



**PLANNING COMMISSION REGULAR MEETING
THURSDAY, FEBRUARY 27, 2020**

BAINBRIDGE ISLAND CITY HALL
COUNCIL CHAMBERS
280 MADISON AVENUE N.
BAINBRIDGE ISLAND, WASHINGTON

AGENDA

1. **CALL TO ORDER/ROLL CALL - 7:00 PM**
2. **PLANNING COMMISSION MEETING MINUTES - 7:05 PM**
 - 2.a **Review and Approve Meeting Minutes** 5 Minutes
[Planning Commission Minutes DRAFT 121219.pdf](#)
3. **PUBLIC COMMENT - 7:10 PM**
4. **UNFINISHED BUSINESS - 7:20 PM**
 - 4.a **(7:20 PM) Ordinance 2020-02 (formerly 2019-09) related to Accessory Dwelling Units** 30 Minutes
[Staff Memo on ADUs.docx](#)
[Ordinance 2020-02 DRAFT.docx](#)
[Planning Commission Subcommittee Recommendations Regarding ADUs](#)
[ADU Use Specific Standards 18.09.030 Attachment A.pdf](#)
 - 4.b **(7:40) Ordinance No. 2020-05, Updating the City's Sign Code** 45 Minutes
[Staff Memo - Sign Code Matrix and Q&A \(2-13-20 PCM\)](#)
[Ordinance No. 2020-05, Updating The City's Sign Code - Chapter 15.08 BIMC - for 2-13-20 PCM](#)
[Reed v. Town of Gilbert Article](#)
[Model Sign Code .pdf](#)
5. **NEW BUSINESS - 8:25 PM**
 - 5.a **(8:25 PM) New Business** 10 Minutes
6. **PLANNING DIRECTOR'S REPORT - 8:40 PM**
7. **ADJOURNMENT - 9:00 PM**

GUIDING PRINCIPLES

Guiding Principle #1 - Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

Guiding Principle #2 - Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

Guiding Principle #3 - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

Guiding Principle #4 - Consider the costs and benefits to Island residents and property owners in making land use decisions.

Guiding Principle #5 - The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

Guiding Principle #6 - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Principle #7 - Reduce greenhouse gas emissions and increase the Island's climate resilience.

Guiding Principle #8 - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



Planning Commission meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the Planning & Community Development Department at (206) 780-3750 or pcd@bainbridgewa.gov by noon on the day preceding the meeting.

Public comment may be limited to allow time for the Commissioners to deliberate. To provide additional public comment, email your comment to pcd@bainbridgewa.gov or mail it to Planning and Community Development, 280 Madison Avenue North, Bainbridge Island, WA 98110.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 27, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Review and Approve Meeting Minutes

AGENDA CATEGORY: Minutes

PROPOSED BY: Jane Rasely

**PREVIOUS PLANNING COMMISSION
REVIEW DATE(S):**

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

I move to accept the meeting minutes for December 12, 2019 as presented.

SUMMARY:

BACKGROUND:

ATTACHMENTS:



Planning Commission Special Meeting December 12, 2019

Meeting Minutes

1) CALL TO ORDER/ROLL CALL

Chair William Chester called the meeting to order at 6:30 PM. Planning Commissioners in attendance were J. Mack Pearl, Jon Quitslund, Lisa Macchio, Kimberly McCormick Osmond, Don Doman and Joe Paar.

2) PUBLIC COMMENT

None.

3) UNFINISHED BUSINESS

3.a [Aveterra Code Amendment Request - Planning, Cover Page December 12, 2019 PC Memo.pdf](#)

Nick Masla spoke against the current activity on the site.

Mike Sherry spoke in support of tabling the topic and reviewing it within the context of the Comprehensive Plan.

Wendy Tyner spoke against a composting facility on this site.

Sandy Charyn spoke against a composting facility on this property.

MOTION: We feel like the applicant's request to amend section 18.09.030.G.3 should be denied because reducing the buffer and increasing the lot coverage will not provide the intended protections for off-site properties.

McCormick Osmond/Pearl: Motion carried 6 - 0

AYES: Mack Pearl, Jon Quitslund, Lisa Macchio, Kim McCormick-Osmond, Don Doman, Joe Paar

NOES: None

ABSENT: None

ABSTAIN: William Chester

3.b **Ordinance No. 2019-38, Adopting Small Wireless Facility Design Standards,**
Cover Page
Ordinance No. 2019-38, Adopting Small Wireless Facility Design Standards - Draft for 12-12-19 PCM
Memo - Items Requested by Commission on October 24, 2019
Table Summary of Industry Comments
Small Wireless Facilities - Sample Photos of Actual Deployments
Design Zones - COBI - Mixed Use Town Center - HS Road Zoning Districts - SR 305 ROW
Design Zones - COBI - Neighborhood Centers
Design Zones - COBI - Lynwood Center Neighborhood Center
Design Zones - COBI - Island Center Neighborhood Centers
Design Zones - COBI - Rolling Bay Neighborhood Center
Design Zones - COBI - Eagledale Neighborhood Center

Deputy City Attorney Robbie Sepler facilitated further discussion of the proposed ordinance.

4) NEW BUSINESS

4.a **Ordinance No. 2019-09 Relating to Accessory Dwelling Units (ADUs) - Planning,**
Cover Page
20191212_Staff_Memo_on_ADUs (1).docx
20191106 Ordinance 2019-09 DRAFT.docx
ADU Use Specific Standards 18.09.030 Attachment A
Building Official Memo re Tiny Home Appendix Q Adoption
Appendix Q

Senior Planner Jennifer Sutton provided an overview of the proposed ordinance.

Jeb Thornburg spoke in favor of separate ownership of ADUs as a means to provide affordable housing.

Terry McGuire spoke in favor of ADU separate ownership.

5) PLANNING DIRECTOR'S REPORT

Planning and Community Development Director Heather Wright provided an update on City Council items of interest to the Planning Commission.

6) ADJOURNMENT

Chair William Chester adjourned the meeting at 9:23 PM.

William Chester, Chair

Jane Rasely, Administrative Specialist



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 27, 2020

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (7:20 PM) Ordinance 2020-02 (formerly 2019-09) related to Accessory Dwelling Units

AGENDA CATEGORY: Ordinance

PROPOSED BY: Jennifer Sutton

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): December 12, 2019 (study session), January 9, 2020 (public hearing), February 13, 2020 (subcommittee report).

PREVIOUS COUCIL REVIEW DATE(S): October 23, 2018; June 18, July 23, September 10 and October 22, 2019

RECOMMENDED MOTION:

Discussion. I move to hold a public hearing on Ordinance 2020-02 on March 12.

SUMMARY:

Ordinance 2020-02 (formerly 2019-09) revises ADU standards regarding common ownership and adding shops and barns to types of buildings appropriate for second-story ADUs.

BACKGROUND: Beginning in Fall, 2018, the City Council has conducted a review of rules related to Accessory Dwelling Units (ADUs) in response to Recommendation #3 from the Affordable Housing Task Force (2018) to "adopt procedures to encourage Accessory Dwelling Units." The City Council discussed a variety of accessory dwelling unit and small-unit housing topics during 5 meetings over a 12-month period: October 23, 2018, June 18, July 23, September 10 and October 22, 2019. These City Council meetings and materials can be read and viewed from the City's website. The City Council's final policy direction from their October 22, 2019 meeting is captured in Draft Ordinance 2019-09 that makes the following changes to accessory dwelling unit regulations (BIMC Section 18.09.030.I.5) and zoning definitions (BIMC Section 18.36.030), described further in this memo:

- Requires common ownership of new ADUs, such that sale or ownership of an ADU separate from the primary single-family dwelling is prohibited.
- Removes "lot coverage" standard as a barrier to constructing ADUs for properties that are less than 40,000 square feet in size in residential zones.
- Acknowledges that residential subdivisions (and consequently, ADUs) are now permitted in the Mixed Use Town Center and High School Road zoning districts with approval of the new subdivision regulations (Ordinance 2019-03) by removing current BIMC Section 18.09.030.I.5.n.

- Adds new definition for “tiny home”- a dwelling smaller than 400 square feet. A tiny home could be the primary or accessory dwelling unit on a property.

On October 22, the City Council finalized their policy direction on modifications to ADU regulations for the Planning Commission, and Ordinance 2019-09 executes that Council policy direction. The Planning Commission first discussed the ordinance on December 12, 2019 and a public hearing was held on January 9, 2020. After closing the public hearing, the Planning Commission further discussed tiny homes, potential limitations on short-term rentals and the merits of removing the lot coverage barrier for lots smaller than 40,000 square feet.

The Planning Commission ended their discussion on January 9, 2020 by creating a temporary subcommittee to further discuss these topics and other ADU regulations. Commissioners Pearl, McCormick Osmond, and Doman agreed to serve on the subcommittee, which will bring back any recommended changes to Ordinance 2020-02 to the full Planning Commission for further consideration. The subcommittee submitted recommended changes to the ordinance at the February 13 Planning Commission meeting, and the Commission as a whole directed staff to make the recommended changes to Ordinance 2020-02 (see attached subcommittee recommendations). Those changes have been integrated into Ordinance 2020-02, and are substantial enough from the January 9th version that another public hearing is needed, and a public hearing is scheduled March 12.

ATTACHMENTS:



Department of Planning and Community Development

Memorandum

Date: February 27, 2020
To: Planning Commission
From: Jennifer Sutton, AICP
Senior Planner
Subject: Ordinance 2020-02: Accessory Dwelling Unit Regulations

I. Council Policy Direction for Accessory Dwelling Unit (ADU) Regulations

The City Council discussed a variety of accessory dwelling unit and small-unit housing topics during 5 meetings over a 12-month period: October 23, 2018, June 18, July 23, September 10 and October 22, 2019. These City Council meetings and materials can be read and viewed from the [City's website](#). Final City Council's final policy direction to the Planning Commission on amending ADU regulations included:

- Require common ownership of new ADUs, such that sale or ownership of an ADU separate from the primary single-family dwelling is prohibited.
- Remove the "lot coverage" standard as a barrier to constructing ADUs for properties that are less than 40,000 square feet in size in residential zones.
- Acknowledge that residential subdivisions (and consequently, ADUs) are now permitted in the Mixed Use Town Center and High School Road zoning districts with approval of the new subdivision regulations (Ordinance 2019-03) by removing current BIMC Section 18.09.030.I.5.n.
- Integrate "tiny homes" into ADU regulations and add a new definition for "tiny home" - a dwelling smaller than 400 square feet.

Additional background information about these topics and why the Council integrated such changes into the initial ordinance that was forwarded to the Planning Commission is in the memorandum prepared for the [January 9, 2020 Planning Commission meeting](#).

II. PLANNING COMMISSION REVIEW

The Planning Commission discussed this ordinance on December 12, 2019 and amended the subsection (i) to clarify how the regulation applies to internal and external access- see page 2 of the ordinance. The Planning Commission then held a public hearing on January 9, 2020. After closing the public hearing, the Planning Commission further discussed tiny homes, potential limitations on short-term rentals and the merits of removing the lot coverage barrier for lots smaller than 40,000 square feet.

The Planning Commission ended their discussion on January 9, 2020 by creating a temporary subcommittee to further discuss these topics and other ADU regulations. Commissioners Pearl, McCormick Osmond, and Doman agreed to serve on the subcommittee, which will bring back any recommended changes to Ordinance 2020-02 to the full Planning Commission for further consideration. The subcommittee submitted recommended changes to ordinance at the February 13 Planning Commission meeting (see attached

subcommittee recommendations), and the Planning Commission as a whole directed staff to make the changes recommended by the subcommittee to Ordinance 2020-02. Substantive recommended changes are:

- Remove any added reference to tiny homes. There is a separate recommendation that adding tiny homes to the building and zoning codes be considered through a separate ordinance.
- Related to the proposed common ownership regulations: add a sentence that a notice to title must be recorded to ensure ongoing compliance.
- Added "shops" and "barns" as type of buildings that are appropriate to construct an ADU above (current regulations only refer to detached garages).
- Adds back lot coverage requirement for properties less than 40,000 square feet in size. The change had been proposed for properties less than 40,000 square feet in size as a way to promote ADU construction by eliminating a barrier for those smaller lots.
- Adds a regulation to make clear that ADUs must comply with City regulations related to short-term rentals. Separate recommendation that the City Council pursue regulations to limit short-term rental regulations.

Those changes have been integrated into Ordinance 2020-02, and are substantial enough from the January 9th version that another public hearing is needed, and a public hearing is scheduled March 12, 2020

III. NEXT STEPS

The Planning Commission will hold a public hearing on Ordinance 2020-02 prior to making a recommendation on the ordinance to the City Council. A public hearing will be held on March 12, 2020.

The City Council's summer 2019 discussion of limiting common ownership for ADUs and tiny homes had expanded to include the topics of tiny home communities (see [ESSB 5383](#) discussion above) and allowing recreational vehicles (RVs) to be permitted as residences. During their discussion on September 10, the City Council opted to continue discussion of RVs and tiny home communities separately from the other changes to ADU regulations in draft Ordinance 2020-02. RVs and tiny home communities will be scheduled for City Council discussion in the second quarter 2020.

ORDINANCE NO. 2020-02
(formerly 2019-09)

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to accessory dwelling units and amending Section 18.09.030.I.5 and Section 18.36.030 of the Bainbridge Island Municipal Code.

WHEREAS, the City has permitted and regulated accessory dwelling units as an accessory use to single-family residences for many years; and

WHEREAS, accessory dwelling units are recognized as a type of affordable housing; and

WHEREAS, the City is aware of a limited number of property owners who have turned an accessory dwelling unit into a condominium pursuant to Chapter 64.34 RCW, and some of those units may have been sold to a person other than the owner of the single-family residence (primary dwelling unit); and

WHEREAS, given the high real estate prices on Bainbridge Island, the sales price of an accessory dwelling unit sold as a condominium is unlikely to meet the definition of “affordable housing” as it relates to an income qualified household earning a middle-income or below, which is generally defined by Chapter 18.21 BIMC and BIMC 18.36.030.16 as one-hundred and twenty percent (120%) or below of the Department of Housing and Urban Development median income levels for the Bremerton-Silverdale metropolitan statistical area; and

WHEREAS, the City Council desires to maintain the affordability of accessory dwelling units by limiting the ability to sell them separately from the primary dwelling unit; and

WHEREAS, the City Council approved updated subdivision regulations, via Ordinance 2019-03, on September 24, 2019, and those new regulations now allow new single-family residences in the Mixed Use Town Center and High School Road zones and, therefore, accessory dwelling units will also be allowed in those zones.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 18.09.030.I.5 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

Section 18.09.030.I.5 Accessory Dwelling Unit

In addition to all other applicable location and use regulations in Titles 16, 17 and 18, the following regulations apply to accessory dwellings units (ADU).

a. ~~An accessory dwelling unit (ADU)~~ may be created within, or detached from, any single-family dwelling, whether existing or new, as an accessory subordinate use, where permitted (“P”) by this chapter.

e. Sale or ownership of an ADU separate from the primary single-family dwelling is prohibited. This prohibition does not apply to an accessory dwelling unit that is owned in the condominium form of ownership prior to the effective date of this ordinance. Further, this prohibition does not apply to an accessory dwelling unit that was lawfully in existence prior to the effective date of this ordinance, or an accessory dwelling unit for which a complete building permit application has been submitted for that accessory dwelling unit prior to the effective date of this ordinance. The City shall enforce this requirement by recording a Notice to Title prior to issuing a building permit for new ADUs.

ef. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling.

fg. Accessory dwelling units shall be designed to maintain the appearance of the primary dwelling as a single-family dwelling, containing 900 square feet of floor area or less. However, if the accessory dwelling unit will be located within a building existing as of the approval date of Ordinance No. 2015-16 (for example, in a basement) the city may allow an increased size in order to efficiently use all floor area. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary dwelling, that entrance must be located either on the rear or side of the building.

gh. ~~If an accessory dwelling unit is constructed in conjunction with a garage, shop, or barn~~ the square footage of the garage, shop, or barn shall not count towards the 900-square-foot limitation.

hi. ~~An accessory dwelling unit not attached to the single-family dwelling may not contain any accessory use other than a garage, shop, or barn. In these circumstances, access to second-story accessory dwelling units shall be from external stairs.~~

ij. No habitable space on wheels, including recreational vehicles, shall be an accessory dwelling unit.

jk. When stairs utilized for the ADU are enclosed within the exterior vertical walls of the building, they shall not count towards the floor area of the ADU.

~~k~~l. The ADU shall share a single driveway with the primary dwelling.

~~l~~m. School impact fees and qualified exemptions from those fees as provided in Chapter 15.28 BIMC shall apply.

~~m~~n. All other applicable standards including, but not limited to, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met.

o. Residents and owners of ADUs must comply with all City regulations related to home occupations, short-term vacation rentals, and business licenses.

~~n. In the Mixed Use Town Center, new accessory dwelling units are only permitted as part of a housing design demonstration project single family subdivision approved pursuant to BIMC 2.16.020.S.~~

Section 2. Section 18.36.030 of the Bainbridge Island Municipal Code is hereby amended to add the following:

18.36.030 Definitions

10. "Accessory dwelling unit" means a dwelling separate living quarters containing kitchen facilities, where the living quarters are contained within or detached from a single-family dwelling on a single lot.

Section 3. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2020.

APPROVED BY THE MAYOR this _____ day of _____, 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:

October 15, 2019

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2020-02

DRAFT

Planning Commission Preliminary Recommendations Regarding Ordinance No.
2020-02 (formerly 2019-09)

1. Remove all references to “tiny homes.” This ordinance relates to accessory dwelling units (ADUs). A “tiny home” is a dwelling less than 400 square feet and by definition could qualify as an ADU, which is 900 square feet or less, if it meets all other requirements for an ADU. References to “tiny home” throughout the current draft of the ordinance are unnecessary and confusing.
2. Revise the definition of an ADU in 18.36.030(10) as follows: “Accessory dwelling unit” means a dwelling containing 900 square feet of floor area or less that includes kitchen facilities, is an accessory use to a single-family dwelling on a single lot and is contained within or detached from the single-family dwelling on a single lot.”
3. Revise Section 18.09.030.I.5(a) to replace the words “a subordinate use” with “an accessory use.” All ADUs are accessory uses.
4. Revise Section 18.09.030.I.5(e) to require that all ADUs constructed after enactment of this ordinance must remain in common ownership. This requirement should be recorded on the title to the primary residence and the ADU to ensure that the ADU remains in common ownership with the primary residence. The City Council should satisfy itself that this is a legally defensible position in light of existing state laws regarding condominiums and court decisions interpreting those laws.
5. Revise Section 18.09.030.I.5(h) as follows: “If an accessory dwelling unit is constructed in conjunction with a garage, shop or barn, the square footage of the garage, shop or barn shall not count towards the 900-square-foot limitation.” There is no rational reason for limiting this provision to garages.
6. Revise 18.09.030.I.5(i) as follows: “An accessory dwelling unit not attached to the single-family dwelling may not contain an internal connection to any accessory use other than a garage, shop or barn, but must instead use external stairs to access a second-story accessory dwelling unit.” There is no rational reason for limiting this provision to garages.
7. Revise 18.09.030.I.5(j) as follows: “No habitable space on wheels shall be an accessory dwelling unit.” The intent of this change is to make clear that a living space on wheels, by whatever name, is not an ADU.
8. Revise 18.09.030.I.5(n) as follows: “All other applicable standards including, but not limited to, lot coverage, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met.” We recommend that ADUs should not be excluded from lot coverage requirements to ensure that they are constructed on lots with adequate space for them.
9. Revise 18.36.030(80) to remove the words “provided a tiny home is considered a dwelling, however, a recreational vehicle or bus is not a dwelling or dwelling unit.”
10. Remove the definition of “tiny home” in 18.36.030(259).

11. Add a provision that all ADUs constructed after enactment of this ordinance must comply with any regulations enacted by the City, either currently or in future, to manage short-term vacation rentals.

Once a revised draft Ordinance No. 2020-02, incorporating these revisions, is brought back to the Planning Commission for its review, the Planning Commission will make a formal recommendation for submission to the City Council.

