



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

June 15, 2016

DEPARTMENT:

Community Development

DIVISION:

Community Planning

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Zoning Code Text Amendment: Off-Site Signs

SUMMARY RECOMMENDATION:

Amend Title 15, Chapter 154 (Sections: 01.07 and 17.04) to provide definitions and add regulations regarding off-site signage. (ZONE-13006-2016)

REPORT:

Clerk Note: This item was initially introduced at the April 20, 2016, Regular Council meeting and was scheduled to be adopted at the May 4, 2016, Regular Council meeting. On May 4, 2016, this item was continued to the June 1, 2016, Regular Council meeting for further review with the stakeholders.

On June 1, 2016, by motion of City Council, changes were made to the Ordinance and it was re-introduced as amended. Ordinance O2016-010 is scheduled for adoption on June 15, 2016.

Further changes have been made to the Request for City Council Action, on page 5, second paragraph, and on the P&Z Staff Report, page 6, to clarify the Requestor/Applicant is Del Outdoor Advertising.

On June 15, 2016, a motion was made to continue this item for 90 days. It was reintroduced on September 21, 2016, as Ordinance O2016-028

This Request for City Council Action is a reintroduction of the proposed Off-Site Sign Text Amendment originally introduced at the regular City Council meeting of April 20, 2016. The proposed Off-Site Sign Text Amendment was to be adopted at the May 4, 2016 regular City Council meeting. However, on May 2nd, City staff was contacted by a national advertising company regarding their concerns about the recently proposed text amendment.

With the voiced concerns, staff made the decision to continue the adoption of the text amendment in an attempt to address the concerns brought forward. The following are the

concerns brought forth along with City staff's actions addressing those concerns:

Concern #1: Section 1: Title 15, Chapter 154, Section 01.07 Definitions; the addition of the definition of nits

National Advertising Company: Stated there is no need to define the meaning of a nit and voiced concerns about using nit as the standard measurement of emitted light. Company advocated staying with a foot-candle measurement and abandoning nit.

Staff: A nit is an industry standard term used to measure the intensity of light. With the addition of digital billboard requirements, it seemed appropriate to include a definition for nits within the Zoning Code. There would be no harm in providing clarification of a term which is not frequently referred to. Further, nit measures light intensity used to specify brightness which is appropriate in digital billboards. A review of codes from other jurisdictions shows that nit is the standard and the remaining jurisdictions keeping with foot-candle as the measurement is the exception.

Concern #2: Section 2: Title 15, Chapter 154, Section 17.04 Sign Regulations; the amendment to allowable sign height and vertical clearance

National Advertising Company: Stated they would like no change to occur with the existing allowable sign height of 35'; feel that maintaining the existing requirement would maintain the uniformity amongst billboard heights, would reduce graffiti, and voiced concern that the new requirement would create barriers for the installation of new signs.

Staff: The proposed text amendment would limit the allowable height to 27' or no taller than the building on-site. The reasoning behind this change is to ensure that a billboard does not dwarf an existing building, guaranteeing that a billboard will not appear to be the principal use of a developed parcel. After examining the inventory of 141 billboards located within the City of Yuma and Yuma County, it was determined that 101 billboards measure at 27' or less. Therefore, the argument regarding uniformity is invalid. However, it should be mentioned that staff recognizes the need for taller billboards along the interstate highway, which is why the code still allows billboards in this area a maximum height of 35'.

Concern #3: Section 2: Title 15, Chapter 154, Section 17.04 Sign Regulations; the amendment to address the number of sign faces permitted

National Advertising Company: Would like to include that both sign faces are permitted to be digital.

Staff: This portion of the text amendment was never intended to limit the number of digital faces; therefore, staff is in agreement to provide the proposed clarification.

Concern #4: Section 2: Title 15, Chapter 154, Section 17.04 Sign Regulations; the amendment to address the orientation of sign faces

National Advertising Company: Is concerned that this portion of the text amendment will inhibit modern "V" configuration for newly installed billboards.

Staff: This portion of the text amendment is already found in other areas of the code and the intention is to prevent parallel signs from being located next to roadways. Parallel signs have been found to be distracting to the driving public. However, the Company's main concern is that the text amendment would disallow a modern "V" configuration used on newer off-site billboards. The text amendment does not disallow the modern "V" configuration. The perpendicular language gives a starting position for orientation of a new billboard. The Code currently allows billboards to be angled 30 degrees off the parallel measurement, obtaining the modern "V" configuration desired by the industry. The previously

mentioned allowance is currently located in the City Code under §154-17.02.F.1.

Concern #5: Section 2: Title 15, Chapter 154, Section 17.04 Sign Regulations; the amendment discussing exterior sign lighting

National Advertising Company: Mentioned that if retroactive, the requirement of top-lit signs would become extremely cost prohibitive. Also stated that if this requirement were to only apply to new billboards, uniformity could be lost with existing billboards.

