



Planning Commission Meeting Agenda

Puyallup City Council Chambers

333 South Meridian, Puyallup

Wednesday, January 23, 2019

6:30 PM

ROLL CALL

APPROVAL OF THE AGENDA

1. WORKSESSION TOPICS

1.a Small Cell Wireless - additional code amendments in response to a new FCC Rule
[Puyallup Wireless Code 20.59 2019 Revisions](#)

1.b Sign Regulation Amendments - PMC 20.60 Signs and PMC 20.75 Home Occupations
[Daft Sign Code Revisions](#)

2. OTHER COMMISSION BUSINESS

CITIZEN COMMENTS - Time permitting and addressing items on the agenda

ADJOURNMENT

The City Council Chambers is wheelchair accessible. Those needing assistance with hearing devices should contact the City Clerk's Office (253-841-5480) the Friday preceding the meeting.



Planning Commission Agenda Item Report

Submitted by: Rachael Brown

Submitting Department: Development Services

Meeting Date: 1/23/2019

Subject:

Small Cell Wireless - additional code amendments in response to a new FCC Rule

Presenter:

Rachael Brown | Assistant Planner | rnbrown@ci.puyallup.wa.us | 253.770.3363

Recommendation:

Review and provide direction regarding further amendments to the recently-codified Small Cell Wireless code, which are being drafted to address a new Federal Communications Commission rule.

Background:

In late 2017-early 2018, the Planning Commission considered draft amendments to PMC Sec. 20.59 (Wireless Communications) pertaining to Small Cell Wireless facilities. Those amendments established standards and procedures for handling requests from private wireless carriers to site smaller-scale telecommunications facilities on light and utility poles, principally in rights-of-way. Those City code amendments were necessary given recent Federal statutes which allow private wireless carriers to utilize Small Cell Wireless facilities within strictly-prescribed local regulations.

Subsequent to the City adopting this updated code in June 2018, the Federal Communications Commission (FCC) issued an additional preemption order, which further restricts the ability of local codes and standards to regulate Small Cell Wireless facilities. Because of this latest FCC order, Puyallup - like other local jurisdictions throughout the state & nation - now needs to review and further amend our recently-adopted code standards to ensure that we are compliant with these latest Federal rules. On 1/9/19, City staff re-introduced this topic to the Planning Commission and reviewed the key pieces of that recent preemption order, which included:

- New FCC standards of review for local codes, which ask whether the code results in an 'effective prohibition' of private carriers ability to site small cell facilities, which is distinct from the court-based standard used previously. The new rules target local standards which treat small cell facilities differently than any other infrastructure deployed within public rights-of-way.
- The FCC slightly altered the definition/size limits for small cell wireless components from those previously-used.
- Significantly, the new FCC rules revise (i.e. lessen local flexibility) for those "shot clock"

timelines/procedures under which local jurisdictions may review applications for small cell wireless facilities, as well as a city's latitude in requiring fees for usage of city-owned poles and the public right-of-way.

- The new rules also expands the application of "collocation" pole standards relative to new small cell wireless requests.
- The city has also identified sections of the code that require modification in order to provide a streamlined permitting process for small cells, remove extraneous standards which are not enforced, clarify definitions, and add or clarify the size restrictions for replacement poles and new antennas.

On January 9th, staff made an informational presentation to the Commission on this topic. On January 23rd, staff will walk through the attached draft Small Cell code amendments. No Commission action is being requested at this time, but direction on the proposed code amendments is requested. Following this initial review, staff anticipates making any commission requested changes to the code and returning with another draft on February 12th. Staff intends to schedule a public hearing on this item for February 26th, if warranted by the Commission's progress.

Council Direction:

Fiscal Impacts:

ATTACHMENTS

- [Puyallup Wireless Code 20.59 2019 Revisions](#)

Chapter 20.59
WIRELESS COMMUNICATIONS

Sections:

- 20.59.001 Scope and purpose.
- 20.59.005 Words and phrases defined.
- 20.59.010 Wireless communication facilities in RS, RM and CMX zones.
- 20.59.020 Wireless communication facilities in OP, C, M, FAIR and PF zones.
- 20.59.040 Performance standards.
- 20.59.050 Small Cell Facilities.

20.59.001 Scope and purpose.

In addition to the general purposes of the comprehensive plan and the zoning ordinance, this chapter is included to provide for a wide range of locations and options for wireless communication providers and users while minimizing the visually obtrusive characteristics associated with wireless communication facilities, and to encourage creative approaches in location, construction and treatment of such facilities in a manner which reduces the associated adverse visual and aesthetic impacts on the community. (Ord. 2507 § 11, 1997).

20.59.005 Words and phrases defined.

- (1) "Accessory antenna device" means an antenna including, but not limited to, test, mobile and global positioning (GPS) antennas, which are less than 12 inches in height or width, excluding the support structure.
- (2) "Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.
 - (a) "Directional antenna" (also known as "panel" antenna) means an antenna which transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
 - (b) "Omni-directional antenna" (also known as a "whip" antenna) means an antenna which transmits and receives radio frequency signals in a 360-degree radial pattern.
 - (c) "Parabolic antenna" (also known as a "dish" antenna) means an antenna which is a bowl-shaped device for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.
 - (d) "Stealth antenna" means an antenna installed inside a nonantenna structure, or camouflaged to appear as a nonantenna structure.

- (e) "Canister antenna" means an antenna installed inside a canister.
- (3) "Applicant" shall mean and refer to the person, and such person's successor in interest, owning and/or operating the facility proposed in an application.
- (4) "Co-location" shall mean (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Provided that, for purposes of Eligible Facilities Requests, "co-location" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- (5) ~~(4)~~ "Director" is the Development Services Director.
- (6) "Disrepair," as used in this chapter, refers to a facility or structure which has become so damaged or deteriorated on account of age, the elements, wear and tear, or other cause, that it has become a threat to public safety or would constitute a public nuisance as defined in the Puyallup Municipal Code.
- (7) ~~(5)~~ "Equipment shelter or cabinet" means a room, cabinet or building used to house equipment for utility or service providers.
- (8) ~~(6)~~ "Facility" -, for the purposes of this section, means an unstaffed site containing structural improvements for the transmission and reception of low-power radio signals consisting of antennas, support structure, equipment shelter or cabinet, or related equipment.
- (9) ~~(7)~~ "Facility location" may include placement of facilities in one or more of the following manners:
- (a) "Attached facility" means a facility that is affixed to an existing structure -, not including a monopole or freestanding facility, such as a building or water tower, and is not considered a component of ~~the attached wireless communication facility~~ such structure, building or water tower.
- (b) ~~"Co-location-Additional"~~ "Additional facility" means a single-support structure such as a building, monopole or lattice tower to which more than one wireless communications provider mounts equipment.
- (c) "Freestanding facility" means a ~~facility which includes a separate support structure, including but not limited to monopoles, lattice towers, wood poles or guyed towers~~ used primarily for the purposes of supporting personal wireless services. .
- (10) ~~(8)~~ "Light Pole" means a pole with a light source attached to it, used primarily for lighting streets, parking areas, parks or pedestrian paths.
- (11) ~~(9)~~ "Ornamental Pole" means a ~~City-owned~~ city-owned decorative pole, which may provide lighting and which are described in the ~~City~~ city Standards for Public Works Engineering and Construction Manual.

~~(12)(10)~~ “Personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

~~(13)(11)~~ “Related equipment” means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, radio, cable, conduit and connectors.

~~(14)(12)~~ “Small cell facility” ~~shall mean and refer to a personal wireless services facility that meets both~~ are facilities that meet each of the following ~~qualifications~~ conditions:

(a) The facilities:

(i) Are mounted on structures 50 feet or less in height including their antennas as defined in § 1.1320(d); or

(ii) Are mounted on structures no more than 10 percent taller than other adjacent structures; or

(iii) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(b) ~~(a) Each antenna is located inside an antenna enclosure of associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and;~~

(c) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume; and

(d) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards as specified by the FCC.

~~(b) Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and, if so located, are not included in the calculation of equipment volume: electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cutoff switch.~~

~~(15)(13)~~ “Small cell network” shall mean and refer to a collection of interrelated small cell facilities designed to deliver personal wireless services.

~~(16)~~ “Structure”, for the purposes of this section, means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

~~(17)~~(14) "Traffic Signal Poles" means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.

~~(18)~~(15) "Transmission tower (support structure)" means a freestanding structure, other than a building, on which communication devices are mounted. Support structure types include, but are not limited to, monopoles, lattice towers, wood poles or guyed towers.

(a) "Guyed tower" means a support structure, consisting of metal cross strips or bars, which is steadied by wire guys in a radial pattern around the tower.

(b) "Lattice tower" means a support structure consisting of metal cross strips or bars to support antennas and related equipment.

(c) "Monopole" means a facility consisting of a single, pole support structure. (Ord. 2507 § 11, 1997).

~~(19)~~(16) "Unified Enclosure" shall mean a small cell facility providing concealment of antennas and equipment within a single enclosure.

~~(20)~~(17) "Utility Poles" shall mean a ~~wooden pole designated structure designed~~ and used primarily for the support of electrical wires, telephone wires ~~or~~, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

~~(21)~~(18) "Wireless Communication Facilities" means facilities used for personal wireless services.

20.59.010 Wireless communication facilities in RS and RM zones.

Wireless communication facilities, not including small cell facilities, permitted as principal or accessory uses are subject to the provisions of this chapter and the following requirements:

(1) Accessory antenna devices, parabolic antennas two feet in diameter or less, omni-directional antennas less than six feet in length, directional antennas five feet or less in height with a combined surface area of not more than 580 square inches as viewed from any one point, and stealth antennas are permitted subject to the performance standards set forth in PMC [20.59.040](#) and subject to meeting the following criteria:

(a) The antenna is attached to an existing structure;

(b) The antenna does not extend more than 10 feet above the top of the structure; and

(c) The related equipment is not located in the right-of-way.

(2) Freestanding parabolic antennas greater than two feet in diameter and associated support structure are subject to the performance standards set forth in PMC [20.59.040](#) and subject to meeting the following criteria:

(a) The antenna and associated support structure are not located within any required landscaped setbacks, front or side yard setback, or in the area located between the front setback line and the front of the building; and

(b) The antenna and associated support structure does not extend more than 10 feet above the adjoining grade.

(3) Attached or freestanding antennas and associated support structures which are not specifically permitted under subsection (1) or (2) of this section or which exceed the associated criteria shall comply with the following requirements:

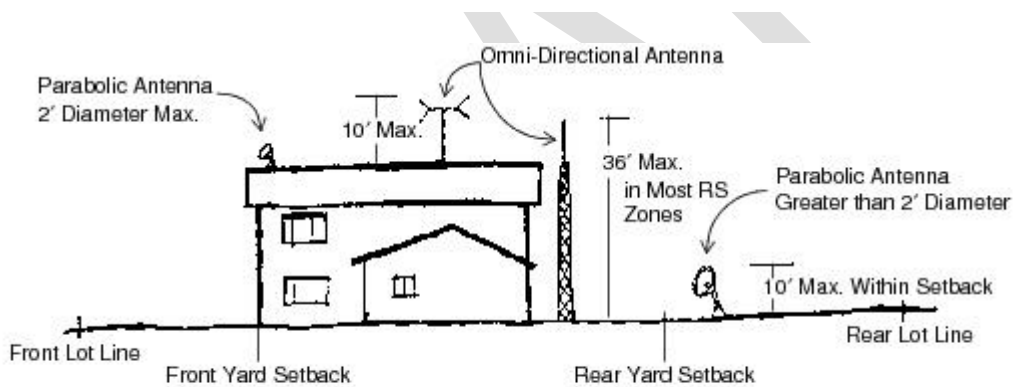
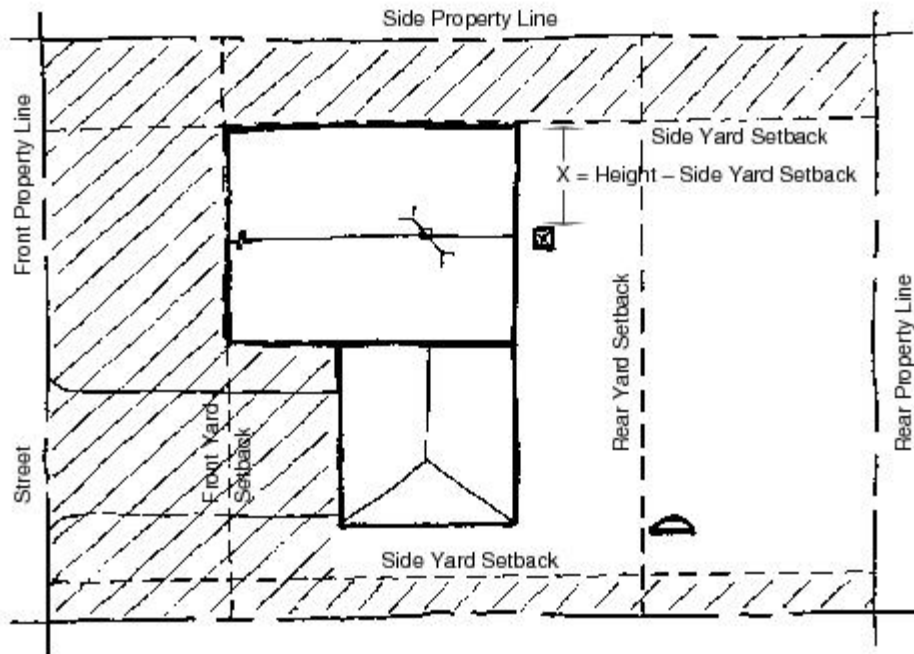
(a) The antenna and support structure shall be subject to the maximum building height for the corresponding zone in which it is located as set forth in PMC [20.20.020](#)(9) for RS-zoned property, PMC [20.25.020](#)(8) for RM-zoned property; said height restriction shall not be subject to granting of a variance;

(b) The antenna and associated support structure shall not be located within any required landscaped setback, front or side yard setback, or in the area located between the front setback line and the front of the building;

(c) The antenna and associated structure shall comply with required building setbacks and shall be set back from the required side yard setback an additional one foot for each foot of height over 10 feet;

(d) The antenna and associated structure shall comply with the performance standards set forth in PMC [20.59.040](#); and

(e) No more than one freestanding support structure shall be permitted per lot. (Ord. 2954 § 16, 2010; Ord. 2507 § 11, 1997).



Note: Only one freestanding antenna structure permitted per lot.

Example of Wireless Communication Facilities Located in RS and RM Zones

20.59.020 Wireless communication facilities in OP, C, MX, M, FAIR, MED and PF zones.

Wireless communication facilities, not including small cell facilities, permitted as principal or accessory uses, or by conditional use permit, are subject to the provisions of this chapter and the following requirements:

(1) Facilities as an Accessory Use in OP, C, MX, M, FAIR, MED and PF Zones. The following facilities are permitted as accessory uses in OP, C, MX, M, FAIR, MED or PF zones subject to compliance with the performance standards set forth in PMC [20.59.040](#) and the following requirements:

(a) Attached accessory antenna devices, parabolic antennas two feet or less in diameter, omni-directional antennas six feet or less in length, directional antennas five feet or less in height with a combined surface area of not more than 580 square inches as viewed from any one point, and stealth antennas, and not extending more than 15 feet above the roof surface of the structure, provided that the related equipment is not located in the right-of-way;

(b) Attached parabolic antennas greater than two feet in diameter, omni-directional antennas greater than six feet in length, and directional antennas greater than five feet in height with a combined surface area of more than 580 square inches as viewed from any one point shall also comply with the following requirements:

(i) The antenna and associated support structure shall be set back two feet from any exterior building wall for every one foot of height measured from the surface of the roof, except when incorporated as an architectural feature of the building or screened from view from any public right-of-way or residential zone;

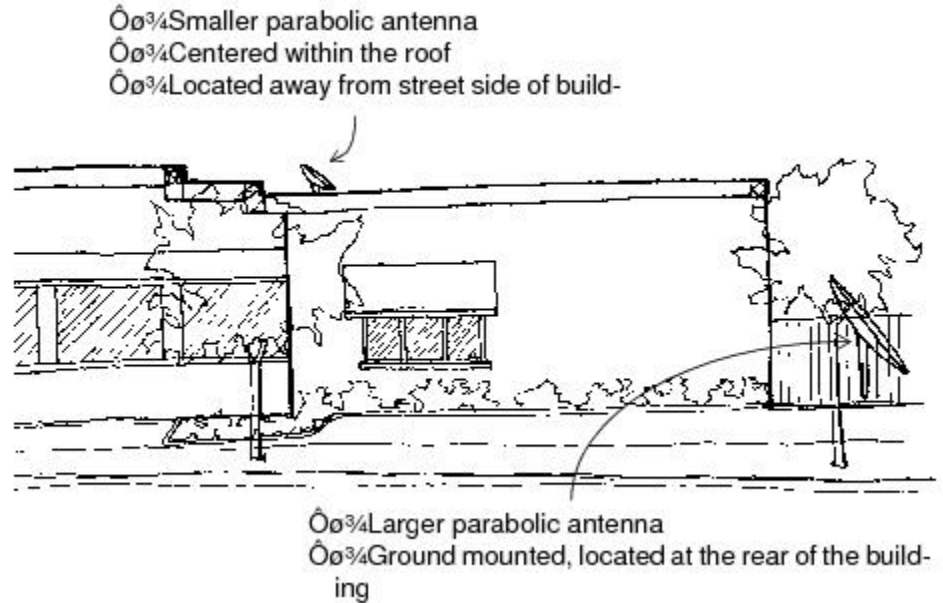
(c) Freestanding parabolic antennas and associated support structures shall be subject to the following criteria:

(i) The antenna and associated support structure are not located within any required landscaping, front or side yard setback, or in the area located between the front setback line and the front of the building;

(ii) The antenna and associated support structure does not extend more than 10 feet above the adjoining grade; and

(iii) The antenna and associated support structure is screened from view from any public right-of-way or residential zone in accordance with the screening requirements for exterior mechanical devices set forth in PMC [20.28.045](#)(1) in OP zones, PMC [20.30.045](#)(1) in C zones, PMC [20.31.040](#)(1) in MX zones, PMC [20.35.035](#)(1) in M zones, PMC [20.37.020](#)(2) in FAIR zones, PMC [20.43.045](#)(1) in MED zones and

PMC [20.44.045](#)(1) in PF zones.



