maintain such personal injury, property damage and general liability insurance as will protect permittee and City from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than the amount of municipal tort liability under the Oregon Tort Claims Act. Such insurance shall be without prejudice to coverage otherwise existing, and shall name the City, its officers and employees, as additional insureds, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the permit without 30 days written notice to the City.

13.03.090 Conditions of Permit

A. Requirements for all sidewalk permit areas:

1. Each permit issued shall terminate December 31st of the year in which it is issued, or earlier as specified on the face of the permit. Requests for renewals shall be filed with the Public Works Department prior to the expiration of the original permit. Renewals filed prior to expiration require a deposit of only one month rental rate, unless the applicant has previously been in arrears in which case the deposit shall be three months rental rate. The Public Works Director may approve, approve with additional conditions, or deny the request for renewal. No application shall be accepted for renewal without a renewal application fee, which shall be less than the original application fees, as specified on the City Council Fee resolution.

2. The permit issued shall be personal to the permittee only and is not transferable in any manner.

3. The permit may be temporarily suspended by the Public Works Director if the public interest requires use of the right-of-way for a public event, construction, repair, or any other purpose. The City will attempt to provide notice of said suspension as soon as practical. However, City shall not be responsible for any loss or damage claimed by the permittee for such closure, except that permittee shall be entitled to a refund of the rental rate based on a pro rated calculation of rates based on days of closure.

4. The permit is specifically limited to the area approved or as modified by the Public Works Director, and will include a diagram indicating the area approved and the location of the materials permitted to be in the right-of-way.

5. The sidewalk and all things placed there shall at all times be maintained in a clean and orderly condition. Said permit areas shall be kept free of litter and other debris at all times.

6. Only those things authorized by the permit and shown on the diagram may be stored in the public right- of-way when the sidewalk permit area is in use. Should the permittee not utilize the sidewalk permit area as authorized for a period of 48 hours or more, all the materials shall be removed therefrom.

7. All required federal, state, and local permits and authorizations for the proposed use, shall be obtained and complied with prior to the occupancy, including specifically modifications or parking improvements required to be completed prior to the commencement of the occupancy.

8. Issuance of this permit does not authorize violation of any federal, state or local law, including City sign regulations.

9. Smoking shall not be allowed in any sidewalk permit area..

10. Sidewalk Permit areas must be continuously supervised by permittee or its employees.

11. The permit authorizing use of the sidewalk permit area must be visibly displayed during occupancy of the permit area.

12. The City of Ashland has the right to repeal or amend this Chapter and thereby terminate or modify all sidewalk operations. No permittee shall obtain any property right in the continued private use of the public sidewalk.

13.03.100 Denial, Revocation, or Suspension of Permit

A. The Public Works Director may deny, revoke, or suspend the permit upon finding that any provision of this chapter or condition of approval will be or has been violated.

B. Upon denial, revocation, or suspension the Public Works Director shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason therefor. The action shall be effective immediately, but the applicant or permittee may make written request, within 10 calendar days after the notice is issued, for a hearing by the City Administrator or her designee. Upon hearing the matter, the City Administrator shall render a final decision concerning the permit.

13.03.110 Penalties

Any violation of this chapter shall be a violation as defined by AMC 1.08.020. and punishable by a fine as set forth in that section. The City Administrator or designee is authorized to issue a citation to any person violating the provisions of this chapter. Issuance of a citation shall trigger revocation of the permit under Section 13.03.100 and in the event of conviction, no permit shall be issued to the same person, entity or address, for a period of at least one year.

SECTION 2. *Chapter 6.44 is hereby repealed. (set forth below for the convenience of the reader).*

6.44 Sidewalk Cafes

6.44.010 Purpose

~~The purpose of this chapter is to permit and encourage sidewalk dining that is compatible with other uses of the public sidewalk. The City finds that sidewalk cafes encourage a pedestrian oriented environment, help to create a visually attractive atmosphere and streetscape, and promote overall commerce.~~

6.44.020 Permit Required

~~Private commercial use of public sidewalks for the purpose of operating a sidewalk cafe in the City is prohibited unless a permit is obtained from the Public Works Department as provided in this chapter.~~

6.44.030 Definitions

~~A.— Abutting property owners and occupants. Any owner or occupant of property which abuts the subject sidewalk cafe site excluding public right of way.~~