DRAFT

Planning Commission Recommendations Regarding Two New Ordinances Addressing Tiny Homes and Vacation Rentals

1. Create a separate ordinance addressing “tiny homes” as a primary use on a lot zoned for single family residential use. This ordinance should be guided by the memorandum dated July 18, 2019 from Todd Cunningham, Building Official, to Heather Wright, PCD Director, and by recent revisions enacted on January 1, 2020 by the state under RCW 19.27 adopting International Residential Code (IRC) Appendix Q addressing “Tiny Homes.” Because Appendix Q does not become effective until July 1, 2020, the City has adequate time to review Appendix Q and determine whether it wants to adopt those provisions wholesale or make changes to address local conditions for tiny homes.
2. Create a separate ordinance to address/regulate short-term vacation rentals on Bainbridge Island, to ensure that the purposes for encouraging the construction of ADUs – to provide more affordable housing , housing for aging in place and housing for relatives and family members – are satisfied. Because ADUs are seen as a form of upzoning, community benefits should be received in exchange for the additional density that results from ADUs.

18.09.030.I.5. Accessory Dwelling Unit.

- a. An accessory dwelling unit (ADU) may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where permitted ("P") by this chapter.
- b. In the shoreline jurisdiction, an accessory dwelling unit may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where conditional ("C") pursuant to this chapter. See Chapter [16.12](#) BIMC for shoreline conditional use process.
- c. Only one accessory dwelling unit may be created per parcel.
- d. No variances shall be granted for an accessory dwelling unit.
- e. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling.
- f. Accessory dwelling units shall be designed to maintain the appearance of the primary dwelling as a single-family dwelling, containing 900 square feet of floor area or less. However, if the accessory dwelling unit will be located within a building existing as of the approval date of Ordinance No. 2015-16 (for example, in a basement) the city may allow an increased size in order to efficiently use all floor area. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary dwelling, that entrance must be located either on the rear or side of the building.
- g. If an accessory dwelling unit is constructed in conjunction with a garage, the square footage of the garage shall not count towards the 900-square-foot limitation.
- h. An accessory dwelling unit not attached to the single-family dwelling may not contain any accessory use other than a garage.
- i. No recreational vehicle shall be an accessory dwelling unit.
- j. When stairs utilized for the ADU are enclosed within the exterior vertical walls of the building, they shall not count towards the floor area of the ADU.
- k. The ADU shall share a single driveway with the primary dwelling.
- l. School impact fees and qualified exemptions from those fees as provided in Chapter [15.28](#) BIMC shall apply.
- m. All other applicable standards including, but not limited to, lot coverage, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met.
- n. In the Mixed Use Town Center, new accessory dwelling units are only permitted as part of a housing design demonstration project single-family subdivision approved pursuant to BIMC [2.16.020.S](#).



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 27, 2020

ESTIMATED TIME: 45 Minutes

AGENDA ITEM: (7:40) Ordinance No. 2020-05, Updating the City's Sign Code

AGENDA CATEGORY: Ordinance

PROPOSED BY: Aaron Pool

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): February 13, 2020

PREVIOUS COUCIL REVIEW DATE(S): September 18, 2018, November 27, 2018, March 12, 2019, May 7, 2019, May 14, 2019, May 28, 2019, June 18, 2019, July 16, 2019, and September 24, 2019.
Planning Commission February 13, 2020.

RECOMMENDED MOTION:

Planning Commission Discussion.

(Prior to making its recommendation to the City Council, the Planning Commission will need to hold a public hearing on proposed Ordinance No. 2020-05)

SUMMARY:

For the February 27, 2020 Planning Commission Meeting, Planning Commission will continue discussion of the Council's review of the Sign Code to date, the current draft Ordinance No. 2020-05, and the scope of the Planning Commission's review of the Sign Code.

BACKGROUND: On June 18, 2015, the U.S. Supreme Court decided the case of Reed v. Town of Gilbert, invalidating the local sign code at issue as an unconstitutional restriction on speech. The direct result of the Reed decision is that municipal sign codes throughout the country need to be reviewed to ensure they still comply with the requirements of the U.S. Constitution with respect to free speech.

Please refer to the attached article for background on the U.S. Supreme Court's ruling in Reed v. Town of Gilbert. This ruling affects the City of Bainbridge Island's Sign Code (Ch. 15.08 BIMC) in several ways. The overall take away from the Reed case is that a sign code cannot regulate noncommercial signs based on the message conveyed on the sign (e.g., political signs, ideological signs, event signs, etc).

Staff briefed the City Council on these issues related to the City's Sign Code on September 18, 2018, and again on November 27, 2018. In response, the Council provided the following direction to staff: (1) Review the City's existing sign code for consistency with the U.S. Supreme Court's ruling in *Reed v. Town of Gilbert*; (2) Draft changes to the City's existing sign code for consistency with the ruling in *Reed v. Town of Gilbert*, but keep existing policy to the extent possible; and (3) Present Reed-compliant sign code for Council review and sandwich board discussion.

Staff prepared a draft ordinance (Ordinance No. 2019-04) for Council consideration, and, over the course of multiple meetings, Council reviewed the ordinance. In particular, Council discussion focused on how to address portable signs, including sandwich boards, as well as non-durable signs. A matrix was introduced during the June 18, 2019 Council Meeting to facilitate Council discussion and staff direction. Following the June 18, 2019 Meeting, per Council direction, Staff further updated the matrix, which was reviewed by the City Council on July 16, 2019.

On July 16, 2019, the City Council generally approved of the matrix and directed staff to revise the draft ordinance in accordance with the matrix and related Council discussion. In light of the Council's direction on July 16, 2019, staff further updated the definitions included with the matrix, which is included in the attached staff memo.

On September 24, 2019, the City Council referred Ordinance No. 2019-04 to the Planning Commission for a public hearing and the Commission's review and recommendation. On January 1, 2020, the start of the new year, proposed Ordinance No. 2019-04 was renumbered to be Ordinance No. 2020-05. A draft of Ordinance No. 2020-05 is attached for Planning Commission's review.

For the February 13, 2020 Planning Commission Meeting, staff provided an overview of the Council's review of the Sign Code to date, the current draft ordinance, and the scope of the Planning Commission's Review of the Sign Code. Attached is the PowerPoint presentation staff used as well as a staff memo summarizing key terms, concepts, and definitions.

ATTACHMENTS:



CITY OF
BAINBRIDGE ISLAND

Office of the City Attorney
Memorandum

Date: February 7, 2020

To: City Council

From: Robbie Sepler, Deputy City Attorney

Re: Sign Code Update

This memo contains matrices summarizing the current draft sign code. These matrices were previously reviewed by the City Council, most recently on September 24, 2019. In addition, this memo contains written definitions of key terms used in the matrices and in the draft sign code as well as some visual examples.

		Type of Sign		
		Sandwich Boards	Non-Durable Signs	All Other Portable Signs (this is a catch all for other shapes)
Location of Sign	Private Property	Yes	Yes	Yes
	Right of Way	See Detail Below**	See Detail Below***	No <i>Unless authorized*</i>
	Public Property	No <i>Unless authorized*</i>	No <i>Unless authorized*</i>	No <i>Unless authorized*</i>

*Signs in these locations are generally limited to public agency information as needed

**Detail for highlighted cell (Sandwich Boards located in Right-of-way)

Sandwich Boards				
Right of Way	<i>Winslow</i>	Noncommercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
		Commercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
	<i>Outside Winslow</i>	Noncommercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
		Commercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
	<i>Neighborhood Centers</i>	Noncommercial signs	Temporary	Yes, if safe Number=1
			Permanent	No
		Commercial signs	Temporary	Yes, if safe Number=1
			Permanent	No

***Detail for highlighted cell (Other Temporary Signs located in Right-of-way)

Non-Durable Signs			
Right of Way	Winslow	Noncommercial signs	Yes, if safe
		Commercial signs	No
	Outside Winslow	Noncommercial signs	Yes, if safe, but: <ul style="list-style-type: none">Requires permission from abutting property owner
		Commercial signs	Yes, if safe, but: <ul style="list-style-type: none">Requires permission from abutting property owner; andRequires City-issued permit to control for number of days, display times, etc.
	Neighborhood Centers	Noncommercial signs	Yes, if safe
		Commercial signs	No

I. What is a “Portable Sign”?

“Portable signs” is a broad category of signs that are readily moveable, freestanding, and not permanently affixed to the ground. In general, portable signs are constructed out of durable materials. Portable signs include, but are not limited to, sandwich board signs.

Examples of portable signs:



II. What is a “Sandwich Board”?

A “sandwich board” is a specific type of portable sign that consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.

Examples of sandwich boards:



III. What is a “Non-Durable Sign”?

“Non-durable signs” is a broad category of signs that are readily moveable, freestanding, and not permanently affixed to the ground. In contrast to portable signs and sandwich boards, non-durable signs are constructed out of non-durable materials, such as paper, corrugated board, or flexible or foldable plastics. For the purposes of this matrix, non-durable signs do not include sandwich boards or portable signs.

In previous materials presented to Council, “non-durable signs” were referred to as “temporary signs.” Such terminology led to some confusion as to whether “temporary sandwich boards” are included as “temporary signs” for the purposes of the matrix (they are not). To minimize any confusion going forward, the category of signs previously referred to as “temporary signs” has been relabeled as “non-durable signs” and a definition of “temporary” has been included in Section VII of this memorandum.

Examples of non-durable signs:



IV. When is a sign a “Commercial”?

A sign is commercial if the sign relates solely to the economic interests of the owner of the sign and her/his audience.

Examples of commercial signs:



V. When is a sign “Noncommercial”?

A sign is noncommercial if the sign relates to more than just the economic interests of the owner of the sign and her/his audience.

Examples of noncommercial signs:

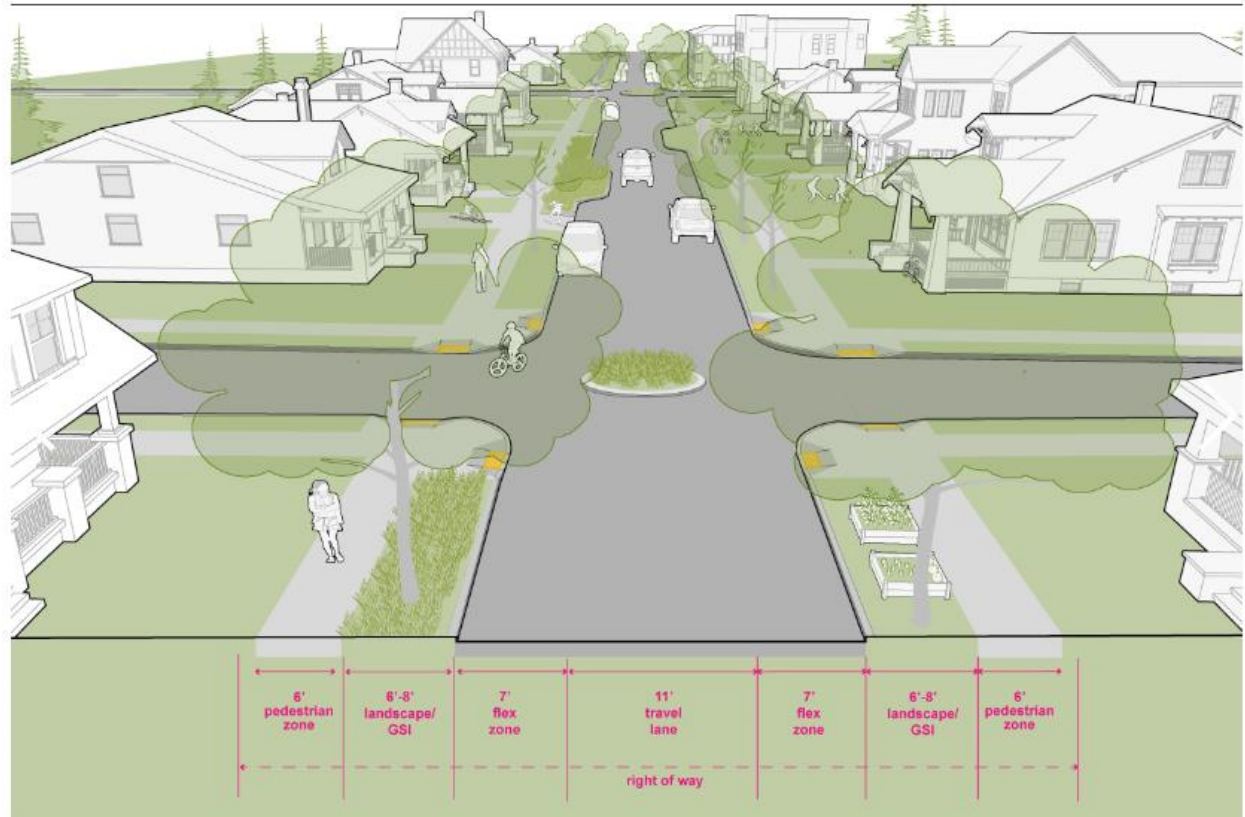
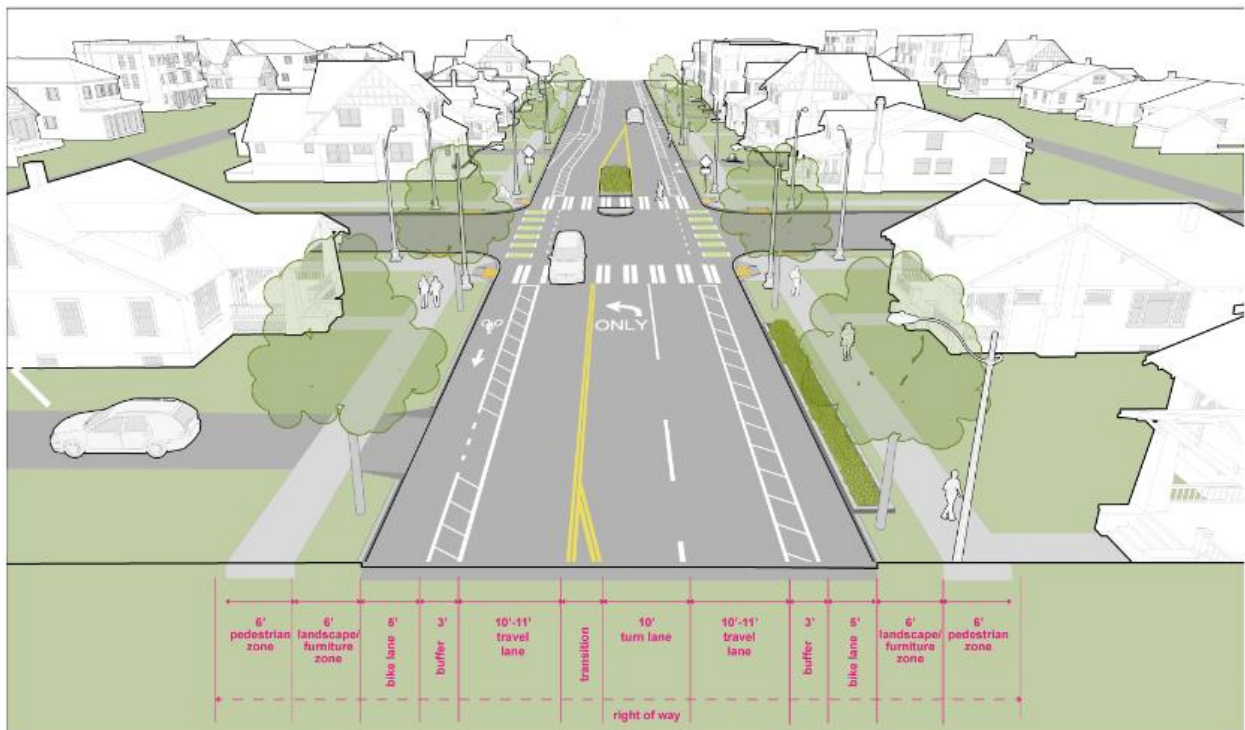


VI. What is the “Right-of-way”?

In general, “right-of-way” (“ROW”) refers to easements, held by the City, over private property for public travel and use. In the graphic below from MRSC, the ROW begins at the dashed red line and includes the sidewalk, planting area, and roadway:



The graphics below further illustrate the various components of typical ROWs found within city limits (*Illustrations Courtesy of Seattle's Right-of-Way Improvements Manual*):



VII. When is a Sandwich Board Sign “Temporary”?

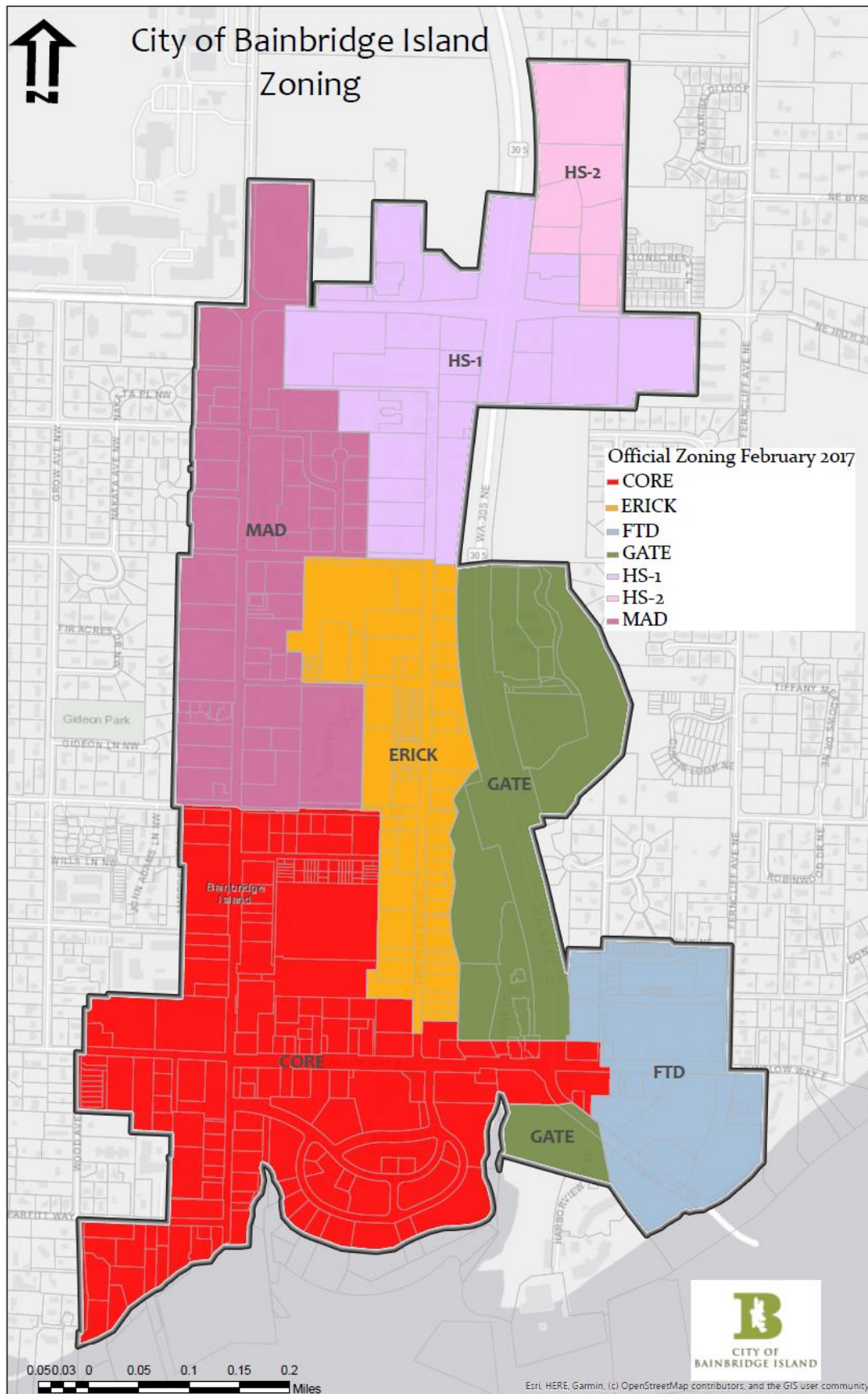
On July 16, 2019, the City Council voted to allow “temporary” sandwich board signs within the City, with “temporary” meaning that the sandwich board sign is taken in at night. The revised draft ordinance defines “night” to mean that sandwich board signs must be taken in, and cannot be displayed, between the hours of 11:00 PM and 6:00 AM.

VIII. When is a Sandwich Board Sign “Permanent”?

On July 16, 2019, the City Council voted to prohibit all permanent sandwich board signs within the City. “Permanent” sandwich board signs are those signs that are always on display, day and night.

IX. What is “Winslow” for the Purposes of the Matrices Above?

The revised draft ordinance considers “Winslow” to be the Mixed Use Town Center and High School Road I and II zoning districts. This area is depicted on the next page.



ORDINANCE NO. 2020-05

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the regulation of signs erected within the City and repealing and replacing Chapter 15.08 of the Bainbridge Island Municipal Code.

WHEREAS, on June 18, 2015, the United States Supreme Court issued its decision in *Reed v. Town of Gilbert*, which has provided guidance for local governments in revising and updating their sign codes; and

WHEREAS, on September 18, 2018, the City Council identified updating the City's sign code in accordance with *Reed v. Town of Gilbert* as a priority item; and

WHEREAS, on November 27, 2018, the City Council discussed code enforcement more broadly as well as next steps regarding an update to the City's sign code; and

WHEREAS, on March 12, 2019, the City Council first considered Ordinance No. 2019-04, proposing to update the City's sign code in accordance with *Reed v. Town of Gilbert*; and

WHEREAS, in 2019, the City Council further discussed Ordinance No. 2019-04 on May 7, May 14, May 28, June 18, July 16, and September 24, 2019; and

WHEREAS, on September 24, 2019, the City Council referred Ordinance No. 2019-04 to the Planning Commission for a public hearing and for its review and recommendation; and

WHEREAS, in 2019, the City Council further discussed Ordinance No. 2019-04 on May 7, May 14, May 28, June 18, July 16, and September 24, 2019; and

WHEREAS, on January 1, 2020, draft Ordinance No. 2019-04 was renumbered to be Ordinance No. 2020-05; and

WHEREAS, on February 13, 2020, the Planning Commission first considered Ordinance No. 2020-05 and [insert outcome of Planning Commission consideration]; and

WHEREAS, on [insert date of required public hearing], the Planning Commission held a public hearing on Ordinance No. 2020-05 and [insert outcome of Planning Commission consideration]; and

WHEREAS, on [insert date], the City Council considered the Planning Commission's recommendation and [insert outcome of Council consideration]; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 15.08 of the Bainbridge Island Municipal Code is hereby repealed in its entirety and replaced as shown on attached **Exhibit A**.

Section 2. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED by the City Council this ____ day of _____, 2020.

APPROVED by the Mayor this ____ day of _____, 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER:

2020-05

EXHIBIT A
Chapter 15.08
SIGN CODE

Sections:

15.08.010	Purpose.
15.08.020	Definitions.
15.08.030	Permits Required
15.08.040	Permit Fees
15.08.050	Signs not requiring a permit.
15.08.060	Prohibited signs.
15.08.070	Nonconforming signs.
15.08.080	Measurement of sign area.
15.08.090	Height of sign.
15.08.100	General regulations.
15.08.110	Commercial use signs.
15.08.115	Sandwich board signs
15.08.120	Institutional or public use signs.
15.08.130	Residential use signs.
15.08.140	Non-durable signs
15.08.150	Sign variance.
15.08.160	Enforcement and penalties.

15.08.010 Purpose.

The purpose of this chapter is as follows:

- A. To promote and protect the public welfare, health, and safety.
- B. To encourage the installation of signs which harmonize with building design, natural settings and other geographical characteristics of the locations in which they are erected.
- C. To create a more attractive economic and business climate.
- D. To reduce distractions and obstructions from signs which would adversely affect traffic safety and reduce hazards that may be caused by signs overhanging or projecting over or within public rights-of-way.

15.08.020 Definitions.

- A. “Awning or marquee sign” means a sign attached to a face or shelter, which face or shelter extends (12 inches or more) in a direction perpendicular to the wall of the building and may be supported by posts or the exterior wall of the building or any combination thereof.
- B. “Banneret” means a small banner that is hung vertically from a freestanding support, i.e., curbside bannerets on light standards and bannerets in public squares.
- C. “Banner” means a sign of flexible material designed to be displayed between two supports or against another surface.
- D. “Changeable copy” means changes to the face or copy of changeable copy signs, digital signs, electronic messaging signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.
- E. “Culturally, historically, or architecturally significant sign” means a sign with unique local characteristics that may not fit other defined categories.
- F. “Director” means the City’s Director of Planning and Community Development.

G. “Erect” means to build, construct, raise, assemble, create, alter, display, relocate, attach, hang, place, suspend, affix, paint, draw, engrave, carve, cast, or in any other way bring into being or establish, other than to replace changeable copy and other than in the course of normal sign maintenance as described in this chapter.

H. “Facade sign” means any sign which is erected (including painted) on the wall of a building or other structure, whose face is generally parallel to that wall or other structure and whose face does not extend outward more than 12 inches in a direction perpendicular to that wall or other structure.

I. “Facade” means the wall of a building or other structure whose face is generally parallel to that wall or other structure.

J. “Freestanding sign” means a sign supported by one or more permanently affixed uprights, poles, or braces in or on the ground, and not supported by a building.

K. “Grade” (adjacent ground elevation) means the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building. In the case of structures to be built over water or on the shoreline, “grade” shall have the same meaning as “average grade level” as that term is defined in WAC 173-27-030(3).

L. “Neon sign” means a sign illuminated in whole or part by gaseous tubes electrified by a current.

M. “NC” means neighborhood centers.

N. “Portable sign” means a sign that is readily moveable, freestanding, and not permanently affixed to the ground. “Portable signs” include sandwich board signs, signs mounted on weighted bases, and other similar signs. “Portable signs” do not include “Non-durable signs.”

O. “Primary entrance” means the principal or main entrance of a building or structure which is used by the majority of patrons to access the building or structure.

P. “Projecting/hanging sign” means a sign, which is attached to or supported by a wall or suspended from the overhang of a building or other structure.

Q. “Repair” means the reconstruction or renewal of any part of an existing sign for the purpose of its maintenance.

R. “Sandwich board sign” means a sign which consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.

S. “Sign” means any letter, figure, design, symbol, trademark or other device which is intended to attract attention to any activity, service, place, political office, subject, firm, corporation or merchandise, except traffic signs or signals, public or court notices, signs not visible from the public right-of-way or adjacent properties, signs on moving vehicles, newspapers, leaflets or other printed materials intended for individual use or individual distribution to members of the public, government flags, flags and bunting exhibited to commemorate national patriotic holidays.

T. “Street frontage” means that portion of any lot or building facing a street or sidewalk and with direct access to that street or sidewalk.

U. “Non-durable sign” means any sign that is used temporarily and is not permanently mounted, painted, or otherwise affixed, including any poster, banner, placard, stake sign, or sign not placed in the ground with concrete or other means to provide permanent support, stability, and rot prevention. Non-durable signs may only be made of non-durable materials including, but not limited to, paper, corrugated board, flexible or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than 20 oz. fabric, vinyl canvas and vinyl mesh products without plasticizers, and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to permanent sign regulations.

V. “Two-sided” means a sign where only one face is visible from any viewing position.

W. "Window sign" means a sign placed inside a building within 15 feet of the window or on a window and visible from the outside. This term does not include merchandise.

15.08.030 Permits required.

A. No signs, except those described in BIMC 15.08.050, shall be erected without a valid sign permit.

B. Permit application requirements shall be determined by the director and shall include a site plan showing the location of the signs, the position of buildings and landscaped areas, the elevations of the signs, and the configuration and size of the signs.

C. A valid sign permit is required before altering an existing sign or repairing a sign where the repair exceeds 50 percent of the replacement cost.

D. Legally established signs that include changeable copy are exempt from permit requirements for altering the changeable copy.

15.08.040 Permit fees.

Permit fees shall be as established by the city council by resolution.

15.08.050 Signs not requiring a permit.

The following signs shall not require a permit:

A. Signs installed by the City, County, State, or federal governmental agency for the protection of the public health, safety, and general welfare.

B. Noncommercial non-durable signs allowed under BIMC 15.08.140.

C. Culturally, historically, or architecturally significant signs, existing at the time of passage of the ordinance codified in this chapter and officially recognized by the city. Designation of culturally, historically, or architecturally significant signs will be adopted by separate resolution.

D. Any window sign four square feet or less in size; provided, that no single sign or combination of signs shall exceed 25 percent of an individual window area.

E. A single noncommercial sign, not exceeding 24 square feet in area, mounted at a height not exceeding 20 feet above grade, located on "agricultural land" as that term is defined in Chapter 16.26 BIMC.

15.08.060 Prohibited signs.

The following signs are prohibited:

A. Billboards, streamers, pennants, ribbons, spinners, or other similar devices.

B. Flashing signs, roof signs, signs containing moving parts or appearing to move, and signs which sparkle or twinkle in the sunlight.

C. Signs advertising or identifying a business which is defunct.

D. Signs, except for traffic, regulatory, or informational signs, using the words "stop," "caution," or "danger," or incorporating red, amber, or green lights resembling traffic signals, or resembling "stop" or "yield" signs in shape or color.

E. Signs advertising a business not located on the parcel or development containing the business except signs erected by, or with funding from, the City or the State of Washington.

F. Signs mounted on stationary, unlicensed vehicles.

G. Illuminated features, on the exterior of a building, that call attention to the building or product sold within the building.

H. Any window sign(s) exceeding four square feet in area or exceeding 25 percent of an individual window area.

I. Neon signs, except as permitted in BIMC 15.08.100.B.

J. On-premises signs in the natural, conservancy, aquatic conservancy, and aquatic shoreline environments, except for navigation aids and public information.

K. Signs attached or placed on trees, vegetation, or other natural features, except for memorial or species identification labels.

L. Signs on or attached to any utility pole, traffic control device, lamp post, or any other public infrastructure, building, or structure, except bannerets.

M. Any sign placed without the necessary permit or not in accordance with the size, place and manner limitations provided in this chapter.

N. Any sign that:

1. Is structurally, electrically, or otherwise unsafe; or
2. Constitutes a hazard, by design or placement, to public safety and health; or
3. Obstructs free entrance or exit from a door or window that is required to be in place by this code or the City; or

O. Portable signs, except that the following portable signs are allowed:

1. Portable signs owned and erected by a public agency;
2. Portable signs erected entirely on private property;
3. Portable signs erected on publicly owned property with the authorization of the public entity owning the property;
4. Portable signs authorized to be erected in the City right-of-way in accordance with an approved right-of-way use permit; and
5. Sandwich board signs allowed under BIMC 15.08.115.
6. One portable sign per construction site not to exceed twelve (12) square feet in area located on the parcel being improved. Sign must be in conjunction with an approved building permit. The sign shall be removed within thirty (30) days of the occupancy of the structure.
7. One portable sign per parcel of real property listed for sale not to exceed twelve (12) square feet in area located on the parcel listed for sale. The sign shall be removed within thirty (30) days of closing of the sale.

P. Signs placed on sidewalks, driveways, or other improved areas designed for vehicular, bicycle, wheelchair, or pedestrian use, except as conditioned in a right-of-way use permit issued by the City.

15.08.070 Nonconforming signs.

A. A nonconforming sign lawfully existing prior to July 26, 1993, may remain and be used subject to the provisions of subsections B and C of this section.

B. A nonconforming sign cannot be enlarged, reworded, redesigned, or altered in any way except to conform to this chapter. If the cost to repair a nonconforming sign exceeds 50 percent of its replacement cost, the sign shall not be repaired except to conform to this chapter.

C. A sign replacing a nonconforming sign shall conform to this chapter.

15.08.080 Measurement of sign area.

Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the sign surface. For freestanding signs, support structures (providing that they are not signs) extending up to one foot above the signs shall not be included in the calculation of the sign area. For signs which are

a molded, cast, carved, or otherwise integral part of a solid concrete, masonry, wood, or composite wall, foundation, fence, or entry structure, the sign area shall be measured within a continuous perimeter enclosing the extreme limits of the lettering and/or image.

15.08.090 Height of sign.

A. The height of any sign shall be measured from the grade adjacent to the sign.

B. The height of signs located within a marina shall not exceed 15 feet above the ordinary high water mark.

C. Awning structures on which sign images are attached shall be subject to regulation under the Uniform Building Code as adopted in Chapter 15.04 BIMC.

15.08.100 General regulations.

A. Signs within the Shoreline Master Program Jurisdiction.

1. Sign permits shall be submitted for review and approval at the time of shoreline permit submittal.
2. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.
3. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or as approved as part of a water-dependent use.
4. Signs which impair visual access in view corridors are prohibited.
5. Governmental signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations at all points of access. Signs shall also indicate all limitations on use of such areas including use of fire, alcohol, jet skis, and other recreational equipment, as well as requirements regarding pets.

B. Illumination Standards.

1. Signs, except for facade or awning signs, shall only be illuminated externally by light sources shielded so that the lamp is not visible from adjacent properties, the public right-of-way or watercourses. Sign lighting shall conform to BIMC 18.15.040.
2. Lights illuminating a sign shall project illumination toward the face of the sign.
3. Signs shall not flash, rotate, or have motorized parts or exposed electrical wires.
4. Signs shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m. unless the premises on which they are located is open for business.
5. Up to three neon signs are allowed in commercial zones for each business; provided, that they do not exceed four square feet for any individual sign. Total signage of all types shall not exceed 25 percent of an individual window area. For each retail business that has window area in excess of 100 square feet, an additional four square feet of neon sign area is allowed. Neon signs are allowed only on properties zoned for commercial uses, shall not be visible from the shoreline, and shall not flash.
6. One commercial use sign for theaters, including film or performing arts buildings that were constructed prior to November 10, 1999, may be internally illuminated and may include external unshielded neon lights.
7. Facade signs may be internally illuminated if:
 - a. The background does not emit light;
 - b. The background constitutes a minimum of 80 percent of the sign area; and

- c. The illumination source is shielded.

C. Placement Standards.

1. Signs, including banners and non-durable signs, shall not be mounted on roofs, extend above the roof line, or be located more than 20 feet above the grade except for retail businesses with a second-floor exterior entrance.
2. Signs projecting from a building shall not be less than eight feet above grade, unless permitted by the city through an administrative variance procedure.
3. Freestanding signs shall not exceed five feet in height except in the Business/Industrial and NC zones and except as regulated by BIMC 15.08.120.B. Supporting structures (providing that they are not signs) for freestanding signs may extend one foot higher than the height limit for freestanding signs. In the Business/Industrial and NC zones, freestanding signs shall not exceed eight feet in height.

D. Freestanding signs shall be located within a landscaped area that is twice the area of the sign area, and the plantings or the landscaped area shall be located so as to shield illumination sources.

E. All signs visible from Highway 305 must be in conformance with the standards of the Scenic Vistas Act (Chapter 47.42 RCW and Chapter 468-66 WAC) that is incorporated herein by this reference as well as the related Washington State Department of Transportation (“WSDOT”) rules, regulations, and noncompliance penalties; provided, that all signs within the city shall also be subject to any additional restrictions as provided in this chapter. In the case of conflict between the requirements of the Scenic Vistas Act and this chapter, the more restrictive requirement shall apply.

15.08.110 Commercial use signs.

In addition to the general regulations of this chapter, the following regulations shall apply to all commercial use signs.

A. Facade Signs.

1. The total aggregate area of all facade signs on each wall shall not exceed 128 square feet.
2. Buildings may have one facade sign with a maximum area of 36 square feet for each tenant. If the building has street frontage on two or more streets, has access from an alley or parking area to the side or behind the building, or has retail uses on a second floor, a facade sign for each tenant is allowed; provided, that no additional sign shall exceed 20 square feet in area, face the same street, alley, or parking area or be on the same floor as another facade sign.
3. Facade signs shall be located less than 20 feet above grade except for retail businesses with a second-floor exterior entrance.
4. A single directory, combining the name of the commercial complex and the individual names of businesses located within, is allowed provided no other facade sign on the building shall exceed 20 square feet in area except for retail businesses with a second-floor exterior entrance may have a facade sign up to 36 square feet. The maximum sign area for this directory is 48 square feet.
5. A single facade sign for a commercial complex is allowed at the primary entrance instead of a directory, provided no other facade sign for building tenants shall exceed 20 square feet in area except for retail businesses with a second floor exterior entrance may have a facade sign up to 36 square feet. The maximum area for this commercial complex sign is 36 square feet.
6. There may be up to three facade sign(s) per tenant in the High School Road commercial zone located more than 200 feet from the edge of any public right-of-way. No additional sign shall exceed 20 square feet in area, face the same street, alley or parking area or be on the same floor as another facade sign.

B. Freestanding Signs.

1. No more than one freestanding sign shall be allowed per tenant. The sign shall not exceed 20 square feet on any single face or 40 square feet on two faces. No more than two freestanding signs, regardless of the number of tenants, shall be allowed on any property.

2. A freestanding identification sign, for a commercial complex, with or without the individual names of businesses located therein, with a maximum sign area of 40 square feet on any single face and a total surface area of 60 square feet if two sided may be erected facing each street frontage. No individual tenant freestanding signs may be erected on such a property that contains this freestanding identification sign.

3. In the Business/Industrial zone, freestanding identification signs may be located on adjacent Business/Industrial zoned properties if the signs contain directional information to assist in locating the businesses listed and permission is obtained from the owner of the property where the sign is located. The maximum sign area shall be 36 square feet. The sign shall not be counted toward the maximum number of freestanding signs allowed.

C. An awning or marquee sign, not exceeding 20 square feet in area per commercial tenant, is allowed instead of a facade sign. The lowest point of the awning or marquee is at least eight feet above the sidewalk, and the awning shall have a dark background if illuminated from behind.

D. Projecting/Hanging Signs.

1. A business may have one projecting sign, located at least eight feet above grade, with a maximum area of five square feet for each side. The fixture used to suspend the hanging sign must be included in the permit design and approved by the designated officials, but shall not be included in the total size of the sign.

2. Signs for theaters, including film or performing arts buildings, shall not exceed 80 square feet on a single face and 140 square feet on multiple faces and shall be located at least 100 feet from any property zoned single-family.

E. Sandwich Board Signs. Sandwich board signs displaying commercial speech shall be allowed to the extent provided in BIMC 15.08.115.

15.08.115 Sandwich board signs.

In addition to the regulations of this chapter, the following regulations shall apply to sandwich board signs:

A. City Property (excluding City right-of-way). No person shall erect a sandwich board sign on City-owned property without first obtaining authorization from the City. Such authorization may be given by the City Council, City Manager, or through a special event permit issued in accordance with Chapter 12.06 BIMC. Any person authorized to erect a sandwich board sign on City-owned property shall be responsible for removing the sign at the time designated by the City when authorization to erect the sign was granted.

B. City Right-of-Way. Sandwich board signs erected within City right-of-way must comply with the following requirements:

1. Sandwich board signs erected within City right-of-way located within the Mixed Use Town Center, High School Road Districts I and II, or Neighborhood Center zoning districts shall comply with the following requirements:
 - a. Each owner of a sandwich board sign may erect one nonilluminated sandwich board sign within the City right-of-way.
 - b. No person may erect a sandwich board sign within the roadway portion of the City right-of-way, except as conditioned in a right-of-way use permit.
 - c. No sandwich board sign may be erected on sidewalks, driveways, or other paved or unpaved areas designated for pedestrian or vehicular use if the sign interferes with sight distances or creates a vehicular, cyclist, wheelchair, or pedestrian traffic obstruction or hazard.