Example of Parabolic Antenna Size, Placement, and Screening in OP, C, MX, M, FAIR, MED and PF Zones

(2) Facilities as a Permitted Use in OP, C, MX, M, FAIR, MED and PF Zones. The following facilities are permitted as a primary use in an OP, C, MX, M, FAIR, MED and PF zone subject to compliance with the performance standards set forth in PMC [20.59.040](#) and the following requirements:

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(a) Attached accessory antenna devices, parabolic antennas two feet or less in diameter, omni-directional antennas six feet or less in length, and directional antennas five feet or less in height with a combined surface area of not more than 580 square inches as viewed from any one point, and stealth antennas, and not extending more than 15 feet above the roof surface of the structure, provided that the related equipment is not located in the right-of-way;

(b) Attached parabolic antennas greater than two feet in diameter, omni-directional antennas greater than six feet in length, directional antennas greater than five feet in height with a combined surface area of more than 580 square inches as viewed from any one point, and stealth antennas shall also comply with the following requirements:

(i) The antenna and associated support structure shall be set back two feet from any exterior building wall for every one foot of height measured from the surface of the roof, except when incorporated as an architectural feature of the building or screened from view from any public right-of-way or residential zone;

(c) Freestanding antennas and associated support structures shall be subject to the following criteria:

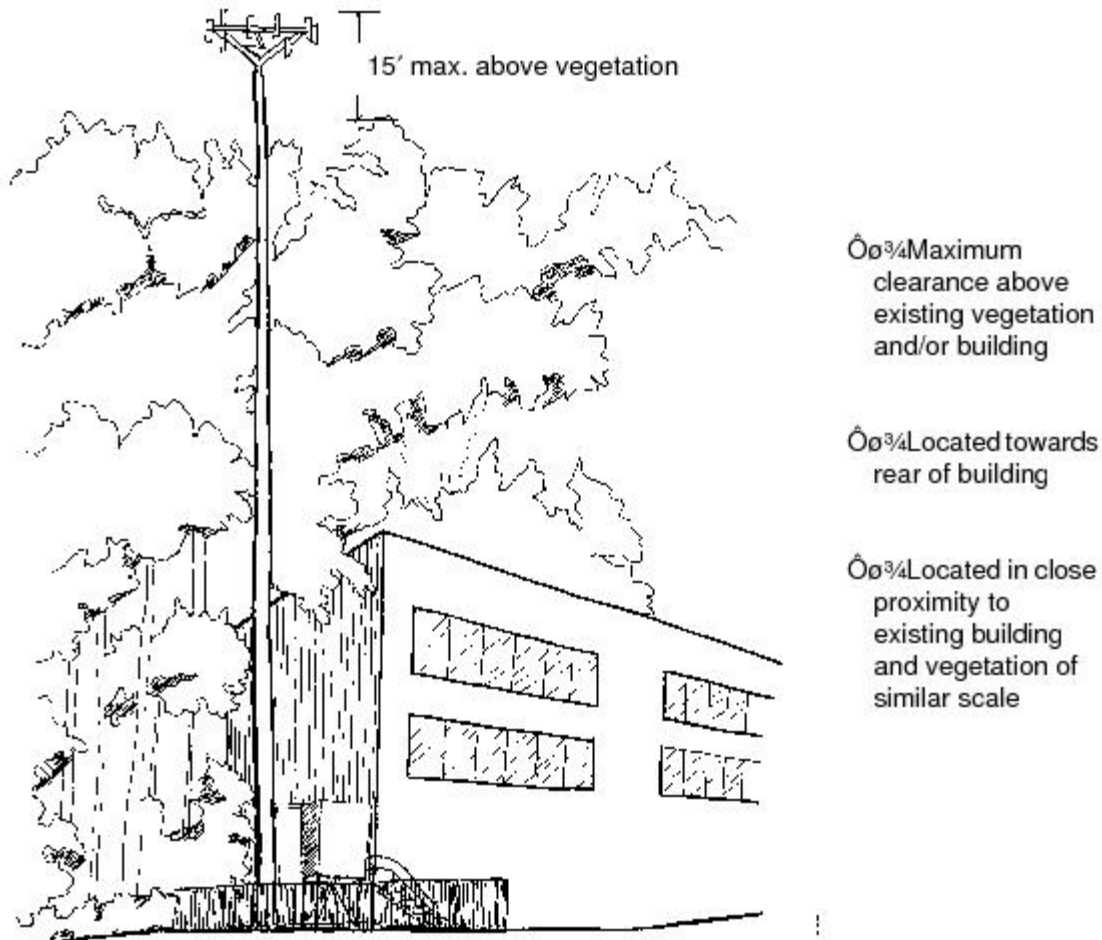
(i) The antenna and associated support structure are not located within any required landscaping, front or side yard setback, or in the area located between the front setback line and the front of the building;

(ii) The antenna and associated support structure complies with the maximum building height provisions and corresponding setbacks for buildings in the zone in which the antenna and structure are located, except as follows:

(A) If the associated support structure can be screened from view from public rights-of-way and residential zones by existing buildings or vegetation as determined by the Director or designee, the corresponding setback may be reduced; and

(iii) The equipment shelter or cabinet is screened from view from any public right-of-way or residential zone in accordance with the screening requirements for exterior mechanical devices set forth in PMC [20.35.035](#).

(3) Facilities as a Conditional Use in OP, C, MX, M, FAIR, MED and PF Zones. Freestanding antennas and associated support structures which exceed the maximum permitted building height, or encroach within required setbacks for the zone in which the antenna and structure are located except as permitted in subsection (2)(c)(ii)(A) of this section, or are not able to comply with one or more of the performance standards set forth in PMC [20.59.040](#) are only allowed upon issuance of a valid conditional use permit pursuant to Chapter [20.80](#) PMC. (Ord. 2954 § 17, 2010; Ord. 2528 §§ 1, 2, 1997; Ord. 2507 § 11, 1997).



Ø¾Maximum clearance above existing vegetation and/or building

Ø¾Located towards rear of building

Ø¾Located in close proximity to existing building and vegetation of similar scale

Example of Freestanding Monopoles/Towers in OP, C, MX, M FAIR, MED and PF Zones

20.59.040 Performance standards.

The following special requirements and performance standards shall apply to any wireless communication structure or facility, except small cell facilities:

(1) Facility Preference. Proposed antennas, associated structures and placement shall be evaluated for approval and use in the following order of preference:

- (a) Stealth ~~antennas~~antenna;
- (b) Attached ~~facilities~~facility, only when subsection (1)(a) cannot be reasonably accomplished;
- (c) ~~Co-location facilities~~Additional facility, only when subsection (1)(a) or (1)(b) cannot be reasonably accomplished;

(d) Freestanding facilities which extend no more than 15 feet above adjacent existing vegetation or structures, only when subsections (1)(a), (1)(b) or (1)(c) cannot be reasonably accomplished; or

(e) Freestanding facilities which extend more than 15 feet above adjacent existing vegetation or structures, only when subsections (1)(a) through (1)(d) cannot be reasonably accomplished.

If the applicant chooses to construct new freestanding facilities, the burden of proof shall be on the applicant to show a facility of a higher order of preference cannot reasonably be accommodated on the same or other properties. The city reserves the right to retain a qualified consultant at the applicant's expense, to review the supporting documentation for accuracy;

(2) Co-Location. Shared use of support structures and other associated facilities by multiple parties is encouraged. Prior to city approval of any new freestanding ~~transmission tower~~facility:

(a) The applicant shall provide proof of inability to locate on an existing tower facilities structure in the immediate vicinity due to the following:

(i) Refusal of the ~~tower-structure~~ owner to provide space at a fair rate of compensation; or,

(ii) The existing ~~tower-structure~~ location or configuration is incompatible with the applicant's system.

(b) The applicant shall provide proof of notification and an offer of ~~co-location~~ opportunities ~~to for~~ other service providers to locate on the freestanding facility. As a condition of city approval of any new freestanding transmission towers, the applicant shall comply with the following requirements:

(i) The applicant shall agree to sign ~~and record with the Pierce County auditor's office~~, a legally binding agreement limiting any co-location costs assessed to other carriers to a pro rata share of the ground lease, site acquisition cost, design, capital costs for construction of the tower including associated permitting costs, and reasonable maintenance, repair and replacement costs; and

(ii) The applicant shall size, design and construct the transmission tower and related equipment to accommodate future ~~co-location~~ attachment by other wireless communication facilities, and shall ensure the availability of adequate space to accommodate associated equipment shelters/cabinets;

(3) Critical Areas. No antenna shall be located in a critical area or associated buffer required by the city's environmentally critical areas management ordinance (Chapter [21.06](#) PMC), except when determined to be exempt pursuant to Article IV of said ordinance;

(4) State and Federal Preemption. Federal law prohibits consideration of environmental effects of radio frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning emissions. All other city regulations shall apply unless specifically preempted by state or federal authority;

(5) Visual Impacts. Wireless communication facilities shall be located and installed in such a manner so as to minimize the visual impact on the skyline and surrounding area in the following manner:

(a) Antennas may not extend more than 10 feet in RS and RM zones and 15 feet in all other zones, above their supporting structure, monopole, lattice tower, building or other structure, or surrounding vegetation;

(b) Site location and development shall preserve the pre-existing character of the surrounding buildings, land use and the zone district to the extent possible, while maintaining the function of the communications equipment. Wireless communication facilities shall be integrated through location, siting and design to blend in with the existing characteristics of the site through application of the following measures:

(i) Existing on-site vegetation shall be preserved insofar as possible or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area;

(ii) Location of facilities close to structures or vegetation of a similar height;

(iii) Location of facilities toward the center of the site, and location of roof-mounted facilities toward the interior area of the roof, in order to minimize view from adjacent properties and rights-of-way;

(iv) Location of facilities within interior side and rear yards; and

(v) Incorporation of the antenna, associated support structure and equipment shelter as a building element or architectural feature;

(c) Related equipment facilities used to house wireless communications equipment shall be located within buildings or placed underground when possible. When they cannot be located in buildings or placed underground, equipment shelters or cabinets shall be screened. Alternate methods for screening may include the use of building or parapet walls, sight-obscuring fencing and/or landscaping, screen walls or equipment enclosures; and

(d) Wireless communication facilities and related equipment facilities shall be of neutral colors such as white, gray, blue, black or green, or similar in building color in the case of facilities incorporated as part of the features of a building, unless specifically required to be painted another color by a federal or state authority. Wooden poles are not required to be painted;

(6) Signage. No signage, message or identification other than the manufacturer's identification and FCC required notices are allowed to be portrayed on any antenna, and permitted identification shall not exceed 10 percent of the surface area, and no signage or advertising shall be allowed above the height of the perimeter fencing except for the manufacturer's identification described above;

(7) Lighting and Security. Wireless communication facilities shall not be illuminated except for security reasons or unless required by a federal or state authority. Building-mounted lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Ground-mounted floodlighting or light projecting above the horizontal plane is prohibited between midnight and sunrise. All lighting, unless required by the Federal Aviation Authority (FAA) or other federal or state authority, shall be shielded so that the direct illumination is confined to the property boundaries of the light source;

(8) Noise. No equipment shall be operated so as to produce noise in violation of Chapter [6.16](#) PMC (Noise Control);

(9) Minor Modifications. Minor modifications to existing wireless communication facilities, including the installation of additional antenna(s), for which a valid conditional use permit exists (if one was required

previously), may be approved by the Director or designee, provided it is determined there is minimal or no change in the visual appearance and said modifications comply with the performance standards set forth in this chapter.

~~(a) Co-location on Existing Wireless Communication Facilities. In all zones except RS and RM an increase in height related to an existing, lawfully permitted wireless communication facility may be permitted administratively if such addition of height would not increase the existing height of such facility by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater. All other performance standards set forth in this chapter shall apply to such co-location height extension proposals, including the facility preference requirements of subsection (1) of this section and the visual impacts standards of subsection (5)(a) of this section;~~

(10) Abandonment or Obsolescence. Any wireless communication facility shall be removed by the facility owner or authorized agent within six months of the date it ceases to be operational or if the facility falls into disrepair. ~~“Disrepair,” as used in this section, refers to a facility or structure which has become so damaged or deteriorated on account of age, the elements, wear and tear, or other cause, that it has become a threat to public safety or would constitute a public nuisance as defined in the Puyallup Municipal Code.~~ (Ord. 3073 § 31, 2014; Ord. 2954 § 18, 2010; Ord. 2507 § 11, 1997).

20.59.050 Small Cell Facilities.

In order to manage its right-of-way and the proliferation of small cell technology within the ~~City~~ city in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the city while complying with the requirements of state and federal law, the city has adopted this process for the deployment of small cell technology. Small cell facilities are permitted in all zoning districts in the ~~City~~ city, subject to the following special requirements and performance standards. PMC 20.59.040 shall not apply to small cell facilities. The application and records process described in Chapter 20.11 PMC shall not apply to the processing of small cell permit applications.

(1) **Franchise.** An applicant is responsible for obtaining a franchise if the proposed small cell network is located within the rights-of-way. Administrative review of a small cell permit may occur in parallel with the franchise process; provided, however, that the small cell permit will not be issued until the applicant is granted a franchise by the city council.

(2) Lease. An applicant is responsible for obtaining a lease agreement if the proposed small cell network is located on city-owned infrastructure. Administrative review of a small cell permit may occur in parallel with the franchise process; provided, however, that the small cell permit will not be issued until the applicant is granted a franchise by the city council.

(3) (2)Application. Applicants shall apply ~~using the for a~~ small cell permit ~~application form~~ and submit a fee deposit commensurate with the estimated administrative costs of processing the small cell permit application. The fee deposit level shall be set by the Director.

~~(a) The applicant shall provide a map identifying the geographic boundaries for the small cell deployment.~~

(a) (b)The application shall provide specific locational information including GIS coordinates of all facilities, ~~and specify whether and where proposed~~ small cell facilities ~~are to be located on existing poles, or~~ and specify where the small cell facilities will utilize existing, replacement ~~poles, or~~ new poles, towers, existing buildings and/or other structures. ~~Conduit and/or ground~~ Ground mounted equipment-, ~~conduit, junction boxes and fiber and electrical connections~~ necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings, ~~including photo simulations,~~ including engineering and design standards, shall be provided by the applicant. The ~~applicant must show that it has an underlying lease right or other authorization from the owner of (c) — the pole or structure for the installation of its small cell facilities on such pole or structure. For city-owned poles or structures, the applicant must obtain a lease agreement from the city.~~ application shall have sufficient detail to identify:

(i) The location of overhead and underground public utility, telecommunication, cable, water, sewer drainage and other lines and equipment in the rights-of-way along the proposed route;

(ii) The specific trees, structures, improvements, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.

(iii) All existing improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 250 feet from the proposed site.

(iv) Compliance with the aesthetic requirements of this Section 20.59.050.