~~B.— Adjacent sidewalk area. That portion of the public sidewalk between the curb line and the property line demarcated by extending the side building lines of the premises until they intersect the curb.~~

~~C.— Operate a sidewalk cafe. Serving food or beverage from a restaurant to patrons seated at tables located within the adjacent sidewalk area, including, in the case of a permittee in possession of a valid license for the sale of alcohol beverages covering such sidewalk, the service of such beverages, or providing seating for patrons in the adjacent sidewalk area.~~

6.44.040 Application and Permit Fees

The application and annual permit fees shall be established by resolution of the City Council and adjusted annually by the CPI for the previous calendar year.

6.44.050 Permit Application

A. Application for a permit to operate a sidewalk cafe shall be made at the Public Works Department on a form provided. The request for permit shall minimally contain:

1. A completed application;
2. A scale diagram of the area for sidewalk cafe use, with dimensions shown;
3. A certificate of insurance and endorsement form; and
4. The location and description of the tables and materials requested to be in the right of way.

B. Other information shall be provided as required by the Public Works Director to carry out the purpose of this chapter.

6.44.060 Notice Required

Prior to rendering a decision, the Public Works Director shall mail abutting property owners and occupants notice that an application for a sidewalk cafe has been filed. The notice shall contain a copy of the diagram submitted by the applicant, state whether or not the business is licensed to serve alcoholic beverages which may be served and consumed at the sidewalk cafe if the permit is granted, and state that all comments concerning the proposed sidewalk cafe must be received by the Public Works Department within 15 calendar days from the date of mailing the notice. The applicant shall also be required to post a copy of the public notice in a readily visible location on the frontage of the applying business establishment for 15 calendar days.

6.44.070 Location Rules & Review Criteria

A. The Public Works Director shall review the application for its compliance with the following criteria:

1. The operation of a sidewalk cafe is limited to structures which are sited within ten feet of a public sidewalk, and which are located in one of the following zoning districts: C-1-D (Commercial Downtown), C-1 (Commercial), or E-1 (Employment).
2. The operation of a sidewalk cafe shall be located such that there is at least six feet clear and unobstructed passageway between the sidewalk cafe tables, chairs and barriers and street trees, bike racks, lamp posts, sign posts, and any other fixtures or obstructions. The

~~Public Works Director may require more than six feet if necessary to protect the public safety. The Public Works Director may also reduce this requirement where unusual circumstances exist and where public safety would not be jeopardized.~~

~~3.— The sidewalk cafe may only be located in the adjacent sidewalk area to the applicant's business, but may extend in front of adjacent businesses with the written consent of both the property owner and the business owner, subject to review by the Public Works Director.~~

~~4.— The sidewalk cafe shall be located five feet from driveways and alleys, and ten feet from intersections. These requirements may be modified by the Public Works Director where unusual circumstances exist.~~

~~5.— The location of the sidewalk cafe shall be as approved by the Public Works Director.~~

~~B.— The Public Works Director shall forward all applications for review by the Police Chief for any business who holds a valid liquor license, or in which alcoholic beverages are intended to be served.~~

~~1.— The Police Chief upon review of the application will sign the application for concurrence with granting the permit, or;~~

~~2.— Submit a memorandum of concerns to the Public Works Director for consideration.~~

~~C.— The Public Works Director shall forward all applications for review by the Director of Community Development. The Director shall determine the zoning of the request, and determine whether the proposed use is in conformance with the requirements of the Land Use Ordinance.~~

6.44.080 Liability and Insurance

Prior to the issuance of permit, Permittee shall:

~~A.— Furnish a signed statement, with the application, that the permittee shall defend, indemnify and hold harmless the City, its officers and employees, from any claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit.~~

~~B.— Furnish and maintain such public liability, food products liability, liquor liability and property damages insurance as will protect permittee and City from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than the amount of municipal tort liability under the Oregon Tort Claims Act. Such insurance shall be without prejudice to coverage otherwise existing, and shall name the City, its officers and employees, as additional insureds, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the permit without 30 days written notice to the City.~~

6.44.090 Forms & Conditions of Permit

A.— Requirements for all sidewalk cafes:

