

March 6, 2018

**To: Yachats Planning Commission**

**From: Larry Lewis, City Planner**

**Re: Light Industrial Amendment**

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At the January 16, 2018 Planning Commission work session, the Commission reached consensus on draft amendment language regarding light industrial uses. The City Attorney reviewed and commented on the draft. The following language will be considered at public hearings with the Planning Commission and City Council.

**Chapter 9.04 – General Provisions and Definitions**

**Section 9.04.030 Definitions**

As uses in this title:

“Light industrial” means a business that manufactures, fabricates, or assembles goods and that occupies less than 6,000 square feet.

**Chapter 9.28 – C-1 Retail Commercial Zone**

**Section 9.28.020 Conditional uses.**

In a C-1 zone the following uses and their accessory uses may be permitted subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72 where applicable:

T. Light industrial

**Chapter 9.48 – Off-Street Parking and Loading**

**Section 9.48.010 General requirements.**

L. Off-street parking space requirements:

14. Light industrial: one space for each six hundred (600) square feet of total floor area.

**Chapter 9.72 – Conditional Uses**

**Section 9.72.050 Standards and procedures governing conditional uses.**

G. Standards for Light industrial.

1. Manufacturing, fabricating, or assembling shall occur within an enclosed building.
2. Goods manufactured, fabricated, or assembled shall be offered for retail sale on the premises with dedicated retail space occupying a minimum 20% of the building.
3. Outdoor storage shall be on the side or rear of the building, and shall be screened with a sight-obscuring fence, hedge or wall.
4. Employee parking and loading area shall be located on the side or rear of the building.

## Chapter 9.44 - Signs

**Sections:**

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**9.44.010 Scope.**

Every sign erected, altered or relocated within the City of Yachats shall conform to the provisions of this Chapter. It does not regulate traffic and street signs erected and maintained by a road authority as defined in ORS 801.445, trespass signs posted in accordance with ORS 164.245 to 164.270, holiday decorations, temporary interior window signs, or the display of the national or state flag.

**9.44.020 Definitions.**

"A-Frame sign" means a freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

"Banner sign" means a ground-mounted or building-mounted banner, pennant, flag or similar type of sign on fabric or similar material.

"Building sign" means a wall, projecting/hanging, window or roof sign.

"Digital sign", also referred to as "LED sign" means a sign or portion thereof that uses light emitting diode technology or similar semiconductor technology to produce an illuminated image, picture, or message of any kind, regardless of whether the image, picture, or message is moving or stationary. This type of sign includes conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology.

"Free standing sign" means a sign which is supported by a separate independent structure and is not attached to or supported by any other building or structure.

"Monument sign" means a ground-mounted sign supported from grade with a solid base that is at least 75% of the width of the sign. A monument sign can also be supported with multiple architectural-designed posts. Single posts are prohibited.

"Nonconforming sign" means a sign which was erected legally but which does not comply with currently applicable sign restrictions and regulations.

"Off-premises sign" means any sign used for the purpose of displaying, advertising, identifying or directing attention to a business, service, activity or place, including products offered for sale or sold on premises other than on the premises where such sign is displayed.

"Open sign" means a sign referencing if the business is open or closed.

"Projecting sign" means a sign which is attached to the wall, overhang or awning of a building and which projects more than twelve (12) inches beyond the wall, overhang or awning of the building.

"Sign" means an identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure or land, and which directs attention to a product, place,

activity, person, institution or business.

"Temporary sign" means any sign that is not permanently installed or affixed to any sign structure or building, and is accessory to an event, election, government or institutional sponsored activity, lease, rental, or sale. A temporary sign does not include an A-Frame sign as identified above.

"Size" means the aggregate area of all sign display surfaces located on a single structure, but excluding posts and base that are without attached identification, description or illustration. Two surfaces parallel and back to back on the same structure, e.g. a projecting sign or 2-sided monument sign, shall be considered a single display surface.

"Wall sign" means a sign attached to or painted on a wall of a building with a display surface which projects no more than twelve (12) inches from the surface of the wall and not higher than the lowest roof edge above the building wall to which it is attached.

#### **9.44.030 Permits required.**

- A. Except as herein provided, no sign shall be erected, replaced, altered or relocated without the business owner first obtaining a sign permit and the property owner (if different) granting permission for a sign permit, demonstrating that the sign is or will be in compliance with all provisions of this Chapter. A-Frame signs, and Banner signs, and one Open sign, as defined above, are exempt from sign permits.
- B. Permits are issued for specific property only. Permits may transfer with ownership provided the signage is not altered or moved except to bring it into compliance with this section.
- C. Fees for sign permits shall be established by resolution of the city council, and shall be paid prior to the sign being placed or altered.
- D. Signs conforming to the current code that are damaged by acts of nature, vandalism or accident shall not be assessed a new sign permit fee when repaired to the pre-damaged condition.
- E. A building permit shall be required for all free-standing signs as specified in the Oregon Structural Specialty Code, which shall be issued prior to sign placement, construction, or alteration.

#### **9.44.040 Zone requirements.**

- A. **In the R-1, R-2, and R-3 zones:** one (1) accessory sign shall be allowed and shall be limited to the following sizes and restrictions:
  - 1. Only wall signs are allowed in the R-1, R-2 and R-3 zones. The one exception is that free-standing address (house number) signs are permitted with a maximum size of four (4) square feet.
  - 2. A sign not exceeding two (2) square feet in size accessory to a single-family dwelling or a home occupation, or six (6) square feet for a bed and breakfast inn.
  - 3. A sign not exceeding twenty-four (24) square feet in size accessory to any other permitted or conditional use in the zone.
  - 4. No moving or flashing signs, lit signs, roof signs, A-Frame signs, or banner signs shall be allowed in the R-1, R-2 and R-3 zones.
  - 5. No sign shall be placed within ten (10) feet of any government-installed sign within a street right-of-way (stop signs, traffic control sign, etc.).

**B. In the R-4, C-1, P-F, and S-P zones:**

1. General sign requirements:

- a. No sign shall be placed within ten (10) feet of any government-installed sign within a street right-of-way (stop signs, traffic control signs, etc.)
- b. External light illuminating from a sign shall be directed away from a residential use or zone and shall not be located so as to distract motorists.
- c. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or interfere with the effectiveness of an official traffic sign, device, or signal.
- d. Where it can be demonstrated that directional signs are needed for directing or controlling vehicular access, or where such signs are required as a condition of approval for public safety, such signs may be permitted in addition to any other signs permitted by this section. Such signs shall be placed at each motor vehicle entrance or exit, shall not exceed nine (9) square feet in size and six (6) feet in height, and shall not restrict required sight distances or pedestrian and vehicular flow.

2. Sign types:

a. Building Signs.

- 1) Wall signs. A maximum 10% of a building façade is allowed to have signs. The maximum size of any one sign shall be limited to 10% of the façade (all of the allowable sign footage on the façade). A building façade is an exterior side of a building excluding the roof.
- 2) Window signs. Windows are part of a building façade. Therefore, window signs are included in the maximum 10% of a building façade described above.
- 3) The maximum amount of internally lit building signs shall be limited to a total of 24 square feet.
- 4) Projecting signs. Projecting signs may extend a maximum five (5) feet from a building. Projecting signs may extend over a sidewalk within the public right-of-way with a minimum clearance of 7.5 feet from the ground so as to not affect pedestrian traffic. Placement of projecting signs on Hwy 101 sidewalks are subject to agreement with the Oregon Department of Transportation.
- 5) Roof signs.
  - a) No signs shall be painted directly on a roof.
  - b) Roof signs shall not exceed 16 feet in height above the adjacent street grade nor exceed the peak of the roof.
  - c) A roof sign on a flat roof shall be limited to a maximum of 16 feet above the street grade but not more than 3 feet above the roofline.

b. Permanent free-standing signs.