- (b) The applicant must show written approval from the owner of any pole or structure for the installation of its small cell facilities on such pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards from the pole owner, unless the pole owner is the city. Submission of the lease agreement between the owner and the applicant is not required. For city-owned poles or structures, the applicant must obtain a lease from the city prior to or concurrent with the small cell facility permit application and must submit as part of the application the information required in the lease for the city to evaluate the usage of a specific pole.
- (c) If the application is for a new or replacement light pole, then the applicant must provide a photometric analysis.
- (d) The applicant can batch multiple small wireless facility sites in one application. The applicant is encouraged to batch the small wireless facility sites within an application in a contiguous service area.
- (e) Any application for a small cell facility located in the right-of-way adjacent to a parcel zoned for residential use shall demonstrate that it has considered the following:
- (i) Whether a small cell facility is currently installed on an existing pole in front of the same residential parcel. If a small cell facility exists, then the applicant must demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.
 - (ii) Whether the proposed small cell facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views.
- ~~(d) Up to twenty (20) sites may be specified in one small cell permit application for processing. The Director may allow up to five (5) additional sites in one application in order to consider small cell facility sites within one contiguous service area in one application.~~
- ~~(e) If more than one application for a small cell permit is submitted by an applicant, they shall be considered in the order received. If multiple applications are submitted on the same date, the applicant shall indicate which application should be considered first.~~
- ~~(i) Any element of a deployment which qualifies as an eligible facilities request shall be specifically designated by the applicant and may be addressed separately by the Director in order to comply with the requirements in Chapter 20.59A PMC.~~
- ~~(f) The Director may approve, deny or conditionally approve all or any portion of the sites proposed in the small cell permit application. The denial of one or more small cell facility locations within a submission~~

~~described in subsection (d) above shall not be the sole basis for a denial of other locations or the entire application for small cell facilities.~~

- (f) ~~(g)~~ Any application for a small cell permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and Chapter 21.04 PMC. Further, any application proposing small cell facilities in Shoreline Management Zones (pursuant to the city's Shoreline Management Program) or in Critical Areas (pursuant to PMC Chapter 21.06) must indicate that the application is exempt or comply with the review processes in such codes.
- (g) ~~(h)~~ The applicant shall submit a sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the small cell deployment will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small cell facility will operate. If additional transmission facilities necessary to the small cell facility, such as microwave backhaul, are to be provided by a third party, then the small cell permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions of the entire installation. The applicant may provide one emissions report for the entire small cell deployment if the applicant is using the same small cell facility configuration for all installations within that batch, or may submit one emissions report for each subgroup installation identified in the batch.
- (h) ~~(i)~~ The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
- (i) A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that both construction plans and final construction of the small cell facilities and structure or pole and foundation are designed to reasonably withstand wind and seismic loads.
- (j) Applications filed under this title shall be numbered consecutively in the order of their filing, and shall become a part of the official records of the city. Copies of all notices, application materials, staff reports, and actions shall state the file number and be filed with the application.
- (k) Applicants shall submit a traffic control plan and information for right of way obstruction permit.
- (l) Recognizing that small cell facility technology is rapidly evolving, the Director is authorized to adopt and publish standards for the technological and structural safety of city-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to city-owned structures.

(4) ~~(3)~~ Application Review.

- ~~(a) Within 30 calendar days after receiving a small cell permit application, the Director shall mail, email, or provide in person a written determination to the applicant stating either:~~
- ~~(i) The application is complete; or~~
 - ~~(ii) The application is incomplete and stating what is necessary to make the application complete, referencing the code provision, ordinance, application instruction or otherwise stated public procedure.~~

~~The Director shall notify the applicant within ten (10) days whether the supplemental information did not provide the information identified in the original notice delineating the missing information.~~

- ~~(b) The written determination shall also identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application.~~
- ~~(c) An application shall be deemed complete if the Director does not provide a written determination to the applicant that the application is incomplete as provided in subsection (3)(a)(ii) of this section.~~
- ~~(d) The notice of final decision on a small cell permit application shall be issued consistent with any time period requirements established by state or federal law.~~

(a) A pre-application meeting is encouraged prior to submitting an application for a small cell permit. The purpose of a pre-application meeting is to discuss the nature of the proposed deployment of the small cell network, review process and schedule, and applicable plans, policies and regulations.

(b) The city shall make reasonable efforts to issue the small cell permit in a time period that adheres to the presumptively reasonable periods of time set by the FCC and also consistent with any conflicting provisions of state or federal law, and the preservation of the city's health, safety and aesthetic environment.

(c) The Director may approve, deny or conditionally approve all or any portion of the sites proposed in the small cell permit application. The denial of one or more small cell facility locations within a batched submission shall not be the sole basis for a denial of other locations or the entire application for small cell facilities.

(d) ~~(e)~~ Any applicant may withdraw an application at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a proper withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the Director's decision then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of city costs incurred in processing the application prior to time of withdrawal. These city costs shall be based upon a

determination by the Director of the total hours expended in project review from the time of project application to time of withdrawal, utilizing an hourly dollar amount for staff time as established by resolution. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

(e) ~~(f)~~ Any applicant may revise an application. Such revision shall be deemed to supersede the prior application documents. If such revision is significant enough to require a revised administrative review, the Director may assess another application fee equal to the amount required to review that application

(f) ~~(g)~~ Failure of an applicant to provide additional information as requested pursuant to subsection ~~(3)(a)(ii)~~ within sixty (60) days of notice by the Director shall be deemed a withdrawal of that application, unless an extension period has been approved by the Director.

(g) ~~(h)~~ If the applicant includes small cell facility locations within a residential or mixed use zone, the Director shall provide notice of a complete application for a small cell permit on the city's website with a link to the small cell permit application. The notice shall include an email contact and telephone number for the applicant to answer citizen inquiries.

~~(i) The Director, at his/her option, may allow an applicant to opt for expedited review. Absent such a request, the city will process applications on a first-come, first-served basis. An applicant requesting expedited review may select a third-party consultant from a list established by the city through requests for qualifications or may propose an independent reviewing entity for review by the city. Such entity shall be engaged pursuant to a third-party contract. The applicant shall be responsible for paying all costs incurred in the expedited review process. Nothing herein shall be deemed to require an applicant to utilize expedited review.~~

~~(4) Administrative Review Process.~~

~~(a) A pre-application meeting is required prior to submitting an application for a small cell permit. The purpose of a pre-application meeting is to discuss the nature of the proposed deployment of the small cell network, review process and schedule, and applicable plans, policies and regulations. Upon written request from the applicant, the Director may waive the pre-application meeting.~~

(h) Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and other applicable statutes, regulations and case law. Applicants for franchises and the small cell facility permits shall be treated in a competitively neutral and non-discriminatory manner with other service providers, utilizing supporting infrastructure which is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small cell facility permit review under this

Chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

- (i) ~~(b)~~The Director shall use the criteria listed in this Section below when deciding upon the application. In addition, the Director may approve the application only if:

 - (i) It is consistent with PMC 20.59.050 and the Comprehensive Plan; and
 - (ii) It is consistent with the purpose and intent of the zone in which the site is located; and
 - (iii) It is consistent with the public health, safety and welfare.
- (j) ~~(e)~~The Director shall approve, approve with conditions or modifications, or deny an application. The Director shall include any conditions to ensure consistency with City-city zoning and utility regulations, and may include mitigation measures proposed under SEPA, if applicable. The applicant carries the burden of proof that a preponderance of the evidence supports approval of the application or approval with conditions or modifications.
- ~~(d) The Director shall distribute a written report supporting the decision and if approved shall issue the small cell permit. The report shall contain all of the following:~~

 - ~~(i) The Director's decision;~~
 - ~~(ii) Any conditions included as part of the decision; and~~
 - ~~(iii) Information regarding how the applicant can request a reconsideration of the Director's decision.~~
- (k) ~~(e)~~Administrative review decisions (and any reconsideration of that decision) and SEPA threshold determinations are final decisions, effective on the day issued. The Director's decision is the city's final decision on the application and is not subject to administrative appeals.
- (l) ~~(f)~~Appeal to Superior Court. A final decision by the Director may be appealed to Superior Court.

(5) Permit Requirements.

- (a) The grantee of any permit shall comply with all of the requirements within the small cell permit.
- (b) Construction of the small cell facility must be completed within six (6) months after the approval date by the city. The grantee may request one (1) extension to be limited to three (3) months, if the applicant cannot construct the small cell facility within the original six (6) month period.
- (c) Within thirty (30) days after construction of the small cell facility, the grantee shall provide the city with as-builts of the small cell facilities demonstrating compliance with the permit and site photographs.
- (d) The grantee shall commence operation of the small cell facility no later than three (3) months after installation.

- (e) The grantee must maintain the small cell facilities in safe and working condition. The grantee shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.
- (f) Modification to small cell facilities.
- (i) If a grantee desires to make a modification to an existing small cell facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a new small cell permit.
- (ii) A small cell permit shall not be required for routine maintenance and repair of a small cell facility, or the replacement of an antenna or equipment of similar size, weight, and height, provided that such replacement does not defeat the concealment elements used in the original deployment of the small cell facility, does not impact the structural integrity of the pole, and does not require pole replacement. As used in this section "similar size, weight, and height" shall mean no more than a 10% increase in any dimension. Further, a small cell facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small cell facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with Title 11 PMC.
- (g) Consolidated Permit
- (i) The issuance of a small cell permit for proposed facilities in the rights-of-way grants authority to construct small cell facilities in the rights-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the development services department. If the applicant requires a new franchise to utilize the right-of-way, the franchise approval may be consolidated with the small cell facility permit review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small cell facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the city shall make every reasonable effort consistent with any conflicting provisions of state or federal law, and the preservation of the city's health, safety and aesthetic environment to comply with the federal presumptively reasonable time periods when issuing the small cell permit.
- (ii) The general standards applicable to the use of the rights-of-way described in Title 11 PMC shall apply to all small cell facility permits located in the right-of-way.

(6) ~~(5)~~ **Wooden Utility Pole Design Standards.** Small cell facilities located on wooden utility poles shall conform to the following design criteria:

- (a) The utility pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small cell facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. Replacement wooden utility poles may either match the approximate color and materials of the replaced pole or shall be the standard new wooden utility pole used by the pole owner in the city.
- (b) A pole extender may be used instead of replacing an existing pole, but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole. A “pole extender” as used herein is an object affixed between the utility pole and the antenna for the purpose of increasing the height of the antenna above the pole.
- (c) Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the utility pole on which they are attached.
- (d) Multiple antennas are permitted on a utility pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume, with a cumulative total antenna volume not to exceed ~~nine (9) cubic feet, unless additional volume is technically necessary which is such cases the total volume may not exceed~~ twelve (12) cubic feet. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness.
- (e) Panel antennas shall not be mounted more than twelve (12) inches from the surface of the utility pole.
- (f) A canister antenna may be mounted on top of a utility pole, which may not exceed the height requirements described in subsection 5(a) above. A canister antenna mounted on the top of a utility pole shall not exceed the diameter of the pole by more than twelve (12) inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna

must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the utility pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the utility pole.

- (g) An omni-directional antenna may be mounted on the top of an existing utility pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.
- (h) All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on utility poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.
- (i) Equipment for small cell facilities must be attached to the utility pole, unless otherwise permitted to be ground mounted pursuant to subsection ~~(8)(a9)(a)~~. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure ~~may not exceed seventeen (17)~~ and all other wireless equipment associated with the utility pole (including but not limited any conduit, disconnect switches and meters), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does all associated equipment does not cumulatively exceed ~~seventeen (17)~~ twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind ~~any banners or~~ road signs that may be on the pole, if such banners or road signs are allowed by the pole owner and city code, provided that such location does not interfere with the operation of the road signs.
- (j) An applicant who desires to enclose both its antennas and equipment within ~~a Unified Enclosure~~ one unified enclosure may do so, provided that such ~~Unified Enclosure does not exceed four (4)~~ cubic feet. To the extent possible the Unified Enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs. The Unified Enclosure enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, (including but not limited any conduit, disconnect switches and meters), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified

enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is ~~technically~~ required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind road signs, provided that such location does not interfere with the operation of the road signs.

(k) Any equipment or antenna enclosures must meet WSDOT height clearance requirements.

(l) ~~(k)~~ The visual effect of the small cell facility on all other aspects of the appearance of the utility pole shall be minimized to the greatest extent possible.

(m) ~~(l)~~ The use of the utility pole for the siting of a small cell facility shall be considered secondary to the primary function of the utility pole. If the primary function of a utility pole serving as the host site for a small cell facility becomes unnecessary, the utility pole shall not be retained for the sole purpose of accommodating the small cell facility and the small cell facility and all associated equipment shall be removed.

(n) ~~(m)~~ All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small cell.

(o) The diameter of a replacement pole shall comply with the city's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing utility pole measured at the base of the pole.

(p) ~~(n)~~ Glulam poles are specifically prohibited.

(q) ~~(o)~~ There is no collocation requirement for small cell facilities located on utility poles.

(7) ~~(6)~~ Small Cell Facilities Attached to Light Poles and Other Non-Wooden Poles. Small cell facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right of way or poles outside of the right of way shall conform to the following design criteria:

(a) Antennas and the associated equipment enclosures shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush mounted (no more than six inches off the pole) to the pole in a manner that integrates the equipment enclosure into the design of the pole and minimizes clutter and visual impact. If the equipment enclosure is permitted on the exterior of the pole, the applicant is encouraged to place the equipment enclosure behind any ~~banners or~~ road signs that may be on the pole, provided that such location does not interfere with the visibility of the signs. For purposes of this section, "incompatible with the pole design" may

include a demonstration by the applicant that the visual impact to the pole or the streetscape would be reduced by placing the antennas and equipment exterior to the pole.

- (b) All conduit, cables, wires and fiber must be routed internally in the light pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.
- (c) Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.
- (d) The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole.
- (e) The diameter of a replacement pole shall comply with the ~~City's~~ city's setback and sidewalk clearance requirements, shall not be more than a 25% increase in the diameter of the existing pole measured at the base of the pole, and shall comply with the requirements in subsection ~~(8)(e9)(e)~~ below. If additional diameter is needed in order to conceal equipment or conduit within the base of the pole, then the applicant shall propose a concealment element design consistent with subsection ~~(9)(e10)(c)~~ below.
- (f) An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed the diameter of the pole by more than twelve (12) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.
- (g) Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
- (h) ~~(g)~~ The use of the light pole for the siting of a small cell facility shall be considered secondary to the primary function of the light pole. If the primary function of a light pole serving as the host site for a small cell facility becomes unnecessary, the light pole shall not be retained for the sole purpose of accommodating the small cell facility and the small cell facility and all associated equipment shall be removed.

(8) ~~(7)~~ **Small Cell Facilities Attached to Existing Buildings.** Small cell facilities attached to existing buildings, shall conform to the following design criteria:

- (a) Small cell facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
- (b) The interruption of architectural lines or horizontal or vertical reveals is discouraged.

- (c) New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.
- (d) Small cells shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
- (e) Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
- (f) Small cell facilities shall be painted and textured to match the adjacent building surfaces.

(9) ~~(8)~~ **General Requirements.**

- (a) Ground mounted equipment in the rights of way is prohibited, unless such facilities are placed underground or the applicant can demonstrate that pole mounted or underground equipment is technically infeasible. If the applicant builds an underground vault it should design such vault to allow for co-location of additional equipment. If ground mounted equipment is necessary, then the applicant shall submit a concealment element design, as described in subsection ~~(9)(c10)(c)~~. Generators located in the rights of way are prohibited.
- (b) No equipment shall be operated so as to produce noise in violation of Chapter 6.16 PMC (Noise Control)
- (c) Small cell facilities are not permitted on traffic signal poles.
- (d) Small cell facilities are not permitted on ornamental poles, which are described in the City-city Standards for Public Works Engineering and Construction Manual.
- (e) Replacement poles and new poles shall comply with the American with Disabilities Act (ADA), city construction and sidewalk clearance standards, and state and federal regulations in order to provide a clear and safe passage within the rights-of-way.
- (f) Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.
- ~~(g) A small cell permit shall not be required for routine maintenance and repair of a small cell facility within the rights-of-way, or the replacement of an antenna or equipment of similar size, weight and height, provided that such replacement does not defeat the concealment elements used in the original deployment of the small cell facility and does not impact the structural integrity of the pole. Right-of-way use permits may be required for such routine maintenance, repair or replacement.~~
- (g) ~~(h)~~ The design criteria as applicable to small cell facilities described herein shall be considered concealment elements and such small cell The design approved in a small cell permit shall be considered concealment elements and such facilities may only be expanded upon an eligible

~~facilities request~~ Eligible Facilities Request described in ~~Chapter~~ 20.59A PMC, when the modification does not defeat the concealment elements of the small cell facility.