- 1.— ~~Each permit issued shall terminate December 31st of the year in which it is issued. Requests for renewals shall be filed with the Public Works Department after January 1. The Public Works Director may approve, approve with additional conditions, or deny the request for renewal. No application fee shall be required for renewals. An annual permit fee based on the number of seats authorized is due at the time of the initial application and each renewal.~~
- 2.— ~~The permit issued shall be personal to the permittee only and is not transferable in any manner.~~
- 3.— ~~The permit may be temporarily suspended by the Public Works Director if the public interest requires use of the right of way for a public event, construction, repair, or any other purpose.~~
- 4.— ~~The permit is specifically limited to the area approved or as modified by the Public Works Director, and will include a diagram indicating the area approved for the sidewalk caf and the location of the tables and materials permitted to be in the right of way.~~
- 5.— ~~The operation of the sidewalk cafe shall be such that there is at least six feet from the outermost edge of the sidewalk cafe to the street curb, that also includes a minimum of five feet clear and unobstructed passageway between the sidewalk cafe tables, chairs and barriers and street trees, bike racks, lamp posts, sign posts, and any other fixtures or obstructions. The Public Works Director may require increased clearance distances if necessary to protect the public safety. The Public Works Director may also reduce these requirement where unusual circumstances exist and where public safety would not be jeopardized.~~
- 6.— ~~The sidewalk and all things placed there shall at all times be maintained in a clean and orderly condition. Only those things authorized by the permit and shown on the diagram may be stored in the public right of way when the sidewalk cafe is not in operation. Should the permittee not utilize the sidewalk as authorized for a period of 48 hours or more, all the tables and materials shall be removed therefrom.~~
- 7.— ~~The operation of a sidewalk cafe requires that trash containers be provided on site.~~
- 8.— ~~All required building modifications or parking improvements shall be completed prior to the commencement of the operation of the sidewalk cafe.~~
- 9.— ~~No signs shall be attached to any furniture, umbrellas, awnings, or other structure related to the operation of the sidewalk cafe.~~
- 10.— ~~Smoking shall not be allowed in approved sidewalk cafe areas.~~
- 11.— ~~Sidewalk cafes shall be continuously supervised by employees of the establishment.~~

~~12.— Sidewalk cafes shall meet all requirements of the Jackson County Health Department.~~

~~13.— Tables, chairs, and other structures associated with the sidewalk café shall be kept free of litter and other debris at all times.~~

~~14.— Sidewalk cafes and adjoining sidewalks shall remain clear of litter, food scraps, and soiled dishes at all times. Where establishments provide take-out or self-service, an adequate number of employees must be maintained to clear sidewalk cafes on a regular basis. Sidewalk and flooring areas must be cleaned daily, including adjacent sidewalk areas.~~

~~15.— The sidewalk cafe permit must be visibly displayed during business hours.~~

~~16.— The City of Ashland has the right to repeal or amend this Chapter and thereby terminate or modify all sidewalk cafe operations. No permittee shall obtain any property right in the continued private commercial use of the public sidewalk.~~

~~B.— Businesses which intend to serve alcoholic beverages at the sidewalk café must meet the following additional requirements:~~

~~1.— The business shall hold a valid Oregon Liquor Control Commission liquor license.~~

~~2.— Storage of containers commonly used for dispensing alcoholic beverages to customers including but not limited to bottles, pitchers, and carafes must be kept inside the business unless an employee is stationed in the outside area at all times. No taps, kegs, coolers, or other alcoholic beverage storage devices are allowed outside on the sidewalk.~~

~~3.— Sidewalk cafe where alcoholic beverages are served and consumed require supervision by employees of the license business, as required by the Oregon Liquor Control Commission liquor license.~~

~~4.— All service and consumption of alcoholic beverages at sidewalk cafes shall discontinue by 11 p.m.~~

~~5.— All alcoholic beverage service providers must also provide food service in the licensed area.~~

6.44.100 Denial, Revocation, or Suspension of Permit

~~A.— The Public Works Director may deny, revoke, or suspend the permit upon finding that any provision of this chapter or condition of approval will be or has been violated.~~

~~B.— Upon denial, revocation, or suspension the Public Works Director shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason therefor. The action shall be effective immediately, but the applicant or permittee may make written request, within 10 calendar days after the notice is issued, for a hearing by the City Council. Upon hearing the matter, the City Council shall render a final~~

decision concerning the permit.

6.44.110 Penalties

~~Any violation of this chapter shall be an infraction as defined by AMC 1.08.020, and punishable by a fine as set forth in that section. The city Administrator or designee is authorized to issue a citation to any person violating the provisions of this chapter. After two infractions, the sidewalk cafe permit shall be revoked for a period of at least one year.~~

SECTION 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 4. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 5. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors..

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2008, and duly PASSED and ADOPTED this ____ day of _____, 2008.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2008

John W. Morrison, Mayor

Reviewed as to form:

Richard Appicello, City Attorney

ORDINANCE NO. _____

AN ORDINANCE RELATING TO PARKING REGULATIONS, ALLOWING USE OF IMMOBILIZING DEVICE, AUTHORIZING TOWING, REMOVING DOWNTOWN PARKING LIMITATIONS, UPDATING AND CORRECTING PARKING PROCESSES AND PROCEDURES, AMENDING AMC 2.28.215, AMC 11.28.080, AMC 11.28.110, AMC 11.30.010- AMC11.30.050.

Annotated to show deletions and additions to the code sections being modified. Deletions are **bold lined through** and additions are **bold underlined**.

WHEREAS, City processes and procedures concerning parking regulations are in need of clarification; and

WHEREAS, the City would like to remove downtown employee parking restrictions in lieu of voluntary parking measures by downtown employers relative to their employees; and

WHEREAS, the City would like to authorize the installation of an immobilizing device on vehicles and towing of vehicles in certain circumstances for persons with specified levels of unpaid parking violations, and

WHEREAS, the City wishes to provide more process and procedures before resulting to issuance of a warrant in the case of parking violations.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Section 2.28.215 [Municipal Judge – Parking Violations] is hereby amended to read as follows:

The Municipal Judge is authorized to assign any and all unpaid parking violations ~~issued to persons residing outside the City limits of Ashland~~ to a collection agency or agencies for collection of the penalty provided for such violations. The penalties for parking violations as provided in the Ashland Municipal Code shall be enhanced in each case when the defendant fails to appear or post bail within the time required by the citation as follows:

- A. When the defendant fails to appear or post bail within seven (7) days of the due date thereof, the penalty shall increase by Ten Dollars (\$10.00).
- B. When the defendant fails to appear or post bail within thirty (30) days of the due date thereof, the penalty shall increase by Thirty Dollars (\$30.00).
- C. When the defendant fails to appear or post bail within fifty (50) days of the due date thereof, the penalty shall increase by Fifty Dollars (\$50.00).

A defendant who fails to appear or post bail within the time required by the parking citation or penalty enhancement waives any objection, and cannot contest or appeal the initial parking violation or penalty enhancement previously imposed. Notwithstanding any other remedy provided in this code, included immobilization, towing or warrant, a default judgment may be taken by the Court following any failure to appear or penalty enhancement and the matter referred to a collection agency.

SECTION 2. Section 11.24.090 [Exemption] is hereby amended to read as follows:

11.24.090 Exemption

The provisions of ~~this chapter~~ **Chapters 11.24 and 11.28** regulating the parking or standing of vehicles shall not apply to a vehicle of a **State Agency**, City department or public utility necessarily in use for construction or repair work, **or to a vehicle with a Special Permit for Delivery, Maintenance or Construction** or to a vehicle owned by the United States while in use for the collection, transportation, or delivery of the United States mail.

SECTION 3 Section 11.24.095 [Special Permit for Delivery, Maintenance or Construction] is hereby added to read as follows:

11.24.095 Special Permit for Delivery, Maintenance or Construction

A. Loading and unloading of vehicles shall be permitted as provided in the Ashland Municipal Code.

B. A Special Permit may be granted by the City Administrator when substantial evidence is submitted that demonstrates that an exemption from the two or four hour time limits for parking is necessary based on the size or complexity of a delivery or for the safe and convenient placement of construction, repair or maintenance vehicles adjacent to a construction, project or job site.

C. The Special Permit must be prominently displayed in the vehicle while parked in the restricted parking area. Vehicles displaying the Special Permit shall be exempt from the provisions of Section 11.24 and 11.28 concerning two or four hour parking limitations, but must abide by all other traffic and parking regulations, including loading zone parking time limits.

SECTION 4. Section 11.28.080 [Violation – Penalties] is hereby amended to read as follows:

11.28.080 **Parking** Violation – **Prohibition Penalties**

A parking infraction violation is a violation of any parking prohibition, limitation or regulation of the City of Ashland. A vehicle parked in violation of this chapter shall have a notice of violation attached to the vehicle and the owner or operator of the vehicle shall be subject to the penalties provided in Section 1.08.020 **and this chapter**, and may be subject to the impounding of such vehicle as provided in Chapter 11.36. **A person who commits a parking infraction violation may not suffer any disability or legal disadvantage based upon conviction of a crime.**

SECTION 5. Section 11.28.110 [Fines for parking infractions and warrants of arrest] is hereby amended to read as follows:

11.28.110 Fines Penalties for parking infractions violations; immobilization, towing, and show cause and warrants of arrest

~~A parking infraction is a violation of any parking prohibition, limitation or regulation of the City of Ashland. A person who commits a parking infraction may not suffer any disability or legal disadvantage based upon conviction of a crime, and, the penalty shall be limited to a fine not to exceed \$150. Provided, however, a person who commits three or four parking infractions in any calendar year shall pay an additional fine of \$25 and a person who commits five or more parking infractions in any calendar year shall pay an additional fine of \$50. In the trial of a person charged with a parking infraction, neither the defendant nor the City of Ashland shall be entitled to trial by jury. If a person cited for a parking infraction fails to appear any time fixed by the Court, a warrant for the arrest of such person may be issued.~~

A. Fine. Fines shall not exceed \$150 per ticket not including all late fees and assessments. However, a person who commits three or four parking violations in any calendar year shall pay an additional fine of \$25, and a person who commits five or more parking violations in any calendar year shall pay an additional fine of \$50 for each five parking violations they receive in that year.

B. Immobilizer (boot) Installation and /or Towing.

- (1) When a driver, registered owner, or person in charge of a motor vehicle has either (1) five or more outstanding unpaid City of Ashland parking violations on any number of motor vehicles, or (2) a City of Ashland parking violation, or any number of such violations, with a total unpaid balance that exceeds \$250, regardless of the number of motor vehicles involved, then any police or parking enforcement officer of the City is authorized, directed and empowered to immobilize such a motor vehicle or vehicles found upon a public street or city off-street parking lot by installing on or attaching to the motor vehicle a device designed to restrict the normal movement of the vehicle. In the alternative, or in addition to immobilization, any police or parking enforcement officer of the City is authorized, directed and empowered to order such vehicle towed, by a licensed tow company under contract with the City of Ashland. In the event the vehicle is towed, the person who orders the tow, shall send by certified mail, return receipt requested, a notice advising the registered owner of the vehicle that it has been towed by the city pursuant to this section and that release of the vehicle may be obtained upon receipt by the Ashland Municipal Court of full payment of the outstanding balance owed.**
- (2) For purposes of this section, bail or fine shall be outstanding on a citation when the citation is issued and shall remain outstanding until the bail is posted or the fine is paid.**

- (3) Ten days before immobilizing or towing a vehicle according to the provisions of this section, the city shall mail a notice by certified mail, return receipt requested, to the registered owner of such vehicle as shown by the records of the Oregon Motor Vehicles Division notifying the owner that the motor vehicle or vehicles may be immobilized and/or towed ten days after the date of mailing the notice herein for failure to pay outstanding parking bail or fines.
- (4) If the vehicle is so immobilized, the person who installs or attaches the device shall conspicuously affix to the vehicle a written notice on a form approved by the city, advising the owner, driver, or person in charge of the vehicle that it has been immobilized by the city pursuant to this section and that release of the vehicle may be obtained upon receipt by the Ashland Municipal Court of full payment of the outstanding balance owed.
- (5) A vehicle towed and impounded pursuant to this section shall be held at the expense of the owner or person entitled to possession of the vehicle. Personnel, equipment and facilities of the city or private tow companies under contract with the City may be used for the removal and storage of the vehicle.