Staff: The requirement for top-lit signs is currently in the lighting section of the City Code which was adopted in 1988. This long-standing requirement's goals are twofold: first, keeps within the standards set forth by the International Dark-Sky Association whose main goal is to minimize glare, reduce light trespass and protect the night sky. Secondly, and probably more important to the citizens of Yuma, the top-lit regulation helps to protect the natural environment and night sky which is heavily utilized by the local military base. In terms of this requirement being retroactive, City staff would only ask this lighting requirement be enforced with the installation of new signage or when lighting fixtures are in need of complete replacement. The top-lit requirements would most likely not come into play for mere replacements of bottom-lit halogen fixtures to modern light-emitting diode (LED) fixtures which the Company already has slated for replacement for its off-site signs in the western United States. However, if such fixtures set for replacement were not permitted upon installation or are not considered legal non-conforming, the new fixtures will be required to meet current code in regards to placement. The Company states that the switch to LED on the older off-site billboards will assist with the light pollution and preservation issues for air traffic.

Concern #6: Section 2: Title 15, Chapter 154, Section 17.04 Sign Regulations; the amendment addressing hours of illumination

National Advertising Company: According to the advertising company, the requirement to extinguish the lighting of billboards during certain hours could create concerns for vandalism and potentially impact the advertising of a company.

Staff: Firstly, this requirement is already required in our existing code (§154-18.02.F), a portion of the code which was adopted in 1987. Secondly, the purpose in extinguishing off-site signs is to reduce unnecessary light pollution to our environment. According to the International Dark-Sky Association, "The inappropriate or excessive use of artificial light – known as light pollution – can have serious environmental consequences for humans, wildlife, and our climate." A.R.S. § 28-7902 already contains limitations requiring outdoor signs to be extinguished from 11:00 p.m. until sunrise. At the time that statutory provision was adopted by the state, the City of Yuma only required signs to be extinguished from midnight until sunrise. That requirement has worked for the City of Yuma so City staff did not adopt the more restrictive state provision and did not adjust it during this proposed off-site sign text amendment.

Concern #7: Section 2: Title 15, Chapter 154, Section 17.04 Sign Regulations; the amendment adding requirements for the installation of digital billboards

National Advertising Company: Proposed removing the entire section and adopting the standards set forth by the Outdoor Advertising Association of America. The main point of concern was the measurement of lights being proposed; the City referenced nits while the advertising company would prefer a measurement in footcandles. Additionally, a concern was raised regarding the allowable nit luminance proposed with the text amendment. The City was proposing a limit of 5,000 nits during the daytime and 150 nits after sunset until 12:00a.m. According to the advertising company, the industry standard during the daytime is 15,000 – 20,000 nits and 300 – 342 nits during the evening hours.

Staff: In regards to the concern about nits vs. footcandle, the following can be stated: the two are completely different types of measurement. Nits or luminance is the amount of light an object gives off, while a footcandle measures the amount of light which falls onto an object. Therefore, the light in which a digital billboard gives off should not be measured in footcandles. Staff has determined that the industry standard for measuring a digital billboard is nits and the vast majority of jurisdictions permitting digital signs use nit as the standard.

Research conducted by the U.S. Naval Observatory Flagstaff Determined the following about the lighting of billboards during the evening hours, "A review of the lighting professional literature indicates that drivers should be subjected to brightness levels of no greater than 10 to 40 times the brightness level to which their eyes are adapted for the critical driving task. As roadway lighting and automobile headlights provide lighting levels about one nit, this implies signage should appear no brighter than about 40 nits. Standard industry practice with previous technologies for floodlit billboards averages less than 60 nits, and rarely exceeds 100 nits. It is recommended that the new technologies should not exceed 100 nits." Also mentioned within this study is that, "The standards proposed by the Outdoor Advertising Association of America are too high, about ten times as bright as recommended, and three or more times as bright as current accepted practice reflected in billboard floodlighting." It is for this reason staff feels the proposed 150 nits is more than adequate for the lighting of billboards during the evening hours.

In order to compete with the luminance levels given off by the sun, which is 6,500 nits, digital billboard need to be set at a similar level. According to the studies, the manufacturers of the typical digital billboard design their digital billboards to operate with maximum luminance levels between 6,500 and 7,500 nits. Therefore, staff has made an adjustment to increase the allowable nits during the daytime hours from 5,000 nits to 7,500 nits.

Concern #8: Section 2: Title 15, Chapter 154, Section 17.04 Sign Regulations; regarding the replacement of non-conforming billboards

National Advertising Company: The new amendment would require that any non-conforming billboard (static or digital), which is non-conforming due to spacing and/or concentration, that is modified or repaired to a value exceeding 50% of the value of the sign be brought to current code. The advertising company would like to eliminate this requirement if a non-conforming sign is being converted from static to digital. Secondly, it was proposed that replacement of non-conforming billboards, which are non-conforming due to their location within the General Commercial (B-2) District, be completed on a 1:1 ratio; meaning that removing one non-conforming billboard would allow for the installation of a new billboard which is equal or smaller in size than the billboard which was removed.

Staff: In 2015, City Council adopted an amendment to the code which reduced the allowable zoning designations for off-site signs to the Light Industrial (L-I) District and Heavy Industrial (H-I) District. Therefore, any off-site sign not located within the previously mentioned zoning district became non-conforming. The purpose of the 2015 text amendment was to reduce the amount of billboards within the City of Yuma limits. However, shortly after the approval of this text amendment, staff was approached by a local advertising company who voiced great concern about the recent adoption. While the company understood the intention of the amendment they were concerned about those billboards which were now non-conforming. Not having the opportunity to replace or maintain these signs could have a significant financial impact on the locally owned business and would provide an inability to modernize older billboards with the emerging digital technologies.

Currently, the code would not allow any alterations or replacements of billboards within the General Commercial (B-2) District. This section of the proposed text amendment would permit for the upkeep of billboards while also allowing for the installation of new digital billboards following the removal of two (2) non-conforming billboards. The purpose behind the 2:1 removal ratio is to gradually eliminate all

outdated and dilapidated billboards within the General Commercial (B-2) District with a chance to replace some with a modern billboard.

Concern #9: Section 2: Title 15, Chapter 154, Section 17.04 Sign Regulations; would like the addition of design embellishments to be permitted

National Advertising Company: Voiced the opportunity of allowing embellishments to billboards. An embellishment or extension of a billboard may be letters, figures or mechanical devices that serve as add-ons. These add-ons may extend beyond the standard advertising structure, all to produce special effects.

Staff: Once the sign structure has been installed and the appropriate sign face has been determined, staff has no concern with the addition of embellishments. Therefore, staff added a standard definition for embellishments and a section to the sign regulations which addresses this allowance

On March 28, 2016 the Planning and Zoning Commission voted to recommend APPROVAL (7-0) of the request by Del Outdoor Advertising for a Zoning Code Text Amendment to amend Title 15, Chapter 154 (Sections: 01.07 and 17.04) to provide definitions and add regulations regarding off-site signage as permitted within the Light Industrial (L-I), Heavy Industrial (H-I), and General Commercial (B-2) Zoning Districts.

PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

QUESTIONS FOR STAFF

“Richard Sorenson – Planning and Zoning Commissioner asked if digital billboards were turned off at night in majority of other cities.

“Alyssa Linville – Senior Planner said yes.

“Sorenson asked for clarification on why the signs would need to be turned off.

“Linville stated the light would cause a glare to drivers.

“Laurie Lineberry – Director of Community Development added that there is a state law requiring the lights to be extinguished, related to the Dark Sky requirements.

“David Koopmann – Planning and Zoning Commissioner asked what the proposed text amendment would implement.

“Lineberry said the text amendment would update an existing portion of the code which addresses off-site signage.

“Lineberry stated staff has been working with sign companies to propose this text amendment that would be less oppressive as to what the prior amendment required.

“Koopmann asked for clarification on the height restriction of a billboard from 35 feet to 27 feet.

“Lineberry stated staff wanted to enforce a height that made sense while still reducing the amount of graffiti. She also stated the signage was required to be 15 feet high but should not be taller than the building.

“Koopmann asked for clarification on nit lighting.

“Lineberry stated it was a new term that measured digital billboard light.

“Kim Hamersley – Planning and Zoning Commissioner stated that in 2015 the billboards in the General Commercial (B-2) District were non-conforming and asked if there was a reason for that.

“Linville stated that during that time the purpose was to remove all billboards from the General Commercial (B-2) Districts.

“Lineberry stated that the amendment would change the development standards, which would provide additional requirements for the installation and/ or replacement of off-site signs.

“Koopmann asked if the replacement of non-conforming billboards would be allowed.

“Lineberry said the replacement would not be permitted if the billboard is considered non-conforming due to a spacing issue. However, a replacement may be allowed if the billboard is considered non-conforming due to its location within the Commercial (B-2) District.

APPLICANT / APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

“Harvey Campbell, 4155 E. County 13 ½ Street, Yuma AZ, stated that Better Yuma dot Org worked with City staff and thanked them for reaching out and was in favor of the text amendment.

“Brandy Wright, Yuma, AZ, thanked staff for reaching out and expressed her concern with the text amendment that was approved in 2015, as it had a negative impact on her business. She was in favor of the proposed amendment.

“Blake DeWitt, Yuma, AZ, was in favor of the text amendment.

“Merle Toomey, P.O Box 5225, Yuma, AZ asked for clarification on the height requirement for off-site signs.

“Lineberry said the maximum height should not be taller than the tallest building on the site.

“Koopmann asked if the city will be encouraging monument signs.

“Lineberry stated that monument signs are usually on-site signs and not off-site signs.

“Koopmann asked if there were different requirements.

“Lineberry said yes.

MOTION

“Motion by Clint Underhill – Planning and Zoning Commissioner, second by Sorenson, to APPROVE Case Number ZONE-13006-2016.

“Motion carried unanimously (7-0).’

Planning Commission Staff Report - Attached

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
		\$0.00		
		\$0.00		
TOTAL:	\$0.00			
FISCAL IMPACT STATEMENT:				
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		5/24/2016	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		5/24/2016	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		5/18/2015		
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Alyssa Linville		5/18/2016	