- (h) ~~(h)~~ No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna, and any such signage on equipment enclosures shall be of the minimum amount possible to achieve the intended purpose; provided that, signs are permitted as concealment element techniques where appropriate.
- (i) ~~(i)~~ Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element design, as described in subsection ~~(9)(e10)(c)~~.
- (j) ~~(j)~~ Side arm mounts for antennas or equipment are prohibited.
- (k) ~~(k)~~ Any small cell facility shall be removed by the facility owner or authorized agent within six months of the date it ceases to be operational or if the facility falls into disrepair. "Disrepair," as used in this section, refers to a facility or structure which has become so damaged or deteriorated on account of age, the elements, wear and tear, or other cause, that it has become a threat to public safety or would constitute a public nuisance as defined in the Puyallup Municipal Code.
- (l) ~~(l)~~ The preferred location of a small cell facility on a pole is the location with the least visible impact.
- (m) ~~(m)~~ Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the building or pole upon which they are attached.
- (n) ~~(n)~~ The City-city may consider the cumulative visual effects of small cells mounted on poles within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the Citycity.
- (o) ~~(o)~~ Small cell facilities are not permitted on any residential structures, principal or accessory, in the RS zone.
- (p) Small cell facilities may not encroach onto or over private property or property outside of the right of way without the property owner's express written consent.
- (q) The design standards in this Section 20.59.050 are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology, nor prohibits or has the effect of prohibiting the provision of personal wireless services.

(10)~~(9)~~ **New Poles in the Rights-of-Way for Small Cell Facilities.**

(a) New poles within the rights-of-way are only permitted if the applicant can establish that:

(i) The proposed small cell facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights of way such as a public park, public property, building, transmission tower or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;

(ii) The proposed small cell facility complies with the general design requirements in subsection (9) above.

(iii) ~~(ii)The proposed wireless communications-~~The proposed small cell facility receives approval for a concealment element design, as described in subsection (c);

(iv) ~~(iii)The proposed wireless communications-~~small cell facility also complies with shoreline and SEPA, if applicable; and

(v) ~~(iv)~~No new poles shall be located in a critical area or associated buffer required by the City's city's environmentally critical areas management ordinance (Chapter 21.06 PMC), except when determined to be exempt pursuant to Article IV of said ordinance.

(b) An application for a new pole in the right-of-way is subject to administrative conditional use permit review pursuant to Chapter 20.81 PMC.

(c) The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless communications facility, including but not limited to fiber and power connections.

(i) The concealment element design should seek to minimize the visual obtrusiveness of wireless communications facility installations. The proposed pole or structure should have similar designs to existing neighboring poles in the rights of way, including to the extent technically feasible similar height. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture — or the appearance thereof — as the surface against which the installation will be seen or on

which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure or otherwise integrated into the design of the structure. Further, applicant designs should, to the extent technically possible, comply with the generally applicable design standards adopted pursuant to subsection (7) above.

- (ii) If the Director has already approved a concealment element design either for the applicant or another wireless communications facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically-technically feasible, or that such deployment would overwhelm the pole design.
- (d) Even if an alternative location is established pursuant to subsection ~~(9)(a)(10)(a)(i)~~, the Director may determine, pursuant to an administrative conditional use permit, that a new pole in the right-of-way is in fact a superior alternative based on the impact to the Citycity, the concealment element design, the City's-city's Comprehensive Plan and the added benefits to the community.
- (e) Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the city to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles that are higher than the replaced pole, and the overall height of the replacement pole and the proposed wireless communications facility is more than sixty (60) feet.



Planning Commission Agenda Item Report

Submitted by: Rachael Brown

Submitting Department: Development Services

Meeting Date: 1/23/2019

Subject:

Sign Regulation Amendments - PMC 20.60 Signs and PMC 20.75 Home Occupations

Presenter:

Rachael Brown | Assistant Planner | rnbrown@ci.puyallup.wa.us | 253.770.3363

Recommendation:

Review/Discussion of attached draft sign code amendments

Background:

As introduced at prior Commission meetings, including the November 14th, 2018 meeting, the Planning Division is drafting amendments to the Puyallup Municipal Code Chapters 20.60 Signs and 20.75 Home Occupations. This effort is in response to the decision by the United States Supreme Court in the case of Reed V Town of Gilbert, which found content-based sign regulations, of which the PMC contains several, to be an unconstitutional restriction of free speech. City staff has determined that our current sign standards require some amendments in order to fully comply with this legal direction.

Staff will walk through the attached draft sign code amendments and facilitate a discussion about the changes made. The draft code includes changes to the temporary signs section, which were conceptually discussed at the November 14th Commission meeting. No action is requested from the commission at this time.

Council Direction:

Fiscal Impacts:

ATTACHMENTS

- [Draft Sign Code Revisions](#)

Chapter 20.60

SIGNS¹

Sections:

- 20.60.001 Scope and purpose.
- 20.60.005 Definitions.
- 20.60.010 Exempt signs.
- 20.60.015 Signs not requiring a permit.
- 20.60.020 Prohibited signs.
- 20.60.025 Permit procedures.
- 20.60.030 General sign regulations.
- 20.60.035 Permitted signs, by type and zoning district.
- [20.60.037 Specific sign requirements by use](#)
- 20.60.040 Special provisions for residential (R) zones.
- 20.60.045 Special provisions for the CBD and CBD-Core zones.
- 20.60.047 Special provisions for the MX zones.
- 20.60.050 Special provisions for the MED, OP and CL zones.
- 20.60.052 Special provisions for the MP zone.
- 20.60.055 Special provisions for the CB, CG, ML and MR zones.
- 20.60.058 Special provisions for the PF zone.
- 20.60.060 Special provisions for the FAIR zone.
- 20.60.062 Special provisions for PD zones.
- 20.60.065 Specific sign requirements [by sign type](#).
- [20.60.067 Signs in the ROW.](#)
- 20.60.070 Temporary signs [not in the ROW](#).
- 20.60.075 Nonconforming signs.
- 20.60.080 Administration and enforcement.
- 20.60.090 Innovative sign design review.

20.60.001 Scope and purpose.

This chapter establishes regulations governing the installation, alteration, relocation, maintenance, use, and removal of all signs in the city. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this code is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private or public property for exterior observation, thus ensuring the protection of property values, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This chapter must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this code is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

~~While the city recognizes the rights of businesses, organizations, and individuals to identify their properties, goods and services, those needs must be balanced with the community's desire to maintain and enhance the aesthetic environment of the city for the betterment of its citizens and in the interest of economic development.~~ The purpose of this chapter is to accomplish the following:

- (1) To encourage effective sign communication that is responsive to the needs of the public in locating establishments by identification, address, product and/or service information;
- (2) To protect properties from the loss of prominence and reduced effectiveness of individual signs which would result from the unregulated number, size, and location of signs;
- (3) To enhance the visual character and identity of the city and reduce clutter and visual distraction;
- (4) To ensure that signs in the city do not adversely affect pedestrian and traffic safety by obstructing vehicle sight distance, interfering with official traffic signs, signals and devices, and unduly directing attention away from the demands of safe driving;
- (5) To further the goals and objectives of the comprehensive plan;

Commented [RNB1]: Adding a new section that clarifies what temporary and permanent signs can be in the ROW

Commented [RNB2]: This language copied from the IMLA Sign Code Model. Ogden Murphey Wallace (OMW) suggested making more explicit in the scope section how our regulations implement our intended results.

(6) To preserve the right of free speech exercised through the use of signs containing noncommercial messages.

20.60.005 Definitions.

(1) ~~A "sign" is any word, placard, board, notice, logo, insignia, symbol, flag, banner, balloon or inflatable device or pennant, which uses graphics, symbols, or written copy and is used to advertise or promote the interest of any person, institution, or business. Works of art, fountains, mosaics and building or structural design features that do not contain a commercial message, logo, symbol, or identification are not signs according to this definition.~~

Commented [RNB3]: Moved to its alphabetical location

(2) "Abandoned sign" means any sign pertaining to a business or occupant whose products or services or noncommercial messages have ceased to be offered to the public or ceased to be in effect on said premises for a period of more than 90 days.

(3) "Backlit rigid canopy sign" means any type of facade sign affixed to or integral with the surface of a translucent rigid canopy lit by lights directed toward the canopy material and mounted from internal canopy frames.

(4) "Banner" means any sign of lightweight fabric or similar material that is mounted to a pole or building by any means. National flags, state or municipal flags, seasonal flags, or the official flag of any institution or business shall not be considered banners.

(5) "Billboard" means any sign designed for use with readily changeable advertising copy unrelated to any use or activity on the property on which the sign is located.

(6) "Building identification sign" means any sign that is an integral part of the structure of a building or made of bronze or other permanent material, and that identifies and advertises only the name of a building, date and incidental information about its construction, and other historical information.

(7) "Building wall" means the side of a building as measured between the ~~outer-most corners of the building intersection of two other sides, or between the intersection of interior walls separating tenant spaces~~ when one building contains multiple owners or tenants. ~~For multi-story buildings with multiple tenant spaces, the building wall shall be measured separately for each tenant space on each story.~~

Commented [RNB4]: This provides clarification for calculating max sign area when a building has multiple stories with multiple tenant spaced. As worded, this would mean that buildings that have multiple stories but not multiple tenants one each story (like a hotel) would not get additional sign area.

(8) "Business sign" means any sign that identifies and advertises the name of an enterprise, person, institution, business, service, or product.

~~(9) "Construction sign" means a sign which identifies the architect, engineers, contractors and other individuals or firms involved with the construction of a building, or announces the character of the building or enterprise, which is erected during the building-construction period.~~

(10) "Development complex" means any commercial center, institution or development which contains four or more separate businesses or institutions located within or upon a single premises or, if on separately owned properties, which share common parking areas and/or access drives.

~~(11) "Development complex sign" means any sign that identifies and advertises the name of a development complex and/or the businesses or institutions occupying a development complex.~~

(12) "Electronic message sign" means a sign containing a message or display that consists of a pattern of lights or other technology which is capable of changing at intermittent intervals in order to vary the message being communicated (see "full-color electronic message sign" and "monochrome electronic message sign").

(13) "Facade sign" means a sign painted upon or erected flush along the exterior wall or window of a building or upon an awning attached to such exterior wall and displaying only one sign surface. ~~Facade signs may not extend above the top of the exterior wall of a building.~~

Commented [RNB5]: Regulation moved to general regulations for façade signs

(14) "Flashing sign" means a sign or portion thereof which changes light intensity or switches on and off in a constant or random pattern and no more frequently than once every two seconds, or contains motion or the optical illusion of motion by use of electrical energy, including strobe lights in window displays. Changing message signs or time and temperature signs shall not be considered flashing signs; provided, they do not flash as defined herein.

(15) "Freestanding sign" means a sign erected on a self-supporting structure erected and supported from the ground (see "monument sign" and "pole sign").

(16) "Full-color electronic message sign" means an electronic message sign which utilizes multi-color technology to display a message or image. Full-color electronic message signs typically maintain the ability to display images, animations and video. The use or display of video or animations is not permitted in any zoning district.

(17) "Incidental sign" means a sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking," "enter," "exit," "loading only," "telephone," and other similar directives.

(18) "Monochrome electronic message sign" means an electronic message sign which utilizes only one color (such as white, red or amber) technology to display a message or image. Monochrome signs shall display text only; no video, animations or similar displays are permitted when using monochrome electronic message signs.

(19) "Monument sign" means a sign supported by a base that is equal to or greater in width than the sign cabinet the base is intended to support/display. The base of the monument sign shall be constructed using similar exterior materials as the building(s) to which the sign corresponds or an approved alternative high quality material (e.g., stone veneer). Monument signs may also consist of painted text or channel letters mounted on a freestanding seating wall or retaining wall where the total height of the structure meets the limitations of this code.

~~(20) "Nameplate" means any sign, six square feet or smaller, that identifies a person, business, institution, family or group.~~

Commented [RNB6]: References non-commercial speech. We can achieve the same regulation by just sticking to the size of the sign instead.

(21) "Off-premises sign" means any sign designed for use with permanent advertising copy that advertises any enterprise not located on the property or development complex on which the sign is located.

Commented [RNB7]: Reed determined that regulating "off premises" vs "on premises" signs is not content based regulation and these kind of laws can remain.

(22) "Outdoor vehicle display" means any open-air lot at least two acres in size or with at least 300 feet of lineal frontage on a single street, used for the purposes of year-round display and sales of any vehicle as defined in Chapter 46.70 RCW, or as otherwise permitted pursuant to PMC 20.47.010(3).

(23) "Pennant" means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series.

~~(+) "Permanently affixed" means secured with hardware or supported by a foundation.~~

Commented [RNB8]: Still need to check with building about referencing the IBC code

(24) "Pole sign" means a freestanding sign that is structurally mounted on one or more poles.

~~(25) "Political sign" means any temporary sign that advertises a candidate for office or opinion on a ballot measure in a pending public election.~~

Commented [RNB9]: References content and is contentious. Safer to remove.

(26) "Portable sign" means any temporary sign that is self-supporting but not permanently attached to the ground and can be moved from one location to another. This definition includes, but is not limited to, sandwich board or "A" frame signs; balloons and inflatables used as signs; and umbrellas used for advertising.

(27) "Projecting sign" means a sign that is erected perpendicular to and supported from the wall of a building.

~~(28) "Real estate sign" means any sign that advertises the sale, rental or lease of real property.~~

Commented [RNB10]: Legal grey area between commercial vs. free speech. Safer to remove and focus on sign size instead

(29) "Regional shopping center" means a development complex consisting of at least 500,000 square feet of enclosed leasable area.

(30) "Residential development sign" means any sign that identifies a residential subdivision, condominium or apartment complex of four units or more.

(31) "Roof sign" means any sign erected and constructed wholly on and over the roof of a building, or supported by the roof structure, or extending vertically above the highest portion of the roof.

~~(32) "Sale and promotional sign" means any temporary sign that advertises a business sale, temporary activity on a property, grand opening and/or special event.~~

Commented [RNB11]: Even though this is about commercial speech which is less scrutinized than non-commercial speech, it may be safer to eliminate this definition and just focus on "temporary signs"

(33) "Sandwich board sign" means a temporary sign set upon the ground, consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing upon the ground.

(34) "Sheet plastic signs" means any sign made of a rigid plastic material which creates a surface area upon which multiple letters, words or symbols are placed.

~~(+) "Sign" is any word, placard, board, notice, logo, insignia, symbol, flag, banner, balloon or inflatable device or pennant, which uses graphics, symbols, or written copy and is used to advertise or promote the interest of any person, institution, or business. Works of art, fountains, mosaics, merchandise, and building or structural design features that do not contain a commercial message, logo, symbol, or identification are not signs according to this definition.~~

Commented [RNB12]: Moved from (1) to its alphabetical position

(35) "Street frontage" means the distance for which a lot line of a property adjoins a public or private street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street. For the purposes of this code, "street" does not include controlled access highways (i.e., SR-167, SR-512).

(+) "Structure" means anything constructed or erected which requires location on or in the ground or attachment to something having a location on or in the ground. "Structure" shall include any kind of building, porch, pier, column, post, sign, or billboard.

(+) "Structurally altered" means any change to the supporting members of a sign, including but not limited to foundations, mountings, poles, frames, and sign cabinets.

(36) "Temporary sign" means any sign, as defined above, that is intended to be used for short periods of time ~~and~~ or is constructed of non-permanent materials, including, but not limited to, cloth, canvas, light fabric, vinyl, paper, corrugated plastic or other light materials, or is not permanently affixed to a building, structure, or the ground.

(37) "Under-canopy sign" means a sign suspended over a sidewalk or pedestrian way by attachment to the underside of a canopy, marquee, awning, or similar structure, perpendicular to the wall.

(38) "Video" means the use of live action shot with a video camera or creative animation(s) created through the use of computer graphic imaging, which is displayed on an electronic message sign or similar device. The use or display of video is not permitted in any zoning district.

(39) "Window sign" means any sign, temporary or permanent, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon a window pane or glass and is legible from a distance of eight feet from the exterior of the window. Displays of merchandise for sale shall not be considered window signs.

20.60.010 Exempt signs.

The following signs shall be exempt from the provisions of this chapter:

(1) All signs not legible from a distance of more than eight feet from a property line abutting a public right-of-way;

(+) Official notices authorized ~~required~~ by a court, public body, or public safety official;

(2) Directional, warning, identification or information signs authorized or required by federal, state or municipal governments, including traffic or pedestrian control/warning/direction signs;

(3) Flags of any size. Flags shall be no taller than the maximum height allowed in the applicable zone.

~~The flag of a noncommercial institution such as a school, not exceeding 24 square feet in area in any residential zone or 60 square feet in area in a nonresidential zone, or the flag of a government regardless of size; subject to the building height limitation of the applicable zone. Each business shall be allowed one flag bearing the business's name, insignia, logo or product name; provided, such flags are not flown at a height exceeding the building height limitation of the applicable zone nor the size limitations noted above. Such flags shall not apply towards the total allowable sign area for a site nor be considered to constitute a freestanding sign.~~

(4) Religious symbols and seasonal decorations within the appropriate holiday season;

(5) Barber poles;

(6) All signs not legible from a distance of more than eight feet from a property line abutting a public right of way;

(7) One nameplate/ Any sign not exceeding two square feet;

(+) Temporary signs six square feet in area and smaller;

(+) street address identification- signs per premises;

(8) Signs regulating the use or identification of publicly owned parks and recreation facilities, including trail signage, when authorized by the city of Puyallup parks and recreation department;

(9) Home occupations permitted in residential zones are permitted one sign not exceeding six square feet;

Commented [RNB13]: If a sign is required by the government then it is considered government speech and is exempt from free speech considerations (Source IMLA Sign Code Model pg. 4)

Commented [RNB14]: 4th Circuit found that cities that exempt government flags but regulate non-government flags is a content based regulation not allowed under Reed (source CM Law; APA sign code PowerPoint pg.29)

Commented [RNB15]: Temporary signs are defined by material not by content so this regulation is Reed compliant.

Commented [RNB16]: This removes the content based allowance for a "nameplate" but still allows a home occupation to have a single sign above the exempt 2 square foot signs. Change reflected in proposed revisions to home occupation code (PMC 20.75.015)

~~(9) Incidental no parking signs not exceeding two square feet in area. Said signs may bear the name, address and phone number of a towing company responsible for impounding violators; and;~~

(10) One electronic message sign per site that utilizes monochrome color technology, no more than six square feet in area that alternates between messages no more frequently than once every two seconds.

20.60.015 Signs not requiring a permit.

The following signs shall not require a permit, but are required to meet ~~specific~~ specific all applicable requirements contained in this chapter:

(1) Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure;

~~(2) Signs relating to trespassing, no hunting, garage sales, household pets, etc., not exceeding two square feet in area;~~

~~(3) Nonelectric incidental signs not exceeding two square feet in area in the RS, RM, CBD, MP and PD zones, and four square feet in all other zones;~~

(4) ~~Any window signs~~; provided, that no individual sign or combination of signs shall exceed 25 percent coverage of each façade. ~~an individual window area. Furthermore;~~

~~(a) If the area of window signs, as allowed under this section, does not exceed 25 percent of window coverage per façade then the window sign area shall not count towards the total allowable sign area permitted for a particular property, and;~~

~~(b) If a window sign or combination of signs is equal to or exceeds 25 percent window coverage per façade, then it shall be considered a façade sign and shall adhere to all regulations governing façade signs including the requirement to obtain a sign permit;~~

~~(5) Construction signs Temporary signs on sites under construction, subject to the requirements of PMC 20.60.070 (4);~~

~~(6) Real estate signs on private property Temporary signs on sites offered for sale, subject to the requirements of PMC 20.60.070 (3);~~

~~(7) Political signs Temporary non-commercial signs, subject to the requirements of PMC 20.60.070 (1);~~

(8) Temporary signs placed outside of the right of way as allowed in PMC 20.60.070.

20.60.020 Prohibited signs.

The following devices and locations are specifically prohibited:

(1) ~~(4) Prohibited sign locations:~~

~~(a) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view approaching, merging or intersecting traffic; and; or which are an imitation of or resemble official traffic signs;~~

~~(b) Except as provided for in PMC 20.60.050 (1) (c) (iii) and 20.60.070(7) and 20.60.070 (1), signs encroaching upon or overhanging public rights-of-way, and;~~

~~(c) Any sign attached to or placed on a vehicle or trailer parked on public or private property. The prohibition of this subsection does not prohibit signs on a vehicle operating during the normal course of business or being taken home, and;~~

~~(d) Signs painted on, attached to, or placed on a roof, and;~~

~~(e) Signs painted on, attached to, or placed on bus benches, and;~~

~~(f) Any sign erected or placed in a public right-of-way, except for temporary off-premises signs as authorized herein, and except those required by a governmental agency under the provisions of this code, and;~~

~~(g) Any sign affixed to a utility pole, whether located on private property or within the public right-of-way, pursuant to RCW 70.54.090; and;~~

Commented [RNB17]: Too specific about the content of the sign; Instead #7 above exempts all signs 2 sq. ft. and under, which would include no-parking signs

Commented [RNB18]: We have already applied this interpretation to window signs. Just codifying it here for posterity and clarity of regulation

Commented [RNB19]: Current wording regulates based on content, revised wording regulates based on use of property

Commented [RNB20]: Regulations in this section are all already in the sign code, they have just been re-ordered for clarification

(h) Any sign affixed to a fire hydrant, light pole, traffic light, traffic sign, government sign, or any other public facility within the ROW except as authorized herein, and;

(i) Any sign affixed to a tree, and;

(j) No sign shall be used as a fence. Permanent and/or temporary signs may be attached to fences but such signs shall not exceed 32 square feet in area and only one such sign shall be permitted for each 100 lineal feet of fence.

(2) Prohibited sign types:

(a) Cloth, sail, feather signs, paper, soft plastic banners, balloons and other inflatable devices, or similar advertising signs or devices bearing any logo, product name, business name or other advertising, and any balloon or other inflatable device over 10 feet in diameter and pennants bearing other than a logo or product name; except those displayed as temporary signs as regulated in PMC 20.60.070, and;

(b) Signs which are an imitation of or resemble official traffic or government signs;

(3) Flashing signs or signs which sparkle or twinkle in sunlight;

(4) Portable or temporary signs except as allowed in PMC 20.60.070;

(5) Billboards in any zone;

(6) Abandoned or dilapidated signs;

(7) Rotating or motion signs;

(8) Any sign with content or subject matter that constitutes obscenity as defined by law;

(9) Any sign displaying video or animations.

~~(a) (2) Except as provided for in PMC 20.60.050(1)(c)(iii) and 20.60.070(7), signs encroaching upon or overhanging public rights-of-way;~~

~~(3) Cloth, paper, soft plastic banners, balloons and other inflatable devices, or similar advertising signs or devices bearing any logo, product name, business name or other advertising, and any balloon or other inflatable device over 10 feet in diameter and pennants bearing other than a logo or product name; except those displayed as temporary signs as regulated in PMC 20.60.070;~~

~~(4) Flashing signs or signs which sparkle or twinkle in sunlight;~~

~~(5) Portable or temporary signs except as allowed in PMC 20.60.070;~~

~~(6) Any sign attached to or placed on a vehicle or trailer parked on public or private property. The prohibition of this subsection does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business or being taken home;~~

~~(7) Billboards in any zone;~~

~~(8) Abandoned or dilapidated signs;~~

~~(9) Roof signs;~~

~~(10) Any sign erected or placed in a public right-of-way, except for temporary off-premises signs as authorized herein, except those authorized by a governmental agency under the provisions of this code;~~

~~(11) Any sign with content or subject matter that constitutes obscenity as defined by law;~~

~~(12) Signs painted on or affixed to bus benches or to any vehicle parked for more than 72 hours on any premises other than the site in which the business is located;~~

Commented [RNB21]: Regulations in this section are already in the sign code, they have been re-ordered for clarification

Commented [RNB22]: This prohibition on signs on vehicles is already addressed in 1(c) above.

~~(13) Rotating or motion signs;~~

~~(14) Any sign affixed to a utility pole, whether located on private property or within the public right-of-way, pursuant to RCW 70.54.090; and~~

~~(15) Any sign displaying video or animations.~~

20.60.025 Permit procedures.

The following regulations shall apply to all signs that require a permit pursuant to this chapter:

(1) Permit Requirements. No sign shall be installed, constructed, painted, structurally altered, posted, or applied without first obtaining a sign permit from the development services department, unless specifically exempted by this code. Maintenance or repair activities of lawfully established signs, such as repainting or refacing without increasing sign area, shall not require a permit. A single permit application may be filed for a group of signs proposed to be installed at one time.

(2) Permit Application Procedures. Applications for signs shall include the appropriate items from the following list:

- (a) A completed application on a form provided by the department;
- (b) Two site plans showing the location of the affected lot, buildings(s) and sign(s), showing both existing and proposed signs;
- (c) If the application is for a facade sign, two copies of a building elevation or photograph showing the location of the proposed sign on the structure;
- (d) Two copies of a scaled drawing of the proposed sign or sign revision including size, height, copy, structural footing details, materials specifications, method of attachment, illumination, front and end views of marquees, calculation for dead load and wind pressure, and any other information required to ensure compliance with appropriate codes and laws;
- (e) Written consent of the owner of the building, structure, or property where the sign is to be erected;
- (f) Other information as may be necessary to evaluate the permit application;
- (g) The requisite permit fee as adopted by resolution of the city council.

(3) Parties placing temporary commercial signs as allowed herein within public rights-of-way shall annually obtain a blanket sign permit for multiple locations in accordance with established administrative procedures. An applicant must provide the city with proof of continuous liability insurance during the effective period of the permit, relative to damage or injuries resulting from placement of the sign. Said insurance shall be sufficient in amount to a level established by the city.

Commented [RNB23]: We cannot require non-commercial temporary signs to get a permit

(4) Expiration of Permits. A sign permit shall become null and void if the work for which the permit was issued has not been completed within six months of its issuance.

(5) Notice of Permit Denial. When a sign permit is denied by the director, the applicant shall be given a written notice of the denial, together with a brief written statement of the reasons for the denial, and advised of rights of appeal.

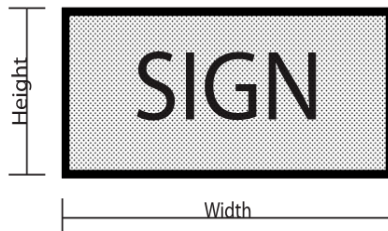
(6) Appeal from Denial of Permit Application. An appeal of the director's decision to deny a permit application may be made to the hearing examiner by filing an appeal on forms provided by the department and paying the requisite appeal fee established by city council. Appeals shall be processed under the provisions of Chapter 20.87 PMC, Interpretations.

20.60.030 General sign regulations.

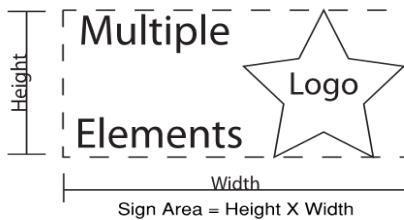
The following general sign regulations shall apply to all signs not specifically exempted by this chapter:

(1) Measurement of Sign Area.

(a) The square footage of a sign made up of letters, words, symbols, trademarks and business or corporate colors within a frame shall be determined from the outside edge of the frame itself.



(b) The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols.



(c) Double-faced signs shall be calculated as the area of one side only.

(d) Three-dimensional signs shall be calculated as the maximum area visible from any single direction at any point in time.

-(+) Building Code Compliance. The structure and installation of all signs shall comply with the latest adopted edition of the city's building code. Such signs shall meet all other applicable provisions of this chapter.

(2) Sign Illumination. All sign illumination shall be from the interior or from floodlight projection shielded to preclude glare visible from public rights-of-way and neighboring properties.

~~(3) Measurement of Sign Area. The square footage of a sign made up of letters, words, symbols, trademarks and business or corporate colors within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional signs shall be calculated as the maximum area visible from any single direction at any point in time.~~

Commented [RNB24]: Moved to (1) and added pictures above

~~(4) Prohibited Means of Structural Support. No sign shall be attached to, supported by or propped up against any utility pole, light standard, traffic sign, fire hydrant or any other public facility located within the public right-of-way, except as authorized herein.~~

Commented [RNB25]: Moved to 20.60.020 (1) 'Prohibited Signs' above

(5) Condition and Maintenance. All signs shall be of rust-inhibitive material or treatment, and shall be maintained in good condition in the opinion of the code enforcement officer-manager. All signs, together with all of their supports, braces, guys and anchors shall be kept in good repair and in a safe state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

(6) Address Display Required. All freestanding signage shall display the full address of the subject site or range of addresses within a development complex, placed in a position that is plainly legible and visible from the street or road fronting the property. The address letters and numbers shall contrast with their background. Addresses shall be displayed using Arabic numerals/alphabet letters. Address numbers shall be a minimum of six inches high with a minimum stroke of one-half inch for freestanding signs within 50 feet of the closest public right-of-way, 12 inches high for freestanding signs that are 51 feet to 100 feet from the closest public right-of-way and 18 inches high for freestanding signs that are over 100 feet from the closest public right-of-way.

Commented [RNB26]: Needs to be clarified that this is only required on the building for the purposes of emergency services to identify the building.

~~(7) Development Complexes. Signs within a development complex shall be subject to the following requirements:~~

~~(a) Business Signs. Each institution or business shall be permitted facade signs and no more than one projecting sign subject to the maximum size requirements set forth for the applicable zone. The tenant space width shall be used to determine maximum sign area; a tenant located in a floor above lower tenants may count the same wall length in determining allowable facade signage.~~

~~(b) Freestanding Signs. Each development complex shall be permitted one freestanding or monument development complex sign per public street frontage. The maximum permitted sign area for each development complex sign shall be as provided within the applicable zoning district, plus a bonus of 10 additional square feet per business or institution within the development complex; provided, that such bonus shall not exceed 50 percent of the base allowable sign area.~~

Commented [RNB27]: Moved to new section 20.60.037 specific sign requirements by use

~~(8) Regional Shopping Centers. Regional shopping centers shall be allowed signs as follows, regardless of zoning designation:~~

~~(a) Freestanding Signs. One per public street frontage; one square foot in area per lineal foot of street frontage; not to exceed 225 square feet; height and setbacks as regulated by the CG zone;~~

~~(b) Monument Signs. One per public street frontage; not to exceed 64 square feet in area or 10 feet in height; may be electronic message signs;~~

~~(c) Directional Signs. One per public street entrance; not to exceed 16 square feet in area or four feet in height;~~

~~(d) Freeway Oriented Freestanding Sign. One per regional shopping center site; not to exceed 400 square feet in area with a bonus 25 percent area for nontext architectural features;~~

~~(e) All signs must comply with the standards contained within PMC 20.60.065.~~

Commented [RNB28]: Moved to new section 20.60.037 specific sign requirements by use

~~(9) No sign shall be used as a fence. Permanent signs attached to fences shall not exceed 32 square feet in area and only one such sign shall be permitted for each 100 lineal feet of fence.~~

~~(10) No sign shall be attached to a tree in any manner.~~

Commented [RNB29]: Moved to 20.60.020 (1) 'Prohibited Signs' above

~~(11) Outdoor Vehicle Displays. Outdoor vehicle display sites that have frontage on a given street that exceeds 300 feet in length shall be allowed one additional freestanding sign.~~

Commented [RNB30]: Moved to Prohibited Signs section

20.60.035 Permitted signs, by type and zoning district.
Table 20.60.035
Permitted Signs, by Type and Zoning District

Type of sign	RS zones	RM zones	PF zone	MED, OP, CL zones	CBD, CBD-Core zones	CB zone	CG zone	MX zones	MP zone	ML zone	MR zone	FAIR zone	Pre-existing PDR zone	Pre-existing PDC zone
(1) Backlit rigid canopy sign	N	N	P	P	N	P	P	N	P	P	P	P	N	N
(2) Building identification	P*	P*	P	P	P	P	P	P	P	P	P	P	P*	P
(3) Facade sign	P*	P*	P	P	P	P	P	P	P	P	P	P	P*	P
(4) Full-color electronic message sign	N	N	P**	N	N	P**	P**	N	N	P**	P**	P**	N	N
(5) Pole sign	P=N	P=N	P	N	N	P	P	N	N	P	P	P	P*	N
(6) Monochrome electronic message sign	P*	P*	P	N	N	P	P	N	N	P	P	P	N	N
(7) Monument sign	P*	P*	P	P	P	P	P	P	P	P	P	P	P*	P

Type of sign	RS zones	RM zones	PF zone	MED, OP, CL zones	CBD, CBD-Core zones	CB zone	CG zone	MX zones	MP zone	ML zone	MR zone	FAIR zone	Pre-existing PDR zone	Pre-existing PDC zone
(8) <u>Permanent</u> Off-premises sign	N	N	N	N	N	N	N	N	N	N	N	N	N	N
(9) Projecting sign	N	N	N	N	P	P	N	P	N	N	N	N	N	P
(10) Residential development sign	P	P	P	P	P	P	P	P	N	N	N	N	P	P
(11) Sale and promotional sign	N	N	P	P	P	P	P	P	N	N	N	P	N	P
(12) Sheet plastic sign	P*	P*	P	P	N	P	P	N	P	P	P	P	N	N
(13) Temporary sign	P ±	P ±	P	P	P	P	P	P	P	P	P	P	P*	P
(14) Temp. off-premises sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P
(15) Under-canopy sign	N	N	P	P	P	P	P	P	P	P	P	P	N	P
(16) Window sign	N	N	P	P	P	P	P	N	N	N	N	N	N	P

P = Allowed in Zone

N = Not Allowed in Zone

* Only Permitted for Specific Uses

** Only Permitted for Specific Uses along Primary Arterials

20.60.037 Specific sign requirements by use

(1) Development Complexes. Signs within a development complex shall be subject to the following requirements:

- a) Business Signs. Each institution or business shall be permitted facade signs and no more than one projecting sign subject to the maximum size requirements set forth for the applicable zone. The tenant space width shall be used to determine maximum sign area; a tenant located in a floor above lower tenants may count the same wall length in determining allowable facade signage.
- b) Freestanding Signs. Each development complex shall be permitted one freestanding or monument development complex sign per public street frontage. The maximum permitted sign area for each development complex sign shall be as provided within the applicable zoning district, plus a bonus of 10 additional square feet per business or institution within the development complex; provided, that such bonus shall not exceed 50 percent of the base allowable sign area.