C. Show Cause and Warrants.

- (1) Show Cause. The Ashland Municipal Court may issue an order that requires the defendant to appear and show cause why the defendant should not be held in contempt of court, including contempt for failure to appear as ordered or failure to comply. The show cause order shall be mailed to the defendant by certified mail, return receipt requested, no less than ten days prior to the appearance date; alternatively service may be made by any other recognized method, such as personal service according to the same timeframe..
- (2) Warrant. If the defendant is served and fails to appear at the time specified in the show cause order, the court may issue an arrest warrant for the defendant for the purpose of bringing the defendant before the court.

SECTION 6. Sections 11.30.010 – 11.30.050 [Downtown Parking District] are hereby amended to read as follows:

11.30 Parking Surcharge Downtown Parking District

11.30.010 Downtown Parking District – Established

A Downtown Parking District which shall encompass the shaded areas depicted on the attached map marked Exhibit :A: and all on-street timed parking spaces and public timed parking facilities within the Downtown Commercial District, Zoned C-1-D.

11.30.020 Duration and Effect

~~A. Except as provided in subsection B of this section, no person shall, while at such person's place of employment, educational or non-profit institution, cause any motor vehicle owned, operated or controlled by that person to be parked in any one or more parking spaces upon a public street or timed off-street parking facility within the Downtown Parking District, described in Section 11.30.010, between the dates of May 1 and September 30, and between the hours of 8:30 a.m. and 5:30 p.m. on any day except Sunday and legal holidays. Motorcycles parked in designated parking spaces shall be exempted from this Title.~~

~~B. Subsection A of this section shall not apply to any person parking in the Hargardine Parking Facility.~~

11.30.030 Special Permits for Loading, Unloading, and Delivery

~~A. Loading and unloading of vehicles shall be permitted as provided in the Ashland Municipal Code.~~

~~B. A Special Vehicle Permit may be granted by the City Administrator when substantial evidence is submitted that shows that the permit is necessary for frequent delivery and pick-up which is vital to the normal operation of the business, education, or non-profit institution. In the case of real estate offices, up to four (4) such permits may be issued to the office for use by the broker or the licensed sales persons. In no case shall more permits than the number of sales persons on the largest shift be issued.~~

~~C. The Special Vehicle Permit must be prominently displayed in the vehicle while parked in the Downtown Parking District. Vehicles displaying the Special Vehicle Permit shall be exempt from the provisions of Section 11.30.020, but must abide by all other traffic and parking regulations, including parking time limits.~~

~~D. The Special Vehicle Permit shall not be valid on North Main Street or East Main Street in the Downtown Parking District.~~

11.30.040 Downtown Parking Utility Fee

~~A. There is hereby imposed a fee on all users of City electric utilities in the Downtown Parking District. Such fee shall be one dollar (\$1.00) each month for each parking space required by the utility user, but not provided on private property.~~

~~B. Uses shall not be considered vacant unless the electric service is disconnected.~~

~~C. Estimates of parking requirements shall be determined by the data and procedures contained in the Off-Street Parking Chapter of the Ashland Land~~

~~Use Ordinance, Section 18.92, regardless of whether the zoning of a particular lot requires off street parking be provided.~~

~~D. In the case of private parking shared among several users, and in the absence of written agreements to the contrary, private parking shall be allocated on a pro-rata basis to the users of the parking.~~

~~E. All revenues received from said fee shall be segregated and be used only for meeting debt service on bonds issued for parking improvements, leases, and/or future parking improvements and studies.~~

11.30.005 045 Parking Fine Surcharge

There shall be a surcharge of ~~four two~~ dollars (~~\$4.00 \$2.00~~) on all parking citations issued within the ~~City of Ashland, Downtown Parking District~~. All revenues received shall be segregated and used only for meeting debt service on bonds issued for parking improvements, leases, and/or future parking improvements and studies.

11.30.050 Violation – Penalties

~~Any person parking in violation of the provisions of this Chapter shall receive a written warning for the first violation. Each violation and conviction thereafter, shall carry a fine of not more than twenty-five dollars (\$25.00) for the first conviction, nor more than fifty dollars (\$50.00) for the second conviction, and not more than one hundred dollars (\$100.00) for the third conviction and every conviction thereafter. Any person, business, or institution affected by this Chapter who fails to comply with the requirements herein, shall be guilty of an infraction and punished as provided in Chapter 1.08.020 of the Ashland Municipal Code.~~

SECTION 7. Section 11.28.060 [City Parking Lot] is hereby amended to read as follows:

11.28.060 City Parking Lot

Parking in the parking lot owned by the City immediately adjacent to the public library, which is on the southwest corner of Gresham Street and East Main Street, is limited to two hours ~~except that employees of the public library may park for a longer period of time in the spaces presently designated as employee parking spaces.~~

SECTION 8. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 9. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall

remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 10. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 8-10) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2008, and duly PASSED and ADOPTED this _____ day of _____, 2008.