- d. Sandwich board signs may only be displayed within the City right-of-way between the hours of 6:00 AM and 11:00 PM each day. Outside of those hours, the owner of the sandwich board sign shall remove the sandwich board sign from the City right-of-way.
 - e. Sandwich board signs shall be a minimum of thirty (30) inches high and a maximum of forty-eight (48) inches high.
 - f. Each face of a sandwich board sign shall not exceed six (6) square feet in area.
 - g. Sandwich board signs may only be erected at a location within the City right-of-way if the owner of the sandwich board has obtained permission of the abutting property owner.
 - h. Contact information for the owner of the sandwich board sign must be included on all sandwich board signs.
 - i. Sandwich board signs are exempt from BIMC 15.08.060.E.
 - j. The owner of a sandwich board sign shall regularly inspect the sign to ensure that the sign has not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired by the owner so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.
2. Sandwich board signs erected within City right-of-way that is not located within the Mixed Use Town Center, High School Road Districts I and II, or Neighborhood Center zoning districts shall comply with the following requirements:
- a. Each owner of a sandwich board sign may erect one nonilluminated sandwich board sign within the City right-of-way.
 - b. No person may erect a sandwich board sign within the roadway portion of the City right-of-way, except as conditioned in a right-of-way use permit.
 - c. No sandwich board sign may be erected on sidewalks, driveways, or other paved or unpaved areas designated for pedestrian or vehicular use if the sign interferes with sight distances or creates a vehicular, cyclist, wheelchair, or pedestrian traffic obstruction or hazard.
 - d. Sandwich board signs may only be displayed within the City right-of-way between the hours of 6:00 AM and 11:00 PM each day. Outside of those hours, the owner of the sandwich board sign shall remove the sandwich board sign from the City right-of-way.
 - e. Sandwich board signs shall be a minimum of thirty (30) inches high and a maximum of forty-eight (48) inches high.
 - f. Each face of a sandwich board sign shall not exceed six (6) square feet in area.
 - g. Sandwich board signs may only be erected at a location within the City right-of-way if the owner of the sandwich board has obtained permission of the abutting property owner.
 - h. Contact information for the owner of the sandwich board sign must be included on all sandwich board signs.
 - i. Sandwich board signs are exempt from BIMC 15.08.060.E.
 - j. The owner of a sandwich board sign shall regularly inspect the sign to ensure that the sign has not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired by the owner so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

C. Private Property. Sandwich board signs erected on private property shall comply with the following requirements:

1. Sandwich board signs displaying commercial speech shall comply with the following requirements:
- a. One nonilluminated sandwich board sign shall be allowed per business.
 - b. Sandwich board signs shall be a minimum of thirty (30) inches high and a maximum of forty-eight (48) inches high.
 - c. Each face of a sandwich board sign shall not exceed six (6) square feet in area.
 - d. Sandwich board signs shall be located on real property where the business is located, provided that permission of the owner of the real property has been obtained.
 - e. The owner of a sandwich board sign shall regularly inspect the sign to ensure that the sign has not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs

shall be immediately removed or repaired by the owner so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

2. Sandwich board signs displaying noncommercial speech shall comply with the following requirements:

- a. One nonilluminated sandwich board sign shall be allowed per lot.
- b. Sandwich board signs shall be a minimum of thirty (30) inches high and a maximum of forty-eight (48) inches high.
- c. Each face of a sandwich board sign shall not exceed six (6) square feet in area.
- d. The owner of a sandwich board sign shall regularly inspect the sign to ensure that the sign has not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired by the owner so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

15.08.120 Institutional or public use signs.

In addition to the general regulations of this chapter, public institutions or public entities:

A. May have a single sign, either facade-mounted or a freestanding identification sign, visible from each street frontage;

B. May have one additional freestanding identification sign at the principal entrance not to exceed a maximum height of six feet. The maximum sign area of any face shall be no greater than 40 square feet;

15.08.130 Residential use signs.

In addition to the general regulations of this chapter, the following regulations shall apply to all residential use signs.

A. Residential developments may have a single freestanding sign with a maximum sign area of 10 square feet.

B. Home occupations, legally established, may have an identification sign as allowed in BIMC 18.09.030.I.13.

C. Multifamily residential developments may have a directory sign, with a maximum sign area of 20 square feet, at one vehicular entrance on each street frontage.

15.08.140 Non-durable signs.

A. Removal. Non-durable signs shall be removed by the person responsible for placement of the sign if the sign is in need of repair, is worn, dilapidated, or creates a public nuisance.

B. Materials. See the definition of “non-durable sign” in BIMC 15.08.020.

C. City Property (excluding City right-of-way). No person shall erect a non-durable sign on City-owned property without first obtaining authorization from the City. Such authorization may be given by the City Council, City Manager, or through a special event permit issued in accordance with Chapter 12.06 BIMC. Any person authorized to erect a non-durable sign on City-owned property shall be responsible for removing the sign at the time designated by the City when authorization to erect the sign was granted.

D. City Right-of-Way. Non-durable signs located within City right-of-way must comply with the following requirements:

1. Non-durable signs erected within City right-of-way located within the Mixed Use Town Center, High School Road Districts I and II, or Neighborhood Center zoning districts shall comply with the following requirements:

- a. No person may erect a non-durable sign within the roadway portion of the City right-of-way except as conditioned in a right-of-way use permit.

- b. Non-durable signs may be erected on sidewalks, driveways, or other paved or unpaved areas designated for pedestrian or vehicular use only if the sign does not interfere with sight distances and does not create a vehicular, cyclist, wheelchair, or pedestrian traffic obstruction or hazard.
 - c. Only non-durable signs on stakes that can be manually pushed or hammered into the ground are allowed, except that the City may allow other non-durable signs through the issuance of a right-of-way use permit.
 - d. Non-durable signs located within the City right-of-way shall not exceed four (4) square feet, and three (3) feet in height.
 - e. If noncommercial speech, no sign permit is required.
 - f. Non-durable signs displaying commercial speech are prohibited.
 - g. Banners on or over the City right-of way require permitting through a right-of-way use permit and are limited to a two (2) week period.
2. Non-durable signs erected within City right-of-way that is not located within the Mixed Use Town Center, High School Road Districts I and II, or Neighborhood Center zoning districts shall comply with the following requirements:
- a. No person may erect a non-durable sign within the roadway portion of the City right-of way except as conditioned in a right-of-way use permit.
 - b. Non-durable signs may be erected on sidewalks, driveways, or other paved or unpaved areas designated for pedestrian or vehicular use only if the sign does not interfere with sight distances and does not create a vehicular, cyclist, wheelchair, or pedestrian traffic obstruction or hazard.
 - c. Only non-durable signs on stakes that can be manually pushed or hammered into the ground are allowed, except that the City may allow other non-durable signs through the issuance of a right-of-way use permit.
 - d. Non-durable signs located within the City right-of-way shall not exceed four (4) square feet, and three (3) feet in height.
 - e. Both commercial and noncommercial non-durable signs are allowed only if the owner of the sign obtains the permission of the abutting property owner.
 - f. If noncommercial speech, no sign permit is required.
 - g. If commercial speech, a sign permit is required and the sign may only be displayed for a maximum of 30 days within a 12-month period.
 - h. Banners on or over the City right-of way require permitting through a right-of-way use permit and are limited to a two (2) week period.

E. Residential zones. Non-durable signs erected on property residentially zoned shall comply with the following requirements:

- 1. Size and height. Non-durable signs located within residential zones shall not exceed four (4) square feet in size and three (3) feet in height.

F. Non-residential zones: Non-durable signs erected on non-residentially zoned property shall comply with the following requirements:

- 1. Size and height. Non-durable signs located within non-residential zones shall not exceed four (4) square feet in size and three (3) feet in height.

15.08.150 Sign variance.

A. A variance is the mechanism by which the city may grant relief from the provisions of this chapter where practical difficulty renders compliance with the provisions of this chapter an unnecessary hardship and where the hardship is a result of the physical characteristics of the subject property.

B. The variance procedure shall be administrative and determined by the director.

15.08.160 Enforcement and penalties.

A. Enforcement of this chapter and the imposition of penalties for violations of this chapter shall be as provided for in Chapter 1.26 BIMC.

B. The city may remove and dispose of signs that it determines are a threat to public safety and recover costs from the owner of the property on which the sign is located or the sign owner. Within 10 days of removal of a sign, and upon payment of the costs of removal, the owner may recover a sign.

March/April 2016

Supreme Court Case Requires Rewrite of Municipal Sign Laws

Guest Author: Victoria L. Polidoro, Esq., Partner, Rodenhausen Chale LLP

On June 18, 2015, the Supreme Court decided the case of *Reed v. Town of Gilbert*, Arizona¹, which invalidated the Town of Gilbert's (Gilbert) sign law as an unconstitutional restriction on speech. As a result, municipal sign laws throughout the country should be reevaluated to determine whether they pass constitutional muster. The following provides an explanation of the *Reed* case and guidance on the regulation of signs post-*Reed*.

Town of Gilbert's Sign Code

Like many municipalities, Gilbert, Arizona adopted a sign code which identified various categories of signs based on the type of information they conveyed. Each category of signs was subjected to different regulations. Categories included "temporary directional signs relating to a qualifying event", "ideological signs", "construction signs", "directional signs", "garage sale signs", "political signs" and "bazaar signs", among others.

Gilbert's sign code generally required a permit for outdoor signs with 23 different categories of signs exempted from the permit requirement. The Supreme Court considered three of the exemptions in some detail before ultimately deciding that the sign law constituted a content-based restriction on speech: ideological signs, political signs and temporary directional signs. Under Gilbert's sign code, these three sign types were treated differently with regard to size, location, and timeframe, as follows:



Graphic depiction showing some of the different allowances for non-commercial signs in the Town of Gilbert's sign regulations. (Photo credit: The Becket Fund for Religious Liberty)

Sign Type:	Ideological	Political		Temporary Directional
Allowed Square Footage:	20 square feet	16 square feet	32 square feet	6 square feet
Allowed Location:	All zoning districts	Residential property	Non-residential or undeveloped municipal property	No more than 4 signs per property
Allowed Timeframe:	No time limit	60 days prior to primary election to 15 days following general election		12 hours prior to 1 hour after the qualifying event

Reed v. Town of Gilbert

The petitioner in the case is Clyde Reed, the Pastor of Good News Community Church. The Church is described by the Court as a "small cash-strapped entity that owns no building," causing it to hold services at available locations throughout the Town. The Church began placing 15-20 temporary signs around the Town advising the public of the time and place of its services. Signs would be posted on Saturday and removed on Sunday. The Town cited the Church for exceeding the durational limit on temporary directional signs and for failing to include the date of the event on the signs.



The temporary signs placed around Gilbert by the Good News Community Church. (Photo credit: www.legalbroadcastnetwork.com)

The Church filed a complaint in Federal Court, claiming that its first amendment right to freedom of speech was being violated by Gilbert's sign code. The District Court and the Court of Appeals ruled in favor of Gilbert. The Supreme Court overturned the decision, holding that Gilbert's sign code was an unconstitutional content-based regulation of speech.

The Supreme Court analyzed the sign law and whether it violated the First Amendment, which prohibits laws "abridging the freedom of speech." A municipality may not "restrict expression because of its message, its ideas, its subject matter, or its content."² Content-based restrictions are "presumptively unconstitutional" unless the municipality can provide that the restrictions are "narrowly tailored to serve compelling state interests,"³ such as traffic safety or aesthetics.

The court identified Gilbert's sign code as a subtle form of content-based speech regulation which defines speech by its purpose or function. The Court reasoned that the "restrictions in the Sign Code that apply to any given sign . . . depend entirely on the communicative content of the sign."⁴ Even though Gilbert's sign code did not distinguish between different viewpoints on the sign or express disagreement with any messages on the signs, **the act of regulating a sign by its function rendered the regulation a content-based regulation.**

Gilbert defended the sign code by arguing that the code served two compelling interests: preserving aesthetics and traffic safety. The Court found that the regulations were "underinclusive" and therefore ineffective. For example, "The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem."⁵ With respect to aesthetics, the Court did not find the regulation to be narrowly tailored because it allowed an unlimited number of ideological signs while placing significant limits on directional signs.

With respect to traffic safety, the Court was not persuaded that limiting threats to safety from directional signs, but not from ideological or political signs, was a narrowly tailored approach, given the Court's opinion that "a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting."⁶



An example similar to one provided in the Reed brief showing temporary political signs in comparison to the temporary church event sign. (Photo credit: www.westerncity.com)

The Outcome

The outcome of the Reed case is that any municipal sign law which regulates signs based on their function – ie, political, garage sale, non-profit – will be subject to the “strict scrutiny” test and will be presumed unconstitutional unless the municipality can prove that the regulations further a compelling government interest and are narrowly tailored to serve that interest. The Supreme Court’s decision involved only non-commercial signs. It is unclear whether a future case will apply the same test to commercial signage.

Unfortunately, the Court’s opinion means that common exemptions in sign codes for historical markers, home occupations, hidden driveways and no trespassing signs would probably fail under a strict reading of the decision. Communities may act to “repeal the exemptions that allow for helpful signs on streets, or else lift their sign restrictions altogether and resign themselves to the resulting clutter”⁷. Neither option is desirable.

After dealing a huge blow to sign codes throughout the Country, the Court did offer guidance on regulations that are not content-based. The following is a non-exclusive list of sign regulations that are not content-based and therefore presumed constitutional, along with examples of such regulations adopted by Dutchess County communities.

1. **Size of Signs:** The Town of Pleasant Valley regulates the size of permanent signs based on the location and make of the sign. The permitted size of a wall sign is based on the size of the establishment’s principal façade, while a monument sign can be no larger than 16 square feet on each side and no taller than six feet.⁸
2. **Lighting of Signs:** The Village of Fishkill has adopted different sign regulations for different zoning districts within the Village. Internally illuminated signs are permitted along Route 9 and I-84 but prohibited within the historic main street area.⁹
3. **Electronic Message Display Signs:** The Town of Poughkeepsie prohibits electronic message display signs (EMDs) in all residential districts, hamlet districts and in certain commercial districts. Where such signs are permitted, the Town regulates the distance

between EMDs, the location of EMDs, and requires a message to be displayed for no less than 12 hours without change.¹⁰

4. **Placement of Signs:** The Town of Red Hook prohibits signs in the public right of way.¹¹
5. **On-Premises and Off-Premises Signs:** The Town of LaGrange prohibits billboards in all district. A Billboard is defined as "an off-premises sign that is leased or rented for profit."¹²
6. **Total Number of Signs Permitted:** The Town of Hyde Park regulates signs on establishments within a shopping center. Each establishment may have a sign no more than one square foot for each lineal foot that the establishment occupies, up to 100 square feet.¹³
7. **Building Materials and Moving Parts:** The Town of Dover Zoning Law prohibits signs from containing or consisting "of any moving, rotating, or revolving device."¹⁴
8. **Permanent versus Temporary Signage:** The Town of Poughkeepsie permits one a-frame or sidewalk sign per business, provided it does not obstruct the sidewalk or an egress door and further provided it is made of durable, weather resistant materials.¹⁵
9. **Time Restrictions:** Rules imposing time restrictions on signs advertising a one-time event or allowing signs leading up to an election or other event, so long as signs of any topic whatsoever are permitted.

Next Steps to Consider

This ruling by the Supreme Court has the potential to fundamentally change the way municipalities regulate non-commercial signs, which in turn could have a dramatic effect on our community aesthetics. Local municipalities should be prepared to adjust their sign codes accordingly. To that end, if your community has not already begun reviewing its sign law, proactive steps should be taken to convene a sign committee and review the local sign law prior to an expensive and costly legal challenge. Community officials should also review enforcement priorities with their municipal attorney and discuss whether provisions which would not satisfy the strict scrutiny test should continue to be enforced by the municipality.

¹ 138 S. Ct. 2218 (2015).

² Id. at 2226, citing *Police Department of Chicago v. Mosley*, 408 US 92 (1972).

³ Id., citing *R.A.V. v. St. Paul*, 505 US 377 (1992).

⁴ Id. at 2227.

⁵ Id. at 2221 (syllabus).

⁶ Id. at 2232.

⁷ Id. at 2237.

⁸ Town of Pleasant Valley Zoning Law § 98-46I(1)(a).

⁹ Village of Fishkill Zoning Law § 171-49C.

¹⁰ Town of Poughkeepsie Zoning Law § 210-123.1.

¹¹ Town of Red Hook Zoning Law § 143-27B(3).

¹² Town of LaGrange Zoning Law § 240-43B &D(1)(b).

¹³ Town of Hyde Park Zoning Law § 108-24.2C(2)(b).

¹⁴ Town of Dover Zoning Law § 145-39E(4).

¹⁵ Town of Poughkeepsie Zoning Law § 210-123.2.

More Information

[Reed v. Gilbert Supreme Court Opinion](#)

[Municipal Control of Signs](#) (updated), NYS DOS

[Opinion Analysis: The message determines the right](#), SCOTUSblog

[Court's Free-Speech Expansion Has Far-Reaching Consequences](#), NYTimes

[Supreme Court reaffirms broad prohibition on content-based speech restrictions, in today's *Reed v. Town of Gilbert* decision](#), The Washington Post

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MODEL SIGN CODE

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This Model Sign Code is no substitute for legal advice.

This Model Sign Code has been prepared with funding from the Association of Washington Cities Risk Management Services Agency (AWC RMSA) for use by its member cities. It is not meant to be adopted exactly as written. Each municipality may wish to develop local variations of the Model Sign Code, based on the municipality's comprehensive plan, zoning, allowed uses, existing development, aesthetics, economic considerations, etc.

We have attempted to draft this Model Sign Code to address the U.S. Supreme Court's opinion in *Reed v. Gilbert*, 135 S.Ct. 2218, 192 L.Ed.2d 236 (2015) and other applicable law. We recommend that municipal officials/staff consult with their attorneys before adopting this Model Sign Code or any of its provisions, especially when adopting any regulations that implicate the First Amendment. This Model Sign Code provides an interpretation of *Reed* that your jurisdiction may be willing to modify, depending on individual factors, which may involve additional risk.

Municipal officials and staff also need to keep in mind that there are legislative proposals to change the laws and the courts issue new decisions every day. These may affect the Model Sign Code and the practices that municipalities should follow in processing sign permits/enforcing the sign code. Accordingly, each municipality should consider this Model Sign Code as a resource only. Municipal attorneys must become familiar with case law applicable to the subject matter to ensure that their advice reflects a full examination of the current and relevant authorities.

To get started: The following steps are recommended for municipal officials preparing for an update of their Sign Code.

- Interview Sign Code users. Talk with municipal staff, local developers and builders, real estate professionals, engineers, property owners and staff from other agencies and service providers who are involved in the municipality's development processes. These individuals can provide important input and help in clarifying problems relating to existing regulations. Contacting them early in the process can only help introduce the subject of revising the Sign Code in a non-confrontational manner. This could be done in one-on-one or small group meetings to encourage candid discussion. Online surveys can also be an effective way to solicit input on specific questions.

- Appoint an Advisory Committee. An advisory committee can help in vetting issues and ideas, and in reviewing draft code amendments prior to soliciting input from the broader public. The committee should include some of the stakeholders interviewed at the outset, representatives from the planning commission and at least one city councilmember or county commissioner. A committee appointed or approved by the legislative body can effectively assist municipal officials and decision-makers by ensuring that the Sign Code addresses important community issues and that it includes perspectives from a representative cross-section of the community; reviewing and commenting on preliminary drafts of the new Sign Code; and supporting public involvement and education efforts during the Code adoption and implementation.

- Review the City's existing codes. After talking with stakeholders and identifying general code-related issues, you should compare the City's existing regulations to the Model Sign Code. Specifically, you should be categorizing the types of signs that are allowed in the municipality and comparing these with the content-neutral sign types in the Model Sign Code. In addition, you should review the municipality's existing regulations relating to size, location, height, illumination, design and other features, to determine whether these regulations should be included in your new code, based on the comprehensive plan, zoning code or other applicable regulations. There should also be consideration of the specific problem areas for signs – temporary signs located on private property and/or public right-of-way. Your municipal attorney should be able to advise you on regulations limiting signs in these areas, and the administrative record to be developed, to address First Amendment concerns. All of these evaluations should help you determine whether to adopt a completely new sign code or to amend the municipality's existing ordinances. Again, most municipalities will be required to at least amend their sign regulations, due to the Supreme Court's decision in *Reed*.

- Develop a work program. A work program to amend the municipality's sign code may include:

1. Adoption of a moratorium or an interim zoning ordinance (RCW 36.70A.390, RCW 35A.63.220 or RCW 35.63.200;
2. Public information and education about the existing sign code;
3. Information and graphics comparing the existing sign code to the proposed amendments;
4. Public meetings, workshops, open houses, and other opportunities for public input on the proposed changes;
5. Coordination with other departments and agencies. This may involve soliciting input from other municipal departments/agencies on sign-related issues, such as distracted driving, litter and aesthetics;
6. Review of the municipality's comprehensive plan and zoning regulations to ensure consistency with the proposed sign code;
7. Preparation of a draft sign code (sending it to the State Department of Commerce under RCW 36.70A.106 for municipalities planning under the Growth Management Act (chapter 36.70A RCW);
8. Public notification for public hearings on the draft sign code (RCW 36.70A.035);
9. Public hearings before the planning commission on the draft sign code (RCW 35A.63.100 and RCW 35.63.120);
10. Preparation by the planning commission of a recommendation to the city council on the proposed sign code;

11. City council consideration of the planning commission’s recommendation and public hearings as required (RCW 36.70A.035, RCW 35.63.120) before adoption; and

12. Transmittal of the adopted sign code to the State Department of Commerce under RCW 36.70A.106 (for municipalities planning under the Growth Management Act).

Preparation of a Study to confirm “purpose” statements. Depending on the regulations proposed for adoption, you may need to prepare a study to support the regulations. Review *Collier v. Tacoma*, 212 Wn.2d 737, 854 P.2d 1046 (1993).

Please keep in mind that this Model Sign Code contemplates that the municipality enforces the Sign Code through a separate Zoning Code Enforcement chapter. Some signs may require building permits or approvals from other departments, such as building permits for permanent signs and right-of-way use permits for permanent signs placed in the public right-of-way.