(2) Regional Shopping Centers. Regional shopping centers shall be allowed signs as follows, regardless of zoning designation:

- a) Freestanding Signs. One per public street frontage; one square foot in area per lineal foot of street frontage; not to exceed 225 square feet; height and setbacks as regulated by the CG zone;
- b) Monument Signs. One per public street frontage; not to exceed 64 square feet in area or 10 feet in height; may be electronic message signs;
- c) Directional Signs. One per public street entrance; not to exceed 16 square feet in area or four feet in height;
- d) Freeway-Oriented Freestanding Sign. One per regional shopping center site; not to exceed 400 square feet in area with a bonus 25 percent area for nontext architectural features;
- e) All signs must comply with the standards contained within PMC 20.60.065.

20.60.040 Special provisions for residential (R) zones.

The following regulations apply to signs located on property in RS and RM zones:

(1) Facade and Freestanding Signs. The following signs shall be permitted in the RS and RM zone districts:

~~(a) Freestanding signs in all RS and RM zone districts are limited to monument signs only as allowed under PMC 20.60.035. Maximum height and setbacks for monument signs in all RS and RM zone districts shall conform to PMC 20.60.065(5).~~

~~(ab) Residential Development Signs. Residential developments of four or more dwelling units are permitted one monument or facade sign for each public street frontage adjacent to the project (or for each entrance in the case of a subdivision project). Maximum sign area for each sign shall not exceed 25 square feet in area.~~

~~(be) Signs on property containing a legally established Non-conforming or conditionally permitted commercial or and institutional uses shall be allowed the following signage: in all RS and RM zone districts shall be permitted-~~

(i) ~~One facade sign and one monument sign per public street frontage (see PMC 20.60.065(5)), not to exceed a combined total of 25 square feet in area for every 150 feet of public street frontage. For frontage greater than 150 feet, one square foot of additional sign area shall be allowed for each six feet of frontage up to a maximum of 40 square feet. Monument signs shall be subject to the requirements of PMC 20.60.065(5).~~

~~(ii) Electronic Message signs. One monochrome electronic message sign shall be allowed per site only if the subject site has frontage on a major or minor arterial street and said sign is located along the frontage of or facing toward a major or minor arterial. Such electronic message sign shall conform to the requirements of PMC 20.60.040 (b)(i) above for the applicable sign type.~~

~~(ii)(iii) Sign Illumination. Illuminated signage is only permitted when reviewed and specifically authorized through the conditional use permit process for a conditionally permitted nonresidential use. Signs may be illuminated by an external light source that is placed no further than 10 feet from the sign face and is shielded to avoid illumination beyond the sign face. Light sources shall be shielded so that the lamp is not visible beyond the premises~~

~~(cd) One nonilluminated sign, not exceeding eight square feet in area, monument or facade, shall be allowed for each adult family home, boarding home, residential care facility, and family day care home not requiring a conditional use permit for establishment of use.~~

~~(de) Home Occupations. One nameplate facade sign (no larger than six square feet in area), mounted flush against the wall of the residence, shall be allowed for all home occupations.~~

~~(2) Sandwich Board Signs. Sandwich board signs shall be permitted within public rights-of-way in any residential zone subject to the requirements set forth in PMC 20.60.070(7).~~

~~(2) Temporary signs, including temporary off premises signs, shall be permitted as allowed under PMC 20.60.070.~~

~~(3) Electronic Message Signs. Conditionally permitted, nonresidential uses in an R zone shall be permitted, but limited to one monochrome electronic message sign if the subject site has frontage on a primary or secondary arterial and said sign is located along the frontage of or facing toward a primary or secondary arterial roadway.~~

~~(4) Sign Illumination. Illuminated signage is only permitted when reviewed and specifically authorized through the conditional use permit process for a conditionally permitted nonresidential use. Signs may be illuminated by an external light source that is placed no further than 10 feet from the sign face and is shielded to avoid illumination beyond the sign face. Light sources shall be shielded so that the lamp is not visible beyond the premises.~~

~~(3) Prohibited signs in the RS and RM zones. The following sign types are prohibited;~~

~~(a) Backlit rigid canopy signs~~

~~(b) Full color electronic message signs~~

~~(c) Pole Signs~~

~~(d) Permanent off premises signs~~

~~(e) Projecting signs~~

Commented [RNB31]: Moved to new section 20.60.073 'Signs in the ROW'

Commented [RNB32]: Moved to section 1 (b) above

Commented [RNB33]: Moved to section 1 (b) above

Commented [RNB34]: All prohibited signs listed below are already prohibited by the current sign code

[\(f\) Under-canopy signs](#)

[\(g\) Window signs](#)

~~(5) Freestanding Signs. Freestanding signs are limited to monument signs as allowed under PMC 20.60.035 and 20.60.065(5). Pole signs are not permitted in any RS or RM zone district.~~

20.60.045 Special provisions for the CBD and CBD-Core zones.

The following regulations apply to signs located on property in the CBD and CBD-Core zones:

(1) ~~Business~~ Signs. Each ~~enterprise, institution or business~~ property shall be permitted [an unlimited number of](#) facade signs, one under-canopy sign per street frontage, and one projecting or monument sign, subject to the following maximum size requirements. ~~(Note: Multiple businesses in the same building shall apportion facade length, building wall, and street frontage such that any maximum is not exceeded for a particular property.)~~

~~_(a) Maximum aggregate sign area: one and one-half square feet per lineal foot of all building walls fronting a street.~~

(b) Maximum facade sign area: one ~~and one-half~~ square [foot](#) feet for each lineal foot of the building wall from which the sign is attached.

(c) Maximum projecting sign area: one square foot for each lineal foot of building wall from which the sign projects, not to exceed 25 square feet.

[\(d\) Maximum monument sign area: one square foot for each lineal foot of street frontage, not to exceed 64 square feet. Monument signs must also conform to regulations outlined in PMC 20.60.065 \(5\)](#)

(d) Under-Canopy Sign Area and Dimensions.

(i) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.

(ii) The maximum allowable horizontal length of an under-canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.

(iii) The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be eight feet.

(2) [Permanent](#) Off-Premises Signs. Off-premises signs shall not be freestanding and shall not exceed 12 square feet in area, except temporary off-premises sandwich board signs only within public rights-of-way shall be subject to the requirements of PMC 20.60.070(7) and the following, whichever is more restrictive:

(a) Maximum height: 42 inches.

(b) Maximum width: 30 inches.

(c) Placement: may be located on public sidewalks or adjacent areas in a manner so as to allow adequate pedestrian circulation, but in no event within an area upon which vehicles regularly travel or park. No sign may be placed closer than 12 inches to a tree or other planting within the right-of-way.

(d) Maximum number: one per business.

~~(3) Projecting Signs. Signs may project over public rights-of-way a maximum of four feet; provided, such signs shall not extend to within two feet of the street curb or the improved shoulder edge, nor impede free and complete use of the sidewalk for pedestrians. Projecting parallel signs may project over public rights-of-way; provided, such signs shall not extend more than one foot beyond the wall of the building.~~

(4) Prohibited Signs in the CBD and CBD-Core Zones. The following sign types are prohibited:

(a) Backlit canopy signs;

(b) Full-color and monochrome electronic message signs, [except as exempted in PMC 20.60.010 \(1\)](#); and

Commented [RNB35]: Check for consistency with 20.60.070

Commented [RNB36]: Moved to table 20.60.045

(c) Pole signs.

20.60.047 Special provisions for the MX and CX zones.

The following regulations apply to signs located on property in the MX and CX zones:

(1) Business Signs. Each enterprise, institution or business shall be permitted an unlimited number of facade signs, one under-canopy sign per street frontage, and one projecting or monument sign per lot, subject to the following maximum size requirements: (Note: Multiple businesses in the same building shall apportion facade length, building wall, and street frontage such that any maximum is not exceeded for a particular property.)

~~(a) Maximum aggregate sign area: one and one-half square feet per lineal foot of all building walls fronting a street or pedestrian walkway.~~

(b) Maximum facade sign area: one square foot for each lineal foot of the building wall from which the sign is attached.

(c) Maximum projecting sign area: one square foot for each lineal foot of building wall from which the sign projects, not to exceed 25 square feet.

~~(d) Maximum monument sign area: one square foot for each lineal foot of street frontage, not to exceed 125 square feet. Monument signs must also conform to regulations outlined in PMC 20.60.065 (5)~~

(d) Under-Canopy Sign Area and Dimensions.

[Table 20.60.047 \(d\)](#)

Standards for Under-Canopy Signs		
	Standard	Description
(i)	Max Sign Area	1 sq ft for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
(ii)	Vertical Clearance	The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be eight feet.
(iii)	Max Horizontal Length	The maximum allowable horizontal length of an under-canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.

~~(i) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.~~

~~(ii) The maximum allowable horizontal length of an under canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.~~

~~(iii) The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be eight feet.~~

(2) Projecting Signs. Signs may project over public rights-of-way a maximum of four feet; provided, such signs shall not extend to within two feet of the street curb or the improved shoulder edge, nor impede free and complete use of the sidewalk for pedestrians. Projecting parallel signs may project over public rights-of-way; provided, such signs shall not extend more than one foot beyond the wall of the building.

(3) Prohibited Signs in the MX Zone. The following sign types are prohibited:

(a) Backlit canopy signs;

(b) Full-color and monochrome electronic message signs, [except as exempted in PMC 20.60.010 \(1\)](#); and

(c) Pole signs.

20.60.050 Special provisions for the MED, OP and CL zones.

The following regulations shall apply to signs located on property in the MED, OP and CL zones:

(1) Business Signs. Each enterprise, institution or business shall be permitted an unlimited number of facade signs, one under-canopy sign per street frontage, one projecting sign per street frontage, and one monument sign per lot, each subject to the following maximum size requirements. (Note: Multiple businesses in the same building shall apportion facade length, building wall, and street frontage such that any maximum is not exceeded for a particular property.)

- (a) Maximum Facade Sign Area. One square foot for each lineal foot of the building wall from which the sign is attached.
- (b) Maximum Freestanding or Monument Sign Area. One square foot for each five lineal feet of street frontage, not to exceed 40_64 square feet. Monument signs must also conform to regulations outlined in PMC 20.60.065 (5). Freestanding signs must conform to regulations outlined in PMC 20.60.065 (4)
- (c) Under-Canopy Sign Area and Dimensions.

Standards for Under-Canopy Signs		
	Standard	Description
(a)	Max Sign Area	1 sq ft for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
(b)	Vertical Clearance	The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be eight feet.
(c)	Max Horizontal Length	The maximum allowable horizontal length of an under-canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.

- ~~(i) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.~~
- ~~(ii) The maximum allowable horizontal length of an under canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.~~
- ~~(iii) The minimum vertical clearance between the lower edge of an under canopy sign and the ground shall be eight feet.~~

(2) Prohibited Signs in the MED, OP and CL Zones. The following sign types are prohibited:

- (a) Pole signs; and
- (b) Full-color and monochrome electronic message signs.

20.60.052 Special provisions for the MP zone.

The following regulations shall apply to signs located on property in the MP zone:

- (1) A master signage plan pursuant to PMC 20.60.030(7) shall be required of every business park development prior to the installation of any signs;
- (2) In addition to signs allowed for individual businesses, each business park shall be permitted one monument sign per street frontage, subject to the provisions of PMC 20.60.065(5);
- (3) Facade signs shall not exceed two square feet in area for each lineal foot of the building wall from which the sign is attached, not to exceed a maximum of 40 square feet;
- (4) Each sign shall be designed in a consistent style which blends with the overall architectural theme of the park as required in PMC 20.35.031;
- (5) Monument signs are the only types of freestanding signs which shall be allowed subject to the following:

- (a) Monument signs shall be set back at least five feet from the public right-of-way.
- (b) Sign height shall not exceed greater than 42 inches above grade when located within a required setback area or 15 feet when located outside of a required setback area.
- (c) Total sign face area shall not exceed 100 square feet.
- (d) The placement of monument signs shall not interfere with any vehicular sight distance requirement as determined by the city engineer, nor shall it interfere with pedestrian circulation.
- (e) Monument signs shall be compatible in design and illumination to site and vicinity improvements and landscaping.

20.60.055 Special provisions for the CB, CG, ML and MR zones.

The following regulations shall apply to signs located on property in the CB, CG, ML and MR zones:

(1) Business Signs. Each lot shall be permitted facade signs, one under-canopy sign per street frontage, and one projecting, ~~or~~ freestanding, or monument sign per street frontage, each subject to the following maximum size requirements; provided, that if a site is part of a development complex, the provisions of PMC 20.60.030(7) shall apply. (Note: Multiple businesses in the same building shall apportion facade length, building wall, and street frontage such that any maximum is not exceeded for a particular property.)

- (a) Maximum Facade Sign Area. The total area of facade signage shall not exceed one and one-half square feet for each lineal foot of the building wall from which the sign is attached.
- (b) Maximum Freestanding or Monument Sign Area. One square foot for each lineal foot of street frontage, not to exceed 150 square feet per sign. Monument signs must also conform to regulations outlined in PMC 20.60.065 (5). Freestanding signs must conform to regulations outlined in PMC 20.60.065 (4).
- (c) Under-Canopy Sign Area and Dimensions.

Standards for Under-Canopy Signs		
	Standard	Description
(a)	Max Sign Area	1 sq ft for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
(b)	Vertical Clearance	The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be eight feet.
(c)	Max Horizontal Length	The maximum allowable horizontal length of an under-canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.

~~(i) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.~~

~~(ii) The maximum allowable horizontal length of an under canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.~~

~~(iii) The minimum vertical clearance between the lower edge of an under canopy sign and the ground shall be eight feet.~~

~~(2) Temporary off premises signs within public rights of way shall be subject to the requirements of PMC 20.60.070(7) or the following, whichever is more restrictive:~~

- ~~(a) Maximum height: 42 inches.~~
- ~~(b) Maximum width: 30 inches.~~

~~(c) Placement: may be located on public sidewalks or adjacent areas in a manner so as to allow adequate pedestrian circulation, but in no event within an area upon which vehicles regularly travel or park. No sign may be placed closer than 12 inches to a tree or other planting within the right of way.~~

Commented [RNB37]: New 'Signs in the ROW' section 20.60.067 already covers this

(3) Electronic Message Signs. Full-color electronic message signs may only be located along the frontage of or facing toward a primary arterial in the CB, CG, ML and MR zones. Monochrome electronic signage may be located along the frontage of or facing toward primary or secondary arterial. The performance standard provisions of PMC 20.60.065(3)(a) through (i) shall apply to all electronic message signs in these zone districts.

20.60.058 Special provisions for the PF zone.

The following regulations shall apply to signs located on property in the PF zone, unless otherwise approved through a conditional use permit or master plan:

- (1) Facade Signs. ~~An unlimited number of façade signs shall be permitted. The maximum size for facades signs shall be~~ One square foot for each lineal foot of the building wall from which the sign is attached, not to exceed 40 square feet per building wall.
- (2) Freestanding Signs. One square foot for each five lineal feet of street frontage, not to exceed 40 square feet. ~~Freestanding signs shall be subject to the location criteria contained in PMC 20.60.065(4).~~
- (3) Monument Signs. ~~Notwithstanding any limitation for freestanding signs,~~ each site shall be allowed one monument sign, not to exceed 40 square feet in area. Monument signs shall be subject to the ~~location~~ criteria contained in PMC 20.60.065(5).
- (4) Under-Canopy Sign Area and Dimensions. One under-canopy sign per street frontage is allowed.

Standards for Under-Canopy Signs		
	Standard	Description
(a)	Max Sign Area	1 sq ft for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
(b)	Vertical Clearance	The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be eight feet.
(c)	Max Horizontal Length	The maximum allowable horizontal length of an under-canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.

~~(a) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.~~

~~(b) The maximum allowable horizontal length of an under canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.~~

~~(c) The minimum vertical clearance between the lower edge of an under canopy sign and the ground shall be eight feet.~~

(5) Electronic Message Signs. Electronic message signs are allowed as a monument sign for public schools only. Full-color electronic message signs may only be located along the frontage of a primary arterial in the PF zone for public schools only. Monochrome electronic signage may be located along the frontage of a primary or secondary arterial or collector in the PF zone for public schools. The performance standard provisions of PMC 20.60.065(3)(a) through (i) shall apply to all electronic message signs in this zone district.

20.60.060 Special provisions for the FAIR zone.

The following limitations and regulations shall apply to signs located on property in the FAIR zone:

~~(1) No provision of this code shall apply within the FAIR zone during the annual spring and fall fair events.~~

Commented [RNB38]: Moved from (c)

(2) Business Signs. Facade signs, ~~monument signs,~~ and freestanding signs shall be permitted subject to the following:

- (a) Maximum Facade Sign Area. Four hundred square feet per public street frontage;
- (b) Maximum Freestanding ~~and/or monument~~ Sign Area. One square foot for each lineal foot of street frontage, not to exceed 250 square feet each;
- (c) A maximum of one freestanding sign may exceed the building height limitation of the FAIR zone.

