

Chapter 9.44 - Signs

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9.44.010 Purpose.

This chapter regulates signs that are visible from the right of way and from beyond the property where erected. These regulations balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, and the need for identification, communication and advertising for all land uses. The regulations for signs have the following specific objectives:

- A. To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised. The intent is to regulate the number, location, size, type, illumination, and other physical characteristics of signs within the City;
- B. To advance the goals and the policies for signs identified in the Comprehensive Plan;
- C. To maintain, enhance and improve the aesthetic environment of the City, including its scenic and rural character consistent with the purpose of each zoning district, by preventing visual clutter that is harmful to the appearance of the community, protecting vistas and other scenic views from spoliation, and prevent and reducing commercialism in noncommercial areas.
- D. To reflect and support the desired character and development patterns of the various zones;
- E. To allow for a variety in number and type of signs in commercial zones while preventing signs from dominating the visual appearance of the area;
- F. To ensure that the constitutionally guaranteed right of free speech is protected.

This chapter establishes a permit procedure, and defines the duties of city authorities in administration and enforcement of these regulations, and does not seek to regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. It is intended to regulate those forms and instances related to structures or uses of property that are most likely to meaningfully affect one or more of the purposes set forth above.

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Permits are required for signs that are not exempt as listed in Section 9.44.050020. (Ord. 175, 1995; Ord. 73E § 3.010(1), 1992; Ord. 140, 1991)

9.44.020 Exemptions from Requirements

Except for signs prohibited by this chapter, the following signs are exempt from the provisions of this Sign Code (9.44)

- A. Incidental signs.
- B. Grave markers.
- C. Original art displays that do not constitute commercial speech.
- D. Seasonal decorations, rope lights, string lights, holiday lights, or mini-lights.

9.44.030 Prohibited Signs

Except for Non-Conforming Signs, the following signs are unlawful and are considered nuisances:

- A. Signs that blink, rotate, swing, revolve, or otherwise attract attention through movement or flashing of parts, including devices such as strings of lights, or strings of pennants. Event banners, pennants and flags may be permitted, provided they meet all other requirements of this title;
- B. Roof signs painted directly on the roof surface;
- C. Signs painted with phosphorescent or luminescent or sparkling paint;
- D. Signs that violate any law of the State of Oregon;
- E. Signs that imitate or obstruct the view of any official traffic control device or sign;
- F. Signs, other than event signs, displayed on vehicles not incidental to the primary use of the vehicle;
- G. Abandoned Signs;
- H. Beacon Signs;
- I. Flying Signs designed to be kept aloft by mechanical, wind, chemical or hot air means that are attached to the property, ground or other permanent structure, such as blimps, kites, or inflatable devices;
- J. Signs emitting odor, noise or visible matter other than light;
- K. Commercial speech affixed to any transmission facility;
- L. Billboards;
- M. Signs with a dynamic element, including but not limited to video and digital signs;
- N. Any sign constructed, maintained or altered in a manner not in compliance with this sign code;
- O. Any nonpublic sign constructed or maintained that, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or that hides from view any traffic control device;

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- P. Any sign (other than a government sign) constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire or other emergencies;
- Q. Any sign located in a manner that could impede traffic on any street, alley, sidewalk, bikeway, or other pedestrian or vehicle travel way;
- R. Any sign (other than a governmental sign) within the clear vision provisions contained in these development codes;
- S. Any sign attached to a tree or plant, a fence, or a utility pole, except as otherwise allowed or required by the Yachats City Code;
- T. Any sign within or over any public right of way, or located on private property less than two (2) feet from any area subject to vehicular travel, except for:
 - 1. Public Signs;
 - 2. Temporary Signs specifically allowed within the public right of way;
 - 3. Temporary Signs, including banners, pennants, and wind signs;
 - 4. Unlawful Signs;
 - 5. Any sign judicially determined to be a public nuisance.
- U. Signs with an external light source that changes intermittently.

9.44.040 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 replacement value, the sign may not be rebuilt or used thereafter unless it conforms to all of the provisions of this title.