- 1) No more than one free-standing sign is permitted per street frontage per property.
- 2) Single pole signs are prohibited.
- 3) Monument signs shall have a maximum of:
  - a. 8 feet in height as measured from the elevation of the centerline of the adjacent street.

- b. 5 feet in width and 32 square feet of area on lots having up to 300 linear feet of street frontage
  - c. 8 feet in width and 50 square feet of area on lots with more than 300 linear feet of street frontage.
- c. Banner signs.
  - 1) One freestanding banner sign is allowed per business.
  - 2) Banner signs shall not exceed 20 square feet.
  - 3) Ground-mounted banner signs may be placed on private property. Such signs shall not be mounted in or extend into public right-of-way. Ground mounted banner signs shall be setback 15 feet from the street at ingress/egress locations.
  - 4) Banners that are attached to a building and that extend over a public right-of-way shall have a minimum clearance of 7.5 feet from the ground.
  - 5) No banner, other than the American flag, shall be placed in flagpole holes along Hwy 101, and no banners shall be placed in the planters.
- d. Digital signs. Digital signs are prohibited.

**9.44.050 Temporary signs.**

In addition to the allowances for signs provided by this section, temporary signs are allowed on private property with the following standards:

- A. No more than one temporary sign is permitted per issue per property. Temporary signs are not permitted in the public right-of-way.
- B. Temporary signs shall be a maximum of eight (8) square feet.
- C. Temporary signs are allowed for not more than ninety (90) consecutive days or for any period of time during an election or event.
- D. Temporary real estate signs for property for sale or lease shall be removed within fifteen (15) days of the sale or lease.
- E. Temporary signs shall be secured so as not to be movable (pushed, pulled, blown, etc.).
- F. No objects shall be attached to temporary signs, e.g. balloons, banners, etc.
- G. Temporary A-Frame signs.
  - 1) Temporary A-frame signs are allowed for a maximum of three days in conjunction with a special occasion or unique event not related to an ongoing business.
  - 2) A-Frame signs may be placed on private property.
  - 3) A-Frame signs may be placed within the right-of-way on a sidewalk, however a minimum four (4) feet of lateral clearance shall be maintained on a sidewalk. A-Frame signs may not impede pedestrian access or opening of vehicle doors. Placement of A-Frame signs on Hwy 101 sidewalks are subject to agreement with the Oregon Department of Transportation.
  - 4) A-Frame signs shall be a maximum of six (6) square feet with maximum dimensions of two (2) feet wide by three (3) feet tall.

- 5) A-Frame signs shall be weighted and secured so as not to be movable (pushed, pulled, blown, etc.)
- 6) No objects shall be attached to A-Frame signs, e.g. balloons, banners, etc.
- 7) A-Frame signs are only permitted during business event hours and should be removed during periods of high winds.

**9.44.060 Maintenance and appearance of signs.**

All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe condition. All signs shall be maintained in a neat, clean and attractive condition.

**9.44.070 Nonconforming signs.**

Any sign deemed to be nonconforming at the time these sign regulations become effective shall be deemed to be in compliance if the sign was erected with an approved sign permit. In the event that a nonconforming sign is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replaced value, the sign may not be rebuilt or used thereafter unless it conforms to all of the provisions of this title.

**9.44.080 Abandoned signs.**

- A. Any sign shall be removed when the associated business or event has been discontinued or completed, or when the sign is no longer properly repaired or maintained as required by this Chapter.
- B. Abandoned non-conforming signs shall be removed in their entirety.

**9.44.090 Variances.**

To provide for reasonable interpretation of this Chapter, and in certain instances where this Chapter will produce hardship, a business owner (with permission from the property owner, if different) may apply for a variance pursuant to Chapter 9.80 of this Code.