

ORDINANCE NO. O2016-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ZONING REGULATIONS, PROVIDING FOR CHANGES TO THE ZONING CODE TO PROVIDE DEFINITIONS RELATED TO OFF-SITE SIGNAGE AND TO ADD REGULATIONS REGARDING OFF-SITE SIGNAGE IN THE LIGHT INDUSTRIAL (L-I) DISTRICT, HEAVY INDUSTRIAL (H-I) DISTRICT, AND GENERAL COMMERCIAL (B-2) DISTRICT, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, from time to time may be desirable to modify the zoning code keeping within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on March 28, 2016 in Zoning Case no: ZONE-13006-2016 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on March 4, 2016; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-13006-2016 and finds that the zoning code text amendment fulfills the goals and objectives of the Yuma General Plan, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Section: 01.07 Definitions be amended to insert the bold text in subsection (B) thereof:

NIT. In lighting, the nit is a unit of visible-light intensity, commonly used to specify the brightness of a cathode ray tube or liquid crystal display computer display. One nit is equivalent to one candela per square meter.

SIGN. Any identification, description, illustration, symbol or device, which is affixed directly or indirectly upon a building, vehicle, structure or land and which identifies or directs attention to a product, place, activity, person, institution or business.

- (e) ***BILLBOARD, DIGITAL.*** Any permanent off-site sign, utilizing digital message technology that directs attention to a business, community service or entertainment not exclusively related to the premises where such sign is located.
- (k) ***EMBELLISHMENTS.*** Letters, figures or mechanical devices that serve as add-ons to the billboard. These add-ons may extend beyond the standard advertising structure, all to produce special effects.

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Section: 17.04 Sign Regulations be amended to delete the strikethrough text and to insert the bold text in subsection (B) Standards and criteria for off-site signage thereof:

- (B) *Standards and criteria for off-site signage.* Any off-site signage proposed for installation shall conform with the standards and criteria set forth in the following. The size and location of any off-site signage—which already exists shall be considered when determining the amount and location of a new signage proposed for installation under these standards.
- (1) *Sign face area.* The maximum sign face area shall not exceed 300 square feet, except that such area may be increased to a maximum of 400 square feet if located on a parcel which fronts along an interstate highway.
 - (2) *Sign height and vertical clearance.* The maximum sign height shall ~~not exceed 35 feet~~ **be no taller than the tallest building on the site or 27', whichever is less; however, off-site signs located on a property adjacent to the interstate highway may have a maximum height of 35'.** In all cases, a minimum ~~ten~~ **fifteen** foot vertical clearance measured from street grade of the nearest driving lane to the lowest line of the sign face shall be required.
 - (3) *Setback.* The minimum setback from any portion of the sign face or sign structure shall be either 55 feet from the centerline of the arterial street right-of-way or 15 from the right-of-way line, whichever produces the greater setback.
 - (4) *Spacing.* A minimum 600 foot distance, measured as a radius, shall be required between off-site sign installations. In addition, no more than four off-site sign-installations shall be located within a linear mile measured along the same street, wherein the beginning point and ending point of such mile coincide with a section line.
 - (5) *Method of installation.* Each off-site sign shall be erected as a freestanding sign installation as defined by this chapter. No off-site sign shall be erected on the wall or roof of any building.
 - (6) *Number of sign face(s).* **An off-site sign shall be permitted no more than two sign faces; both of which may be either static or digital.**
 - (7) *Orientation of sign face(s).* **Sign faces shall first be oriented perpendicular to the roadway on which it is located. Then the sign faces can be spread to a maximum angle of 30 degrees.**
 - (8) *Exterior Sign Lighting.* **Lighting fixtures used to illuminate any off-site sign, shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements set forth in section § 154-18 of this code.**
 - (9) *Hours of illumination.* **The electrical illumination of outdoor off-site signs including those internally illuminated, is prohibited between the hours of 12:00 a.m. and sunrise.**

- (10) **Digital billboards.** In addition to the off-site sign regulations, the following requirements will apply to all digital billboards.
- (a) All digital billboard signs shall be limited to a surface luminosity limit of 7,500 nits during daytime hours and a surface luminosity limit of 150 nits after sunset until 12:00 a.m.
 - (b) All digital billboard signs shall provide for automatic dimming based upon ambient lighting conditions, including evening and overcast weather.
 - (c) It shall be prohibited for any digital billboard sign to have an illuminance greater than 1.0 foot candle at the property line of any adjacent property.
 - (d) The message or image of the digital billboard may be static or change at specific or programmed time intervals. The change in message or images shall occur no more frequently than once every eight (8) seconds and shall not have fade or dissolve transitions, or full animation or video, or similar subtle transitions or frame effect that have the appearance of moving text or images. The transition from one message to the next shall be completed with one (1) second.
 - (e) Message sequencing, the use of multiple digital billboards in a row to convey a message, shall be prohibited.
- (11) **Embellishments.** Embellishments may extend no more than 5 feet above or below the horizontal edges and 3 feet beyond any vertical edge of the sign face area.
- (12) **Replacement of non-conforming billboards.** The lawful use of any nonconforming sign or sign structure may be continued indefinitely, provided, however, that any addition, enlargement or other alteration which would increase the degree of nonconformity shall be prohibited.
- (a) Replacement shall not be permitted if the billboard is considered non-conforming due to a spacing and/or concentration issue. The sign must be removed if repairs and/or replacement of sign or sign portions equal 50% of its replacement value if sound, or if the cost of alteration exceeds 50% of the replacement value, it shall be removed altogether. Repairs that cumulatively reach the 50% point in any consecutive 10-year period are not allowed.
 - (b) Replacement may be allowed if the billboard is considered non-conforming due to its location within the General Commercial (B-2) District. Non-conforming billboards eligible for replacement must be replaced with a billboard which is smaller in size; except non-conforming billboards measuring 5' by 11' may be replaced in-kind. If the billboard being proposed is to be digital, the company proposing the digital billboard must remove two non-conforming billboards and must comply with all billboard regulations.

SECTION 3: That the Yuma City Code, Title 15, Chapter 154, Section: 17.04 Sign Regulations be amended to insert the bold text in subsection (D) thereof:

(D) The above requirements do not apply to sign programs installed within or as part of a development project.

SECTION 4: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of the ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2016.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney