

# CITY OF YAKIMA

## LEGAL

## DEPARTMENT

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### **MEMORANDUM**

October 11, 2016

TO: Chairman Clark and Planning Commission Members

FROM: Sara Watkins, Senior Assistant City Attorney

SUBJECT: Optional language for sign code amendments

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Pursuant to the Planning Commission direction given at the October 12, 2016 Planning Commission meeting, I am providing some optional language for consideration when evaluating the sign code amendments. The optional language includes language regarding signs on trailers, sign walkers, digital signs, and sign illumination. The Planning Commission may add one, some, all or none of these additional provisions to the proposed sign code amendments that have already been provided.

#### **1. Signs that are on trailers or wheeled signs**

There are two approaches for regulating signs on trailers or wheeled signs. The first is to draft a section specific to those signs, while an alternative would be to add these types of signs to the section on portable signs. Below please find the two options in ordinance form for your review.

A. Adding a section specifically addressing signs on trailers or wheeled signs.

15.08.125 Signs on trailers and wheeled signs

Signs that are affixed to trailers or wheels shall comply with the following standards:

- A. Zone. Signs that are affixed to trailers or wheels shall only be allowed in non-residential zones.
- B. Licensing. Trailers pulled by vehicles shall be licensed and registered and follow all regulations of the Washington State Department of Licensing.

- C. Design and Materials. Trailer signs or signs on wheels must be designed with durable materials, and shall not be designed with paper, fabric or canvas. Such signs shall be designed to withstand wind and shall not be illuminated.
- D. Size and height. In no event may a trailer sign or sign on wheels exceed its wheel base or trailer. No trailer sign or sign on wheels may stand more than four feet tall inclusive of the trailer and measured from the ground, nor may any trailer sign or sign on wheels exceed three feet in width.
- E. Number. For purposes of the number of signs on a property, one trailer sign or sign on wheels is allowed, in lieu of one portable sign under YMC 15.08.155.
- F. Location. Trailer signs and wheeled signs must be located on the business property, no farther than ten (10) feet from the site's driveway entrance. No trailer sign or wheeled sign may be located on the City right-of-way, which includes the sidewalk, without a right-of-way use permit. No trailer sign or wheeled sign may be located within the clear view triangle.
- G. Display hours. Trailer signs and wheeled signs may only be displayed during business or operating hours. During non-business or non-operating hours the trailer signs and wheeled signs must be placed inside, or flush with the building.

B. Addition of trailer and wheeled signs to the section on Portable Signs.

15.08.155 Portable Signs

Portable sign, including sandwich board, portable pole mounted signs, and signs on trailers or wheels, shall comply with the following standards:

- A. Zone. Portable signs are allowed only in non-residential zones, except that temporary portable signs are allowed in residential zones subject to the provisions in Section 15.08.110.
- B. Design and Materials. Portable signs must be designed with durable materials, otherwise they will be regulated as temporary signs under Section 15.08.110. Portable signs must be designed to withstand wind and include a heavy weighted base for pole mounted signs, and a heavy weight suspended between the opposing faces of a sandwich board sign. Signs on trailers or wheels shall comply with all applicable motor vehicle and Department of Licensing standards. Portable signs may not be illuminated.
- C. Size and Height. Portable signs shall be a maximum of four feet in height and maximum of three feet in width, inclusive of any trailer or wheels.
- D. Number. Not more than one (1) portable sign may be displayed per business, per tenant space.
- E. Location. Portable signs must be located no further than ten (10) feet from the primary building of the business, or, if there is only one business or tenant space on the site, it may be located not farther than ten (10) feet from the driveway

entrance. No portable sign may be located on City property. No portable sign may be located on the City right-of-way, which includes the sidewalk, without a right-of-way use permit.

- F. Display hours. Portable signs, including temporary portable signs, may be displayed during business or operating hours only.

In both of these cases, the terms “trailed sign” or “wheeled sign” must also be defined in the definitions section.

“Trailed sign”, “sign on trailer” or “wheeled sign” means any sign affixed to a trailer or having wheels capable of being used to move the sign from location to location. Trailed sign or sign on trailer does not only include signs that are pulled behind vehicles, but all signs on wheels and wheeled signs.

