Rights-of-Way

Uses in the Public Realm
History

Why are we here?

- Comments received from the public related to installations on a public fence (May of 2023)
- Unregulated installation (display)
- No applications filed or permits issued
- Ownership of the fence was not understood by city staff, the community and adjacent property owners

Next Steps
What IS a “Right-of-Way”? 
The primary purpose of a right-of-way is for public travel. However, municipalities may authorize other incidental uses of rights-of-way, including private uses, which do not unreasonably interfere with public travel.
Incidental Uses may include; below ground utilities, traffic control signage, art, lighting, sidewalk cafes, community event signage, pop up events, pocket park, etc.
What’s in the Right of Way?
Additional Fence Locations

Coe-Clemons Creek to Big Rock Road
What is **Allowed** in the Right-Of-Way?
Four Ways

1. Permit Required
2. No Permit Required
3. Not regulated
4. Strictly Prohibited
Permit Required
Permanent Uses that Require a Permit

- Pocket Park
- Signs
- Pedestrian Banners
- Sidewalk Café
- Awnings or Roof Eaves
- Community Events (Duvall Days)
Temporary Uses that Require a Permit

- Community event banners over Main Street (2 locations)
- Community banners at the cross-section of Woodinville/Duvall Road and Main Street
- A-board signs
- Signs attached to a fence
- Luminaire pole banners
- Special events
Examples
Permit Required: Permanent Uses
Permanent Use: Sculptures
Permanent Use: Art Benches
Permanent Use: Pocket Parks
Permanent Use: Commercial Blade Signs
Permanent Use: Pedestrian Banners
Permanent Use: Wayfinding Signs
Permanent Use: Sidewalk Cafés
Permanent Use: Awnings and Roof Eaves
Semi-Permanent Use: Art Planks
Semi-Permanent Use: Utility Wrap
Semi-Permanent Use: Murals
Examples

Permit Required: Temporary Uses
Temporary: Community Event Banners
Temporary: A-Board Signs

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Temporary: Signs Attached to a Fence
Temporary: Construction Signs
Temporary: Special Events
No Permit Required
Examples

Temporary Uses

No Permit Required
Temporary Sign (e.g. Political Signs):

**A Political Sign:** is a sign advertising a candidate or candidates for public elective office, a political party, or signs urging a particular vote on a public issue decided by ballot.

This is regulated by **duration, size, and location**.
Temporary Real Estate Signs:
Signs advertising residential or commercial real estate for sale or rent.
Uses Exempt from Regulation
Examples

Exempt from Regulation
Required by Law: Traffic control, directional or warning signs
Required by Law: Official or Legal Notices
Commemorative Plaques, tablets, or inscriptions
Incidental Signs:
Signs that provide directions, warnings, or information when established and maintained by a public agency.
Prohibited Uses: Signs
Examples

Strictly Prohibited
Strictly Prohibited Right-of-Way Uses

- Anything that may be confused with traffic control signs or signals, which includes mobile reader-board signs.
- Anything that obstructs sight distances.
- Anything in the public right-of-way which impedes pedestrian or vehicular circulation or use.
- Anything with an electronic changeable message, moving graphics, text, or video is flashing, moving, rotating, or animated.
- Anything in the public right-of-way that may or is negatively impacting utilities or vegetation.
- Advertising vehicle
Signs attached to a fence unless otherwise approved by the director for community events (DMC 14.50.050) are not allowed (public and private)

Displays on public fences are currently unregulated by the sign code

Displays for Grand Opening and/or Events are regulated on private property by the sign code
Next Steps

TIMELINE FOR DIRECTION, POLICY WORK, AND COMMUNITY ENGAGEMENT

LEGAL CASES TO CONSIDER WHILE CREATING A POLICY

WHAT DOES COUNCIL NEED MOVING FORWARD