Barbara M. Christensen, City Recorder

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2008, and duly PASSED and ADOPTED this _____ day of _____, 2008.
Barbara M. Christensen, City Recorder

SIGNED and APPROVED this _____ day of _____, 2008.

John W. Morrison, Mayor

Reviewed as to form:

Richard Appicello, City Attorney

From: "Wolf Packs, Inc." <traildog@wolfpacks.com>
To: <hanksa@ashland.or.us>
Date: 8/5/08 2:55 PM
Subject: Chapter 18 Input

Dear Mr. Hanks,

I have been a resident of Ashland for nearly 20 years, as well as the president of a successful mail-order business. I can not attend meetings, as I live outside of town and am the mother of a young child. Still, I would like to have my opinion heard and considered in connection with Chapter 18 regarding the removal of displays outside of businesses in town.

I have traveled extensively in my lifetime and Ashland has a special feel, unlike any other place I have seen. Part of this has to do with the fun and unusual displays, both inside and outside various local businesses. Wiley's World's standing plaster mascot Alfredo has greeted countless children and parents for just about as long as that establishment has been serving their customers. My four year old daughter always stopped to have a conversation with the lion in front of Black Sheep, even before she could talk. I have seen the bear at the Chocolate Factory and the giraffe at Bug A Boo bring smiles to old and young alike. The toys displayed in front of Earth Friendly Kids always drew my eye, and I would occasionally stop to buy something because I saw it while driving by.

This new enforcement requiring the removal of so many creative displays does nothing but put Ashland into an all too common, mundane class of cities. By clipping the wings of our small business owners, the artistic feel of the town is diminished. Supporting our local businesses is certainly in the interest of the City of Ashland, as without the little guy, our town could easily become unremarkable and common.

Please count this message as three requests (from me, from my husband, and from our daughter) to allow our iconic friends to once again grace the city of Ashland.

Respectfully ~

Linda von Hanneken-Martin
WolfPacks.com ~ Gear for Working Dogs
Phone/FAX: 541-482-7669
web: <http://wolfpacks.com>
email: traildog@wolfpacks.com

This Tibetan Prayer Flag,
after standing in the
Soundpeace garden for
15 years, has been banned
by the City of Ashland.



Dear Committer,
Thank you. I know the task is
not easy and we want Ashland
to remain a better place. Steve Cox

If you would like the City to allow the prayer flag to
fly again please sign the petition inside Soundpeace.

Made & collected over a 7 day period

soundpeace@hotmail.com

310 Oak Street
c/o P.O. Box 201
Ashland, OR 97520

2 May 2006

Ashland City Council
20 East Main St.
Ashland, OR 97520

Re: Sign code revision for buildings with more than
two business frontages

Dear Council Members,

Please see the following pages regarding the sign code revision forwarded to you in the summer by the Planning Commission.

We believe we understand the principal concern of the Council, and we added language to ensure business frontages in excess of two will not be as prominently "signed" as the two primary frontages. An allowable sign area of 50% for the third business frontage and 25% for the fourth business frontage business frontages of what might be permitted for the two designated primary business frontages should enable a business to identify itself, lessen the visual impact, and deal with unintended consequences.

It seems that it is likely that trying to restrict the number of signs any given business may have to two sides of a building may be a restriction of content. Thus, since it is apparent that there are buildings that have business frontages on more than two sides, the best way to deal with undesirable impact is to reduce the size permitted.

Our tenants at 130 "A" Street do want, need and deserve signs. We hope this modification will ensure they may have them soon.

We do not believe sign applications should trigger site reviews. Other applications already do that

Thank you.

Sincerely,

Brent Thompson

Brent Thompson
488-0407

Barbara Thompson .