C. Prohibiting trailer signs.

The other option would be to prohibit trailer signs with a definition as follows:

“Trailer sign” means a sign used for advertising purposes mounted on a vehicle normally licensed by the state as a trailer. Signs larger than two square feet in area attached to or placed on a vehicle or trailer parked on public or private property are prohibited.

**2. Possible language regarding Sign Walkers.**

15.08.115 Sign Walkers. Sign walkers are allowed, subject to the following standards:

- A. Permit. A permit is not required for a sign walker, but the sign walker shall comply with all the applicable requirements of this Chapter.
- B. Number. No limit.
- C. Area. The sign walker’s sign shall not exceed eight (8) square feet in area, and shall not exceed eight (8) feet in height when held in place.
- D. Zone. Sign walkers are permitted only in non-residential zones.
- E. Design. A sign walker’s sign cannot be illuminated. Sign walkers shall be limited to daylight hours only. A sign walker’s sign cannot include any element of a prohibited sign as described in Section 15.08.050.
- F. Location. Sign walkers are restricted to a minimum of thirty (30) feet from a street or driveway intersection, measured from the edge of the curb abutting the roadway or edge of the pavement if no curb exists, and shall not be located in any of the following places:

1. On any public property or within public right-of-way, although sign walkers are allowed on public sidewalks;
2. In parking aisles or stalls;
3. In driving lanes;
4. On fences, walls, boulders, planters, other signs, vehicles, utility facilities or other structures; or
5. In a manner which results in a sign walker physically interfering with motorists, pedestrians or bicyclists.

### **3. Possible language about digital signs.**

15.08.135 Digital Signs. No permit shall issue for a digital sign which does not comply with the following standards:

- A. Maximum size. Thirty (30) square feet.
- B. Density. One digital sign per one hundred (100) feet of street frontage in non-residential zones. One digital sign per two hundred (200) feet of street frontage in residential zones, not to exceed one sign per parcel. Digital signs in residential zones must comply with Section 15.08.170.
- C. Zoning. Allowed in non-residential zones. Allowed in residential zones in compliance with Section 15.08.170.
- D. Maximum luminance: Fifty (50) nits during nighttime hours.
- E. Motion limits. No motion except for instantaneous change of message.
- F. Minimum hold between messages. Eight (8) seconds.
- G. Programming. To ensure that a digital sign is programmed and continues to operate according to local standards, digital signs shall be designed for local on-site control and programming.

### **4. Possible language specifying regulations on sign illumination**

15.08.075 Sign illumination.

A. General. No temporary or portable sign may be illuminated. No sign located in a residential zone may be illuminated, except that on parcels two (2) acres in size or greater, signs may be halo illuminated or illuminated as necessary for allowable digital signs. Permanent signs allowed by this Chapter may be non-illuminated, illuminated by internal light fixtures, halo illuminated, or have external indirect illumination, unless otherwise specified.

B. Externally illuminated signs.

1. Except as provided in this Subsection, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare. Light shielding shall ensure that the lamp or light source is not visible beyond the premises and shall further ensure that the light is contained within the sign face.

2. A light fixture mounted above the sign face may be installed with its bottom opening tilted towards the sign face, provided:

- (a) The bottom opening of the light fixture is flat; and
- (b) The uppermost portion of the fixture's opening is located no higher than the top of the sign face. Light fixtures aimed and installed in this fashion shall be considered fully shielded.

C. Internally illuminated signs.

1. Internally illuminated signs shall be constructed with an opaque background and translucent text and symbols. If the sign owner desires to have the entire sign face visible at night, an external light source may be used to illuminate the sign, subject to this Chapter.

2. In no case may an internally illuminated sign, a digital sign or any other sign exceed a light output of 50 nits in a residential zone or 100 nits in a non-residential zone during nighttime hours.

3. Neon sign lighting is allowed in non-residential zones only and shall not exceed 100 nits per sign face. Neon signs with solid backgrounds are not allowed in windows in order to ensure maximum light and visibility through windows.

D. Time limitations. All illuminated signs over three (3) square feet in area shall be turned off by 11:00 p.m. or when the business closes, whichever is later. Signs subject to time limitations are required to have functioning and properly adjusted automatic shut-off timers.