9.44.050 Temporary Signs

In addition to the allowances for signs provided by this section, temporary signs are allowed on private property and shall not affect the amount or type of signage otherwise allowed by this chapter. The signage shall not be restricted by content. Signage may be erected and maintained without a permit with the following standards:

- A. Except as noted in this section, temporary signs are allowed to be erected and maintained for three (3) days.
- B. Temporary signs are not permitted in the public right of way.
- C. Temporary signs shall be a maximum of eight (8) square feet.
- D. Temporary signs shall be attached to the site or constructed in a manner that both (a) prevents the sign from being easily removed by unauthorized persons or blown from its location and (b) allows for the easy removal of the sign by authorized persons.
- E. No objects shall be attached to temporary signs, including balloons, banners, and flying objects.

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- F. Except as provided in this code, temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices.
- G. No temporary sign shall be erected or maintained that, by reason of its size, location or construction, constitutes a hazard to the public.
- H. During the period from ninety (90) days before a public election or the time the election is called until ten (10) days after the election, temporary signs not exceeding six (six) square feet in area and four (4) feet in height are allowed.
- I. During the period when a property is for sale, lease, or rent in residential zones R-1, R-2, and R-3 until fifteen (15) days after the completed transaction, temporary signs not exceeding six (6) square feet in area and four (4) feet in height are allowed.
- J. During the period when a property is for sale, lease, or rent in residential zones R-4, C-1, and P-F until fifteen (15) days after the completed transaction, temporary signs not exceeding six (32) square feet in area and four (6) feet in height are allowed.

9.44.060 Signs not requiring permits

The following signs are allowed in all sign districts without a permit. Use of these signs does not affect the amount or type of signage otherwise allowed by this chapter. The painting, repainting, cleaning, maintenance and repair of an existing sign shall not require a permit, unless a substantial structural alteration is made. The changing of a sign copy or message shall not require a permit. All signs listed in this section are subject to all other applicable requirements of this Chapter.

- A. A-Frame signs.
 - 1. 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 Highway 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 easily moved or blown.
 - 6. No objects shall be attached to A-Frame signs, such as balloons or banners.
 - 7. A-Frame signs are only permitted during business hours or event duration and should be removed during periods of high winds;
- B. Integral signs;
- C. Government signs;
- D. One indirectly illuminated or non-illuminated sign not exceeding one and one-half square feet in an area placed on any non-multifamily residential lot. This type of sign is typically used as a name plate;
- E. Vehicle signs that are not prohibited signs under 9.44.030;
- F. Signs displayed upon a bus or light rail vehicle owned by a public transit district;
- G. Historical signs or historical or landmark markers;

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H. Handheld signs;

- I. A sign up to six (6) square feet constructed or placed within a parking lot. These signs are typically used to direct traffic and parking;
- J. A sign within the public right of way that is erected by a governmental agency, utility or contractor doing authorized work within the right of way;
- K. A sign that does not exceed eight (8) square feet in area and six (6) feet in height, and is erected on property where there is a danger to the public or to which public access is prohibited;
- L. Non-illuminated interior signs designed primarily to be viewed from a sidewalk or street, provided the sign does not obscure more than twenty-five (25) percent of any individual window;
- M. Illuminated interior signs designed primarily to be viewed from a sidewalk or street, provided the sign face is less than four (4) square feet in area;
- N. One (1) suspended sign for each principal use erected on property which is not considered public right of way, under an attached first floor awning or canopy upon a building with direct exterior pedestrian access, provided the sign does not exceed six (6) square feet in area and has a minimum of eight (8) feet of clearance;
- O. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four (4) square feet in area. This type of sign is typically used to identify and locate a property feature;
- P. Signs located within a sports stadium or athletic field or other outdoor assembly area that are intended for viewing by persons within the facility. The signs shall be placed so as to be oriented towards the interior of the field and the viewing stands;
- Q. Signs incorporated into vending machines or gasoline pumps;
- R. Temporary signs as allowed under Section 9.44.050 of this chapter;
- S. Utility signs;
- T. Signs for hospital or emergency services and railroad signs.

9.44.070 Permits required in Zones

- A. Except as herein provided, no sign shall be erected, replaced, altered or relocated without the sign 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.
- B. Permits are issued for a specific property only. Permits may transfer with ownership provided the signage is not altered or moved except to bring it into compliance with this chapter.
- 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. [See 9.44.130\(C\) Filing fees.](#)
- D. Conforming signs 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.