RECEIVED

JUL 14 2006

City of Ashland


Field Office Coun

*Please see the following sheets for
suggested modifications to the
sign code for buildings facing three
or four streets or alleys.*

SECTION 18.96.080 Commercial-Downtown Overlay District (C-1-D).

Signs in the Commercial-Downtown Overlay District shall conform to the following regulations:

A. Special Provisions.

- 
1. **Frontage.** The number and use of signs allowed by virtue of a given business frontage shall be placed only upon such business frontage, and ~~no building shall be credited with more than two business frontages~~ **for buildings with multiple business frontages the sign area for business frontages exceeding two shall be 50% for the third side and 25% for the fourth side of the normal area permitted.**
 2. **Aggregate number of signs.** The aggregate number of signs for each business shall be two signs for each business frontage (a frontage with an entrance/exit open to the general public).
 3. **Material.** No sign in the Commercial-Downtown Overlay District shall use plastic as part of the exterior visual effects of the sign.
 4. **Aggregate area of signs.** The aggregate area of all signs established by and located on a given street frontage shall not exceed an area equal to one square foot for each lineal foot of street frontage. Aggregate area shall not include nameplates, and real estate and construction signs.

B. Types of Signs Permitted.

1. Wall Signs.

- a. **Number.** Two signs per building frontage shall be permitted for each business, or one sign per frontage for a group of businesses occupying a single common space or suite.
- b. **Area.** Total sign area shall not be more than one square foot of sign area for one lineal foot of legal business frontage. This area shall not exceed sixty square feet.
- c. **Projection.** Signs 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. Any portion lower than eight feet may only project four inches.
- d. **Extension above roof line.** Signs may not project above the roof or eave line of the building.

2. Ground Signs.

- a. **Number.** One sign, in lieu of a wall sign, shall be permitted for each lot with a street frontage in excess of fifty lineal feet. Corner lots can count one street frontage. Two or more parcels of less than fifty feet may be combined for purposes of meeting the foregoing standard.
- 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 sixty square feet per sign.
- c. **Placement.** Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Signs on corner properties shall also comply with the vision clearance provisions of Section 18.96.060(F).
- d. **Height.** No ground sign shall be in excess of five feet above grade.

3. Marquee or Awning Signs.

- a. **Number.** A maximum of two signs shall be permitted for each business frontage in lieu of wall signs.
- b. **Area.** Signs shall not exceed the permitted aggregate sign area not taken up by a wall sign.

B. Types of Signs Permitted.

1. Wall Signs.

- a. **Number.** Two signs per building frontage shall be permitted for each business, or one sign per frontage for a group of businesses occupying a single common space or suite.
- b. **Area.** Total sign area shall not be more than one square foot of sign area for one lineal foot of legal business frontage. This area shall not exceed sixty 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. Any portion lower than eight feet can only project four inches.
- d. **Extension above roof line.** Signs may not project above the roof or eave line of the building.

2. Ground Signs.

- a. **Number.** One sign shall be permitted for each lot with a street frontage in excess of fifty lineal feet. Corner lots can count both street frontages in determining the lineal feet of the street frontage but only one ground sign is permitted on corner lots. Two or more parcels of less than fifty feet may be combined for purposes of meeting the foregoing standard.
- 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 sixty square feet per sign.
- c. **Placement.** Signs shall be placed so that no sign or portion thereof shall extend beyond any property line of the premises on which such sign is located. Signs on corner properties shall also comply with the vision clearance provisions of Section 18.96.060(F).
- d. **Height.** No ground sign shall be in excess of five feet above grade.

3. Awning or Marquee Signs.

- a. **Number.** Two signs shall be permitted for each business frontage in lieu of wall signs.
- b. **Area.** Signs shall not exceed the permitted aggregate sign area not taken up by a wall sign.
- c. **Projection.** Signs may not project beyond the face of the marquee if suspended, or above or below the face of the marquee if attached to and parallel to the face of the marquee.
- d. **Height.** Signs shall have a maximum face height of nine inches if attached to the marquee.
- e. **Clearance above grade.** The lowest portion of a sign attached to a marquee shall not be less than seven feet, six inches above grade.
- f. **Signs painted on a marquee.** Signs can be painted on the marquee in lieu of wall sign provided the signs do not exceed the permitted aggregate sign area not taken up by wall signs.