Thanks to Bob Meinig of the Municipal Research Services Center and Susan Drummond of the Law Office of Susan Drummond for their reviews of drafts of this Model Sign Code.

MODEL SIGN CODE

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- ___.290 Definitions.

Section __.010 Intent and Purpose.

A. Intent. Signs have a strong visual impact on the character and quality of the community. As a prominent part of the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone for the neighborhood. The City relies upon its scenery and physical beauty to attract commerce, aesthetic considerations assume economic value. It is the intent of the City, through this Chapter, to protect and enhance the City's historic and residential character and its economic base through the provision of appropriate and aesthetic signage. In addition, it is the intent of the City to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety.

B. Purpose. The purpose of this Chapter is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. This Chapter has also been adopted to:

1. Promote and accomplish the goals, policies and objectives of the City's Comprehensive Plan and Zoning Code;
2. To provide minimum standards in order to safeguard life, health, property and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of sign and sign structures;
3. Recognize free speech rights by regulating signs in a content-neutral manner;
4. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
5. Protect the beauty of the City's built environment by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached, and to encourage signs that are compatible with adjacent buildings and businesses;
6. Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
7. Provide consistent sign design standards;
8. Protect encourage creative and innovative approaches to signage, and signs that are of a quality design, pleasing in appearance and are appropriate in size, materials and illumination to the surrounding neighborhood;
9. Provide an improved visual environment for the citizens of and visitors to the City;
10. Adopt clear, understandable regulations which enable the fair and consistent enforcement of this Chapter; and

11. Address emerging trends in digital and electronic sign technologies and provide regulations that facilitate use of such technologies while ensuring protection of motorists and pedestrians from the hazards of glare, startling bursts of light, and use of virtual movement and animation intended to attract driver attention, to hold driver gaze, and/or to otherwise distract drivers from the safe operation of their vehicles. Protect neighborhoods, surrounding development and the night sky from the nuisance factors associated with such glare, movement and animation of digital and electronic signs.

Section __.020 Applicability and Interpretations.

- A. This Chapter applies to all signs as defined in Section __.290 (Definitions), within the City which are visible **or audible** from any street, sidewalk or public place, regardless of the type or nature.
- B. This Chapter is not intended to, and shall not be interpreted to, restrict speech on the basis of its content, viewpoint, or message. Any classification of signs in this Chapter which purports to permit speech by reason of the type of sign, identity of the sign user or otherwise, shall be interpreted to allow commercial or non-commercial speech on the sign. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. To the extent that any provision of this Chapter is ambiguous, the term shall be interpreted not to regulate speech on the basis of the content of the message.

Section __.030 Exemptions. The following signs or activities relating to signs are exempt from the permitting requirements of this Chapter.

- A. Changes to the face or copy of changeable copy signs, digital signs, electronic messaging signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.
- B. The normal repair and maintenance of conforming or legal nonconforming signs.
- C. Temporary signs on private property or public property, meeting the requirements in Section __.270 (Temporary Signs).
- D. Building identification numbers as required pursuant to this Code (chapter __.) or any other City or State regulation.
- E. Governmental signs. Signs installed by the City, County, or a federal or State governmental agency for the protection of the public health, safety and general welfare, including, but not limited to, the following:
1. Emergency and warning signs necessary for public safety or civil defense;
 2. Traffic and/or wayfinding signs erected and maintained by an authorized public agency;
 3. Signs required to be displayed by law;

4. Signs showing the location of public facilities; and
5. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety and general welfare.
- F. Flags. Any flags, provided that they conform to all provisions of this chapter for signs.¹
- G. Certain stone or cement plaques and cornerstones with engraved or cast text or symbols and permanently embedded in the building's foundation or masonry siding materials, provided that none of these exceed four (4) square feet in area.
- H. Interior signs. Signs or displays located entirely inside of a building and located at least three (3) feet away from transparent doors and windows.
- I. Non-visible signs. Signs and associated sign support structures not visible or audible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
- J. Vehicle with signs not prohibited by ___.040(I). Any sign on a vehicle, unless such vehicle is parked or stationed near an activity for the primary purpose of attracting public attention to such activity, and unless such vehicle or mobile unit is regularly parked in any prominently visible location for the primary purpose of attracting public attention to the sign.
- K. Temporary signs in windows. Any temporary sign taped or otherwise affixed to the inside of a window, in such a manner as to be easily removed, provided that the total area of such sign in any one window does not exceed the size limitations in Section ___.280 (Window Signs) and Section ___.270 (Temporary Signs).
- L. Bench signs. Any outdoor bench or furniture with any signs other than plaques one square foot or less in area.
- M. Privately-maintained traffic control signs in a subdivision with private roads, or signs in a parking lot.

¹ *Central Radio Co., Inc. v. City of Norfolk, Va.*, 811 F.3d 625 (4th Cir. 2016) (ordinance limiting size of signs but exempting flags and works of art held unconstitutional).

Section __.040 Prohibited Signs. No person shall erect, alter, maintain or relocate any of the following signs in the City.

A. Animated signs. Rotating or revolving signs, or signs where all or a portion of the sign moves in some manner. This includes any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, propellers, whirling, or similar devices designed to flutter, rotate or display other movement under the influence of the wind, including flag canopies not otherwise allowed in Section __.160 (Awning or Canopy Signs), streamers, tubes, or other devices affected by the movement of air or other atmospheric or mechanical means. This does not include historic signs and historic replica signs where the applicant is able to prove, through documentation or other evidence, that the original historic sign produced the same motion/movement and is proposed in the same location.

B. Rotating signs. Any sign in which the sign body or any portion rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means.

C. Nuisance signs. Any signs which emit smoke, visible particles, odors and sound, except that speakers in drive-through facilities shall be permitted.

D. Bench or furniture signs greater than one (1) square foot in area.

E. Flashing signs or lights. A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing light sources are prohibited. Signs with an exposed light source, **exceeding the equivalent of 25-watts per lamp**, including clear light bulbs which do not flash on a theater marquee except for neon incorporated into the design of the sign, are also prohibited. Electronic message center signs and digital signs are allowed under the provisions of Sections __.190 (Digital Signs) and __.200 (Electronic Message Center Signs).

F. Hazardous signs. Any sign that is dangerous or confusing to motorists on the public right-of-way, including any sign which by its color, wording, design, location or illumination resembles or conflicts with any official traffic control device or which otherwise impedes the safe and efficient flow of traffic is prohibited.

Alternative definition: Any sign that constitutes a traffic hazard or detriment to traffic safety by reason of its size, location, movement or method of illumination, or by obstructing the vision of drivers, or by distracting from the visibility of an official traffic control device by diverting or tending to divert the attention of drivers or moving vehicles from traffic movements on streets, roads, intersections or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians or by glare or method of illumination constitutes a hazard to pedestrians or traffic. No sign may interfere with, mislead or confuse traffic.

G. No sign may impede free ingress and egress from any door, window or exit way required by building and fire regulations.

H. Permanent signs that are for the primary purpose of advertising, either posted or carried on portable, non-motorized or motorized wheeled vehicles placed on vacant lots, parcels or easements.² No permanent sign shall be posted on a vacant lot, parcel or easement as the principal use of that lot, parcel or easement. Signs may only be established as an accessory use to a principally permitted use.

I. Portable, non-motorized wheeled vehicles or motorized, wheeled vehicles carrying signs that are: (1) for the primary purpose of advertising; (2) not permanently affixed (painted directly on the body of the vehicle or applied as a decal); (3) that extend beyond the overall length, width or height of the vehicle; and (4) parked on any public street within City limits.³

J. Abandoned signs.

K. Signs on utility poles, fences, on poles or trees.⁴

L. Off-site controlled signs. Any sign that is programmed and/or controlled off-site.

Section __.050 Sign permits.

A. Permit Required. No person shall erect, alter or relocate any sign requiring a permit under this Chapter without first submitting a sign permit application and receiving approval of the sign permit from the City, unless the sign is identified as exempt under Section __.030 (Exemptions). Some sign types may be regulated under other codes adopted by the City, which may require additional permits that are subject to additional regulations, including, but not limited to, the Building Code (chapter __.__) and Right-of-Way Use Permits (chapter __.__). Signs for which permits are not required shall nonetheless comply with all applicable provisions of this Chapter.

B. Review Procedures. The following steps shall be followed in the processing of sign permit applications ([hyperlink to appropriate section of City's Project Permit Processing code](#)):

1. Determination of Complete application (Section __.__)
2. Determination of Consistency (Section __.__)
3. Notice of Decision by Director (Section __.__)
4. Administrative Appeal – if any (open record hearing, Section __.__)

² Billboards: *Ackerly Communications v. Krochalis*, 108 F.3d 1095 (9th Cir. 1997); *Billboards Outdoor Systems v. City of Mesa*, 997 F.2d 604 (9th Cir. 1993); *Outdoor Media Group, Inc. v. City of Beaumont*, 506 F.3d 895 (9th Cir. 2007).

³ *Lone Star Security and Video, Inc. v. City of Los Angeles*, 827 F.3d 1192 (9th Cir. 2016). Court held that an officer seeking to enforce the vehicle sign ordinance must decide only whether an offending vehicle constitutes a prohibited “advertising display,” as opposed to transporting passengers or carrying cargo.

⁴ *City of Seattle v. Mighty Movers*, 152 Wn.2d 343, 96 P.3d 979 (2004) (ban on signs posted on utility poles upheld).

C. Application Requirements. A complete sign permit application shall consist of the following:

1. Application form. A completed sign permit application, including the applicant's name, address, phone number, and e-mail address. If the applicant is not the property owner, then the property owner must be identified, and the application must include an affidavit from the property owner, verifying that the property owner has given permission to the applicant for the submission of the sign permit application and for the installation/posting of the sign on the property owner's property.

2. Other permit applications. A completed building permit application, if required under the City's Building Code; a completed Right of Way Use permit application, if required under chapter ____; a completed Special Event permit application, if required under chapter ____.

3. Building elevation/site plan. Signs proposed to be mounted on a building require a building elevation drawn to scale that specifies the locations and size of existing signs on the building, the location and size of new signs proposed on the building, the dimensions of the wall plane upon which the signs will be placed, and drawings or photographs which show the scale of the sign in relation to surrounding doors, windows and other architectural features. Free-standing signs require a site plan indicating the proposed sign location as it relates to property lines, surrounding landscaping, adjacent streets, driveways and adjacent buildings.

4. Detailed description of sign. A scaled colored rendering or drawing of the sign and its associated support structure, including dimensions of all sign faces, and descriptions of materials to be used on the sign and associated trim caps, fixtures, and support structure; description of the sign face illumination and methods used to ensure that only text, graphics and logo shields are internally illuminated.

5. Scaled installation drawing. A scaled drawing that includes the sign description, proposed materials, size, weight, manner of construction and method of attachment, including all hardware necessary for proper sign installation, and, if applicable, foundation design..

6. Lighting. A drawing indicating the location and fixture type of all exterior lighting for the proposed signs. The drawing shall specify wattage and lamp type to ensure compatibility with the lighting standards in Section _____.090 (Sign Illumination).

7. Master Sign Plan. If the sign is subject to a Master Sign Plan as described in Section _____.060 (Master Sign Plans), a Master Sign Plan must be included as part of a complete sign permit, unless a Master Sign Plan for the site or building has already been approved, is current and is on file with the City.

8. Fees. Payment of the appropriate sign permit fee (and all other fees, such as building permit and/or electrical permit fees).

D. Criteria for Approval.

1. Sign permit applications shall be reviewed by the Community Development Director for consistency with the standards in this Chapter, according to sign type and other applicable regulations. A sign permit shall not issue unless the Director makes written findings and conclusions that the criteria applicable to each sign type, as well as the general standards in this Chapter, are satisfied. Building permit applications associated with signs shall be reviewed by the Building Official for consistency with the Building Code. If the sign uses electrical wiring and connections, a licensed electrician must submit a copy of the electrical permit application to the Community Development Department, with the original submitted for approval to the State of Washington. If the sign requires a Right-of-Way Use or Special Event permit, the application shall be submitted with the sign permit application for review by the Public Works Director.

2. **OPTIONAL LIMITATION ON SIGN AREA:** *A sign permit shall not issue unless the Director makes findings that the criteria applicable to each sign type in this Chapter are satisfied, and further, that the sign does not exceed the limits in this subsection for the business or use set forth below:*

(a) *Calculation of Maximum Size Allowance. The maximum total aggregate sign area of all signs permitted for a business or use shall not exceed one (1) square foot of sign area for each one (1) foot of principal building frontage occupied by such business or use. In addition, one square foot of sign area for each two hundred (200) square feet of gross floor area occupied by such business may be included in the calculation of the total area permitted. The total aggregate sign area is the combined total display area of all types of signs located on the premises measured in square feet, but not including exempt or temporary signs.*

(b) *Building Setback from Street. The tenants of a building which is set back one hundred (100) feet or more from the street may increase the wall sign area otherwise permitted to face such street by twenty-five (25) percent, provided that the total sign area on any one building frontage still does not exceed two hundred (200) square feet.*

(c) *Buildings with More than One Frontage. Any business which has more than one building frontage may have one hundred sixty (160) percent of the sign surface area permitted on the principal frontage by the provisions of subsection __.__.050(D)(2)(a). The permitted sign surface area may be distributed in any manner on the front and adjacent sides of the building which have frontage subject to the placement limitations of subsection __.__.050(D)(3), but in no event shall the sign surface area on any building façade exceed one hundred (100) percent of the sign surface area permitted by subsection __.__.050(D)(2)(a). Building frontage opposite the principal frontage may have additional sign area calculated in the same manner and subject to the same size and placement regulations as for the principal frontage, as long as two adjacent frontages do not exceed one hundred sixty (160) percent of the permitted sign surface area.*

3. *Other criteria for approval. In addition to the above, the Director shall make written findings that the sign meets all of the criteria in this Chapter for sign placement, maximum height, location on the property, zone, etc.*

E. Notice of Final Decision. A Notice of Decision incorporating the decision on the sign permit application shall issue not more than 120 days after issuance of the Determination of Completeness. This deadline shall not apply if a Right-of-Way Use permit or Special Event permit is required.⁵

F. Expiration of Sign Permit. Once the sign permit for the sign issues, the sign must be installed within 180 days or the sign permit will expire. Building permits and street Right-of-Way Use permits shall expire in accordance with other applicable code provisions. No sign may be erected if the sign permit has expired, even if the associated building permit and/or street Right-of-Way Use permit has not expired.

Section __.__.060 Master Sign Plans.

A. Approval required. Before the City will issue any sign permit relating to space in a proposed **mixed use or** nonresidential, multi-tenant building(s), or **site** development, the City must first approve a Master Sign Plan for the building(s) **and/or site development**. In addition, a master sign plan may be voluntarily developed and maintained by the owner or agent of any new or existing non-residential use.

B. Review procedures. The Community Development Director shall make the decision on the Master Sign Plan without a hearing. The following steps shall be followed in the processing of a Master Sign Plan (**hyperlink to appropriate section of City's Project Permit Processing code chapter**):

1. Determination of Complete application (Section __.__.__)
2. Determination of Consistency (Section __.__.__)
3. Notice of Decision by Director (Section __.__.__)
4. Administrative Appeal (if any) (open record hearing, Section __.__.__).

C. Application requirements. A complete Master Sign Plan application shall consist of the following:

1. A complete Master Sign Plan application, including the applicant's name, address, phone number and e-mail address. If the applicant is not the property owner(s), then the property owner(s) must be identified and the application must include an affidavit from the property owner(s), verifying that the property owner(s) has given permission to the applicant for the submission of the Master Sign Plan application. No sign may be placed upon real property without the consent of the real property owner(s).

⁵ See, RCW 36.70B.140(1). To support this, the city should determine by resolution or ordinance relating to the right-of-way use permit and special event permit, that special circumstances warrant a review process different from that provided in RCW 36.70B.060 through RCW 36.70B.080. For example, the right-of-way use permit is not defined as a project permit application under RCW 36.70B.020(4), and the city's decision to allow use of the street area under a right-of-way use permit is discretionary, based on public health and safety concerns.

2. A site plan drawn to legible scale, indicating the location of all buildings, driveways and pavement areas, landscape areas, abutting streets and proposed freestanding signs on the site;

3. Elevation drawings of each building on a site that indicates proposed sign locations on each of the buildings;

4. Maximum allowable signage on each elevation based upon a five (5) percent calculation of all facades;

5. The Master Sign Plan application shall identify the sign features and sign types proposed to be used on each building and the proposed location. **In addition, a statement shall be included which describes the manner in which the building or site owner wishes to allocate allowable signage among tenants and where specific tenant signage shall be located;**

6. A narrative description of the development to demonstrate that the master sign plan meets the required design standards of this Section; and

7. Fees. Payment of the appropriate fee for a Master Sign Plan.

D. Criteria for Approval. All signs in the Master Sign Plan must meet the criteria for approval in Section _____.050 (Sign Permits). In addition, all of the signs in the Master Sign Plan:

1. Shall be architecturally similar and visually related to each other through the incorporation of common design elements. Up to two sign types may be used on any one building.⁶ All sign cabinets, trim caps and all sign supports such as poles and braces shall be of a common color;

2. Shall be architecturally integrated with the buildings included in the Master Sign Plan; and

3. Must not obscure the view of other signs which are consistent with this Chapter.

E. Notice of Final Decision. *See*, Section _____.050(E) (Sign permits).

⁶ Examples of “sign types:” (1) individual pan-channel sign graphics – internally illuminated; (2) individual sign graphics – silhouette or halo illuminated; (3) individual cut-out sign graphics – no internal light source (*e.g.*, wood, foam, brass); (4) cabinet signs; (5) sandblasted or carved wood signs; (6) flat panel signs with hand-painted or vinyl graphics; (7) neon signs; (8) awning signs; (9) fabric signs (*e.g.*, banners); (10) combination signs – signs which incorporate sign types into one single sign in a specified or predetermined fashion (*e.g.*, individual pan-channel sign graphics combined with internally illuminated logo shields or reader lines; cabinet signs with neon mounted to the sign face; wood carved signs combined with metal cut-out sign graphics).

F. Expiration of Master Sign Plan. Once a Master Sign Plan is approved, the signs depicted in the approved Plan must be installed within 180 days or the Master Sign Plan will expire. Building permits and street Right-of-Way permits for any signs shown in the Master Sign Plan shall expire in accordance with other applicable code provisions. No sign may be erected under an expired Master Sign Plan, even if the associated sign permit, building permit or street Right-of-Way Use permit has not expired.

G. Amendment to Master Sign Plan. An application for an amendment to an approved Master Sign Plan may be made at any time, subject to the same limitations, requirements and procedures as those that apply to an original application in this Section. Tenants whose signs are included in the amendment application need the property owner's consent to file such application. In order to approve any such Amendment, the Director shall consider the existing signs on the building(s) subject to the approved Plan when determining whether the application meets the criteria for approval in subsection C of this Section.

Section __.__.070 Sign Variances.

A. Approval Required. A variance may be granted from the strict application of the regulations in this Chapter which apply to: (a) sign placement on a parcel or building frontage; (b) sign area; or (3) sign height, as regulated in this Chapter. A variance may not be granted to allow any prohibited signs or prohibited sign features, as described in Section __.__.040, or for any other purpose not listed in this subsection A. The variance procedure in this Section does not apply to any street Right-of-Way Use permit or Building permit.

B. Need for Sign Permit, Consolidation of Processing. A sign variance application may be submitted before or concurrent with the associated sign permit application. No sign permit application requiring a variance for issuance will be processed without a sign variance application **unless the applicant specifically requests that the application be processed without a variance.**

C. Review Procedures. The following steps shall be followed in the processing of sign variance applications (**hyperlink to appropriate section of the City's Permit Processing chapter**):

1. Determination of Complete Application (Section __.__.__)
2. Determination of Consistency (Section __.__.__)
3. Notice of Decision by Director (Section __.__.__)
4. Administrative Appeal, if any (open record hearing, Section __.__.__)

D. Application Requirements. A complete sign variance application shall consist of the following:

1. Application form. A completed sign variance application, including the applicant's name, address, phone number and e-mail address. If the applicant is not the property owner, then the property owner must be identified and the application must include an affidavit from the property owner, verifying that the property owner has given permission to the applicant for the submission of the sign variance application and for the installation/posting of the sign on the property owner's property.

2. Sign Permit Application (all of the materials required by Section _____.050, Sign Permits). However, the applicant may submit a variance application without a sign permit application as provided in subsection B above.

3. A narrative report which describes the requested variance in detail. The report shall identify all of the sections of this Chapter from which the applicant is requesting the variance, as well as the nature and extent of the variance (in size, area, location on the property, height).

4. The narrative report shall also include the applicant's description of the manner in which the sign variance satisfies all of the variance criteria in subsection E below.

5. Fees. Payment of the appropriate sign variance application fee.

E. Variance Criteria for Approval. Sign variance applications shall be reviewed by the Community Development Director to determine whether all of the following criteria are satisfied. In order to approve any sign variance, the Director must make written findings to show that all of the following criteria have been met:

1. The request for a sign variance is due to unusual conditions pertaining to sign visibility needs for a specific building or lot; and

2. The sign will not create a hazard; and

3. The sign will not violate any state statute or any City Code provision (other than the ones identified in this Chapter relating to signs); and

4. The sign will not negatively affect adjacent property; and

5. The sign will be in keeping with the general character of the surrounding area and the granting of the variance would not result in an alteration of the essential character of the surrounding area; and

6. The proposed variance is consistent with the purposes and intent of the Zoning Code and the purposes of this Chapter; and

7. The variance is consistent with the City's Comprehensive Plan; and

8. The applicant has established that there are practical difficulties in complying with the provision(s) of this Chapter and that the proposed sign is a reasonable use of the property. (Economic considerations alone do not constitute practical difficulties.); and

9. The plight of the applicant is due to circumstances unique to the property, which were not created by the applicant or landowner; and

10. The variance will not permit any sign or use that is not allowed in the zoning district where the affected land is located, nor will it allow any sign or sign feature prohibited under Section __.__.040.

F. First Amendment Exception/Variance. Where an applicant can demonstrate that the strict application of the regulations in this Chapter would violate his/her First Amendment rights, the City may grant a variance that does not conform to all of the variance criteria in subsection E above. However, the applicant shall submit an application which provides his/her response to each of the variance criteria in subsection E. The City need not make findings that all of the variance criteria have been satisfied, but if not all criteria have not been satisfied, the variance may only be granted to the extent reasonably necessary to protect the applicant's First Amendment rights. If a First Amendment Exception is granted, it shall be treated as an approval of a variance for purposes of this Chapter.

G. Notice of Final Decision. A Notice of Decision incorporating the decision on the variance application shall issue not more than 120 days after issuance of the Determination of Complete Application.

H. Expiration of Variance. If the variance is approved, the sign identified in the variance must be installed within 180 days or the variance will expire. No sign may be erected if there is no sign permit for the sign, or if the variance or the sign permit has expired, even if the applicant has received associated building permits or street Right-of-Way Use permits, and the latter have not expired.

Section __.__.080 Nonconforming signs, Maintenance, Removal and Enforcement.

A. Nonconforming signs. Any lawful nonconforming sign may be continued, as long as it is maintained only in the manner and to the extent that it existed at the time it became nonconforming. Illegal signs shall not be considered nonconforming signs. Nonconforming signs are subject to the provisions of (Zoning Code) chapter __.__(Nonconforming Uses and Structures).

B. Maintenance. It is unlawful for any owner of record, lessor, lessee, manager or other person having lawful possession or control over a building, structure or parcel of land to fail to maintain any signs on the building, structure or parcel in compliance with this Chapter and the Zoning Code. Failure to maintain a sign constitutes a violation of this Chapter, and shall be subject to enforcement under the provisions of (Zoning Code) chapter __.__(Code Enforcement).

1. Sign maintenance. All signs, whether or not in existence prior to adoption of this Chapter, shall be maintained. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this Chapter.

2. Landscape maintenance. Required landscaped areas **associated with an approved sign** shall receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within six (6) months of the plant's demise or within the next planting season, whichever event first occurs.

C. Removal. Any vacant and/or unused sign support structures, angle irons, sign poles or other remnants of old signs which are currently not in use, or are not proposed for immediate reuse by a sign permit application for a permitted sign, shall be removed. In addition to the remedies in (Zoning Code) chapter ____ (Code Enforcement), the Director shall have the authority to require the repair, maintenance or removal of any sign or sign structure which has become dilapidated or represents a hazard to the safety, health or welfare of the public, at the cost of the sign and/or property owner.

D. Enforcement. Violations of the provisions of this Chapter shall be enforced according to (Zoning Code) chapter ____ (Code Enforcement).

Section ____.090 Sign illumination.

A. General. No temporary sign may be illuminated. No sign located in a residential zone may be illuminated, except that on parcels two (2) acres in size or greater, signs may be halo illuminated or illuminated as necessary for allowable digital signs. Permanent signs allowed by this Chapter may be non-illuminated, or illuminated by internal light fixtures, halo illuminated, or have external indirect illumination, unless otherwise specified. All illuminated signs shall comply with the time limitations of subsection _____.090(D) below.

B. Externally illuminated signs.

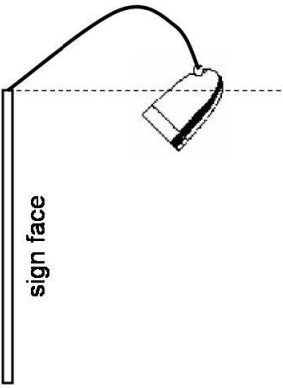
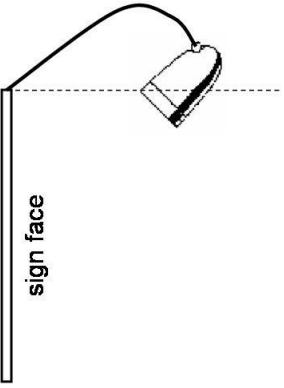
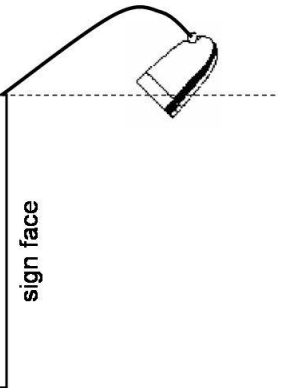
1. Except as provided in this Subsection, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare. Light shielding shall ensure that the lamp or light source is not visible beyond the premises and shall further ensure that the light is contained within the sign face.

2. A light fixture mounted above the sign face may be installed with its bottom opening tilted toward the sign face, provided:

(a) The bottom opening of the light fixture is flat (*i.e.*, it could be covered by a flat board allowing no light to escape); and

(b) The uppermost portion of the fixture's opening is located no higher than the top of the sign face, as shown in Figure 1 below. Light fixtures aimed and installed in this fashion shall be considered fully shielded.

Figure 1

Allowed	Allowed	Not Allowed
 <p>sign face</p> <p>Fully Shielded</p>	 <p>sign face</p> <p>Fully Shielded</p>	 <p>sign face</p> <p>Unshielded</p>

C. Internally illuminated signs.

1. Internally illuminated signs shall be constructed with an opaque **sign face** background **with** translucent text, symbols **and/or logo shields**. If the sign owner desires to have the entire sign face visible at night, an external light source may be used to illuminate the sign, subject to the illumination standards in this Chapter.

2. In no case may an internally illuminated sign, a digital sign or an electronic message center sign exceed a light output of 50 nits in a residential zone or 100 nits in a non-residential zone during nighttime hours.

3. Neon sign lighting is allowed in non-residential zones only and shall not exceed 100 nits per sign face. Neon signs with solid backgrounds are not allowed in windows in order to ensure maximum light and visibility through windows. An example of a neon sign is shown in Figure 2 below.

Figure 2



D. Time limitations. All illuminated signs over three (3) square feet in area shall be turned off by 11:00 p.m., or when the business closes, whichever is later. Signs subject to time limitations are required to have functioning and properly adjusted automatic shut-off timers.

Section __.__.100. Sign Materials.

A. Temporary signs. The construction of temporary signs is limited to the materials described in the definition of “temporary sign,” (Section __.__.290, Definitions). In addition, the temporary sign must also conform to the requirements of this Chapter, including, but not limited to Section __.__.270 (Temporary signs).

B. Permanent signs. Permanent signs must be manufactured of durable materials that withstand the effects of water and wind. The following additional requirements apply to any permanent signs larger than thirty (30) square feet, except for window signs located inside glass:

1. Paper-faced sign, including vinyl-coated paper and those applied with adhesives, are not allowed. Canvas or vinyl signs must be made of minimum twenty (20) oz. materials with polymeric plasticizers for durability.

2. Sign faces made of canvas, fabric, vinyl or similar pliable materials that are attached to permanent sign structures must be mounted behind a perimeter frame or trim cap so that the edges of the sign face are not exposed, except that flags made of 100% spun polyester are exempt from this requirement.

Figure 3



Figure 4

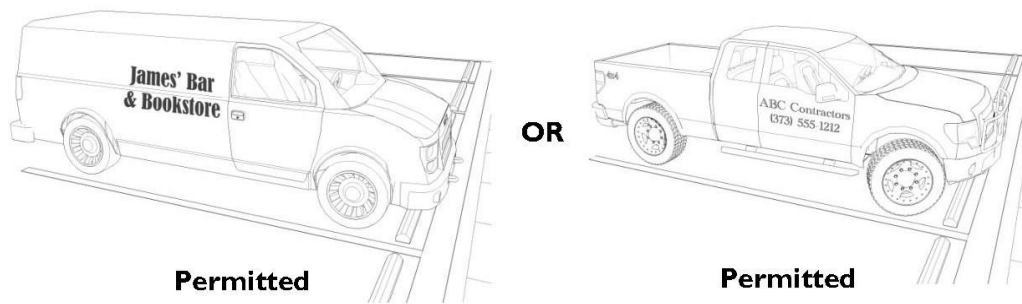


Section __.__.110. Sign Placement and Location Restrictions.

A. City right-of-way. No sign may be placed within the Roadway portion of the City Right-of-Way (*see*, Section __.__.270(F) for restrictions on temporary signs outside of the Roadway) except as otherwise permitted with a City Right-of-Way use or Special Event permit. **No permanent sign may be placed within the Right-of-Way except as otherwise permitted with a City Right-of-Way Use Permit.**

B. Attached to vehicles on private premises. No sign may be mounted, attached or painted on a trailer, boat or motor vehicle, which is parked, stored or displayed conspicuously on private premises in a manner intended to attract the attention of the public. (This excludes signs that are permanently painted or wrapped on the surface of the vehicle, or adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the daily conduct of business. However, such vehicles shall be operable and parked in a lawful or authorized manner.)

Figure 5



C. Attached to other fixtures. No sign may be painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for information required by law.

D. Freeway-oriented signs.⁷ Freeway-oriented signs are prohibited, except in the following instances:

1. Building mounted wall signs (Section __.__.170), window signs (Section __.__.280) and temporary signs (Section __.__.280) as otherwise allowed by this Chapter may face the freeway if:

(a) they are installed by a business that has its primary customer entrance facing the freeway; and

(b) the wall, **window or temporary** sign also faces an intervening parking lot or frontage road that serves the business.

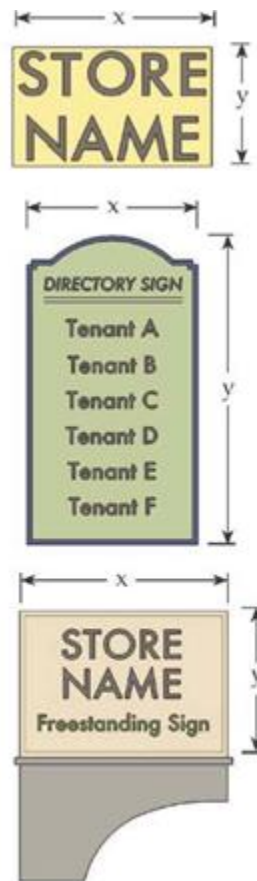
2. Free-standing signs as otherwise allowed by this Chapter are allowed for businesses located on and facing frontage roads along freeways, even if such signs are incidentally visible from the freeway.

Section __.__.120 Sign Area Measurements. Sign area for all sign types is measured as follows:

A. Background panel or surface. Sign copy mounted, affixed or painted on a background panel or surface distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the smallest rectangle, parallelogram, triangle, or circle that will enclose the sign copy and the background, as shown in Figure 6.

⁷ *Worldwide Rush, LLC v. City of Los Angeles*, 606 F.3d 687 (9th Cir. 2010) (content-neutral exceptions to freeway-facing sign ban did not undermine city's interests in aesthetics and safety).

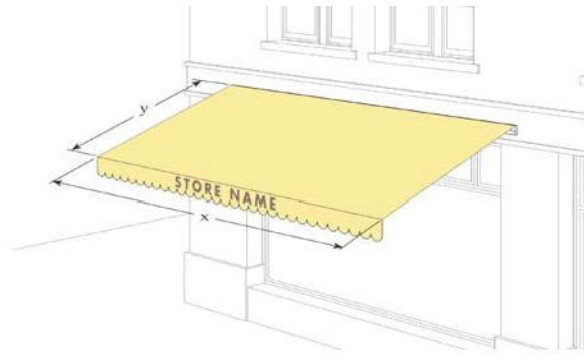
Figure 6



B. Individual letters or graphics. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard or parapet of a building or surface of another structure, that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest square, rectangle, parallelogram, triangle or circle that will enclose each word, sentence and complete message, and each graphic in the sign.

C. Illuminated surface. Sign copy mounted, affixed or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy, as shown in Figure 7. Such elements may include, but are not limited to, illuminated canopy fascia signs and/or interior illuminated awnings.

Figure 7



D. Backlit translucent panels. Backlit translucent panels and spandrels, with or without text or graphics, are measured as the area of the height and width of any internally illuminated translucent panel **or spandrel**, including the side panels if the structure or spandrel is greater than six (6) inches in width.

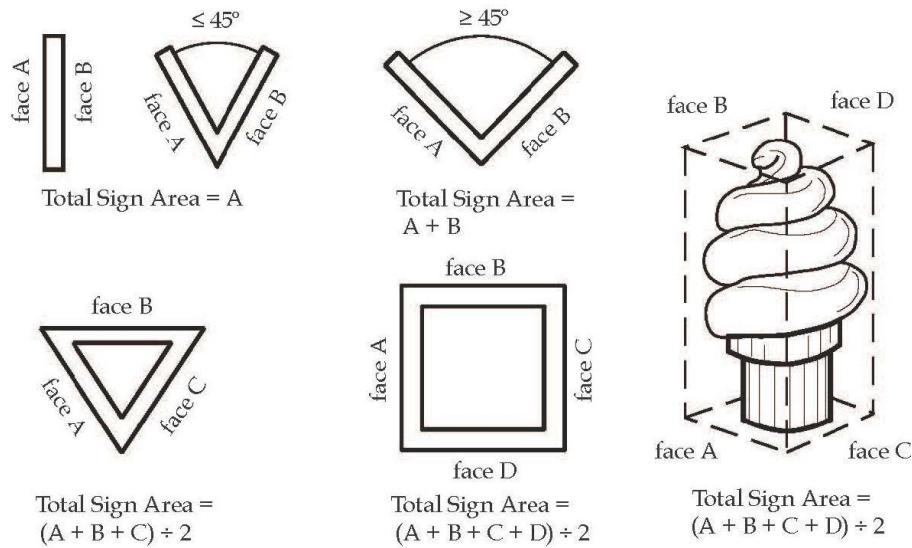
E. Multi-face signs. Multi-face signs, as shown in Figure 8, are measured as follows:

1. Two face signs: If the interior angle between the two sign faces is forty-five (45) degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than forty-five (45) degrees, the sign area is the sum of the areas of the two sign faces.

2. Three or four face signs: The sign area is fifty (50) percent of the sum of the areas of all sign faces.

3. Spherical, free-form, sculptural or other non-planar sign area is measured as fifty (50) percent of the sum of the areas using only the four (4) vertical sides of the smallest four (4) – sided polyhedron that will encompass the sign structure, as show in Figure 8 below. Signs with greater than four polyhedron faces are prohibited.

Figure 8

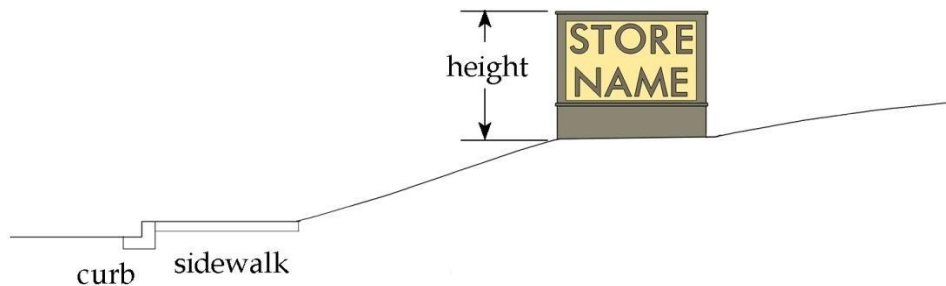


Section __.__.130 Sign height measurement. Sign height is measured as follows:

A. Freestanding signs. Sign height is measured as the vertical distance from natural grade at the base of a sign to the top of the sign, including the sign support structure; except that signs within twenty-five (25) feet of an adjacent road may be measured as follows:

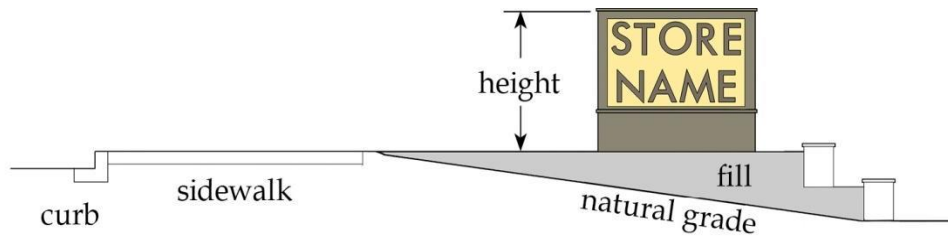
1. If natural grade at the base of a sign is higher than the grade of the adjacent road, sign height shall be measured from the base of the sign as shown in Figure 9.

Figure 9



2. If natural grade at the base of the sign is lower than the grade of an adjacent road, the height of the sign shall be measured from the top of curb or road-grade elevation, provided that fill is placed between the curb and the sign and extends at least five (5) feet beyond the base of the sign in all directions, as shown in Figure 10.

Figure 10



Section __.__.140 Sign Structure and Installation.

- A. Support elements. Any angle iron, bracing, guy wires or similar features used to support a sign shall not be visible.
- B. Electrical service. When electrical service is provided to freestanding signs or landscape wall signs, all such electrical service is required to be underground and concealed. Electrical service to building mounted wall signs, including conduit, housings and wire, shall be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A building permit (electrical) must be issued prior to the installation of any new signs requiring electrical service.
- C. Raceway cabinets. Raceway cabinets, where used as an element of building mounted wall signs, shall match the building color at the location of the building where the sign is located. Where a raceway cabinet provides a contrast background to sign copy, the colored area is considered part of the sign face and is counted in the aggregate sign area permitted for the site or business. Examples of raceway cabinets are shown in Figure 11.

Figure 11



- D. Limitation on attachments and secondary uses. All permitted sign structures and their associated landscape areas shall be kept free of supplemental attachments or secondary uses including, but not limited to, supplemental signs not part of a permitted sign, light fixture, newspaper distribution racks or trash container. The use of sign structures and associated landscape areas as bicycle racks or support structures for outdoor signs is prohibited.

Section __.__.150 Accessory Signs. No permit shall issue for an accessory sign which does not comply with the following standards:

- A. Number. A maximum of one (1) sign at each vehicle point of entry or egress, not to exceed four (4) accessory signs per **parcel**.
- B. Location. Flexible, provided that the number of signs in Subsection A is not exceeded, **and provided that the signs comply with setback standards for freestanding signs in __.__.210.**
- C. Zones. Not allowed in residential zones.
- D. Design. Non-illuminated or internal illumination only. Any accessory sign with electronic display must conform to all EMC and/or digital sign standards in Section __.__.190 (Digital signs) or __.__.200 (EMC signs).
- E. Size. Maximum sign area: three (3) square feet per face; may be double-sided.
- F. Height: Mounting height:
 - 1. Building Mounted Wall sign (Section __.__.170): Maximum of eight (8) feet; must be flat against a wall of the building.
 - 2. Freestanding sign (Section __.__.210): Maximum of three (3) feet from grade.