9.44.080 Zone requirements for Signage.

A. In the R-1, R-2, and R-3 zones: one (1) sign shall be allowed and shall be limited to the following types, sizes and restrictions:

- a. One (1) wall sign not exceeding two (2) square feet in size accessory to a single-family dwelling or a home occupation.
- b. One (1) wall sign not exceeding six (6) square feet for a bed and breakfast inn.
- c. In R-3 zone only, one (1) wall sign not exceeding twenty-four (24) square feet in size accessory to any other permitted or conditional use in the zone.
2. One (1) freestanding sign is permitted with a maximum size of four (4) square feet.
3. No moving or flashing signs, illuminated signs, roof signs, A-Frame signs, or banner signs shall be allowed in these zones.
4. 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. The maximum amount of internally lit signs shall be limited to a total of twenty-four (24) square feet.
 - b. Additionally, one (1) open/closed sign with a maximum size of two (2) square feet is allowed.
 - c. 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.)
2. Requirements for sign types:
 - a. Building Signs.
 - i. Wall signs. A maximum ten (10) percent of a building façade is allowed to have signs. The maximum size of any one sign shall be limited to ten (10) percent 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.
 - ii. Window signs. Windows are part of a building façade. Therefore, window signs are included in the maximum ten (10) percent of a building façade described above.
 - iii. 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 seven and one-half (7.5) feet from the ground so as to not affect pedestrian traffic. Placement of projecting signs on Highway 101 sidewalks are subject to agreement with the Oregon Department of Transportation.
 - iv. Roof signs.
 1. No signs shall be painted directly on a roof.
 2. Roof signs shall not exceed sixteen (16) feet in height above the adjacent street grade nor exceed the peak of the roof.
 3. A roof sign on a flat roof shall be limited to a maximum of sixteen (16) feet above the street grade but not more than three (3) feet above the roofline.
 4. The maximum total area of roof signs is twenty-four (24) square feet.

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b. Permanent freestanding signs.

- i. No more than one free-standing sign is permitted per street frontage per property.
- ii. Single pole signs are prohibited.
- iii. Freestanding signs shall have a maximum of:
 1. Eight (8) feet in height as measured from the elevation of the centerline of the adjacent street.
 2. Five (5) feet in width and thirty-two (32) square feet of area on lots having up to three hundred (300) linear feet of street frontage
 3. Eight (8) feet in width and fifty (50) square feet of area on lots with more than three hundred (300) linear feet of street frontage.
 4. The Planning Commission may grant a waiver of Section 9.44.040 for pre-existing nonconforming signs as of *(the date the sign ordinance is adopted)*.
 5. One vacancy/no vacancy sign up to six (6) square feet and attached to this sign is permitted.

c. Banner signs.

- i. One freestanding banner sign is allowed per business.
- ii. Banner signs shall not exceed twenty (20) square feet.
- iii. 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 fifteen (15) feet from the street at ingress/egress locations.
- iv. Banners that are attached to a building and that extend over a public right of way shall have a minimum clearance of seven and one-half (7.5) feet from the ground.
- v. ~~Only city-provided banners. No banner, other than the American flag, shall be placed in flagpoles along Highway 101 in front of the Commons, and no banners shall be placed in the city-owned planters.~~

guys, and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.

Variances and Adjustments.

A. Variance. To provide for reasonable interpretation of this Chapter, and in certain instances where this Chapter will produce a hardship, a business owner (with permission from the property owner, if different) may apply for a variance pursuant to Chapter 9.~~80-44.100~~ of this Code and must meet the Adjustment criteria listed in B below.

B. Adjustments.

1. Up to a five (5) percent adjustment to the numeric standards of this section shall be allowed only in compliance with this subsection. Adjustments allowing the use of prohibited signs, or allowing signage other than that specifically allowed by this code, are not permitted. Adjustments may be requested to allow for the relocation of a sign, on the subject

2. Requests for adjustments shall be submitted to the City on a form provided by the City, and accompanied by a fee as approved by the City Council. An adjustment request may be made only if the request is submitted within the request for a minimum of 14 days prior to the proposed date of installation.

9.44.110 Diagrams of Signs

WHICH OF THE DIAGRAMS SHOULD BE INCLUDED FROM THE MODEL CODE (PAGE 41-44)??

NOTE: I WILL BRING MORE DIAGRAMS FROM OTHER CITIES

9.44.120 Additional Specific Sign Requirements

A. Abandoned signs.

1. 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.
2. Abandoned non-conforming signs shall be removed in their entirety within ninety (90) days of abandonment.

B. Awning, Canopy and Marquee Signs. The sign area shall not exceed the lesser of: (1) thirty-two (32) square feet; or (2) fifty (50) percent of the area of the awning, canopy or marquee to which the sign is attached.

C. Freestanding Ground Signs. These signs shall conform to general requirements as described in 9.44.040-080, with no further specific requirements.

D. Home Business. A home business may have one (1) freestanding sign with a maximum size of one and one-half (1.5) square feet. This sign shall conform to the standards and procedures governing conditional uses within the Ordinance. Properties abutting two (2) or more noncontiguous streets shall be permitted signage at each street with each sign not exceeding one and one-half (1.5) square feet.

E. Bed and Breakfast Inn Signs. A bed and breakfast inn may have one (1) freestanding sign with a maximum of three (3) square feet. This sign shall conform to the standards and procedures governing conditional uses within the Ordinance. Properties abutting two (2) or more noncontiguous streets shall be permitted signage at each street with each sign not exceeding three (3) square feet.

F. Projecting Signs.

1. The bottom edge of a projecting sign shall be a minimum of seven and one-half (7.5) feet above adjacent grade.
2. The projecting sign shall not extend more than five (5) feet from the building wall to which the sign is attached.

3. The sign does not project above the roof line or parapet wall, whichever is higher.

G. Illuminated Signs

1. No sign, light, lamp, bulb, tube, or device shall be used or displayed in violation of this section.

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2. Regardless of the maximum wattages or milliampere rating capacities allowable under Section 9.44.120 of this chapter, no light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Lighted signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the road vision of the driver of any vehicle.

3. External light sources for a sign shall be directed and shielded to limit direct illumination of any object other than the sign.

4. The illumination of signs shall comply with the following standards:

- a. No bulb or lamp light source exceeding twenty-five (25) watts shall be exposed to direct view from a public street or highway.
- b. No LED light source exceeding the equivalent of a twenty-five (25) watt incandescent bulb shall be exposed to direct view from a public street or highway.
- c. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three-hundred [300] milliamperes rating for white tubing nor one-hundred [100] milliamperes rating for any colored tubing.
- d. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed an illumination equivalent to eight-hundred [800] milliampere rating tubing behind a sign face spaced at least nine (9) inches, center to center.

9.44.130 Sign Permit Applications

A. Application Form. Applications for sign permits shall be submitted at the City office on prescribed application forms. Applications shall include the following information:

1. The names, addresses and telephone numbers of the applicant, the owner of the property on which the sign is to be installed, the owner of the sign, and the person or company who will install the sign;
2. The location of the building, structure or lot on which the sign is to be installed;
3. A site plan of the property, showing accurate placement thereon of the proposed sign;
4. Plans with configurations of the proposed sign, covering the materials and methods of construction and installation. Plans shall include details of dimensions, materials, weight and other relevant factors (see **Section 9.44.040(D)) NOT SURE WHERE THIS SHOULD REFER;**
5. The written consent of the owner of the building, structure or property on which the sign is to be installed;
6. Such other information as the City may require to determine full compliance with this and other applicable ordinances of the City;
7. If a business, evidence that owner has a city business license;
8. If unused, a sign permit will expire one year from date of issuance.

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- B. Planning Commission Action. Upon the filing of a sign permit application, the Planning Commission or its designee shall examine the plans, specifications and other submitted data, together with the sign sub-committee/or designated authority site inspection report. The sign permit application should be filed no later than the eighth day prior to the regular meeting date of the Planning Commission. If it appears the proposed sign is in compliance with this title and other applicable ordinances and if the appropriate permit fee has been paid, the commission or its designee shall issue a permit for the proposed sign.
- C. Application Fee. A filing fee [as set by Resolution of \\$25.00](#) shall be paid at the time of filing each sign permit application. More than one sign may be applied for by each permit application.
- D. Permits Are Licenses. All rights and privileges acquired under the provisions of this chapter are mere licenses and, as such, are at any time revocable for just cause by the City. All permits issued pursuant to this chapter are subject to this provision.