(d) Monument signs. Monument signs shall not exceed 10' tall and shall conform to the standards for monument signs outlined in PMC 20.60.065(5).

(2) No provision of this code shall apply within the FAIR zone during the annual spring and fall fair events.

(3) Notwithstanding any other provision of this code, pennants may be used within the FAIR zone and the fair parking overlay zones as a means of demarcating parking areas and pedestrian walkways; provided, that no pennant may be placed more than 42 inches above the adjoining grade.

(4) Electronic Message Signs. Full-color electronic message signs may only be located along the frontage or facing toward a primary arterial in the FAIR zone. Monochrome electronic signage may be located along the frontage or facing toward primary or secondary arterial. The performance standard provisions of PMC 20.60.065(3)(a) through (i) shall apply to all electronic message signs in this zone district.

20.60.062 Special provisions for Planned Developments PD zones.
The following sign regulations apply to properties within the boundaries of an approved final planned development.

(1) ~~(+)~~ The sign regulations in a Planned Development shall not be limited by the requirements of this chapter, but shall be allowed as proposed in a master sign plan.

(2) If a master sign plan has not been approved for the Planned Development, sign regulations shall revert to the sign regulations for the zone of the subject parcel.

Pre Existing PDR and PDC Zones. The following regulations shall apply to signs located on property in PDR or PDC zones established prior to the adoption of the ordinance codified in this chapter:

(a) Permitted types of signs shall be as defined in the matrix "Permitted Signs, by Type and Zoning District," contained within PMC 20.60.035.

(b) Specific sign requirements for signs proposed in pre-existing PDR zones shall be as defined in PMC 20.60.040. Specific sign requirements for signs proposed in pre-existing PDC zones shall be as defined in PMC 20.60.050.

(2) New PD Zones. The number, types, and size of signs in new PD zones shall not be limited by the requirements of this chapter, but shall be allowed as proposed in a master sign plan approved at the time the PD zone is approved. If a master sign plan is not proposed, signs shall be allowed as in subsection (1) of this section.

20.60.065 Specific sign requirements by sign type.

The following specific sign regulations shall apply to all signs as permitted herein and not specifically exempted by PMC 20.60.010:

(1) Reserved.

(2) Building Identification Signs. One building identification sign for each building shall be permitted; provided, that no such sign shall exceed 25 square feet in area.

(3)

Standards for Electronic Message Signs	
Standard	Description
(a) Message Frequency	Messages shall not change more frequently than once every two seconds Encouraged to consider utilizing longer static image display time period than the minimum two seconds
(b) Message Transition Time	Transition between messages shall be immediate to prevent illusion of motion

(c)	Brightness Level	All electronic message signs shall come equipped with an automatic dimming photocell device which will automatically adjust the display's brightness based on preset levels relative to ambient light conditions. All electronic message signs shall operate at brightness levels of no more than 0.3 foot-candles above ambient light levels. All electronic message signs shall also be preset to prevent luminance beyond 5,000 nits during daylight hours and 500 nits at night. ¹	
(d)	Off-Times	Equipped with automatic timer set to following off-time standards	RS, RM, PF zones or on nonresidential property within 300 feet of any development where electronic message sign will be visible within five years of installation, electronic signs shall be shut off between the hours of 11:00 p.m. and 6:00 a.m.
(e)	Dispersal	One electronic message sign shall be permitted on each site or development complex. One additional shall be permitted if the following conditions exist.	The second sign is located along or facing a separate primary arterial abutting the site or development complex and; The second sign is located a minimum of 500 feet from the first permitted electronic message sign on the same site and is 250 feet from an electronic message sign located on another premises. ²
(f)	Free Standing Electronic Message Signs	Freestanding electronic message signs shall be monument signs only except for signs located on the grounds of a public school facility within the public facilities (PF) zone may also be a pole sign.	
(g)	Animation or Video	No Animation or Video	Electronic message signs shall be used to display one static image for no less than the minimum time period specified herein before moving on to another static image display. ³
(h)	Malfunctioning Sign	In the event that a sign is malfunctioning, the owner of said sign shall turn the sign off until such time that the sign is repaired and functioning correctly in compliance with this section.	
(i)	Controlled Access Highway	No electronic message sign shall be oriented towards a controlled access highway facility.	

End Notes

¹ Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer/installer, reviewed and signed by the owner of the sign, that the light intensity has been factory preset not to exceed 0.3 foot-candles or the above referenced nits levels and that those settings are protected from end-user manipulation by password-protected software or other method as deemed appropriate by the director.

²The bonus provision herein shall not apply if these spacing and location criteria cannot be met. Spacing standard provisions of subsections (4)(e) and (f) of this section shall also apply.

³ Displays shall not appear to flash, undulate, or pulse, or portray explosions, imitate any form of traffic control device, display fireworks, flashes of light, or blinking or chasing lights. Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics, video or animation as it moves onto, is displayed on, or leaves the signboard.

Electronic Message Signs. The following performance standards shall apply to all electronic message signs:

~~(a) Static Image Display Minimum. Electronic message signs which provide changing messages shall not blink or flash or change their message more frequently than once every two seconds. In order to promote driver/pedestrian safety and to improve the overall~~

~~aesthetic value of the community, owners/operators of electronic message signs are strongly encouraged to consider utilizing a longer static image display time period than the minimum two seconds as established herein.~~

~~(b) Maximum Transition Time Between Static Images. Electronic message signs shall transition between static images immediately as to prevent drawn-out frame animations which may result in the illusion of motion.~~

~~(c) Brightness. All electronic message signs shall come equipped with an automatic dimming photocell device which will automatically adjust the display's brightness based on preset levels relative to ambient light conditions. All electronic message signs shall operate at brightness levels of no more than 0.3 foot-candles above ambient light levels. All electronic message signs shall also be preset to prevent luminance beyond 5,000 nits during daylight hours and 500 nits at night.~~

~~(i) Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer/installer, reviewed and signed by the owner of the sign, that the light intensity has been factory preset not to exceed 0.3 foot-candles or the above-referenced nits levels and that those settings are protected from end-user manipulation by password-protected software or other method as deemed appropriate by the director.~~

~~(d) Off Times. All electronic message signs shall be equipped with an automatic timer that will be set to the following off-time standards:~~

~~(i) On property zoned RS, RM or PF, or on a nonresidential property within 300 feet of any residential development where an electronic sign will be visible within five years of installation, electronic signs shall be shut off between the hours of 11:00 p.m. and 6:00 a.m.~~

~~(e) Dispersal Requirements. One electronic message sign shall be permitted on each site or development complex. One additional bonus electronic message sign shall be permitted if the following conditions exist:~~

~~(i) The second sign is located along or facing a separate primary arterial abutting the site or development complex; and~~

~~(ii) The second sign is located a minimum of 500 feet from the first permitted electronic message sign on the same site and is 250 feet from an electronic message sign located on another premises. The bonus provision herein shall not apply if these spacing and location criteria cannot be met. Spacing standard provisions of subsections (4)(e) and (f) of this section shall also apply.~~

~~(f) Freestanding Electronic Message Signs. Freestanding electronic message signs shall be monument signs only except for signs located on the grounds of a public school facility within the public facilities (PF) zone may also be a pole sign.~~

~~(g) No Animation or Video. Electronic message signs shall be used to display one static image for no less than the minimum time period specified herein before moving on to another static image display. Displays shall not appear to flash, undulate, or pulse, or portray explosions, imitate any form of traffic control device, display fireworks, flashes of light, or blinking or chasing lights. Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics, video or animation as it moves onto, is displayed on, or leaves the signboard.~~

~~(h) Malfunctioning Sign. In the event that a sign is malfunctioning, the owner of said sign shall turn the sign off until such time that the sign is repaired and functioning correctly in compliance with this section.~~

~~(i) Controlled Access Highway. No electronic message sign shall be oriented towards a controlled access highway facility.~~

(4) Freestanding Signs.

~~(a) Height. The height of a pole freestanding sign shall be measured from the elevation of the crown of the nearest public street, to the highest point on the freestanding sign or its supporting structure. The height of a monument sign shall be measured from the finished grade immediately abutting the base of the sign; in no event shall a monument sign be installed on an earthen berm, retaining wall or otherwise artificially created/graded surface as to elevate it above the surrounding landscape in an effort to exceed the maximum height for monument signs set forth herein.~~

~~(+) Pole signs shall not exceed 15 feet in height at a line coinciding with required front yard or street side yard setbacks as shown in the table below; in no event shall a monument sign exceed a height of 10 feet. For each additional one foot of setback beyond required front yard or street side yard setbacks, pole sign height may be increased one foot; provided, that in no event shall a pole sign exceed 36 feet in height.~~

(b) Setbacks. ~~Except as provided for monument signs in subsection (5) of this section,~~ all freestanding signs exceeding four feet in height shall comply with the setback requirements as provided for in this subsection. All setbacks shall be measured from the nearest point of the sign to the closest property line(s).

Nonresidential Setbacks

	Limited Commercial (CL)	Community Business (CB)	General Commercial (CG)	Office Professional (OP)	Light, Rail Manuf. (ML), (MR)
Front yard	20'	10'	20'	20'	20'
Arterials	25'	25'	25'	20'	20'
Rear yard	20'	10'	0'	20'	0'
Side yard	10'	0'	0'	5'	0'
Street side	15'	10'	10'	15'	10'
	Public Facilities (PF)	Business Park (MP)	Central Business (CBD/CBD-CORE)	Mixed Use Zones (MX or CX)	FAIR
Front yard	*	**	**	**	***
Arterials	*	**	**	**	***
Rear yard	*	**	**	**	***
Side yard	*	**	**	**	***
Street side	*	**	**	**	***

* See PMC 20.44.020 for setback regulations in the PF zone district.

** No pole mounted freestanding signs allowed in these zone districts.

*** See PMC 20.47.020 for setback regulations in the FAIR zone.

(c) Landscaping. Landscaping around the base of a freestanding sign shall be required in those instances where a sign is proposed for placement within or adjacent to an existing landscaped area on a site. Landscaping shall include a mix of groundcovers and shrubs.

(d) ~~Placement of free-standing signs shall not interfere with any vehicular sight-distance requirements, as determined by the city engineer, nor shall it interfere with any pedestrian access. All freestanding signs shall comply with the sight distance triangular setback area height requirements specified by the applicable zone.~~

(e) A freestanding sign shall not be located closer than 50 feet from another freestanding sign located upon another premises; provided, that this subsection shall not prohibit the ability to place one freestanding sign upon a premises that would otherwise have a right to such a sign; nor shall this subsection be applied in a manner that would require a setback for such freestanding sign in excess of what would otherwise be required by this chapter.

(f) A freestanding sign located within 40 feet of a property line abutting a street right-of-way shall not be located closer than 100 feet from another freestanding sign on the same premises.

(5) Monument Signs ~~—Maximum Height and Setbacks in All Zones.~~ Monument signs in all zones are subject to the following provisions:

(a) No more than one monument sign per street frontage.

(b) The height of a monument sign shall be measured from the finished grade immediately abutting the base of the sign; in no event shall a monument sign be installed on an earthen berm, retaining wall or otherwise artificially created/graded surface as to elevate it above the surrounding landscape in an effort to exceed the maximum height for monument signs set forth herein.

(+) Setbacks. Monument signs shall be allowed within the setback areas of a property if they meet the following standards:

~~(+) Monument signs shall be set back at least five feet from the public right-of-way, regardless of the setback requirement of the zone.~~

~~(c) Monument signs shall be no greater in height than one foot above the adjoining finished grade for each foot of setback to a maximum of 10 feet in height.~~

~~(d) Placement of monument signs shall not interfere with any vehicular sight-distance requirements, as determined by the city engineer, nor shall it interfere with any pedestrian access, circulation.~~

~~(+) Monument signs which do not encroach into required front or side yard setbacks shall conform with the requirements for monument signs for the applicable zone.~~

~~(e) Monument signs shall incorporate the same building materials in their design as the building to which they apply or an approved alternative high quality material (e.g., stone veneer).~~

~~(f) Monument signs which do not encroach into required front or side yard setbacks shall conform with the requirements for freestanding signs for the applicable zone. (g) Landscaping. Landscaping around the base of a monument sign shall be required in those instances where a sign is proposed for placement within or adjacent to an existing landscaped area on a site. Landscaping shall include a mix of groundcovers and shrubs.~~

~~(6) Incidental Signs.~~

~~(a) No more than two incidental signs per street entrance.~~

~~(b) No such sign shall exceed two square feet in area in the RS, RM, CBD, MP and PD zones, and shall not exceed four square feet in area in all other zones.~~

~~(+) Façade Signs.~~

~~(a) Façade signs may not extend above the top of the exterior wall of a building.~~

~~(7) Off-Premises Signs. Off-premises signs, except temporary signs specifically permitted under PMC 20.60.070(7), shall be subject to the following regulations:~~

~~(a) Maximum height: 15 feet;~~

~~(b) Maximum area: 50 square feet;~~

~~(c) Minimum yard setback: 20 feet;~~

~~(d) Minimum distance from RS, RM or PDR zone: 100 feet;~~

~~(e) Minimum distance from street intersection: 25 feet;~~

~~(f) Maximum number per parcel of property: one.~~

~~(8) Community Event Message Signs.~~

~~(a) A nonprofit organization shall be eligible to apply for a conditional use permit to allow a sign area bonus for a community event message sign. The purpose of this area bonus shall be to allow the display of changing messages and information on such matters as the date, time, location and sponsor of special events of community interest. Such signs shall meet the following standards and conditions:~~

~~(i) Each nonprofit organization shall be eligible for a bonus for no more than one façade sign or one freestanding sign.~~

~~(ii) The maximum bonus available shall be 50 percent of the base permitted sign area if located in a residential zone, or 100 percent if located in any other zone.~~

~~(iii) Permanent advertising of a commercial nature shall be allowed only in commercial zones, and shall not exceed 25 percent of the total area of the community event message sign.~~

Commented [RNB39]: Incidental signs are defined by their content. Instead all signs under 2 square feet have been exempted from regulation PMC 20.60.010 (7)

Commented [RNB40]: Staff is still working with legal about this section

(iv) The sign shall be made reasonably available to other community-based nonprofit organizations for the display of information about their special events or other announcements of a noncommercial nature.

(v) The signs shall not be of a size, or sited in such a manner, that will substantially hinder the visibility of other legal signs on adjacent properties.

(b) In reviewing an application for a community event message sign, the hearing examiner, and city council on appeal, shall consider the following objectives, and may impose conditions to ensure that these objectives are met:

(i) By virtue of the sign's design, size, location and other factors including appropriate landscaping, the sign shall be harmonious and compatible with its surroundings, and consistent with community aesthetic sensibilities.

(ii) The sign shall not be erected nor shall any electronic or electric changing copy be controlled in a manner that will be a substantial distraction to motorists, thus causing a traffic hazard.

~~(9) Fuel Price Informational Signs. Signs advertising the price of motor vehicle fuel sold from a fuel pump located on the premises are permitted and shall not count towards maximum allowable sign area totals, subject to the following:~~

~~(a) Only one fuel price information sign shall be permitted per fuel pump island;~~

~~(b) Sign area shall not exceed 216 square inches;~~

~~(c) Each fuel pump informational sign shall be affixed directly to the fuel pump structure or canopy and shall be stationary;~~

~~(d) In addition, one freestanding fuel price informational sign shall be allowed per public street frontage. Said signs shall not exceed four square feet per pump or a maximum of 32 square feet, whichever is less;~~

~~(e) Size limitations specified in this section include the use of company name, logo, and any other product advertisement information;~~

~~(f) Any other sign advertising any other product sold on the premises is subject to all other sign type, number, and size restrictions of this code.~~

~~(10)~~

20.60.067 Signs in the ROW

The following regulations shall apply to all signs in the ROW except those exempted from regulations in [PMC 20.60.010](#).

(1) Temporary signs shall be allowed in the ROW only if they conform to the following regulations:

a. A blanket sign permit shall be obtained for all commercial temporary signs placed within the ROW (per PMC 20.60.025 (3)).

b. Free-standing temporary signs, except sandwich board signs

i. Free-standing temporary signs shall not exceed eight square feet in area and shall not exceed 3.5 feet (42 inches) in height.

ii. Free-standing temporary signs must be placed in parking or planting strips, i.e. the area between the sidewalk and the street, or where there are no sidewalks, the unimproved part of the ROW.

iii. Free-standing temporary signs are not allowed within travel lanes, medians, or roundabouts, or within the sight-distance triangle of driveways and intersections as defined in PMC 10.56.

iv. No sign shall be located closer than two feet from the face of curb to the nearest sign edge or six feet from the edge of pavement to the nearest sign edge along roadways with no curb.

v. Signs shall not encroach into any portion of a handicapped ramp

vi. Signs shall have at least 4' of clearance to ensure they do not block a sidewalk

c. Sandwich Board Signs.

Commented [RNB41]: Exempt signs include government signs, park signs, etc...

- i. Sandwich board signs shall not exceed eight square feet in area on each side, for a total of 16 square feet in area
- ii. Sandwich board signs shall not exceed 3.5 feet (42 inches) in height.
- iii. Sandwich board signs shall be permitted within public rights-of-way only where the ROW abuts a RS, RM, C or M zone and must conform to the requirements set forth in PMC 20.60.070(7).
- iv. Commercial signs shall only be displayed during the hours the commercial premises or business is open to the general public, but in any event no earlier than 9:00 a.m. or later than 7:00 p.m. (7:00 a.m. or later than 7:00 p.m. in C and M zones), and shall be removed from the right-of-way between the hours of 7:00 p.m. to 9:00 a.m.
- v. Due to the temporary nature of the sign(s) and the requirement for daily placement and removal in accordance with the requirements set forth in subsection (7)(c) of this section, it shall be the responsibility of the sign owner to ensure proper placement. City staff is authorized to immediately remove and destroy any signs found to be in violation of the requirements of this section
- vi. Sandwich board signs must be placed in parking or planting strips, i.e. the area between the sidewalk and the street, or where there are no sidewalks, the unimproved part of the ROW.
- vii. Sandwich board signs shall have at least 4" of clearance to ensure that they do not block a sidewalk
- viii. Sandwich board signs shall not encroach into any portion of a handicapped ramp
- ix. Sandwich board signs are not allowed within travel lanes, medians, or roundabouts, or within the sight-distance triangle of driveways and intersections as defined in PMC 10.56.
- x. No sign shall be located closer than two feet from the face of curb to the nearest sign edge or six feet from the edge of pavement to the nearest sign edge along roadways with no curb.

d. Banner Signs

- i. Banners shall only be suspended over sidewalks or streets at locations where the city has provided a banner-mounting facility pursuant to good engineering practices and shall be consistent with the paramount purpose of public rights-of-way to provide safe and convenient circulation.

(2) Permanent signs shall be allowed in the ROW only if they conform to the following regulations:

20.60.070 Temporary signs not in the ROW.

The following regulations shall apply to all signs intended or permitted to be displayed for a limited time only. Temporary signs shall not count toward the maximum sign area of permanent signs:

(1) Political Signs Free-standing temporary signs, including sandwich board signs, shall be allowed on private property subject to the following standards.

- (a) Political signs Free-standing temporary signs shall be permitted in all zones.
- (b) Political Free-standing temporary signs shall not exceed eight square feet in area and shall not exceed 3.5 feet (42 inches) in height; provided, that these restrictions shall not apply to lawfully established billboards.
- (c) Free-standing signs shall be
- (e) Political signs shall be removed within 10 days after the election; provided, that signs promoting candidates or ballot propositions in a primary election may remain displayed through the general election.
- (d) Political signs shall not be placed within any public right of way, except that political signs may be placed in parking or planting strips, i.e., the area between the sidewalk and the street, or where there are no sidewalks, the unimproved part of the

Commented [RNB42]: Billboards are already prohibited in all zones

~~right-of-way. If a political sign is placed in a parking or planting strip, permission of the abutting property owner or person having legal control of the abutting property shall be obtained.~~

~~(e) Political signs shall not be placed in a manner that creates a safety hazard or obstructs vehicle or pedestrian traffic, or violates Chapter 10.56 PMC, which governs triangular sight areas.~~

~~(f) If a sign is established in violation of this subsection, the city may provide notice to the violator and a reasonable opportunity to remedy the sign violation. If the violator fails to timely remedy the violation, or the sign creates a safety hazard or obstructs vehicle or pedestrian traffic, or violates Chapter 10.56 PMC, the city may immediately remove the sign. If the city removes a sign, then the city should notify the violator that the city removed the sign.~~

(2) Temporary Use/Stand Signs. A site containing a permitted temporary use or stand shall be allowed additional temporary signage. Signs advertising a permitted temporary use and/or stand are permitted, subject to the following standards:

(a) Individual signs shall not exceed 32 square feet in area.

(b) ~~Except as provided in subsection (2)(f) of this section,~~ all signs associated with temporary uses or stands shall be located on the premises of the permitted temporary use or stand and;

(+) All signs shall be located outside of structural setback areas and required landscaped areas for the applicable zone and shall not interfere with pedestrian or vehicular movement.

(c) The sign(s) shall only be displayed during the permitted days of operation of the associated temporary use or stand.

(d) Only one sign shall be permitted per public street frontage directly abutting that area containing the permitted temporary use or stand.

(e) The temporary use or stand shall comply with all permitting requirements and standards of Chapter 20.70 PMC and PMC Title 5. Applications for said use or stand shall specifically denote the proposed signage.

~~(f) Seasonal produce stands operating under temporary use permits per PMC 20.70.016 shall be permitted one-off premises sign to direct customers to the stand in addition to permitted on-premises signage. This provision is not applicable to seasonal produce stands that are part of a farmers' market event. Said off-premises sign shall be located within 1,000 feet of the seasonal produce stand, shall not exceed 32 square feet in area, shall meet all city vehicular sight distance standards and shall be removed during months when the seasonal produce stand is not operating. No such off-premises sign shall be located within a public right-of-way unless permitted as a valid sandwich board sign under this chapter.~~

(3) Real Estate Signs, Properties Offered for Sale.

(a) In addition to any other permitted signs, each property (in any zone) offered for sale or rental may display a temporary on-premises sign, limited to the following size requirements:

(i) four square feet in area for the first 10,000 square feet in lot area, plus

(ii) an additional four square feet for each additional 10,000 square feet of lot area, not to exceed 32 square feet.

(b) Residential subdivisions that contain lots for sale or rent, shall be permitted one sign per entrance, in addition to the signs permitted in subsection (a) of this section, limited to the following size requirements:

(i) Maximum of 32 square feet

(ii) Maximum of 8' in height

Real estate signs shall be permitted in all zones; provided, that all signs shall be located upon the property to which they apply, except as provided for in subsections (3)(d) and (7) of this section.

(b) Such signs shall conform with the following maximum size requirements: four square feet in area for the first 10,000 square feet in lot area, plus four square feet for each additional 10,000 square feet of lot area, not to exceed 32 square feet.

(c) Real estate signs shall be removed upon closing of the sale.

Commented [RNB43]: According to CM Law, real estate signs should now be regulated by referencing the property and its use as "for sale" rather than the content of the sign.

~~(d) In addition, real estate signs advertising the sale of lots located within a subdivision shall be permitted; provided, that there shall be no more than one sign per entrance, and each sign shall be no greater than 32 square feet in area, no greater than eight feet in height, and erected no longer than a period of one year. Existing off-premises real estate signs shall be allowed to remain for a period of one year past the effective date of the ordinance codified in this chapter.~~

~~(4) Construction Signs: Properties under construction~~

~~(a) In addition to any other permitted signs, each property (in any zone) under active construction shall be permitted one, on-premises sign, limited to the following requirements:~~

~~(i) Residential Zones: Maximum of 12 square feet~~

~~(ii) Non-residential Zones: 32 square feet~~

~~Construction signs shall be permitted in all zones; provided, that such signs shall be located upon the property to which they apply.~~

~~(b) No more than one sign may be erected per construction site.~~

~~(c) Construction signs shall not exceed 12 square feet in residential zones and 32 square feet in nonresidential zones.~~

~~(5) Banner and Other Temporary Signs.~~

~~(a) Special sale or promotional signs, including but not limited to banners and inflatables, designed to advertise or promote the opening of a new business, specific events, merchandise and/or prices, shall be allowed in all zones where such uses are allowed. All such signs shall be removed immediately upon termination of the sale or event that they advertise.~~

~~(b) All banner signs must be attached to the facade, wall or window of the building which includes the business which they advertise, except that for outdoor vehicle display businesses banner signs may also be attached to a fence or pole.~~

~~(c) No business, entity, or person shall have more than two such signs for every 600 lineal feet of street frontage, except that for outdoor vehicle display businesses there shall be no limitation for vertical pole banners.~~

~~(d) The total sign size shall not exceed 50 percent of the size of the permitted facade sign and shall not count towards the total allowable sign area for a particular property.~~

~~(e) Balloons shall not exceed a height above grade of eight feet. On weekends only, for outdoor vehicle displays when permitted in any zone, balloons shall not exceed a height above grade of 75 feet, provided they shall be anchored/tethered from all property lines one foot for each foot in height.~~

~~(6) Community Events Signs: Signs announcing community events relating to tourism or downtown promotion, such as a fair, farmers' market or parade, may be permitted to locate over public rights-of-way within the CBD and CG zones. A banner may also contain a community message such as, "Welcome to Puyallup," or "Welcome to Downtown Puyallup." Such banners shall not advertise or promote any business or the sale of any product or commodity. Banners shall only be suspended over sidewalks or streets at locations where the city has provided a banner mounting facility pursuant to good engineering practices and shall be consistent with the paramount purpose of public rights-of-way to provide safe and convenient traffic circulation. Alternatively, such signs may be permitted to be attached to the wall of a building subject to approval by the community development director.~~

~~(7) Sandwich Board Signs within Public Rights-of-Way. When allowed within a specific zone, temporary signs not otherwise permitted may be placed within public rights-of-way for the express purpose of directing persons to a premises, subject to the following requirements:~~

~~(a) Maximum sign area: six square feet per side.~~

~~(b) Maximum sign height: 36 inches measured from the lowest adjoining grade within one foot of the sign to the top of the sign.~~

~~(c) Signs shall only be displayed during the hours the premises or business is open to the general public, but in any event no earlier than 9:00 a.m. or later than 7:00 p.m. (7:00 a.m. or later than 7:00 p.m. in C and M zones), and shall be removed from the right-of-way between the hours of 7:00 p.m. to 9:00 a.m.~~

Commented [RNB44]: According to LWC, temporary construction signs should now be regulated based on the use of the site (aka "under construction") rather than the content of the sign.

Commented [RNB45]: Community Event Signs removed. Regulations for banners moved to 'temporary signs in the ROW' section

Commented [RNB46]: Moved to new signs in the ROW section

~~(d) There shall be no more than three signs per premises in R-zones and no more than one sign per business in C or M-zones. All signs within C and M-zones shall be located directly adjacent to the property on which the advertised business is located.~~

~~(e) No sign shall be placed in median strips, planter/traffic islands, or in the roadway; shall block a sidewalk; shall encroach into any portion of a required handicapped ramp; shall be located closer than two feet from the face of curb to the nearest sign edge or six feet from the edge of pavement to the nearest sign edge along roadways with no curb.~~

~~(f) Signs shall be of durable materials and construction, sufficient to withstand any environmental condition that may cause the sign to become detached from the ground.~~

~~(g) Due to the temporary nature of the sign(s) and the requirement for daily placement and removal in accordance with the requirements set forth in subsection (7)(c) of this section, it shall be the responsibility of the sign owner to ensure proper placement. City staff is authorized to immediately remove and destroy any signs found to be in violation of the requirements of this section.~~

20.60.075 Nonconforming signs.

Signs lawfully in existence as of the effective date of the ordinance codified in this chapter may remain and be maintained, even if a particular sign would not otherwise be permitted under this code. Whenever a business, person, enterprise or institution for which existing signage does not conform to the requirements of this chapter seeks to structurally alter or enlarge an existing sign, or erect or install a new sign, the provisions of this section shall apply.

(1) In the event a nonconforming sign is removed, or structurally altered, pursuant to installation of a new sign, all applicable sections of the Puyallup sign ordinance (Chapter 20.60 PMC) shall apply to the new proposal. The alteration or enlargement of existing signs or the installation or erection of new signs shall not increase the degree of nonconformity, in terms of number, size, height, setback or any other applicable regulation.

(2) The provisions of subsection (1) of this section do not apply to temporary signs or to illegal signs. Temporary signs that do not comply with the requirements of this chapter, and other illegal signs, shall be removed within 30 days after notification of the city of the sign's nonconformity.

(3) Billboards which do not conform to the requirements of this chapter shall be removed, altered or replaced so as to fully conform to the requirements of this chapter within nine years after the date of installing the billboard, or six years after notification of the city of the billboard's nonconformity, whichever is longer, or at whatever time application is made for building or other permits for improvements to the property which exceed \$60,000 in value. Nonconforming billboards shall not be altered so as to constitute an increase in the height and/or structural dimensions of the billboard.

(4) Nonconforming Billboards in Newly Annexed Properties. All billboards nonconforming as to the requirements of this chapter located on newly annexed properties to the city shall be fully removed and/or brought into conformance within six years of final city approval of the applicable annexation action, or at whatever time application is made for building or other permits for improvements to a property which exceed \$60,000 in value.

(5) Signs in existence as of the effective date of the ordinance codified in this chapter that would have been legal under former regulations, but are now nonconforming, may be issued a permit to establish their legal status; provided, that application for such a permit must be made within 60 days of the effective date of the ordinance codified in this chapter.

20.60.080 Administration and enforcement.

The community development director or his/her designee shall be responsible for administration of this chapter and is authorized to formulate procedures consistent with its intent and purpose.

(1) Administrative Adjustments. The community development director shall have the authority to grant or deny requests for adjustments to the provisions of this chapter upon application in accordance with procedures set forth in Chapter 20.86 PMC, whenever such provisions are unduly prohibitive to reasonable use of property as intended by this chapter.

(a) The director may grant an adjustment of no greater than 10 percent (rounded to the nearest foot or square foot); provided, that no increase in the number of signs shall be allowed;

(b) An adjustment shall not be materially detrimental to other properties or land uses in the surrounding area;

(c) The adjustment shall be consistent with the general purpose and intent of this chapter and/or the comprehensive plan.

(2) Removal of Signs. The ~~community~~ development ~~services~~ director may order the removal of any sign erected, installed, or maintained in violation of this chapter. Where there is no immediate threat to public safety or welfare, written notice shall be first given to the sign owner, the sign permittee, or the owner of the property where the sign is placed. However, where any sign is located in the public right-of-way in violation of this chapter, it shall be subject to immediate removal. Illegal temporary signs in the public right-of-way shall not be stored and are subject to disposal by the city.

(3) Civil Penalties. In addition to any other remedy available to the city, a person violating or failing to comply with any provisions of this chapter shall be subject to the procedures for violation, hearing, and penalties as set forth in Chapter 20.95 PMC.

~~(4) Substitution. These regulations are not intended to, and do not restrict speech on the basis of its content, viewpoint, or message. No part of these regulations shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial message on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different non-commercial message, without the need for approval or a permit, provided the size of the sign is not altered. To the extent any provision of these regulations is ambiguous, the term shall be interpreted not to regulate on the basis of the content of the message.~~

Commented [RNB47]: Substitution and severability clauses suggested by OMW

~~(5) Severability. It is hereby declared to be the intention of the City Council that the Sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph, or Section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and Sections of this Code.~~

20.60.090 Innovative sign design review.

(1) A design review process is hereby established to allow for innovation and flexibility in sign design when found to be compatible with the character of the surrounding area and the overall character of the city. The intent of this section is to provide criteria by which a sign that does not comply with one or more standards of this code (excluding the height of freestanding sign(s)) may be permitted, subject to design review, public notification, and findings of consistency with the guidelines included herein.

(2) The design review and historic preservation board shall review all requests for design review when applications are so made to the development services department and shall issue a recommendation to either approve, deny, or approve with modifications or conditions.

(3) The development services director shall consider the recommendations of the design review board and issue his/her written decision within 10 working days of receipt of the recommendation. The decision of the director may be appealed pursuant to the appeal provisions of Chapter 20.87 PMC.

(4) The following criteria shall be considered by the board in making its recommendation and by the director when issuing a decision:

- (a) Whether the proposed sign is compatible with the architectural design of the building and structures on the same parcel;
- (b) Whether the sign is compatible with the character of the surrounding area, including materials and other elements of the area;
- (c) Whether the sign is consistent in size and orientation with the character of the surrounding area (i.e., pedestrian- or automobile-oriented commercial districts);
- (d) Whether the sign is consistent with the purpose and intent of the comprehensive plan and this code (as outlined by PMC 20.60.001) and is not a prohibited sign type as defined by PMC 20.60.020;
- (e) Whether the applicant is reducing in either number, size or location some otherwise allowable sign(s) on the site, where applicable. In no event shall this section be used to exceed maximum height of any freestanding signage;
- (f) Whether the deviation is necessary to provide relief from the standards of this code due to special circumstances;
- (g) Whether the proposed sign demonstrates an innovative method of meeting the scope and purpose of the sign ordinance, as defined by PMC 20.60.001. The architectural design of the signage shall be evaluated relative to PMC 20.60.001 and the comprehensive plan, as well as all other applicable sections of this code.