Figure 12



G. Drive-Through Large Accessory Signs. In addition to the accessory signs allowed for vehicle points of entry and in addition to free-standing signs otherwise allowed under Section __.__.210, large accessory signs are allowed for each point of entry to a drive-up window, subject to the following standards:

1. Maximum sign area per drive-up point of entry: forty-five (45) square feet.
2. Maximum sign size: ~~thirty~~ (30) square feet.
3. Maximum sign height: Five (5) feet, six (6) inches, including the associated sign structure.
4. Orientation: Large accessory signs must be oriented so that the sign face is not visible from the view of the street or public-right-of way.
5. Screening: All sides of large accessory signs must be screened from the view of the street or public right-of-way with landscaping or walls of brick, stone or siding materials that match the principal walls of the building to which the sign applies. If landscaping is used for screening, it must provide full screening at maturity and must be large enough at planting to provide at least seventy (70) percent screening of the sign.
6. Audio. No sound or amplification may be emitted that is audible beyond the site.

Section __. __.160 Awning or Canopy Signs. No permit shall issue for an awning or canopy sign which does not comply with the following standards:

- A. Number. One (1) awning or canopy sign is allowed for each primary entrance to a building or tenant space. In addition, one (1) awning or canopy sign may be allowed on a secondary entrance which faces a public street or on-site parking area. (As used in this subsection, “street” shall include freeways, but exclude alleys and service ways.) The awning/canopy sign may only be placed on the ground floor level facade of the building.
- B. Area. The sign area on the primary elevation shall not exceed one (1) square foot of sign area per lineal foot of awning or canopy width. A maximum of forty (40) percent of an awning or canopy on which signage is proposed may be of an angle greater than sixty (60) degrees from horizontal.

Figure 13



C. Location.

1. An awning/canopy sign may not be mounted higher than a maximum of twenty-five (25) feet above the ground floor.
2. An awning/canopy sign shall not project above, below or beyond the edges of the face of the building wall or architectural element on which it is located.
3. No part of the sign, as a part of, or displayed on the vertical surface of an awning/canopy, shall project beyond the edges of the awning/canopy surface on which it is displayed. If an awning/canopy is placed on multiple store fronts, each business or tenant space is permitted signage no greater than sixty (60) percent of the store width or tenant space.
4. The awning/canopy shall not extend horizontally a distance greater than sixty (60) percent of the width of the awning/canopy or valance on which it is displayed.

D. Zone. Not allowed in residential zones.

E. Illumination. If sign letters or logos are **to be back-lit or internally illuminated**, only the face area containing the letters or logos may be illuminated. The sign may also be **externally illuminated as allowed by Section __.__.090.**

Section __.__.170 Building Mounted Wall signs.⁸ No permit shall issue for a building mounted wall sign which does not comply with the following standards:

A. Residential Zones. The maximum building mounted wall signage allowed in residential zones is as follows:

1. Size of Parcel or Site. Wall signs are not allowed on sites smaller than two (2) acres, except for address numbers as required by law.
2. Area. One hundred (100) square feet total, not to exceed three (3) percent of the area of the façade upon which the sign is placed. Width: Not to exceed sixty (60) percent of the width of the wall plane upon which the sign is placed. (NOTE: No. 3 in this section was deleted.)

Figure 14



B. Non-residential Zones.

1. Size of Parcel or Site. No restrictions.

⁸ *Catsiff v. McCarty*, 167 Wash. App. 698, 274 P.3d 1063 (2012) (wall signs could not be higher than 30 feet above grade, 25% of wall area and wall signs were limited to 150 square feet per street frontage – upheld).

2. Area. The total signage may be up to five (5) percent of the area of the façade upon which the sign is placed. Width: Not to exceed sixty (60) percent of the width of the wall plane upon which the sign is placed or the width of the tenant space. Height: Not to exceed seventy (70) percent of the height of the blank wall space or fascia on which the sign is mounted.

3. Location on Building. Signs may not cover or obscure important architectural details of a building, such as stair railings, windows, doors, decorative louvers or similar elements intended to be decorative features of a building design. Signs must appear to be a secondary feature of the building façade.

4. Illumination, flush or tight mounted. All individual letter signs shall be installed to appear flush-mounted. If the letters are illuminated and require a raceway, the letters shall be installed tight against the raceway, which shall be painted to match the color of the surface to which the raceway is mounted. Where possible – especially on new construction – the raceway should be recessed to allow letters to be flush with the wall surface.

5. Design. Where more than one (1) sign is allowed for a business, all signs shall be consistent in design, style, color and method of illumination. Where there are multiple businesses or tenants on a site, all signs shall conform to a Master Sign Plan, consistent with Section __.__.060.

Section __.__.180 Changeable Copy Sign. No permit shall issue for a changeable copy sign which does not comply with the following standards:

A. Number. No more than one (1) changeable copy sign shall be allowed for each parcel, except that additional changeable copy signs are permitted as follows:

1. the additional changeable copy sign(s) must be placed at least one hundred (100) feet from abutting streets or rights-of-way; and

2. the additional changeable copy sign(s) must not exceed the maximum area, height, and quantity standards otherwise applicable to any free-standing or building mounted wall signs on the parcel.

Figure 15



- B. Area. No more than twenty (20) percent of the allowed wall sign area or fifty (50) percent of a free standing sign face may be changeable copy (this does not apply to signs required by law). Wall mounted changeable copy signs placed at least one hundred (100) feet from abutting streets may be a maximum of fifty (50) percent of permitted wall sign area.
- C. Height above grade. Fifteen (15) feet maximum. For wall signs, limited to the maximum height for freestanding signs.
- D. Placement/Location. Allowed only as an integral part of a building mounted sign or a freestanding sign. **Portable changeable copy signs are not permitted.**
- E. Zones. Changeable copy signs are allowed in all zones.
- F. Design. Non-illuminated in all zones. Internally or indirectly illuminated in non-residential zones **subject** to the illumination standards in Section __.__.090.

Section __.__.190 Digital Signs. A Digital Sign is not a separately allowed sign type. The purpose of this section is to regulate the manner in which digital sign technology can be applied to sign types that are otherwise allowed in this Chapter. It is not intended to allow more signs or larger signs than otherwise permitted in this Chapter. No permit shall issue for a Digital Sign which does not comply with the following standards:

- A. Maximum size: thirty (30) square feet, **or as otherwise limited by the size limits of this chapter.**

- B. Density: One Digital Sign per one hundred (100) feet of street frontage in non-residential zones. One Digital Sign per two hundred (200) feet of street frontage in residential zones, not to exceed one (1) sign per parcel.
- C. Zoning: Allowed in residential and non-residential zones only.
- D. Maximum luminance: Fifty (50) nits during nighttime hours.
- E. Motion limits: No motion **allowed** except for instantaneous change of message.
- F. Minimum hold between messages: eight (8) seconds.
- G. Programming: to ensure that digital signs are programmed and continue to operate according to local standards, digital signs shall be designed for local on-site control and programming.

Section __.__.200 Electronic Message Center (EMC) Signs. **An EMC Sign is not a separately allowed sign type. The purpose of this section is to regulate the manner in which EMC sign technology can be applied to sign types that are otherwise allowed in this Chapter. It is not intended to allow more signs or larger signs than otherwise permitted in this Chapter.** No permit shall issue for an EMC which does not comply with the following standards:

- A. Maximum size: thirty (30) square feet.
- B. Density: One EMC per one hundred (100) feet of street frontage, not to exceed one (1) per business and tenant space.
- C. Zoning: Prohibited in residential zones.
- D. Minimum parcel per sign. One acre.
- E. Maximum Luminance.
 - 1. Daytime: 5000 nits.
 - 2. Nighttime (one-half hour before sunset and one-half hour after sunrise): 100 nits.
 - 3. Signs shall include auto-dimming features with light-sensory capabilities to dim the sign to allowable luminance levels during nighttime hours.
- F. Motion limits: No motion except for a fade in of the next message with the fade transition being no more nor less than 1.5 seconds. Fade transition is required rather than instantaneous message changes to avoid sudden or startling flashes of light.
- G. Minimum hold between messages: ten (10) seconds, plus 1.5 second transition fade.

H. Programming. To ensure that EMC's are programmed and continue to operate according to local standards, EMC's shall be designed for local on-site control and programming. The applicant shall provide a written certificate from the sign manufacturer that the nighttime light intensity has been factory pre-set not to exceed allowable levels under this Section, and that this setting is protected from end-user modification by password-protected software or other method that ensures compliance.

Section __.__.210 Freestanding Signs. No sign permit shall issue for a freestanding sign which does not comply with the following standards:

A. Number.

1. The number and type of freestanding signs for single and multiple tenant uses are derived from the use, zone, location and length of development site frontage as described in this Section.

2. One freestanding sign is allowed for each site frontage. Flag lot sites with frontage on a public street are permitted one (1) sign on the frontage providing primary access to the site.

3. Where more than one (1) freestanding sign is proposed on a site with multiple frontages, a minimum of sixty (60) linear feet shall separate each sign.

4. The permanent sign base shall have a minimum aggregate width of forty (40) percent of the width of the sign cabinet or face.

Figure 16



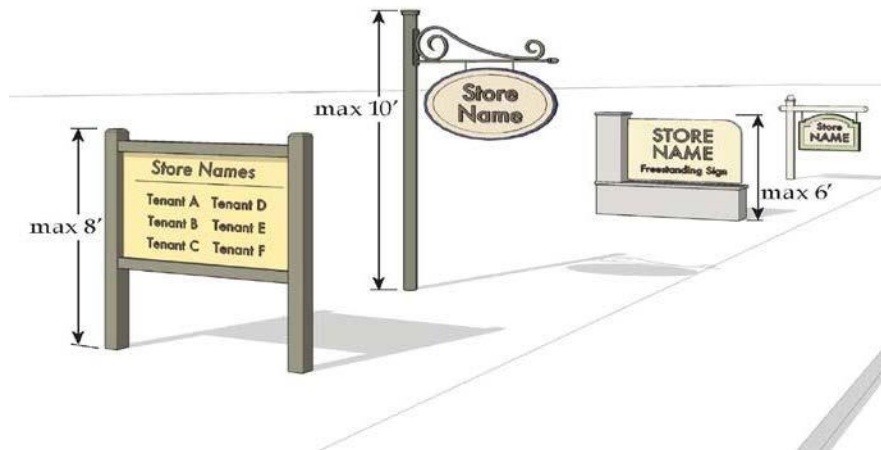
B. Location.

1. No freestanding sign shall be permitted on any site that does not have street frontage.

2. Freestanding signs shall be set back a minimum of five (5) feet from the street side property line, a minimum of twenty-five (25) feet from any interior side lot line and a minimum of thirty (30) feet from any residential district.

3. No freestanding sign shall be located in the triangular area(s) measured fifteen (15) feet by fifteen (15) feet where a driveway enters onto a street, or in any other area which may obstruct the vision of motorists so as to create a safety hazard. Additionally, all signs are subject to the Public Works Standards regarding sight distances.

Figure 17



C. Height and Area.

1. Properties with less than one hundred-twenty (120) feet of street frontage shall be subject to the following area requirements:

<u>Total Street Frontage</u>	<u>Maximum Size & Height Above Grade</u>
0-60	20 square feet maximum, not to exceed 6 feet in height
61-119	30 square feet maximum, not to exceed 8 feet in height
120 or more	45 square feet maximum, not to exceed 10 feet in height

2. A sign may be permitted to a height not exceeding fifteen (15) feet and a sign face area not exceeding one hundred (100) square feet in size, provided that all of the following conditions are satisfied:

(a) The sign is placed on a monument-style base made or covered with a brick or stone, which extends at least the full width of the sign face and is at least one-fourth (1/4) of the total sign height. An alternate material may be approved by the Director if he or she finds that the material better reflects the materials and architecture of the closest or principle building on the site; and

(b) The sign face is either non-illuminated, externally illuminated, or complies with both of the following standards for an internally illuminated sign:

i. The background of the sign is totally opaque, only the graphics and/or text are illuminated; and

ii. The sign cabinet and the associated trim caps that secure and frame the sign face are dark bronze, black, or an earthtone color which reflects the color of the sign base and/or the color of the siding or trim of the building to which the sign applies; and

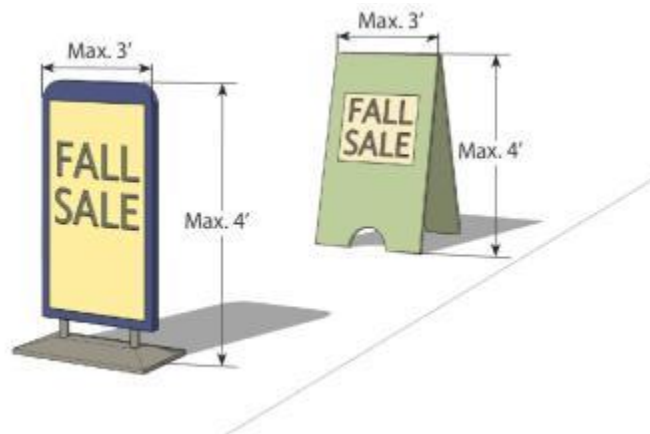
(c) The sign is no taller than seventy-five (75) percent of the height of the tallest building on the site (not to exceed fifteen (15) feet), as measured to the midpoint between the fascia line and the ridge on a pitched roof building, or the top of the highest cornice or parapet on a flat roof building.

Section __.__.220. Portable Signs. No permit shall be issued for a portable sign (includes sandwich board and pole mounted signs) which does not comply with the following standards:

A. Zone: Allowed only in non-residential zones, except that temporary portable signs are allowed in residential zones, subject to the provisions of Section __.__.270 (temporary signs).

B. Design and Materials: Must be designed with durable materials, otherwise they will be regulated as temporary signs under Section __.__.270. Portable signs must be designed to withstand wind and include a heavy weighted base for pole-mounted signs, and a heavy weight suspended between the opposing faces of a sandwich board sign.

Figure 18



C. Size and Height. Sandwich board signs: Maximum of four (4) feet in height, maximum of three (3) feet in width. (Note: sandwich board sign height is measured in the flat standing position, rather than in open standing position.) Pole-mounted signs: Maximum of **five (5) feet in height, two (2) feet in width.**

D. Number: Not more than one (1) portable sign may be displayed per business, per tenant space.

E. Location: Must be located no further than ten (10) feet from the primary building of the business, or, if there is only one business or tenant space on the site, it may be located not farther than then (10) feet from the site's driveway entrance. No portable sign may be located on the City right-of-way (which includes the sidewalk), without a Street right-of-way use permit.

F. Display Hours: Portable signs, including temporary portable signs may be displayed during business or operating hours only.

G. Type: Portable signs may not be changeable copy signs or illuminated in any manner.

Section __.__.230 Projecting signs. No permit shall issue for any projecting sign which does not comply with the following standards.

A. Number. One (1) projecting sign may be allowed per tenant space or building frontage. Projecting signs are permitted in addition to allowable wall signage.

B. Sign size.

1. Non-residential zones: The face of a projecting sign shall not exceed twelve (12) square feet in area.

2. Residential zones: The face of a projecting sign shall not exceed one and one-half (1.5) square feet in area.

Figure 19



C. Location.

1. No part of any projecting sign shall be located lower than eight (8) feet above the grade of sidewalk, walkway or driveway which is directly below the sign, or within three (3) feet of the sign.

2. Projecting signs may extend a maximum of four (4) feet from the building and shall be hung a minimum of six (6) inches away from the building.

3. No projecting sign shall be located within twenty-five (25) feet of another projecting sign on the same site or on the same building.

4. No projecting sign shall be located higher than the first story level of the building.

5. No projecting sign shall extend into the right-of-way, including the sidewalk, without an approved Right-of-Way use permit under chapter ____.

D. Design.

1. Non-residential zones: May be illuminated, internally or indirectly. In residential zones, projecting signs may not be illuminated.

2. Projecting signs shall be perpendicular to the building wall to which it is affixed.

3. Projecting signs shall not exceed four (4) inches in thickness.

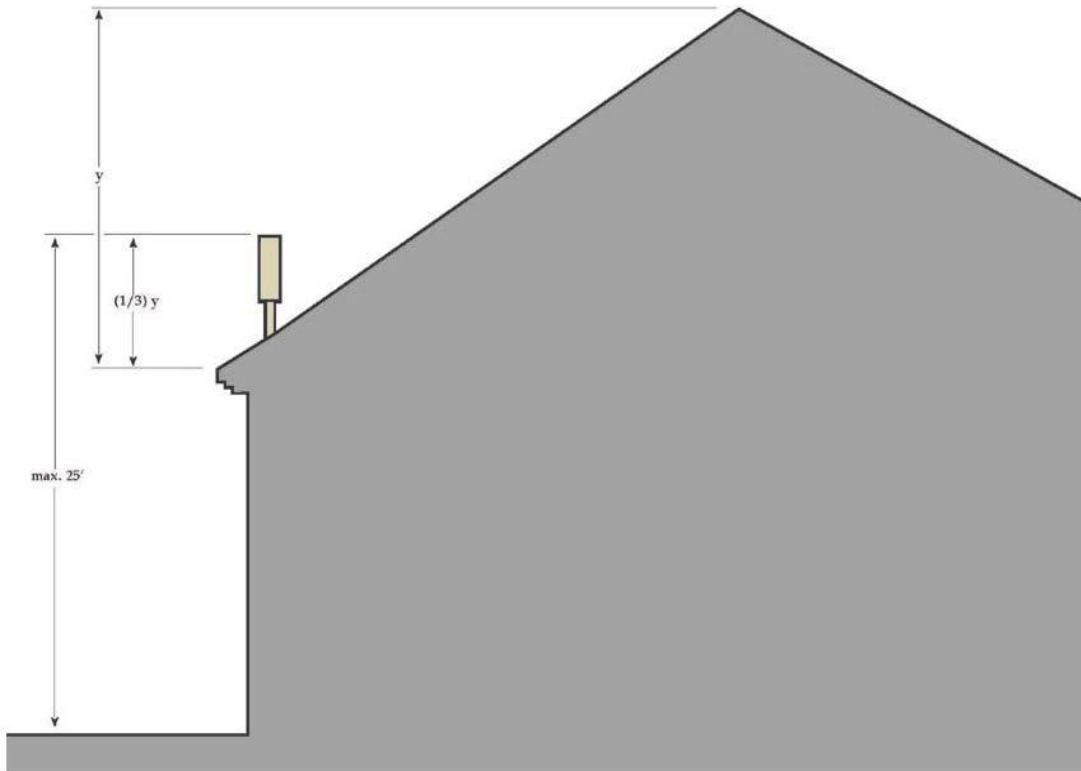
4. Projecting signs shall be supported by or suspended from solid rods or otherwise tethered or reinforced to avoid movement in wind.

E. Zone. Residential and nonresidential zones: as limited above.

Section _____.240 Roof-Mounted Signs. No permit shall issue for a roof-mounted sign which does not comply with the following standards:

A. Number. No more than one (1) roof-mounted sign shall be allowed for each building.

Figure 20



B. Area. The area of the roof-mounted sign shall not exceed the total amount of wall sign area that would be allowed for the building elevation on which the roof mounted sign is located.

C. Location. Allowed on the slope of peaked/sloped roof buildings only, and only on the lowest one-third (1/3) of the slope of the peaked roof. Roof-mounted signs shall be installed so that the structural supports of the sign are minimized. Angle irons, guy wires, braces or other secondary supports shall appear to be an integral part of the roof or roof-mounted sign.

D. Zone. Roof-mounted signs are permitted in nonresidential zones only.

E. Design. Roof-mounted signs may be non-illuminated, internally illuminated or indirectly illuminated, provided that the light is limited to the sign face only.

Section __.__.250 Service Island Signs. No permit shall issue for a service island sign which does not comply with the following standards:

A. Number and Size.

1. Island canopies. One (1) sign on the canopy fascia per street frontage, not to exceed 20 percent of the area of canopy fascia to which the sign is mounted.

2. Spandrel signs and canopy support signs. Spandrel signs shall not exceed twenty (20) percent of the spandrel area, and both spandrel signs and signs attached to canopy support columns shall be deducted from allowable wall signage on the associated principle building on the site.

B. Zone. Not allowed in residential zones.

C. Design. Spandrel signs may be internally illuminated, subject to the illumination standards of __.__.090. Signs attached to canopy support columns shall not be illuminated.

Section __.__.260 Sign walkers.⁹ Sign walkers are allowed, subject to the following standards:

A. Permit. A permit is not required for a sign walker, but the sign walker shall comply with all the applicable requirements of this Chapter.

B. Number. No limit.

C. Area. The sign walker's sign shall not exceed eight (8) square feet in area, and shall not exceed eight (8) feet in height when held in place.

D. Zone. Allowed in nonresidential zones only.

E. Design. The sign walker's sign cannot be illuminated. Sign walkers shall be limited to daylight hours only. A sign walker's sign may not include any element of a prohibited sign as described in Section __.__.040.

F. Location. Sign walkers are restricted to a minimum of thirty (30) feet from a street or driveway intersection, measured from the back of the curb or edge of pavement if no curb exists, and shall not be located in any of the following places:

1. On any public property or within public right-of-way, although sign walkers are allowed on public sidewalks;

2. In parking aisles or stalls;

3. In driving lanes;

4. On fences, walls, boulders, planters, other signs, vehicles, utility facilities or other structures; or

5. In a manner which results in a sign walker physically interfering with motorists; pedestrians or bicyclists.

⁹ *Kitsap County v. Mattress Outlet/Gould*, 153 Wn.2d 506, 104 P.3d 1280 (2005) (county's interpretation of its sign code as prohibiting sign walkers was invalidated).

Section __.270 Temporary Signs.¹⁰

- A. No Permit required. No sign permit is required for temporary signs.
- B. Removal. Temporary signs shall be removed if the sign is in need of repair, is worn, dilapidated or creates a public nuisance.
- C. Materials. See Section __.100 (sign materials) and the definition of “temporary sign” in Section __.290.
- D. City property (excluding City right-of-way).¹¹ Temporary signs on City-owned property (excluding City right-of-way) are allowed only in conjunction with an approved Special Event permit.
- E. City Right-of-Way outside of the Roadway.¹² Temporary signs are prohibited in the Roadway. Temporary signs on City Right-of-Way placed outside of the Roadway, must comply with the following requirements:
1. Location. Allowed only between the property line and the back of the nearest curb, or where no curb exists, between the property line and the nearest edge of the roadway pavement. Signs may not be placed on sidewalks, driveways or other paved areas designed for pedestrian or vehicular use, or as conditioned in a right-of-way use permit. Approval of the abutting owner is recommended.
 2. Type. Signs on stakes that can be manually pushed or hammered into the ground are allowed. All other signs are prohibited, unless specifically allowed by a right-of-way use permit.
 3. Size and height. Limited to four (4) square feet, and three (3) feet in height.
 4. Dilapidated or Nuisance signs. Any temporary sign in the right-of-way that is dilapidated or a nuisance, shall be removed by the person responsible for placement of the sign.
 5. Other signs. The City may allow other signs in City right-of-way with a Right-of-Way use permit.
- F. Residential zones. Temporary signs may be placed on property residentially zoned in accordance with the requirements of this Section and the following:

¹⁰ *Collier v. Tacoma*, 212 Wn.2d 737, 854 P.2d 1046 (1993) (required reading for municipal attorneys drafting temporary sign regulations).

¹¹ *Miller v. Cincinnati*, 622 F.3d 524, (6th Cir. 2010) (city’s policy re: use of interior of city hall invalidated as void for vagueness).

¹² *Berger v. Seattle*, 569 F.3d 1029 (9th Cir. 2009) (rule requiring street performers to obtain permits before performing in city park violated first amendment – in other words, read this case if you are considering requiring permits for temporary signs); *Wright v. Incline Village General Improvement District*, 665 F.3d 1128 (9th Cir. 2011) (beaches were not traditional public forum for First Amendment purposes).

1. Window signs. Limited to no more than one temporary window sign per residential unit, not to exceed four (4) square feet.¹³

2. Freestanding signs (includes post-mounted, stake and portable signs).

(a) Single-family zones: Temporary free-standing signs shall not exceed four (4) square feet in size and five (5) feet in height, if the sign is mounted on the ground, and not to exceed three (3) feet in height if the sign is stake-mounted or portable.

(b) Multi-family zones: Temporary free-standing signs shall not exceed six (6) square feet in size and five (5) feet in height if the sign is post mounted on the ground, and not to exceed three (3) feet in height if the sign is stake-mounted or portable.

3. Surface-mounted signs. Limited to sites two (2) acres or larger:

(a) Size. No larger than thirty-two (32) square feet.

(b) Location. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site fences either facing or abutting the street, or facing inward to the subject site. Signs shall not be attached or tethered to other site improvements.

G. Non-residential zones. Temporary signs are allowed on non-residentially zoned property in accordance with the requirements of this Section and the following:

1. Window signs. Limited to twenty-five (25) percent of the window area, subject to the window sign requirements of Section __.__.240.

2. Freestanding signs (including post-mounted, stake and portable signs): Size/height. Limited to four (4) square feet and five (5) feet in height if the temporary sign is mounted in the ground, and not to exceed three (3) feet in height if the temporary sign is portable.

3. Surface-mounted signs:

(a) Size. Limited to thirty (30) square feet.

(b) Location. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site fences either facing the abutting street, or facing inward to the subject site. Signs shall not be attached or tethered to other site improvements.

H. Temporary signs on large properties, residential or non-residentially zoned properties. The following temporary signs may be placed on any site at least two (2) acres in size, in accordance with the requirements of this Section and the following:

¹³ *City of Ladue v. Gilleo*, 512 U.S. 43, 114 S.Ct. 2038, 129 L.Ed.2d 36 (1994) (city's ordinance prohibiting all residential signs but those falling into one of ten exemptions, which did not allow a resident to post a "For Peace in the Gulf" sign, violated the resident's free speech rights).

1. Type. Any type.
2. Size/height. Not to exceed sixty-four (64) square feet and up to eight (8) feet above ground level.
3. Exclusivity. The sign allowed under this subsection is in lieu of and shall not be displayed with or be in addition to other temporary signs allowed by this Section.

Section __.__.280 Window Signs.¹⁴ No permit shall issue for a permanent window sign which does not comply with the following standards:

- A. Number: No more than one permanent window sign may be placed in a single window.

Figure 21



- B. Window Coverage. Window signs (temporary and permanent) shall not exceed twenty-five (25) percent of the area of the window on which they are displayed.
- C. Location. No higher than second (2nd) story windows for permanent window signs. (For the requirements applicable to temporary window signs, see Section __.__.270.
- D. Zone. Allowed in all zones.

¹⁴ *Salib v. City of Mesa*, 133 P.3d 756, (AZ 2006) (city's sign code limiting how much of a business's windows could be covered by signs did not violate free speech rights).

E. Design. Permanent window signs are limited to individual painted or vinyl cut-out letters and graphics, or neon signs constructed with or without a solid or opaque background. Permanent signs with solid backgrounds are not permitted in windows in order to ensure maximum light and visibility through windows. Temporary window signs are exempt from the restrictions in this Subsection E.

Section __.290 Definitions. The words and phrases used in this Section shall be construed as defined in this Chapter, unless the context clearly appears otherwise. Unless specifically defined in this Section, the definitions set forth in other provisions of this Code shall likewise apply to this Chapter.

“A”

“Abandoned sign” means a sign, the face of which has been removed or is broken and is not refaced within 180 days thereafter. Abandoned signs shall also include signs with rusted, faded, peeled, cracked or otherwise deteriorated materials or finishes that have not been repaired within 90 days after the City provides notice of the sign’s deteriorated condition under the City’s enforcement chapter (__.__).

“Accessory sign” means a permanent, free standing or building mounted sign of limited height and size that provides supplemental opportunity for free standing or building mounted signage on a site.

“Aerial sign” means a free floating balloon, kite or similar object not directly secured to property within the City.

“A-frame sign” *see also*, portable sign or sandwich board sign, means signs capable of standing without support or attachment.

“Alter” means to change the copy, color, size, shape, illumination, position, location, construction or supporting structure of a sign, not including ordinary maintenance.

“Area of a sign” means the smallest square, rectangle, parallelogram or circle that will enclose the extreme limits of writing, representation, logo, or any figure of similar character, together with any frame, background area, structural trim, or other materials or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The supports or uprights on which any such sign is supported shall not be included in determining the sign area. The area of signs with two (2) faces shall be considered to be the area of the largest face. The area of signs with three (3) or more faces shall be considered to be the area of the largest face or one-half (1/2) the area of all of the faces, whichever is less.

“Awning or Canopy sign” means a sign affixed to or imprinted on **an attached shelter composed on non-rigid materials such as an awning**, or a permanent architectural projection, such as an awning or canopy, composed of non-rigid materials on a supporting framework, affixed to the exterior wall of a building, extending over a door, entrance, window or outdoor service area.

“B”

“Business activity” means an enterprise offering goods, services, or other consideration to the public, in legal occupancy of a site or of a specific portion of a site and under separate and distinct management from any other enterprise located on the same site.

“Business frontage” means the horizontal dimensions of a building or individual business elevation measured at ground level.

“C”

“Canopy or Awning sign” – see definition under “Awning or Canopy sign” above.

“Changeable copy sign: means a sign or portion thereof which is designed to have its message or copy readily changed manually or by remote or automatic means without altering or replacing the face or surface. Changeable copy signs support hard-copy text or graphics and do not use digital or electronic text or images.

“D”

“Digital sign” means a changeable copy sign with monochrome LED (light emitting diodes) text, graphics or symbols over a black, non-illuminated background.

“Directional sign” means a sign erected for the purpose of facilitating or controlling the efficient and safe movement of pedestrians or vehicles within a multi-tenant development.

“E”

“Electronic message center sign” means an electrically activated changeable copy sign having variable message and/or graphic presentation capability that can be electronically programmed by computer or handheld device from a remote location. EMC’s typically use light emitting diodes (LED’s) or liquid crystal display (LCD) as a lighting source.

“Elevation” means the visible vertical plane of the side of a building from ground level to the roof line.

“Elevation, primary” means the side of a building directly abutting either a street or a parking area. A business owner may choose which elevation is considered the primary elevation, except that in a multi-tenant building, the elevation which is contiguous to other businesses shall be the primary elevation.

“Elevation, secondary” means any elevation of a building not determined to be a primary elevation.

“F”

“Façade” means the elevation of a building extending from the ground level up to the bottom of the fascia on a pitched roof building, and up to the top of the wall or parapet on a flat

roof building. The area of a façade for purposes of calculating allowable wall signage includes the area of the windows and doors but excludes openings that do not have solid coverings, such as breezeways, colonnades and gateways that extend to the backside of the building.

“Fascia” means an architectural term for a vertical frieze or board under a roof edge or which forms the outer surface of a cornice, visible to an observer.

“Flag” means a **flat** piece of cloth, with distinctive colors, patterns or symbols, **having one end of the cloth attached to a vertical staff (directly or by rope and pulley mechanism) and all other ends free-flowing under natural movement of wind.**

“Flag canopy” means a line of flags, or a series of lines of flags, suspended above a site.

“Flashing sign” means an electric sign or portion thereof except electronic message center signs, which changes light intensity in a sudden transitory burst, or which switches on and off in a constant pattern in which more than one-third of the non-constant light source is off at any one time.

“Freestanding sign” means a sign and its support pole or base standing directly on the ground that is independent from any building or other structure.

“Freeway” means a limited access highway, state route or interstate.

“Freeway oriented sign” means a sign within 150 feet of a freeway right-of-way that has its sign face parallel to, perpendicular to, angled toward, or otherwise readable from the freeway right-of-way.

“Frontage” means the property line of an individual lot, tract or parcel that abuts a public or private street right-of-way, excluding alleys and private driveways. The number of frontages on a lot is the same as the number of public or private street rights-of-way that the lot abuts.

~~“Frontage” means the ground floor horizontal distance of a building or portion thereof occupied by the subject tenant. Building frontage shall only be measured along a ground floor wall which has a customer entrance that faces and has access onto a public open space, such as a courtyard or plaza; or is adjacent to a public street, or adjacent to a driveway or parking lot which serves that use. If any building frontage does not consist of one straight line, the frontage of any offset portion shall be projected, for computation purposes, to the extension of the line of the most forward face of the building.~~

“G”

“Gross leasable space” means area of a single leasable space, regardless of the number of tenants or leases within the space.

“H”

“Halo illuminate” means a light source placed behind totally opaque letter or symbol so that the light reflects off the wall or background to which the letters or symbols are mounted

rather than emanating through the letters or symbols, creating a halo effect that leaves the letters or symbols viewable in silhouette form only.

“Height of sign” means the overall height of the sign above grade directly below or at the base of the sign.

“I”

“Illegal sign” means a sign which does not conform to the requirements and standards of this Chapter and which does not meet the criteria of a nonconforming sign as defined in this Definitions Section.

“Integrated development site” means any commercial or noncommercial development site, regardless of the number of lots or individual tenants, that is developed with common parking, layout, architecture or design features.

“Item of information” means a word, figure, logo, abbreviation or other symbolic representation.

“L”

“Logo” means a design of letters, colors or symbols used as a trademark or for identification in lieu of, or in conjunction with, other signs.

“Logo shield” means a logo contained within an area no greater than four (4) square feet, incorporated into a larger sign face or designed as an individual sign or component of a sign containing individually mounted sign graphics.

“Lot line” means a line that separates two lots.

“Luminance” means the photometric quality most closely associated with the perception of brightness. Luminance is measured in candelas per square meters or “nits.”

“M”

“Mansard” means a roof with two slopes on each side of the four sides, the lower steeper than the upper.

“Master Sign Plan” means a coordinated sign plan which includes the details of all signs (not including exempt or temporary signs) which are or will be placed on a site.

“Monument sign” means a freestanding low profile sign with the sign width greater than the sign height and designed with a solid base and background.

“Motion” means the depiction of movement or change of position of text, images or graphics. Motion shall include, but not be limited to, visual effects such as dissolving and fading text and images, running sequential text, graphic bursts, lighting that resembles zooming,

twinkling or sparkling, changes in light or color, transitory bursts of light intensity, moving patterns or bands of light, expanding or contracting shapes and similar actions.

“Multitenant development” means a development consisting of three (3) or more leasable spaces.

“N”

“Natural grade” means the topographic condition or elevation of a site or portion of a site over the past five years, or the finished grade of an approved site development plan. Changes to grade or elevation resulting from fill, mounding or berming within five years preceding any requested permit other than a site development plan shall not be considered natural grade for permitting purposes.

“Neon sign” means a sign with illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols or other shapes.

“Night-time hours” means from one-half hour before sunset to one-half hour after sunrise.

“Nits” means a unit of measure of brightness or luminance. One (1) nit is equal to one (1) candela/square meter.

“Nonconforming sign” means any sign, which at one time conformed to all applicable requirements and standards of this Chapter, including all permit requirements, but which subsequently ceased to so conform due to changes in such requirements and standards.

“Nonresidential zone” means, in the context of this Chapter, any zone that does not include residential dwelling units except for mixed use zoning districts where residential units are located above or behind nonresidential uses and the ground floor streetscape is characterized by commercial and other nonresidential uses.

“O”

“Opaque” means a material that does not transmit light from an internal illumination source.

“P”

“Painted sign” means a sign painted directly on a building or on material which is then attached to a building. *See also*, “wall sign.”

“Pan-channel” means a sign graphic that is constructed of a three-sided metal channel, usually having a light source contained within the channel. The open side may face inward, resulting in silhouette lighting, or it may face outward to allow full illumination. The open side of the channel may be enclosed with a translucent material.

“Parapet” means a protective wall or barrier projecting above any canopy, balcony or roof.

“Permanent sign” means a sign constructed of weather resistant material and intended for permanent use and that does not otherwise meet the definition of “temporary sign.” Wall mounted sign holders designed for insertion of signs and posters shall be considered permanent signage and subject to all standards of this chapter.

“Pole sign” means a sign mounted on a weighted base, intended to be movable.

“Portable sign” means a free-standing sign that is readily moveable and not permanently affixed to the ground, including A-frame or sandwich board signs, pole signs mounted on weighted bases, and similar signs that are used on more than a temporary basis.

“Projecting sign or Projection sign” means a sign attached to a building with the face not parallel to the vertical surface of the building. Projecting signs include signs projecting directly from walls, or signs hanging from porch ceilings or other support structures.

“R”

“Raceway” means a box-type conduit to house electrical wires for signs and used to support and/or affix signage on a wall.

“Right of Way” is the strip of land platted, dedicated, condemned, established by prescription or otherwise legally established for the use of pedestrians, vehicles or utilities.

“Roadway” means that portion of the street improved, designed, or ordinarily used for vehicular travel and parking, exclusive of the sidewalks and shoulder. Where there are curbs, the roadway is the curb to curb width of the street.

“Roof line” means the uppermost edge of the roof or the top of the parapet, excluding mechanical equipment screens, whichever is highest. Where a building has several roof levels, the roof line shall be the one belonging to that portion of the building on which the sign is located.

“Roof mounted sign” means a sign which has a point of attachment to the roof or mansard of a building. Architectural projections, including mechanical equipment screens, above any parapet or roof line whose sole function is a background for signs shall be considered a sign structure. A sign on such an architectural projection shall be considered a roof sign.

“S”

“Sandwich board sign” – *see* “A-frame sign” definition.

“Service Island sign” means a permanent sign displayed on the service island **canopy** of a gas station, **bank, carwash or other use that provides a canopy cover for vehicles. Service island signs are not the same as awning or canopy signs as otherwise defined by this chapter.**

“Sign” means letters, figures, symbols, trademarks, or logos, with or without illumination, intended to identify any place, subject, person, firm, business, product, article, merchandise or point of sale. A sign also includes balloons attached to sign structures, products, streamers, spinners, pennants, flags, inflatables or similar devices intended to attract attention to a site or business, as well as architectural or structural forms, illuminated panels, spandrels, awnings and other structural or architectural features not common to classic vernacular or non-corporate regional architecture and that are intended to convey a brand, message or otherwise advertise a location or product, whether or not such features include text or graphics and whether or not they serve other practical purposes such as lighting, covering or enclosure of persons or products. A sign includes any device which streams, televises or otherwise conveys electronic visual messages, pictures, videos or images, with or without sound or odors. Refer to Section __.040 for a list of prohibited signs.

“Signable area” means the area of the largest rectangular portion of a face of a building to which a sign is affixed or proposed to be affixed, which can be included within parallel, vertical and horizontal lines uninterrupted by significant architectural features of the building.

“Sign walker” means a sign carried by a person.

“Site” means a unit of land, together with all improvements thereon, determined as follows:

1) a unit of land which may be conveyed separately from any and all adjacent land without the requirement of approval of a boundary line adjustment, short plat or a preliminary plat.

2) Two (2) or more buildings or business activities that are or will be related to each other physically or architecturally, such as by sharing off-street parking facilities, so as to form an integrated development, such as a shopping center, industrial park, or office complex.

“Spandrel” means a panel or box-type structure that spans between and/or is connected to the support columns of a porch, colonnade or canopy, usually for architectural embellishment and/or signage purposes.

“Special event sign or temporary sign” means signs or advertising displays or a combination thereof which advertises or attracts public attention to a special one-time event, including but not limited to, the opening of a building or business activity, the sale of goods and services at discounted or otherwise especially advantageous prices or similar event.

“Static” means without motion.

“Story” means that portion of a building included between the upper surface of a floor and the upper surface of the floor or ceiling next above.

“Suspended Sign” means a sign mounted above a sidewalk adjacent to a business, affixed to a beam, overhang, roof or other fixture that is an integral part of a building.

“T”

“Temporary sign (which may include special event sign)” means any sign that is used temporarily and is not permanently mounted, painted or otherwise affixed, excluding portable signs as defined by this Chapter, including any poster, banner, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention. Temporary signs may only be made of non-durable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than 20 oz. fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of this Chapter.

“Tenant space” means the entire building which encompasses a building or use on a site; or in buildings designed for multi-tenant occupancy, it is the space between demising walls and which has an independent entrance to common corridors or to the outside. Portions of tenant spaces that are sublet to or otherwise allowed to be used by persons or businesses other than the principle person or business of a tenant space are not considered tenant spaces in the context of this chapter.

“U”

“Unshielded lighting” means an external illumination source which is exposed to view.

“V”

“W”

“Wall sign” means a sign which is attached parallel to or painted on a wall, including parapet or canopy fascia, or a building.

“Width of sign” means the total horizontal dimension of a sign, including all frames or structures.

“Window” means the entire window unit including individual sashes or panes that might otherwise divide the area between the head, jamb and sill; except that in commercial storefront window assemblies, a single “window” is the glass area between each mullion that divides the window assembly, whether installed as a single piece of glass or as multiple pieces of glass divided by muntins.

“Window sign” means a sign that is attached to or is intended to be seen in, on or through a window of a building and is visible from the exterior of the window.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: February 27, 2020

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (8:25 PM) New Business

AGENDA CATEGORY: Discussion

PROPOSED BY: Heather Wright

**PREVIOUS PLANNING COMMISSION
REVIEW DATE(S):**

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:
Requested by Chair Chester.

SUMMARY:

BACKGROUND: Request to add item per Chair Chester.

ATTACHMENTS: