



**CITY OF BLACK DIAMOND
PLANNING COMMISSION AGENDA
May 9, 2023
Council Chambers, 25510 Lawson St., Black Diamond**

THIS IS OFFERED AS A HYBRID MEETING AND MAY BE ATTENDED IN PERSON AT THE ABOVE NOTED ADDRESS OR BY JOINING VIRTUAL/TELEPHONICALLY. CALL IN AND JOINING INFORMATION FOLLOWS:

Zoom link to join meeting:

<https://zoom.us/j/4254157187?pwd=RE9OV0VoU1RFc3psSHdjem9mMk9hdz09>

Meeting ID: 425 415 7187

Password: PC

Telephone dial in options:

+1 206 337 9723 US (Seattle)

+1 253 215 8782 US (Tacoma)

Meeting ID: 425 415 7187

Password: 941820

6:00 P.M. - CALL TO ORDER, FLAG SALUTE, AND ROLL CALL

APPROVAL OF MINUTES:

- 1) Regular Planning Commission Meeting on April 11, 2023

PUBLIC COMMENTS: Persons wishing to address the Planning Commission regarding items of new business are encouraged to do so at this time. Please use the "raise your hand" feature and once recognized by the Chair, you may unmute and state your name and city for the record. Please limit your comments to 3 minutes. For those dialing in, please press *9 to raise your hand and *6 to unmute yourself.

PUBLIC HEARINGS:

- 2) **2023 Proposed Comprehensive Plan Amendments – Preliminary Docket**

- a) Deliberation and possible action taken on "2023 Proposed Comprehensive Plan Amendments – Preliminary Docket."

STUDY/WORK SESSION: None

UNFINISHED BUSINESS:

- 3) Continuation of Sign Code Review under Black Diamond Municipal Code 18.82

NEW BUSINESS:

COMMUNITY DEVELOPMENT DEPARTMENT REPORT:

PUBLIC COMMENTS:

ADJOURNMENT:

This site is barrier free. People needing special assistance or accommodations should contact the Community Development Department 72 hours in advance of the meeting at (360) 851-4447



CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING MINUTES
April 11, 2023, 6:00 PM

CALL TO ORDER, FLAG SALUTE, ROLL CALL

Chairperson Olson called the meeting to order at 6:00 p.m.

Present: Commissioner Kelley Sauskojus
Commissioner Steve Jensen
Commissioner Knut Syversen (via Zoom)
Commissioner Pam McCain (joined meeting at 6:07 p.m.)
Commissioner Carol Morgan
Chair/Commissioner John Olson

Excused: Commissioner Felicia Wheatfall

Staff: Community Development Director, Mona Davis
Deputy City Clerk, Carina Thornquist

APPROVAL OF MINUTES -

1) Regular Meeting of March 7, 2023

Chair Olson noted a couple of minor clerical changes needing to be made to the minutes. The year 2022 needed to be changed to 2023. In addition, the number 1 needed to be changed to number 2 under Unfinished Business. The changes were adopted under unanimous consent as well as the regular meeting minutes of March 7, 2023.

PUBLIC COMMENT – None

PUBLIC HEARING - None

STUDY/WORK SESSION - None

UNFINISHED BUSINESS –

1) Continuation of Sign Code under Black Diamond Municipal Code 18.82

Director Davis gave a brief recap of last month's meeting to get the Commissioners caught up who missed the last meeting. Ms. Davis advised the Commissioners of the changes that were made to the document. She also reported that there were no further suggestions received by the March 20th deadline.

(Commissioner McCain joined the meeting at 6:07 p.m.)

Extensive back and forth discussion took place between Director Davis and the Commissioners.

Next steps that are needed:

- Public Hearing at either the May or June meeting
- Issue SEPA on sign code after Planning Commission's review substantially complete before this code amendment goes to Council.

NEW BUSINESS – None

COMMUNITY DEVELOPMENT DEPARTMENT REPORT –

Director Davis reported on the following items:

- Update from Comprehensive Plan Kick Off meeting on March 30th.
- Reported on the next steps and schedule for the Comp Plan.
- Work in progress to keep website updated around the Comp Plan and trying to keep social media active especially the Facebook page.
- We received some suggested amendments to the comp plan during the open docket period that concluded on March 1st. Director Davis will compile those in a staff report and bring to the May meeting.
- Staff attended Fire Chief Smith's Celebration of Life last week.
- Permit Tech/Asst. Planner, Ben, left COBD for another job. Currently have no additional planning staff.

PUBLIC COMMENTS – None

ADJOURN

Commissioner Jensen **moved** to adjourn, **second** Commissioner McCain. **Vote**, motion **passed 6- 0**.

Meeting adjourned at 8:31 p.m.

These minutes were respectively recorded by Carina Thornquist, Deputy City Clerk

ATTEST:

John Olson, Chairperson

Planning Commission Secretary

Staff Report and Recommendations to the Planning Commission

2023 Comprehensive Plan Amendments Preliminary Docket

CITY OF BLACK DIAMOND

Mona Davis, Community Development Director
May 9, 2023



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Introduction

This report is prepared pursuant to Black Diamond Municipal Code (BDMC) 16.10.140(B). Each of the preliminary docket items that were timely received by the City, or suggested by the City staff or Council, are described below. For each of these preliminary docket items, this report includes a recommendation as to whether the item should, or should not, be included on the final docket, to be set by the City Council, for consideration during the 2023 Comprehensive Plan amendment cycle.

Overview of 2023 Docket Process

Under RCW 36.70A.130(2), cities may consider proposed amendments to their comprehensive plans no more frequently than once per year, with certain limited exceptions. So that proposed amendments can be considered in an orderly and holistic manner, the state Growth Management Act (GMA) directs cities to create an annual docket that lists all proposed amendments to be considered during this once-per-year review process. The docket comprises the proposed changes to the Comprehensive Plan and development regulations that the City has resolved to evaluate during the annual update cycle. By preparing an annual docket, the City ensures that all proposed amendments are considered concurrently so that their cumulative effect can be ascertained and evaluated.¹

Proposed amendments to the Comprehensive Plan and City development regulations may be suggested by private citizens or by members of the City staff and City Council.² Under BDMC 16.10.130(D), all privately initiated amendments to the Comprehensive Plan or development regulations must be submitted by March 1 of each year. City Councilmembers may suggest amendments be added to the docket at any time before the final docket is set. For 2023, there are 3 privately initiated amendments.

After the March 1 submission deadline has passed, a preliminary docket is prepared by the Community Development Director (Director). The preliminary docket consists of all timely suggestions for Comprehensive Plan and development regulation amendments received for the annual review cycle.³

The Director is charged with preparing a report summarizing the proposed docket items and making a recommendation to the Planning Commission about which, if any, of the proposed items should be included on the final docket to be approved by the City Council.⁴ The Director's recommendations to the Planning Commission are informed by the following factors, as laid out in BDMC 16.10.140(B):

- The need, urgency, and appropriateness of the suggested amendments;
- The availability of sufficient planning staff to substantively review the suggested amendments and to manage the public participation process; and
- The anticipated costs and budget impacts associated with processing the suggested amendments.

The Planning Commission is then required to hold a public hearing on the preliminary docket and to make a recommendation to the City Council as to which, if any, of the suggested amendments from the

¹ BDMC 16.10.130(c)

² BDMC 16.10.130(B)

³ BDMC 16.10.140(A)

⁴ BDMC 16.10.140(B)

preliminary docket should be included on the final docket.⁵ The City Council then considers the Planning Commission's recommendations before adopting a final docket by resolution.⁶ The City Council may adopt the docket as recommended, or add to, subtract from, or modify the recommendations from the Planning Commission.⁷ However, if the Council decides to add to, subtract from, or modify the suggested amendments, it may first be required to hold a public hearing under RCW 36.70A.035(2)(a) and BDMC 16.10.230(B).

The final docket—which consists of all suggested amendments that the City Council elects in its discretion to include on the docket, as well as any complete applications for site-specific amendments that were timely submitted by an applicant—serves as the road map for the City's consideration of amendments to the Comprehensive Plan and development regulations during the annual review cycle.

- Note: The fact that an item is included on the final docket does not mean that the item will result in any changes to the Comprehensive Plan or development regulations (BDMC 16.10.190). Rather, it is a commitment by the City to study the requested amendment during the annual review cycle.

Once the City Council has established the final docket, the items on the docket will be studied by City staff and the Planning Commission over a series of months, with meetings and public hearings convened to receive public testimony and deliberate on each of the docketed items.⁸ These deliberations include careful consideration of the impacts of the proposed amendments on long-term planning goals and potential environmental impacts.

When the Planning Commission has completed its review of the docketed items, it will transmit a report to the City Council with a list of recommended amendments to the Comprehensive Plan and/or development regulations for final adoption.⁹ The Director will also prepare a SEPA determination for the recommended amendments.¹⁰ The City Council will then deliberate on the Planning Commission's recommendations and vote in a public meeting to adopt, reject, or modify the proposed amendments, as required by BDMC 16.10.120(A) and 16.10.230.

A tentative schedule for finalizing the docket and considering the docketed items is set forth at the end of this report.

⁵ BDMC 16.10.160

⁶ BDMC 16.10.170, 16.10.230

⁷ BDMC 16.10.230

⁸ BDMC 16.10.120(A)

⁹ BDMC 16.10.210

¹⁰ BDMC 16.10.200

Proposed Amendments for the 2023 Docket

There were no formal comprehensive plan amendments submitted with an application fee. Staff received three e-mails with suggested items on the preliminary docket for the proposed 2023 amendments to the Black Diamond Comprehensive Plan, which are described below. For ease of reference, a Summary of all City staff recommendations begins on page 7 of this report.

ITEM #2023-01: SUGGESTED AMENDMENTS FROM KELLEY SAUSKOJUS
(E-MAIL DATED 2-27-2023)

Requestor

This item is requested by Kelley Sauskojus.

Description

The requestor has submitted nine suggested edits to the comprehensive plan pertaining to Schools, Zoning, Land Use, and Transportation (see Exhibit 1).

Recommendation

The zoning, land use, and transportation issues will require extensive analysis and opportunities for public participation before final recommendations can be reached. In addition, traffic modeling will need to be completed as part of the 2024 Comprehensive Plan periodic update. City staff recommend that these suggested edits be evaluated as part of the periodic update with traffic modeling and analysis to be completed in the next 3-6 months. **City staff recommend that Item #2023-01 not be included on the 2023 Docket and be considered as part of the 2024 Periodic Update.**

ITEM #2023-02: SUGGESTED AMENDMENTS FROM FRIENDS OF BLACK DIAMOND
(E-MAIL DATED 3-1-2023)

Requestor

This item is requested by Friends of Black Diamond (Kristen Bryant, William Bryant, Gary Davis, Angela Fettig).

Description

The requestor has submitted and endorsed the nine suggested edits to the comprehensive plan outlined in Item #2023-01 pertaining to Schools, Zoning, Land Use, and Transportation (see Exhibit 2). The requestor also makes a plea to complete the land use and zoning maps in 2023 and not put off this work until 2024.

Recommendation

The zoning, land use, and transportation issues will require extensive analysis and opportunities for public participation before final recommendations can be reached. In addition, traffic modeling and the transportation element will need to be completed as part of the 2024 Comprehensive Plan periodic update, and prior to the land use and zoning elements, to effectively update the FLUM and zoning maps. City staff recommend that these suggested edits be evaluated as part of the periodic update with traffic modeling and analysis to be completed in the next 3-6 months. **City staff recommend that Item #2023-02 not be included on the 2023 Docket and be considered as part of the 2024 Periodic Update.**

ITEM #2023-03: SUGGESTED AMENDMENTS FROM LISA WINTERS
(E-MAIL DATED 3-1-2023)

Requestor

This item is requested by Lisa Winters.

Description

The requestor asks that a new land use zoning designation of Residential Conservation or R-35,000 (1 unit/35,000 square feet) be added. She requested that her parcel be rezoned from MDR-8 (Medium Density Residential 8 units/acre) to a 35,000 square foot minimum lot size (see Exhibit 3).

The requestor offers the following rationale for the requested changes:

The land use designation of 1 house per acre will allow the city to fulfill its goals to better protect the environment and the waters and limit impervious surfaces next to sensitive areas, allowing space for trees and wildlife without further strain on public services or utilities.

Recommendation

The reclassification of a single parcel is tantamount to a “spot zone” and designations similar to those that are described by the petitioner are inconsistent with the urban densities that the City is required to accommodate under the Growth Management Act. Regulations pertaining to sensitive areas, tree preservation, and impervious surface limitations already exist within the Black Diamond Municipal Code (BDMC). Design standards and specifications are not appropriate to be put in the Comprehensive Plan, which is a guiding policy document. **City staff recommend that Item #2023-03 not be included on the 2023 Docket.**

Summary of Recommendations

Staff is recommending that the suggested items received as part of the 2023 docketing process be incorporated into the 2024 Comprehensive Plan, and the City not try and take a shorter amendment through this year with all the work that needs to be completed for the periodic update.

City staff have not lost sight of the 23 suggested amendments received in 2021 that went through numerous public hearings and meetings with the Planning Commission, yet never completed due to an appeal of the non-project SEPA threshold determination. Additionally, the City received 19 suggested amendments for the 2022 docket, that were recommended by Council to be postponed and analyzed in 2023 with the 2024 periodic update.

City staff recommends further public outreach this year, including public hearings and holding joint workshops with the Planning Commission and City Council to establish a Work Plan for completing the 2024 Periodic Update to the Comprehensive Plan, without taking on a formal Comprehensive Plan amendment in 2023.

Schedule for 2023 Docket Consideration (tentative)

May 9, 2023	Planning Commission meeting and public hearing to consider the 2023 preliminary docket and staff report
June 7, 2023	Planning Commission recommendations for 2023 Docket transmitted to City Council
June 15, 2023	City Council holds public meeting to consider and establish final 2023 Docket
June 2023 – June 2024	Planning Commission holds meeting(s) and public hearing(s) to deliberate on 2024 Docket items
July - October 2024	Planning Commission transmits recommended amendments to the Comprehensive Plan to City Council for adoption Staff provides draft comprehensive plan amendments transmitted to state agencies for comment SEPA Threshold Determination on proposed amendments issued
November – December 2024	City Council holds public hearing(s) to review and consider final adoption of 2024 amendments to the Comprehensive Plan Periodic Update
December 2024	Adopted amendments transmitted to Department of Commerce

Attachments

1. Exhibit 1 – E-mail from Kelley Sauskojus dated February 27, 2023
2. Exhibit 2 – E-mail from Friends of Black Diamond dated March 1, 2023
3. Exhibit 3 – E-mail from Lisa Winters dated March 1, 2023

Mona Davis

From: Kelley Sauskojus <kelleysauskojus@outlook.com>
Sent: Monday, February 27, 2023 9:31 PM
To: Mona Davis
Cc: Kristen Bryant; Friends BlackDiamond
Subject: suggestions for the 2023 Comp Plan
Attachments: 2023 Amendments for Comprehensive Plan.docx

Mrs. Davis,

Please find attached suggestions for the 2023 Comp Plan.

Please include them in the information provided to the Planning Commission and City Council.

If you have any questions, I would be happy to schedule time to discuss these suggestions.

Kelley Sauskojus
Planning Commissioner position 7
Black Diamond WA

Comprehensive Plan Amendment Submissions for 2023 Update To City of Black Diamond

The suggestions below provide explanatory text that and policies that can be incorporated into the comprehensive plan. All text is draft language that can be revised through the process.

1. Draft new text in section on Schools: The education of the community's children is a top priority. As we experience significant growth, there is a great increase in the need for new school capacity in a short period of time. Typical school impact fee formulas used elsewhere (such as King County's formula) do not take this into account. Black Diamond seeks to make growth pay for growth, and developers who work in the city must support the community's students.

Draft Public Service (PS) Policy: School districts serving Black Diamond are encouraged to include all likely development in capital plans. The City should adopt the maximum allowed and legally defensible developer school impact fees under state law. Additional agreements to account for longer-term school impacts should seek school funding using SEPA or other available mechanisms.

2. The following parcels' Land Use Designations are changed in an area-wide action as follows because the current comprehensive plan's analysis of public services and impacts assumes NO build-out or change from their current use¹. Additionally, these changes will result in a match of the current zoning designation for these parcels:

- a. Parcels 1521069110, 1521069112, 1521069113, 1521069114, 1521069115, 1021069111 are designated as Light Industrial, or B/IP, (or "Mineral and Resource Extraction" if the city creates this as a designation).
- b. Parcels 1121069020, 1121069112, 1121069113, 1121069114 are designated as Light Industrial, or B/IP, (or "Forestry" if the city creates this as a designation).
- c. Parcel 1021069010 is designated "Low Density Residential" (LDR).
- d. Parcels 1021069103 and 1021069105 are designated "Low Density Residential" (LDR).

3. New Land Use Policy: Land Use Designations for Commercial are strongly discouraged until the Master Planned Development Retail and Commercial land uses are built.

Commented [ab1]: Further, the developers of that land requested those designations indicating the likely near-term development instead of the previously unlikely development over the next 15 years. Further, the requests were made privately and never in public prior to the adoption of the changes. Owners must make the request and submit the required analysis.

The use of those parcels for the post-2019 land use did not follow any public process and the development of them is not contemplated in any of the comprehensive plan required analysis. Any item not previously done through public process must not remain in the land use map. Kombol/Butt stuff got in and the staff didn't tell anyone. There is still no analysis and the current comp plan must match the current analysis or we don't have a comp plan.

¹ Current use = what they are physically used for today, not what they could be built to at full intensity or within designated zoning/land use. Housing, transportation, utility analysis, etc. in the current Comprehensive Plan assume the listed parcels would not be further developed in the Plan's timeframe (to year 2035).

4. Draft new text in Land Use section: The city should not pay for or conduct analysis in the comprehensive plan for future land uses that increase the development intensity over current use. This does not mean those land use designations can't change; however, the taxpayers will not pay for the analysis. The landowners who benefit will pay so that growth pays for growth.

New Land Use (LU) Policy: If a parcel's Land Use is "undesignated" then it will remain undesignated until a change application is submitted pursuant to BDMC 16.10.050.

5. Draft new text in Land Use section: Black Diamond's location within the Urban Growth Area is not close to transit hubs and has unique constraints outside the city. Environmentally there are valuable conservation and wildlife areas within and adjacent to the city. Further, the Puget Sound Regional Council's 2020 recommendations said Black Diamond should avoid further exceeding its growth targets.

New Land Use (LU) Policy: The City seeks to avoid land use designations that make it more likely the city will significantly surpass growth targets in County-Wide Planning Policies.

6. New Transportation Policy: The City shall adopt transportation safety requirements aimed at encouraging pedestrian activity and enhancing small town and historic character.

7. New Land Use (LU) Policy: The city encourages land use and zoning that preserves our historic neighborhood character and historic buildings.

8. Draft new text in Land Use section: Land Use Designation of 1 residential unit per acre. This land use is for land adjacent to sensitive areas and conservation areas. This is consistent with Department of Ecology guidance on protecting wetlands and buffers.

9. Draft new text in Transportation Section: The Puget Sound Regional Council's 2020 review of Black Diamond's Comprehensive Plan recommended the city designate a "level of service" for active transportation.

New Transportation Policy: The City's level of service for sidewalks, trails, bikeways, and transit is . New development shall be required to include a concurrency analysis for these modes of transportation, showing how the Level of Service will be met.

Commented [ab2]: Need to find an example from other city.

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- New Transportation Policy: The City's level of service for sidewalks, trails, bikeways, and transit is [REDACTED]. New development shall be required to include a concurrency analysis for these modes of transportation, showing how the Level of Service will be met.

Commented [ab2]: Need to find an example from other city.

Mona Davis

From: Friends BlackDiamond <friendsofblackdiamond@comcast.net>
Sent: Wednesday, March 1, 2023 12:35 PM
To: Mona Davis
Cc: Gary Davis; kristenbry@gmail.com; Kelley Sauskojus; r.mixdog4@comcast.net; Angela Rossman Fettig; Philip Acosta
Subject: Suggestions for 2023 Comprehensive Plan Amendments

To Community Development Director Mona Davis and the City of Black Diamond,

Friends of Black Diamond endorses the 2023 Comprehensive Plan suggestions sent by Planning Commissioner Sauskojus. We appreciate her efforts and submit the same suggestions for the preliminary docket per chapter 16.10 of the Municipal Code.

Director Davis, we also thank you and appreciate that you are keeping our previous years' suggestions in the list of items for consideration for the 2024 update.

Adopting this suggested shorter list of items for the 2023 amendments will result in an easier and less expensive 2024 update.

Even more importantly, the analysis and public input from the last several years shows that the land-use map as designated has urgent issues today. The current land-use designations can be exercised and will have unintended or unmitigated impacts that matter and affect people's lives. The changes we are requesting cannot be put off safely.

The land use issues that we brought up previously and bring up now for 2023 should be adopted as 2023 Comprehensive Plan Amendments. Waiting until 2024 leaves the city open to problems during the pendency of the 2024 Comprehensive Plan. In contrast, making this small list of amendments to the Comprehensive Plan in 2023 sets the city up to have a better and easier 2024 Comprehensive Plan update

We recognize the concerns that have been brought up about the 2024 major update being a large amount of work, and the difficulty of doing overlapping work for a 2023 amendment. We are interested in working with the city on the 2023 update so that we can remove this barrier and come to a solution that is less work and still addresses the potential problems the community faces because of the current comprehensive plan.

Thank you,
Friends of Black Diamond
and Kristen Bryant, William Bryant, Gary Davis, Angela Fettig

Comprehensive Plan Amendment Submissions for 2023 Update To City of Black Diamond

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New Transportation Policy: The City's level of service for sidewalks, trails, bikeways, and transit shall be set to a measurable value^[2]. New development shall be required to include a concurrency analysis for these modes of transportation, showing how the Level of Service will be met.

^[1] Current use = what they are physically used for today, not what they could be built to at full intensity or within designated zoning/land use. Housing, transportation, utility analysis, etc. in the current Comprehensive Plan assume the listed parcels would not be further developed in the Plan's timeframe (to year 2035).

^[2] This item is modified from the suggestion by Commissioner Sauskojus to fill in words regarding setting a level of service.

Mona Davis

From: Lisa Winters <ladygreyreiver@comcast.net>
Sent: Wednesday, March 1, 2023 4:46 PM
To: Mona Davis
Subject: More info

Mona,

This is a more official request for the comp plan.

This is a suggestion for the 2023 Comprehensive Plan Update using the process in Black Diamond City Code 16.10.130. Please keep me informed of the 2023 preliminary docket public hearing and any other steps in the process. Also, thank you for letting me know of the dense zoning for my property, which I don't think is environmentally appropriate.

The suggestion is:

The city adds to the Comprehensive Plan a new land use designation of “Residential Conservation Density” which allows housing at 1 unit per acre or at 1 unit per 35,000 square feet. This zoning would be most appropriate for land containing or bordering sensitive areas.

(Below I have provided an example of a similar designation from the city of Renton’s comprehensive plan.)

I further request that my parcel, 24901 Roberts Drive (parcel 1421069005) be designated as Residential Conservation, or 1 unit per acre.

I understand that Black Diamond previously had a zone called “R-35,000” which allowed 1 house per 35,000 square feet, so this is not an unreasonable change for Black Diamond to consider.

Reasons to support this suggestion:

This land use designation of 1 house per acre will allow the city to fulfill its goals to better protect our environment and our waters. It is also consistent with Department of Ecology recommendations that impervious surfaces be limited next to sensitive areas.

This Residential Conservation Density will allow the city to choose to balance the significant growth we are experiencing with some lower density areas that provide space for trees and wildlife and do not place further strain on public services or utilities.

I do not believe the creation of this designation, nor the change to my one parcel, will result in any significant harmful environmental impacts. It should be adopted in 2023 because it would be a benefit to have this land use option available as we go into the major 2024 comprehensive plan cycle.

An example in the City of Renton’s Comprehensive Plan, page 10, where they define the land use designation of “Residential-1”:

“Policy L-14: Residential Low Density – Place lands constrained by sensitive areas, those intended to provide transition to the rural area, or those appropriate for larger lot housing within the Residential Low Density

(RLD) land use designation to allow for a range of lifestyles.

- Resource Conservation Zone – Zone lands with significant environmental constraints, which are not appropriate for urban development, lands suitable for environmental conservation or restoration, and lands used for agriculture or natural resource extraction for Resource Conservation (RC). RC zoning is allowed in the Residential Low Density and Employment Area land use designations.
- Residential-1 Zone – Lands with significant environmental constraints, which may have the potential for development at a level of intensity that is compatible with that environment, or lands that provide urban separators should be zoned for Residential-1 (R-1). R-1 zoning is allowed in the Residential Low Density land use designation.”

Thank you,

Lisa Winters



CITY OF BLACK DIAMOND

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Mailing Address: PO Box 599
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Phone: (360) 851-4567
Fax: (360) 851-4501
www.blackdiamondwa.gov

MEMO TO: Planning Commissioners
FROM: Mona Davis, Community Development Director
DATE: April 28, 2023
SUBJECT: DRAFT Sign Code Regulations – BDMC Chapter 18.82

Dear Commissioners,

At our next regular meeting in May, we'll be having a public hearing to discuss suggested comprehensive plan amendments received as part of the annual docket cycle. All these suggested amendments were submitted without a formal comprehensive plan amendment and associated filing fee to review; however, I still believe it's important to bring these suggestions before you and the Council for consideration. Considering that we're in the midst of completing the periodic update, you'll see that I'm recommending that we incorporate these suggestions into the work we will be conducting over the course of the next year for the 2024 Comprehensive Plan update. I've not lost sight of the fact that we have suggested edits from 2021 and 2022 that will also be considered, as we navigate the various elements of the comprehensive plan throughout the year. The City's consulting firm, AHBL, is aware that there are previous years' suggested amendments to highlight (as part of the public outreach and participation that will occur with evaluating the goals and policies of each element) and will be sure to address these at future meetings to gather public input.

Additionally, we will continue to review the revised 2nd draft of the sign code. I also want to apologize in advance for not providing you with a more updated version of the sign code as discussed at our last regular meeting; I've simply run out of time to work on this due to an extremely heavy workload and limited staffing this past month. I did want to point out some of the recent changes discussed at the last meeting from the last draft to help you navigate this next review:

- I cleaned up the Exemptions and General Sign Standards sections.
- I moved the Variance application chapter above the Prohibited Signs chapter.
- I'm still struggling to have Table 18.82.110 fit correctly in the overall document, so it's just inserted where we discussed without page numbers for now. I had hoped to try and incorporate the supplemental standards for freestanding and building-mounted signs into the table (pages 9-12) but didn't get to that. In further review, I'd like to go through those supplemental standards to make sure they all belong.

Additionally, I'd like to really focus on the Temporary Signs chapter at this next meeting and get your opinions on whether this would be easier to navigate in a table format. We still have a way to go to make this user-friendly and concise. I'm looking forward to more discussion at our next regular meeting on May 9th.

Please feel free to reach out to me with any questions and/or concerns prior to the meeting. You can reach me via e-mail or on my direct line at (360) 851-4528.

Thank you,
Mona

Chapter 18.82 SIGN CODE

18.82.010	Scope and purpose.
18.82.020	Permits—General regulations.
18.82.030	Exemptions.
18.82.040	Permit application requirements.
18.82.050	General sign standards and conditions.
18.82.060	Maintenance and inspection.
18.82.070	Measurement of sign area.
18.82.080	Sign illumination.
18.82.090	Sign types permitted by zone and standards.
18.82.100	Supplemental standards for freestanding signs.
18.82.110	Supplemental standards for building-mounted signs.
18.82.120	Digital and changeable-copy sign integration.
18.82.130	Temporary signs—Standards and conditions.
18.82.140	Variance application to sign regulations.
18.82.150	Prohibited signs and locations.
18.82.160	Administration and enforcement.
18.82.170	Severability.
18.82.180	Definitions.
18.82.190	Technical Appendices

18.82.010 Scope and purpose.

- A. Scope. This chapter establishes regulations for all permanent and temporary signs in the city that are visible, from a public right-of-way. This chapter does not apply to signs erected by the city or other government agencies or signs mandated by state or federal law.
- B. Purpose. Signs perform an important function in identifying, promoting, and directing members of the public to businesses, events, messages, services, and other matters of public interest. It is the purpose of this chapter to protect the public health, safety, and welfare and to promote a quality visual environment by establishing reasonable standards for the size, placement, height, and other characteristics of signs placed within the city. The regulations established in this sign code are intended to protect and promote free speech, while encouraging and maintaining a consistent community and business climate. The regulations for signs have the following specific objectives:
1. To protect public safety and welfare by ensuring that signs are designed, constructed, installed, and maintained according to uniform, nondiscriminatory, and content-neutral standards that promote a high quality, comprehensive system of standards and requirements.
 2. To provide for the orderly and reasonable removal of signs that do not conform to the objectives and regulatory requirements of this chapter.

18.82.020 Permits—General regulations.

- A. Permit required for permanent signs. Except as otherwise allowed by this chapter, no permanent sign shall be installed, constructed, erected, structurally altered, posted, affixed, applied, or relocated without first obtaining a sign permit.
- B. Permits for multi-business signs. A single permit application shall be required for each group of permanent signs on a single supporting structure installed simultaneously. Thereafter, each additional permanent sign erected on the structure must have a separate permit.
- C. Ownership of sign location. The applicant for a sign permit must certify that the applicant has ownership or control of the property on which the sign is to be located, or provide the signed, written consent of the property owner.
- D. Maintenance and repair. No sign permit shall be required for repainting, cleaning, or other normal maintenance and repair of a sign. However, a sign permit is required for any change to the sign's size or sign area, modifications to the sign structure, or any change to or addition of visual effects such as illumination, motion, or animation.

18.82.030 Exemptions.

The following shall not require a sign permit; however, these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this chapter or any other law or ordinance:

- A. The changing of the advertising copy or message on a lawfully erected, painted or printed sign, reader-board or similar sign specifically designed for the use of replaceable copy. Painting, repainting, or cleaning of a lawfully erected sign or the changing of the sign copy thereof and other normal maintenance unless a structural or electrical change is made.
- B. Decorations customary for special holidays erected entirely on private property.
- C. Flags and/or flag poles in residential and commercial zones; flag poles shall comply with the applicable height provisions of the zone and building codes.
- D. Gravestones and similar memorial plaques and monuments in the cemetery.
- E. Signs displaying the addresses of the property on which they are located, and which may include the name of the occupants of a residence, so long as the sign does not exceed two square feet in area per side and does not include any commercial advertising. One lot identification sign with the total area not to exceed: (a) two square feet per residential dwelling unit, not to exceed a maximum of eighteen square feet for multifamily projects; and (b) eighteen square feet for nonresidential uses.
- F. Signs and sign structures that cannot be seen from a public right-of-way. Such signs must, however, comply with all applicable building codes and inspection requirements.
- G. Signs required by county, state, federal, or local law or regulation, and signs erected on public property or public rights-of-way by government agencies or public utilities.
- H. Decals affixed to glass door or window panels of a building, such as would be typical to indicate membership in a business group, trade association, or credit card network.
- I. Private driveway signs, limited to one per driveway entrance, to distinguish private access driveways from public rights-of-way.
- J. On-premises signs warning the public of prohibited uses, such as "no trespassing," "no soliciting," or "no hunting," so long as such signs do not exceed two square feet in area in residential zones, and five square feet in commercial and industrial zones.

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- K. Building Name Signs. Historic Signs that advertise the name of the building, year built, and/or historical references, or designated as a historic landmark, and are not associated with the name of any individual business, provided they meet the standards below. **MOVE THIS TO SUPPLEMENTAL STANDARDS FOR BUILDING MOUNTED SIGNS? EXEMPT OR NO?**

1. Maximum quantity: one sign per building entrance.
2. Maximum sign area: 9 square feet.
3. Maximum height above existing grade: four feet.
4. Digital message signs are not allowed as building name signs.

18.82.040 Permit application requirements.

- A. Applications and fees. Applications for a sign permit or a sign variance request pursuant to BDMC 18.82.060 shall be accompanied by all submittal requirements outlined in the Sign Permit & Sign Variance Checklist found on the City website. The city will notify the applicant of any needed revisions within 30 days.
- B. Permit decision. Upon receipt of any requested revisions to the initial submittal, the community development department shall issue a decision on the sign permit application, which may include conditions, within 30 days after receipt of all required information.

18.82.050 General sign standards and conditions.

- A. General Regulations.
1. The structure and installation of all signs shall comply with the latest adopted edition of the Uniform Building Code.
 2. Exposed braces and angle irons are prohibited. Guywires are prohibited unless there are no other practical means of supporting the sign.
 3. All signs, together with all their supports, braces, guys and anchors, shall be maintained in good repair and in a safe, neat, clean, and attractive condition.
 4. All permanent signs shall be constructed of durable materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
 5. All permanent signs and sign support frames shall be mounted and attached to a building or the ground in a secure manner and shall be maintained in good repair for safety and appearance.
 6. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code or the local electric code in effect. All such signs require an electrical permit and inspection by state of Washington Department of Labor and Industry, Electrical Division, or equivalent inspection.
- B. Abandoned or Vacated Businesses and Premises.
1. If a sign advertising a business that moves from or ceases operations on the subject premises, the owner of said premises shall be responsible for removing all the sign copy relating to the business prior to a new use or business opening.
 2. If a building, structure, or premises is vacated for six months or longer, the owner of said premises shall be responsible for removing all nonconforming on-site signs.
- C. Legal Nonconforming Signs. Any sign that had been erected, installed, or placed prior to the effective date of this chapter and that was either nonconforming under the city's previous sign code or was made nonconforming as a result of adoption of this chapter may remain in use only under the following conditions:

-
1. The sign is not altered in any manner that increases the nonconformance of the sign.
 2. The burden of establishing a sign to be legally nonconforming under this section rests upon the sign owner.
 3. Changes to the sign copy and replacement of the sign face are permitted for the existing business of record, but conversion of a nondigital sign to a digital sign is prohibited.
 4. If the sign is structurally altered, then it shall come into conformance with the provisions of this chapter. Structural alteration means any action that changes the height, size, or shape of the sign or any action that affects the base or support(s) of the sign. Billboards shall not be converted to any other type of sign.
 5. The footprint of a building containing a business or activity associated with a nonconforming sign may not be increased unless the sign is brought immediately into conformance with this chapter.
 6. If the use of a property containing a legal nonconforming sign changes from one individual use to another, then the sign shall be brought into conformance with this chapter. This provision does not apply to signs that advertise more than one tenant.
 7. A legal nonconforming sign may be removed for maintenance for periods not to exceed 60 calendar days. If removed for a longer period, the sign shall comply with the provisions of this chapter upon reinstallation.
 8. Pole and Pylon Sign Amortization. Notwithstanding any other provisions of this title, an existing nonconforming pole or pylon sign may continue to be used for a period of 10 years after _____. No structural alterations may be made after _____, and said pole or pylon signs must be brought into conformity by removal before 10 years after _____. Nonconforming multi-tenant pole signs or multi-tenant pylon signs are exempted from the amortization provisions of this section.

18.82.060 Maintenance and inspection.

A. Maintenance.

1. All signs, including signs heretofore installed, shall be constantly maintained in a state of security, safety, appearance, and repair.
 - a. The premises surrounding a free-standing sign shall be free and clear of rubbish and the landscaping area shall be maintained.
 - b. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it is the duty of the sign owner to repair or remove the sign within five calendar days after receiving notice from the city.

B. Inspection. All sign owners shall permit the periodic inspection of their signs by the city upon city request.

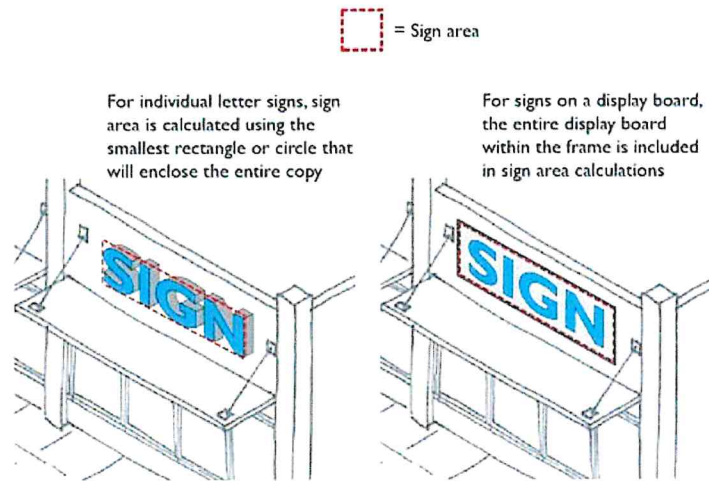
18.82.070 Measurement of sign area.

Sign area for all sign types is measured as follows:

- A. The area of painted signs, individual letter signs, and other indirectly illuminated signs is calculated based on the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between letters and lines, as well as the areas of any devices, illuminated or nonilluminated, which are intended to attract attention. *See Figure 18.82.080.A for additional examples and clarification.*

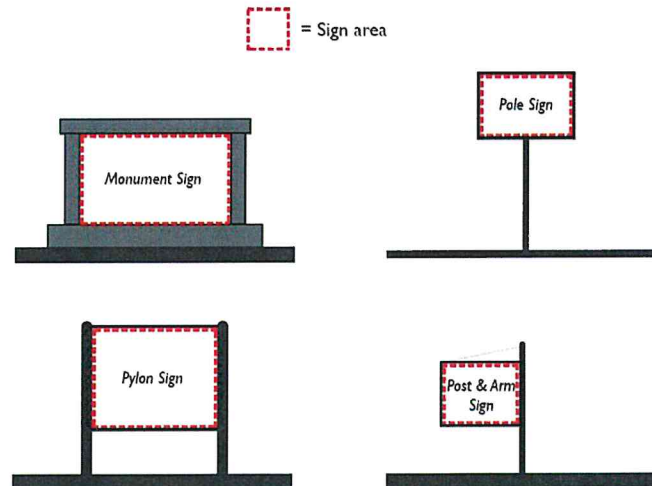
Figure 18.82.080.A

Clarifying sign area measurement for wall signs.



- B. Where signs are placed on a display board attached to a wall or awning, the entire display board shall be included in the sign area calculations. For freestanding signs, the entire display board shall be included in the sign area calculation. Where the display board includes a visible frame, only the area inside the frame shall be included in the sign area calculations.

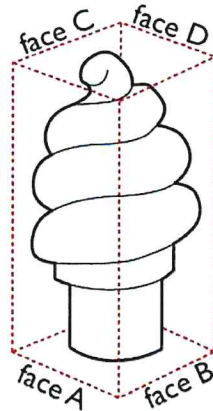
Clarifying sign area measurement for freestanding signs.



- C. Multiple-faced signs shall have each face measured separately. The sign area allotment for each sign type applies to just one side of the sign. For example, if the maximum size for a certain monument sign is 25 square feet, then each face of the monument sign may be up to 25 square feet.
- D. Four or more faced signs, spherical, free-form, sculptural or other nonplanar sign area is measured as 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four polyhedron faces are prohibited. *See Figure 18.82.080.B for clarification of 3D sign area measurement.*

Figure 18.82.080.B

Clarifying 3D sign area measurement.



$$\text{Total sign area} = (A + B + C + D) \div 2$$

18.82.080 Sign illumination.

- A. Permitted Sign Illumination Types. Table 18.82.100 in the Technical Appendices specifies permitted sign illumination types by zone and other requirements.
- B. General Illumination Standards.
 - 1. For purposes of illumination, all lights attached to a sign in any manner shall not extend more than five feet from the sign structure.
 - 2. Externally illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences, business, or any street right-of-way.
 - 3. External sign light fixtures shall complement the design of the sign and building facades or structures associated with the sign.
 - 4. External sign lighting shall be "full cutoff" and shall not result in direct illumination of the sky and adjacent properties and structures. Lighting shall be designed to minimize reflected glare to adjacent properties and structures.
 - 5. All internally lit signs are subject to the same brightness limits applied to digital signs, as set forth in _____.
 - 6. The light directed on, or internal to, any sign shall be so shaded, shielded, and/or directed so that the intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on private or public property or pedestrians on a public right-of-way. Electric signs shall not use incandescent bulbs for internal illumination. Lighted signs visible from nearby residences shall have low or soft illumination or be shielded in a manner to not adversely affect such residents.
- C. Hours of Illumination.
 - 1. Any illuminated sign located on a lot adjacent to or across the street from any residential district and that may be visible within 200 feet of any residential zoning district or overlay shall not be illuminated **between the hours of 10:00 p.m. and 6:00 a.m.**
 - 2. Any illuminated sign in a Commercial zone shall only be illuminated during normal business hours. **Do we define normal business hours? What if business is open 24/7?**

18.82.090 Sign types permitted by zone and standards.

- A. Table 18.82.110 illustrates the types of signs that are allowed for different development/use types in commercial and residential zones, unless otherwise noted in BDMC _____.

Interpretation:

1. The letter "P" indicates permitted sign types. A blank cell indicates the sign type is not permitted.
2. A number in the cell refers to a special condition, listed below the table.

Table 18.82.110

Signs Permitted in Commercial & Residential Zones.

Sign Type	Commercial Zones						Residential Zones									
Freestanding Signs																
Refer to _____ and _____ for freestanding sign design standards.																
Pole sign	P ³	P ³	P ³	P ³												
Monument sign	P	P	P	P			P	P	P							
Pylon sign	P	P	P	P			P	P	P							
Post and arm sign	P	P	P	P			P	P	P							
Internal wayfinding sign	P	P	P	P			P	P	P							
Building-Mounted Signs																
Refer to _____ and _____ for building-mounted sign design standards.																
Wall sign	P	P	P	P			P	P	P							
Projecting sign	P	P	P	P												
Awning sign	P	P	P	P												
Under-canopy sign	P	P	P	P												

NOTES:

¹ Single-family subdivisions and multifamily complex. One monument sign is permitted per entrance (and may be located anywhere along the access street), provided said signs do not exceed 25 square feet in sign area and five feet in height.

² One non-illuminated building-mounted sign up to six square feet is permitted for a home occupation.

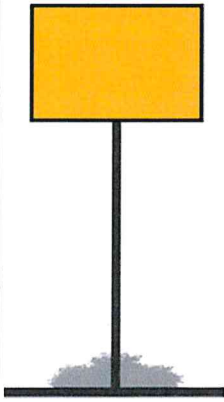
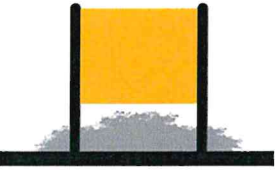
³ Signs must comply with size and height standards set forth in this chapter, but no more than one sign per lot frontage and signs may not be larger than 25 square feet in sign area and no taller than six feet in height.

⁴ Where sign standards are established as part of a CUP, those standards apply.

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- B. Sign Types and Standards for Freestanding and Building-Mounted Signs. See Tables 18.82.110.A & 18.82.110.B

Table 18.82.110.A

Freestanding Sign Types and Standards.

Sign Type	Location and Setback	Maximum Quantity	Maximum Height Above Existing Grade	Maximum Sign Area
Pole Sign A sign supported by one vertical post 	Only allowed on properties adjacent to highways 5' minimum setback to property lines, rights-of-way, or private drives from the closest element of the sign structure	1 pole sign per property street frontage	30'	Same as for monument signs as set forth in _____
Monument Sign A sign which is attached to the ground by means of a wide base of solid appearance See BDMC _____ for supplemental design standards 	5' minimum setback to property lines, rights-of-way, or private drives from the closest element of the sign structure	1 monument sign per property street frontage, except for large properties: Speed limit less than 35 mph: 1 monument, pylon, or post and arm sign per 150' of property street frontage Speed limit 35 mph or greater: 1 monument, pylon, or post and arm sign per 200' of property street frontage	See BDMC _____ On properties within 50' of a highway right-of-way, the height limit is 30'	See BDMC _____
Pylon Sign A sign mounted on at least two posts 	5' minimum setback to property lines, rights-of-way, or private drives from the closest element of the sign structure	Speed limit less than 35 mph: 1 monument, pylon, or post and arm sign per 150' of lot frontage Speed limit 35 mph or greater: 1 monument, pylon, or post and arm sign per 200' of lot frontage	Monument sign standards apply, per BDMC _____, except pylon signs are limited to 8' in height On properties adjacent to highways, 30'	Monument sign standards apply per BDMC _____ On properties adjacent to highways, 1 sf per linear foot of highway frontage, up to a maximum of 75 sf

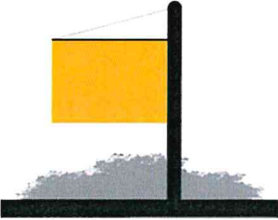
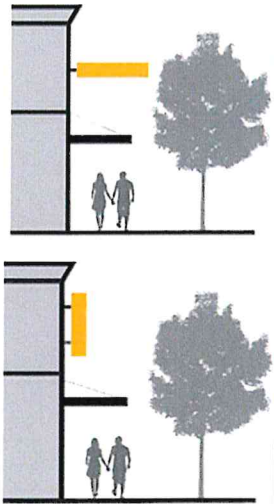
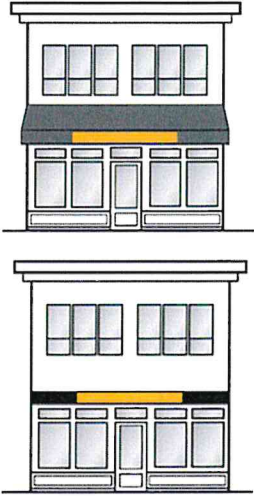
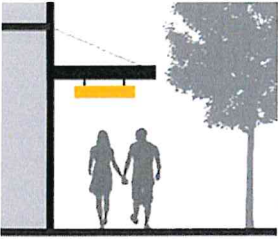
Sign Type	Location and Setback	Maximum Quantity	Maximum Height Above Existing Grade	Maximum Sign Area
Post and Arm Sign A small sign supported by a post and arm 	5' minimum setback to property lines, rights-of-way, or private drives from the closest element of the sign structure	Speed limit less than 35 mph: 1 monument, pylon, or post and arm sign per 150' of lot frontage Speed limit 35 mph or greater: 1 monument, pylon, or post and arm sign per 200' of lot frontage	5'	10 sf
Internal Wayfinding Sign A sign used to aid customers and visitors in circulation within parking lots. These signs could come in the form of monument, pylon, post and arm, or wall sign types See BDMC _____ for supplemental design standards See BDMC _____ for size-based exemptions 	May be located in landscaped areas or on pathways provided the sign does not inhibit pedestrian movement When such sign types are mounted on buildings, they shall be oriented to a pathway	Appropriate number of signs to provide directional assistance given size of site and circulation pattern as determined by the director	8'	15 sf When such sign types are mounted on buildings, they are limited to a maximum of 10 sf

Table 18.82.110.B

Building-Mounted Sign Types and Standards.

Sign Type	Location	Maximum Quantity	Maximum Sign Area	Maximum Sign Height
Wall Sign A sign painted directly on the wall, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall See BDMC _____ for supplemental design standards 	See BDMC _____	1 sign per tenant facade that is visible from an adjacent street, customer parking lot, or alley 1 wall sign is allowed per facade facing a waterfront provided the requirements of the shoreline master program are met See BDMC _____ for additional quantity standards	See Table _____	Signs shall not extend above the building roof line
Projecting Sign A sign attached to and extending outward from the face of the building See BDMC _____ for supplemental design standards 	Minimum 8' vertical clearance above sidewalk or pathway, and minimum 14' minimum vertical clearance when within 5' of a roadway Shall not be located directly over windows or in conflict with other signs or architectural features of the building Signs within right-of-way are subject to additional public works standards	1 sign per facade that is visible from a street, alley, or customer parking lot	See BDMC _____	Signs shall not extend above the building roof line

Sign Type	Location	Maximum Quantity	Maximum Sign Area	Maximum Sign Height
Awning Sign A sign that is either attached to, affixed to, or painted on an awning, marquee, or canopy See BDMC _____ for supplemental design standards 	Minimum 8' vertical clearance above sidewalk or pathway May be placed on the front, above, or below the awning Signs shall not exceed 2/3 of individual awning or awning width Signs within right-of-way are subject to additional public works standards	1 sign per awning that is visible from a street, alley, or customer parking lot Awning signs may be used as an alternative to a wall sign (both may not be used on same facade)	Same as wall sign standards, see Table _____	See BDMC _____
Under-Canopy Sign A sign attached to the underside of an awning, canopy, balcony or arcade See BDMC _____ for examples 	Minimum 8' vertical clearance above sidewalk or pathway Minimum 1' horizontal clearance from the building and canopy edge Signs within right-of-way are subject to additional public works standards	1 sign per entrance that is visible from a street, alley, or customer parking lot	None	2'

18.82.100 Supplemental standards for freestanding signs.

A. Monument Signs.

1. Sign Form. At least 40 percent of the total sign width shall meet the ground plane. See Figure 18.82.110.B
2. Materials and Design. Monument signs in commercial, mixed use, and overlay zones shall be designed as an integrated architectural feature of the site. Specifically:
 - a. Framing. Monument signs shall include design elements that effectively frame the sign on both faces. Alternatively, signs that have a substantial framing element on one side will meet this provision. A Sign Variance may be considered provided the design meets other provisions herein, integrates a distinctive, one-of-a-kind design that contributes to the visual character of the area. See Figure 18.82.120.B.1
 - b. Top/Middle/Bottom. Monument signs shall integrate a top, middle, and bottom element. The top could include a distinctive sign cap and/or include the name of a multi-tenant center. The middle can include a consistent framing technique for an individual sign or multiple signs in a multi-tenant center. The bottom could include a distinctive base design with special materials and/or design. See Figure 18.82.120.B.2 for examples that meet this requirement. Signs less than six feet tall are exempt from this provision.
 - c. Materials and Design. Monument signs shall include durable high-quality materials such as stone, brick, concrete, or steel and a design that relates to and/or complements the design of on-site buildings and/or is coordinated with other site design elements (such as distinctive lighting, monuments, wayfinding signs).
3. Minimum Base Height. The copy shall be at least one foot above grade.
4. Maximum Size and Height. Table 18.82.120.B.4.a and Table 18.82.120.B.4.b illustrate two ways to calculate the maximum allowable sign area and height for monument signs. Applicants may choose either table to determine the applicable size and height standards.
5. Sign Color. Monument signs that employ shaded or dark background and light-colored lettering for at least 50 percent of the sign copy are allowed larger sign areas, as they are found to be less visually intrusive than signs incorporating white or very light-colored background. To qualify for the bonus, the background on at least 50 percent of the sign copy must be darker than the lettering and create demonstrable contrast between the background and lettering. See Figure 18.82.120.B.5 for examples.
6. Multi-Tenant Center Bonus. Properties in commercial and mixed-use zones designed or used for multiple tenants (via building shape/dimensions, interior walls/design, and/or facade/entry designs) may increase sign area and height by 20 percent above the standards in subsection B.4 of this section. If a legally established multi-tenant center using this bonus becomes single tenancy for a period of 24 months or more, this bonus no longer applies, and the sign is legally nonconforming per BDMC _____. See Figure 18.82.120.A.6 for examples in Technical Appendices. See Figure 18.82.110.B in Technical Appendices

B. Internal Wayfinding Signs.

1. Purpose. To aid visitors in finding the location of a business, use, or building on large commercial development sites.
2. Sign Content. Signs may include only the name of the business, use, or building together with the directional guidance information.
3. Sign Types. Internal wayfinding signs may come in the form of monument, pylon, or post and arm sign types, except that signs placed along pathways may be placed on buildings.

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4. Design. Signs shall be designed in a uniform manner (within individual subdivision or center) using consistent background color and typeface colors. Dark background colors with light colored text are required. See BDMC _____ for how dark colors are measured. See Figure 18.82.120.C for examples.

18.82.110 Supplemental standards for building-mounted signs.

Building-mounted signs include wall signs, projecting signs, awning signs, and under-canopy signs.

A. Wall Signs.

1. Permitted Number of Signs. See Table _____. Supplemental standards:
 - a. In multi-story buildings, businesses above the ground floor that feature a street facade are limited to one wall sign per business, except that a business with frontage on more than one street may have one sign facing each street. See Figure 18.82.130 in Technical Appendices. Applicable wall sign standards for upper-level businesses:
 - (i) See BDMC _____ for basic wall sign parameters.
 - (ii) Internally lit wall signs are not permitted.
 - (iii) Maximum Sign Area. Up to 10 percent of the applicable upper-level street facade of the tenant. For tenants occupying more than one floor of the street facade, only one floor may be used for the purpose of determining the signage allowance. See Figure 18.82.130.A in Technical Appendices.
 - (iv) All other wall sign location and design standards set forth in subsection A.2 of this section apply, except where in conflict with the sign area provisions above.
 - b. In a multi-tenant building with businesses on upper floors and/or in interior spaces having no street facade on which to place a sign, a building directory listing businesses in the building which does not exceed 12 square feet may be located on the building wall at each primary entrance. This directory may be in addition to the sign area permitted for the building.
2. Location and Design.
 - a. Wall signs shall be proportional to the facade. They shall be no wider than two-thirds the width of the individual facade. This standard also applies to upper-level businesses. See Figure 18.82.130.A.2 in Technical Appendices.
 - b. Wall signs may not cover windows, building trim, an existing building name sign, or special ornamentation features. Preferred areas for installation of wall signs include blank areas above awnings, areas between vertical piers or columns, blank areas on a gabled roof, or upper reaches of a false fronted building.
 - c. Stacked words on wall signs are permitted. Generally, the primary business name is encouraged to be provided on one line, with additional text on rows above and/or below providing supporting information about the business in smaller fonts.
3. Maximum Size for Individual Tenants That Occupy Space on the Building Facade. Table 18.82.130.A.3(a) in the Technical Appendices provides standards for the maximum amount of wall or awning sign area on each tenant's facade. For building elevations that include signs for upper-level businesses, the standards apply to the entire building elevation.
4. Mounting. Wall signs should be mounted plumb with the building, with a maximum protrusion of one foot plus up to four inches for mounting, unless the sign incorporates sculptural elements or architectural devices.
5. Building Name Signs.

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- a. Signs that advertise the name of the building and not associated with the name of any individual business are exempt from the sign area standards in Table _____ above, provided they are designed and sized in proportion to the facade (Figure 18.82.130.A.4 in Technical Appendices).
 - b. Signs shall be placed near the top of the facade and generally centered on the architectural features of the building.
 - c. Deviations per BDMC _____ will be considered provided the sign is located in a place that is independent from individual businesses on the building and helps to provide identity for the particular building.
- B. Projecting Signs. Projecting signs meeting the following conditions are allowed for commercial uses adjacent to and facing a street or alley. See Figure 18.82.130.B.1(b) in Technical Appendices for example. They may be used in addition to wall and awning signs provided they meet the applicable standards below.
- 1. Sign Area. Projecting signs are not based on sign area standards, but on the dimensional standards below. Projecting signs may be either vertical or horizontal oriented.
 - a. Projection.
 - i. Horizontally oriented signs: no more than eight feet.
 - ii. Square or vertically oriented signs: no more than three feet.
 - iii. Signs may project into public right-of-way for storefront buildings but shall not extend over the curb into the travel lane.
 - iv. Signs in alleys are subject to additional public works standards.
 - b. Height.
 - i. Horizontally oriented signs: no more than three feet.
 - ii. Vertically oriented signs: shall not extend above the building parapet, soffit, the eave line or the roof of the building.
 - c. Deviations per BDMC _____ to the provisions in subsections B.1 and B.2 of this section will be considered provided the sign design is compatible with the design of the building in terms of location, scale, and design elements, does not create a public safety hazard, and provides a positive contribution to the streetscape.
- C. Awning Signs. See Figure 18.82.130.C in Technical Appendices for awning sign examples and standards. Awning signs may be used in place of permitted wall signs provided they meet the following conditions:
- 1. Sign Form and Size.
 - a. Signs consisting of individual letters placed on the outside edge of the awning or above the awning are limited to 200 percent of the height of the vertical dimension of the awning. For example, if the vertical dimension of the awning is 12 inches, the letters may be up to 24 inches high. Such signs shall be no wider than two-thirds the width of the individual awning or no more than 20 feet, whichever is less.
 - b. Sign boards may be placed on the vertical edge of an awning provided the height of the sign board is no more than 200 percent the height of the vertical dimension of the awning. For example, if the vertical dimension of the awning is 12 inches, the sign board may be up to 24 inches high. Such signs shall be no wider than two-thirds the width of the individual awning or no more than 20 feet, whichever is less.
 - c. Signs placed on the vertical edge of awnings are limited to 80 percent the height of the vertical edge of the awning. Where signs are placed on sloping portion of the awning, they shall be sized

proportional to the architectural features of the building and are limited to two feet in height. Such signs shall be no wider than two-thirds the width of the individual awning or no more than 20 feet, whichever is less.

2. Number of Signs. For individual facades that include multiple awnings, secondary business signs may be included on separate awnings provided such signs meet applicable dimensional standards herein.
- D. Under-Canopy Signs. Under-canopy signs are placed under awnings, marquees or canopies and placed perpendicular to the storefronts and thus oriented to pedestrians on the sidewalk or an internal pathway. See Figure 18.82.130.D for examples.

18.82.120 Digital, Animated, and Changeable-Copy Sign Integration.

Digital, animated, and changeable-copy sign elements may be integrated into any pole or monument sign permitted in this chapter, subject to the following standards:

- A. One hundred percent of allowed pole and monument sign copy area may be used for digital or changeable copy signage, provided the standards of this chapter are met.
- B. No building-mounted sign copy area may be used for digital signs.
- C. Any form of technology may be used for the digital and changeable-copy sign elements described herein, provided they meet the following standards:
 1. Maintain a four second minimum dwell time for the directory and any images. Changes in directory and images may be instantaneous and or faded. Animation, movement, or video imaging is prohibited.
 2. Brightness Limits.
 - a. Integrate automatic dimming capability that adjusts to the brightness of ambient light at all times of the day and night.
 - b. Daytime: 5,000 maximum nits.
 - c. Nighttime: 150 maximum nits. This applies between 30 minutes after sunset and 30 minutes before sunrise.
 3. Light Trespass Standard. Maximum 0.1 foot-candles at the property line of any park or residential property.
- D. Management Program. In addition to the permitting requirements of BDMC _____, applications for digital and changeable-copy signs shall include a sign management program that demonstrates compliance with the size, dwell time, and lighting standards of this section.

18.82.130 Temporary signs—Standards and conditions.

- A. Applicability. A sign permit is not required for temporary signs, but all temporary signs are subject to the placement, size, and height requirements of this chapter, and the requirements of the underlying zone. The content of temporary signs is not regulated.
- B. Illumination Prohibited. Temporary signs may not be directly illuminated or be provided with any electric service.
- C. Types of Temporary Signs. Subsections (1) through (4) of this subsection describe four types of temporary signs. Subsection D of this section describes the location where each type is allowed for commercial and noncommercial use.
 1. Type 1. Signs in this category consist of small, temporary signs inserted in or placed on the ground that are typically associated with (but not limited to) the advertisement of residential real estate, political

campaigns, and event announcements. Type 1 signs include, but are not limited to, small A-frame signs, sandwich board signs, residential real estate signs, and yard signs. See subsection E.1 of this section for standards.

2. Type 2. Signs in this category are typically referred to as “banners” that are typically associated with (but not limited to) the announcement of community events. These may be freestanding (supported by posts on either end) or building mounted. See subsection E.2 of this section for standards.
3. Type 3. Signs in this category are large yard signs typically associated with (but not limited to) the advertisement of land sales, construction activity, and commercial and industrial buildings for rent. See subsection E.3 of this section for standards.
4. Type 4. Signs in this category are typically to advertise grand openings or special events. Types include fixed aerial displays, balloons, pennants, spinners, feather or sail signs, strings of flags, streamers, tubes, and other devices affected by the movement of the air or other atmospheric or mechanical means. These types of signs shall be setback so as not to interfere with vehicular or pedestrian travel. See subsection E.4 and E.5 of this section for standards.

D. Location.

1. Property Type. General temporary sign location is on private property or public rights-of-way. See subsection D.2 of this section for other general requirements and subsection E of this section for specific location requirements by zone, signs on sidewalks, relation to business entries, etc.
2. General Restrictions.
 - a. Except for public right-of-way, temporary signs may only be located on public or private property with the property owner’s permission.
 - b. Temporary signs attached to building walls shall not be placed in a manner that obstructs any door, fire department sprinkler connection, or address numbers.
 - c. Temporary signs shall not be placed on the roof of a building, or affixed to a permanent sign or its structure, tree, utility pole, or street sign.
 - d. Temporary signs shall not be attached to the ground, a building, or to any other structure more securely than necessary to prevent loss, wind damage, or safety problems.
 - e. Temporary signs shall not be placed in any public park, trail, open space, or other public space unless expressly authorized by the government, agency, or organization that owns or maintains the land.
 - f. No part of a temporary sign may overhang a paved roadway, bicycle path, parking space, driveway, loading area, or wheelchair access unless approved by the public works director. Any temporary sign overhanging or in any way interfering with a public right-of-way may be placed only if approved as part of a right-of-way use permit.
 - g. Temporary signs shall not be placed within any roadway median, traffic circle, traffic island, or roundabout.
 - h. Temporary signs in the public right-of-way shall be located at least five feet from any other temporary sign.
 - i. Temporary signs in the public right-of-way shall be located at least 25 feet from traffic signs, signals, wayfinding signs, and other traffic control devices erected by the city or other public authority.

- E. Temporary Sign Requirements by Sign Type. Below are standards for a wide variety of temporary sign types based on the site’s zoning, land use, or context. Adjusted standards for certain activities and events are in subsection (6) of this section.

1. Type 1 – Small Temporary Signs.

- a. Location. May be located in any zone.
- b. Quantity. Refer to Table 18.82.160.E.1.b.
- c. Size. Maximum sign area is six square feet (per face if two-sided).
- d. Height. Maximum height of the sign, including supports, is 42 inches above grade, except that post-and-arm style signs may be up to six feet above grade.
- e. Placement. Signs placed on a pathway or sidewalk shall be placed to one side of the sidewalk or pathway and provide a minimum of four feet of unobstructed sidewalk or pathway width. Signs shall not be placed on sidewalks or pathways less than four feet in width.
- f. Duration. Refer to Table 18.82.160.E.1.f.

2. Type 2 – Banners.

- a. Location. May be located in the commercial, mixed-use, and overlay zones.
- b. Quantity. One sign may be displayed per property, except properties larger than one acre may have two Type 2 signs, and properties larger than five acres may have three Type 2 signs.
- c. Size. Maximum sign area for freestanding signs is 18 square feet (per face of two-sided signs). The maximum sign area for building-mounted signs is the same as for wall signs (with internal lighting), established in Table _____ and based on the size of the facade.
- d. Height. Maximum height of freestanding signs, including supports, is six feet above grade. Building-mounted signs shall not be placed on or above the roof of a building and shall not be placed over any windows.
- e. Material. The sign face shall be composed of a flexible material (typically vinyl).
- f. Mounting. Signs may be supported by posts or stakes which are anchored to the ground or securely attached to the face of a building.
- g. Duration. For each property, signs may be displayed for a maximum 45 calendar days per year. A maximum of six separate displays are permitted each year, with a minimum of 10 calendar days of separation between displays. Exception: Type 2 signs may be used for temporary business signs for new businesses (prior to placement of permitted permanent freestanding or building-mounted signs for the property) for a single period of up to 180 days.
- h. Noncommercial Adjustments. Noncommercial community banner signs up to 18 square feet in size may be displayed on residential property for a special occasion and for no longer than seven consecutive days.

3. Type 3 – Large Yard Signs.

- a. Location. May be located in any zone under the following conditions:
 - i. The parcel upon which the sign is displayed has a minimum of 100 feet of lot frontage.
 - ii. The parcel does not contain a permanent freestanding sign with digital or changeable copy.
- b. Quantity. One sign may be displayed per property.
- c. Size. Maximum sign area is 24 square feet (per face if two-sided).
- d. Height. Maximum height of the sign, including supports, is eight feet above grade.
- e. Material. The sign face shall be composed of a rigid material.

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- f. Mounting. Signs must be mounted and supported by posts or stakes that are securely attached to the ground.
 - g. Duration. Unless otherwise specified in this section for the particular location, use, or context:
 - (A) Type 3 temporary signs may be displayed without limit to duration on properties that are undeveloped or vacant.
 - (B) In all other cases, signs may be displayed a maximum of one year, with a minimum of 60 calendar days of separation between displays. The minimum separation period applies regardless of whether the previous display reached the maximum duration of display.
4. Type 4 – Special Event Signs.
- a. Location. May only be displayed on properties in a commercial or mixed-use zone.
 - b. Quantity. One sign may be displayed per site/property. For sites/properties with more than 100 feet of street frontage, multiple signs are allowed provided there is at least 100 feet of separation between signs.
 - c. Size. Maximum height is 13 feet.
 - d. Design. Signs shall be designed in a uniform manner, including consistent size and shape, where more than one sign is permitted.
 - e. Duration. Ninety days per individual sign per calendar year.
5. Adjustment of Standards for Certain Commercial Temporary Signs. Temporary signs associated with construction, special events, real estate sales and rentals, and other commercial uses have the following adjustments from the standards in BDMC 18.82.160.E.
- a. Construction Signs. On commercial properties with active construction, temporary signs shall meet the following requirements:
 - i. Permitted Sign Types. Types 2 and 3.
 - ii. Quantity. One nonilluminated, double-faced temporary sign is permitted for each lot frontage.
 - iii. Duration. Temporary signs shall be removed by the date of the issuance of final occupancy for all units on the property.
 - b. Exterior event signs, such as grand opening signs, sale signs, promotional signs, exhibitions, quitting business signs, and other nonpermanent exterior signs used to advertise an event.
 - i. Permitted Sign Types. Types 1-4.
 - ii. Quantity. There is no limit to the number of exterior event signs that may be displayed at any one time for any one business or tenant.
 - iii. Applicability and Location. Businesses may only display exterior event signs on-site.
 - iv. Sign Area Limits. Based on limits set forth for Types 1 through 4 in subsection E of this section, but no more than 20 square feet in size.
 - (v) Duration. Exterior event signs (individual signs and/or groups of signs) may be displayed for no more than 60 cumulative days per calendar year per business or tenant.
 - c. Residential Real Estate Signs. Signs associated with residential properties for sale or rent shall comply with the following:
 - i. On Site.

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- (A) Permitted Sign Type. Type 1 only.
 - (B) Quantity. Limited to one sign per lot frontage on the subject property being sold or rented.
 - (C) Duration. Shall be removed within five calendar days of the final sale closing or rental.
 - (ii) Off-Site Residential (within a public right-of-way).
 - (A) Permitted Sign Types. Type 1 only.
 - (B) Location. No further from the subject property than the nearest arterial street intersection.
 - (C) Quantity. No more than one "For Sale" or "For Rent" sign may be used at any street intersection for any one developer, broker, seller, or owner.
 - (D) Sign Area. Maximum size of two square feet.
 - (E) Duration. Shall be removed between 30 minutes after sunset and 30 minutes before sunrise.
 - d. Commercial and Industrial Real Estate. Signs associated with commercial and industrial properties for sale or rent shall comply with the following:
 - i. Permitted Sign Types. Types 1 through 3.
 - ii. Location and Quantity. Limited to one sign per lot frontage on the subject property.
 - iii. Sign Area. Based on limits set forth for Types 1 through 3 in subsections E.1 through E.3 of this section, but no more than 16 square feet.
 - iv. Height. Based on limits set forth for Types 1 through 3 in subsections E.1 through E.3 of this section, but no more than eight feet above grade for properties adjacent to highways and six feet above grade in all other areas.
 - v. Duration. Shall be removed within five calendar days of the final sale closing or rental.
 - e. Commercial Temporary Signs in a Residential Zone. Permitted commercial temporary signs in residential zones are limited to:
 - i. Residential real estate signs as established in subsection 6.c of this subsection.
 - ii. Home occupation signs as established in Table _____.
 - 7. Special Community Event Signs. The purpose of this provision is to provide for a periodic increase in the number of temporary signs that may be displayed for special community events in the city.
 - a. Qualifying Events. Events sponsored by the city, or by any group of city-based businesses or organizations, that are intended to attract tourism activity in the city.
 - b. Period of Applicability. Beginning 10 calendar days prior to the date of the event (or beginning date of a multi-day event) and ending 24 hours following the conclusion of the event.
 - c. Additional Temporary Signs Permitted. An unlimited number of temporary signs may be displayed in the _____ zones during the period of applicability.
 - d. During the period of applicability, all other temporary sign regulations remain in effect.
 - e. Maximum duration shall be from one month before the event to five calendar days after the event.

Table 18.82.160.E.1.b

Type 1 temporary sign quantity.

Commercial signs		Noncommercial signs	
Private property	Public right-of-way	Private property	Public right-of-way
Two per business	One sign may be displayed per customer entrance, and no more than two signs may be displayed per business. Signs must be placed within 15 feet of a customer entrance.	Two signs per lot may be displayed for each single noncommercial purpose.	No limit

Table 18.82.160.E.1.f

Type 1 temporary sign duration.

Commercial signs		Noncommercial signs	
Private property	Public right-of-way	Private property	Public right-of-way
90 days per individual sign for a single commercial purpose per calendar year.	No limit except may not be displayed between 30 minutes after sunset and 30 minutes before sunrise.	No limit.	180 days per individual sign for a single noncommercial purpose per calendar year.

18.82.140 Variance application to sign regulations.

Any person may apply to the Hearing Examiner for a variance from the requirements of the Sign Code pursuant to the permit application requirements in BDMC 18.82.050. A noticed public hearing will be held before the Hearing Examiner. Before any variance can be granted, the hearing examiner shall make findings of fact setting forth and showing that the following circumstances exist:

- A. The signage of the property in question cannot be adequately met under the literal interpretation and strict application of this chapter; and
- B. The granting of the variance is necessary because of special circumstances relating to property location, topography, shape and size, site distance, and limited view to property.
- C. The granting of the variance would not be contrary to the objectives of this chapter or materially detrimental to the property owners in the vicinity and the variance sought is of minimum sign size, height, and scope to meet the conditions and needs of the applicant.

18.82.150 Prohibited signs and locations.

Except where specifically authorized elsewhere in this chapter, signs are prohibited in the locations described below. Signs in prohibited locations are subject to removal by the city at the owner's expense.

- A. Any location within or projecting over a city right-of-way, unless otherwise permitted in this chapter or BDMC Chapter 12.04 for rights-of-way use permits.
- B. Any public utility pole, utility structure, streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, or memorial, except when approved as part of a special event permit on city property.
- C. Any location that will obstruct a sight triangle at any intersection or the view of any authorized traffic sign, signal, or other traffic control device.
- D. Any location that prevents or unreasonably inhibits free ingress to or egress from any door, window, or point of entry or exit from a building, structure, or property.

The following signs are prohibited in all zones throughout the city and are subject to removal by the city at the owner's expense:

- 1. Signs which by reason of color, shape, wording, or location interfere or conflict with traffic control signs or devices, or which reasonably could be confused with any authorized traffic signal or device.
- 2. Signs which the director of public works determines to be a safety hazard for pedestrian or vehicular traffic, including signs that obstruct the sight-distance triangle at any intersection or that extend into the traveled roadway.
- 3. Flashing signs or signs illuminated with flashing or strobe lights.
- 4. Animated signs (except animated Type 4 temporary signs).
- 5. Portable signs exceeding six square feet each side.
- 6. Off-premises signs, with the following exceptions:
 - a. Properties with 20 feet or less of public street frontage (including properties with no public street frontage) may share signage with an adjacent or other nearby property that has applicable street frontage, provided that all other standards of this chapter are met. [What size limitations apply if this exception is used? The limits that apply to the property with public street frontage? Or something larger because of the shared signage?] This exception may also be granted by the community development director to properties with more than 20 feet of public street frontage, if the applicant demonstrates that its street frontage is encumbered by utilities or other encumbrances that are outside the applicant's reasonable control and preclude reasonable placement of a permanent, on-premise sign.
 - b. Off-premises signs explicitly authorized in other portions of this chapter.
- 7. Any sign affixed to or painted on trees, other natural features, or utility poles.
- 8. Roof signs.
- 9. Abandoned signs.
- 10. No sign or any part of a sign shall be designed or constructed to be moving by any means and shall not contain items such as streamers and/or spinners, except as authorized for temporary signs. No signs shall have blinking, flashing, fluttering, or moving lights or other illuminating device which has a changing light intensity or color, provided, however, temperature and/or time signs that conform in all other respects to this chapter are allowed. Balloons and other inflated objects, except that balloons are allowed on a temporary basis on private property in residential zones for special occasions. [Compare to 18.82.160.E.5]

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11. Signs that emit smoke, visible vapors, visible particles, sounds, flames, or odors.
 12. Signs with mirrors or other highly reflective surfaces.

18.82.160 Administration and enforcement.

The community development director, or the director's designated code enforcement officer, shall be responsible for enforcing the provisions of this code.

- A. Compliance with other applicable codes. All signs erected or altered under this chapter must comply with all applicable federal, state, and local regulations governing signs, including without limitation the provisions of the International Building Code as adopted by the city. If any provision of this code conflicts with any provision of any other zoning, building, fire, safety, or public health ordinance or code of the city, the provision that establishes the more restrictive standard shall govern.
- B. Sign maintenance. All permanent and temporary signs must be kept in good repair, clean appearance, and safe condition at all times. The sign owner must repair damaged or deteriorated signs within 30 days of notification by the city. The area around freestanding signs must be kept free of litter and debris at all times.
- C. Inspection. Code enforcement officers are authorized to inspect any sign covered by this chapter for the purpose of inspecting the sign, its structural condition, and its electrical connections to ensure compliance with all applicable code requirements. Such inspections shall be carried out during business hours except in cases of emergency.
- D. Abatement. In addition to the abatement authority provided under Title ___ BDMC, the city's code enforcement officers and agents may summarily remove without notice any abandoned sign or any sign placed or allowed to remain on a public right-of-way or other public property in violation of this chapter.
- E. Disposal of signs. When a sign has been removed by the city as authorized in this section, the city shall hold the sign for at least 14 days. The city shall have no obligation to try to ascertain the owner of the sign or who placed it in violation of applicable codes. After 14 days, the city may dispose of the sign without notice. The city shall not be responsible for damage or loss during removal or storage of any signs that were determined to be in violation of applicable codes. Sign owners who wish to reclaim possession of removed signs prior to disposal shall pay the city its reasonable costs of removal and storage, in addition to an administrative charge of _____.
- F. Rather than abating any sign determined to be in violation of this chapter, the community development director, or the director's designated code enforcement officers, may choose to issue a notice to owner of the sign and/or underlying property owner to take corrective action, pursuant to BDMC _____, in which case the _____.
- G. Cumulative Civil Penalty. Any person found in violation of this chapter shall incur a cumulative civil penalty in the amount of one hundred dollars per day from the date set for correction thereof until the violation is corrected.

18.82.170 Severability.

If any section, sentence, clause, phrase, word, portion, or provision of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this chapter which can be given effect without the invalid provision. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this chapter to a particular property or structure, or any particular properties or structures,

by any court of competent jurisdiction shall not affect the application of such section, sentence, clause, phrase, word, portion, or provision to any other property or structure not specifically included in said invalidation.

18.82.180 Definitions.

Abandoned Sign A permanent sign that no longer identifies or advertises an operative business, product, event, service, or activity conducted at the premises on which the sign is located. A sign that identifies a business, product, event, service, or activity that has not been active for at least 180 days shall be presumed abandoned.

Alteration A change in the height, size, shape, or display format of an existing sign. Alteration includes adding illumination, animation, or electronic messaging to an unilluminated, motionless, or non-electronic sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

Animated Sign A sign employing actual motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this chapter, include the following types: PC doesn't like "animated" see also changeable sign def

1. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation. [what about feather signs or inflated signs that ripple in the wind? Allowed only as a temporary sign?]
2. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
3. Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - a. Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this chapter, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.
 - b. Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Architectural Projection Any projection from a building that is decorative and/or functional and not intended for occupancy, and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: Awning; Back-lit Awning; and Canopy, Attached and Freestanding.

Awning An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning Sign A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall or Fascia Sign. An awning that contains a "sign" section or copy area shall comply with the applicable sign area requirements for parallel signs (see _____). Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area; the entire awning shall not be included in a Sign Area calculation. Refer also to _____ for visual reference example.

Banner Any cloth, paper, plastic, or other flexible substrate on which text, symbols, images, or graphics may be displayed and which is anchored on two or more edges or at four corners to any structure, pole, wire, or framing device.

Banner Sign A sign utilizing a banner as its display surface.

Billboard See Off-Premises Sign and Commercial Outdoor Advertising Sign.

Building Facade That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

Canopy Sign A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar to a Marquee Sign. Refer also to Technical Appendices herein for visual reference example.

Canopy (Attached) A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Marquee Sign.

Canopy (Freestanding) A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Changeable Sign A sign whose content may be changed by means of manual or remote input, and includes the following types:

1. Manually Activated - Changeable sign whose message copy or content can be changed manually on a display surface.
2. Electrically Activated - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: Electronic Message Center.

Channel Letter May be open faced, internally illuminated, or reverse:

1. Open faced – A dimensional letter with a back and sides but no face at the front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.
2. Internally illuminated – A dimensional letter with a back, sides and a translucent front face capable of transmitting light from an internal light source within the letter.
3. Reverse – A dimensional letter with a face and sides but no back, opposite to an Open-faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or building to which it is affixed. A Reverse Channel Letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a backlit channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse Channel Letter does not illuminate.

Commercial Outdoor Advertising Sign See Off-Premises Sign.

Copy Area of Sign The area of the sign's text and graphical content as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed shape or shapes encompassing separate individual letters, words, or graphic elements on the background. See _____ herein for computational methodology.

Dimensional Letter, Symbol, or Graphic A letter, symbol, or graphic that is three dimensional in character, containing height, width, and depth.

Directional Sign Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic. See also Wayfinding Sign.

Double-faced Sign A sign with two faces, back-to-back.

Dwell Time The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

Electric Sign Any sign activated or illuminated by means of electrical energy.

Electronic Message Center or Sign (EMC) An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source.

Fascia Sign See Wall Sign

Flashing Sign See Animated Sign, Electrically Activated.

Freestanding Sign A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. May also be referenced as a Ground or Monument Sign. Refer also to Technical Appendices herein for visual reference examples.

Ground Sign See Freestanding Sign.

Historic Sign Signs recognized by _____ as having a significant historical value to the community are not subject to removal as an abandoned sign or due solely to a vacated or defunct premises or business.

Illuminated Sign A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s).

Interior Sign Any sign placed within a building, except window signs as defined by this chapter. Interior signs are not regulated by this ordinance.

Legal Nonconforming Sign Any sign that had been erected, installed, or placed prior to the effective date of this chapter.

Listed Sign A sign manufactured and labeled in accordance with specifications promulgated by a recognized testing laboratory designed to assure compliance with applicable American National Standards (ANSI) and/or the National Electric Code (NEC).

Mansard A roof-like facade comparable to an exterior building wall. See Technical Appendices herein for visual reference.

Marquee or Marquee Sign See Canopy (Attached) and Canopy Sign.

Monument See Freestanding Sign.

Multiple-Faced Sign A sign containing three (3) or more faces.

Off-Premises Sign A permanent sign erected, maintained, or used in the outdoor environment to display commercial messages or advertising not directly relating to the products or services sold on, the use of, or the sale or lease of, the property on which it is displayed. May also be referred to as a billboard, outdoor advertising sign, or commercial outdoor advertising sign.

On-Premises Sign A sign erected, maintained, or used in the outdoor environment to display commercial messages or advertising directly relating to the products or services sold on, the use of, or the sale or lease of, the property on which it is displayed.

Outdoor Advertising Sign See Off-Premises Sign.

Parallel Sign See Wall Sign.

Parapet The extension of a building facade above the line of the structural roof.

Permanent Sign Any sign that is not a temporary sign, as defined in this section.

Pole Cover or Pylon Cover An enclosure or cladding designed to conceal poles and/or other structural supports of a sign.

Pole Sign See Freestanding Sign.

Political Sign A temporary sign intended to advance a political statement, cause, or candidate for office.

Portable Sign Any sign designed to be moved and not permanently attached to the ground, a building, or other structure, and that can be placed in and removed from its location without the use of tools. Examples of portable signs include:

1. Banners
2. Sandwich Board Signs – A self-supporting, portable, temporary sign consisting of two faces connected and hinged at the top at an angle of 179 degrees or less. Also referred to as an A-frame sign.

Projecting Sign A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign. See Technical Appendices herein for visual reference example.

Pylon Sign See Freestanding Sign.

Real Estate Sign A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

Roof Line The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

Roof Sign A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. Refer also to Section 9 (see Page 26) for visual reference example of roof signs, and comparison of differences between roof and fascia signs.

Sign Any device, structure, or fixture for communicating by text, symbols, graphics, or images, or any combination thereof, which is intended to (1) convey any message or idea; (2) identify, or attract attention to, a building, use, business, or event; or (3) promote the sale of products, goods or services. A painted wall design or pattern that serves only as artistic decoration or ornamentation and that does not communicate a message or signify or represent a product, service, or registered trademark is not a sign for purposes of this chapter. Likewise, text, symbols, or images carved into an exterior structural component of a building (such as a cornerstone or pediment) do not constitute a sign for purposes of this chapter.

Sign Copy The words, letters, numbers, images, and symbols appearing on a sign, but excluding the physical address of the property where the sign is located.

Sign Structure Any structure designed for the support of a sign.

Sign Area The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, that constitute the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multi-sided signs shall be computed as fifty (50) percent of the sum of the area of all faces of the sign. See _____ herein for computational methodology for various sign area configurations. Chair Olson doesn't like this definition

Sign Face The surface upon, against, or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. See _____ herein for sign face computational illustrations.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

-
2. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements constituting the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
 3. In the case of sign copy enclosed within a painted or illuminated border or displayed on a background contrasting in color with the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

Temporary Sign A portable sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, plastic, or other lightweight material that is not intended or suitable for long-term or permanent display due to its construction, materials, or method of installation or erection. Any sign not covered by this definition is a permanent sign.

Under-Canopy Sign A sign attached to the underside of a canopy, balcony, or marquee.

Wall or Fascia Sign A sign that is in any manner painted or affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs painted or affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. See _____ herein for visual reference examples and comparison examples of differences between wall or fascia signs and roof signs.

Wayfinding Sign A sign, frequently off-premises, specifically designed to provide directional or destination information. See also, Off-Premises Sign and/or Directional Sign.

Window Sign A sign affixed to the surface of a window with its message visible to the exterior environment.

18.82.190 Technical Appendices.

Figure 18.82.080.A

Clarifying sign area measurement for wall signs.

The dashed outline indicates how the irregular shaped signs below would be calculated:



Table 18.82.100

Permitted signs illumination types.

Illumination Type and Description	Example	Permitted zones and overlays	Other requirements
Channel letter. Light source is internal and light is emitted through the front or face of the letters.		All nonresidential zones	May be incorporated into a permitted wall, pole, or monument sign
Reverse channel letter. Letter faces are opaque and light source provides halo effect through backlighting.		All nonresidential zones	May be incorporated into a permitted wall, projecting, pole, or monument sign
Push-through. Letters are cut out of an opaque sign face. Interior light shines through letter faces only. May include a halo effect.		All nonresidential zones	May be incorporated into a permitted wall, projecting, pole, or monument sign
Neon.		All nonresidential zones	May be incorporated into a permitted wall, projecting, window, pole, or monument sign

Internally illuminated cabinet signs. Sign face is illuminated through translucent casing. This includes internally illuminated changeable copy signs.		All commercial zones	May be incorporated into a permitted wall, pole, pylon, or monument sign
Digital message signs.		Not allowed in any residential zone except for permitted nonresidential uses)	Only allowed to be integrated on permitted monument and pole signs per WCC 10.50.110
Internally illuminated awning signs. The awning face is illuminated through the awning material.		Not allowed in any zone	
Externally illuminated sign.		All zones	Illumination techniques shall focus the light on the sign and avoid glare to the sky, streets, sidewalks, and other public spaces, and adjacent uses.

Figure 18.82.110.B

Minimum ground anchoring provisions for monument signs.



Figure 18.82.110.B

Minimum base height for sign copy.



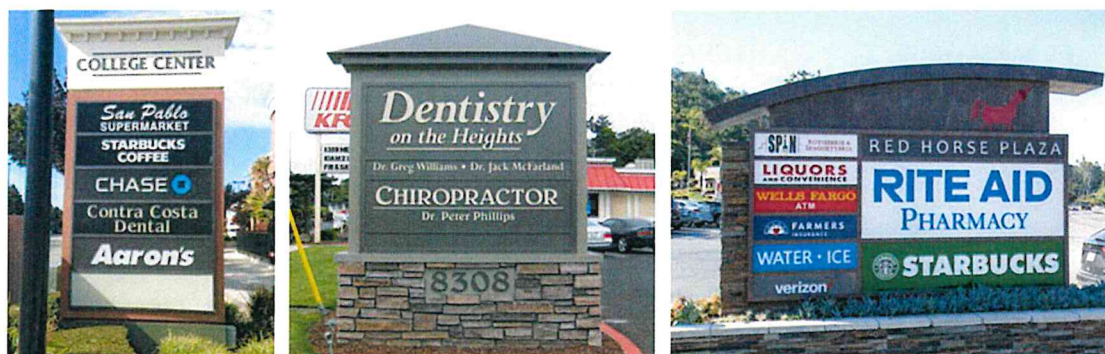
Figure 18.82.120.B.1

Good examples of monument signs with framing elements on one side.



Figure 18.82.120.B.2

Good examples of monument signs with top-middle-bottom elements.



Each of these three signs includes a frame, top/middle/bottom components, and feature high quality materials that relate to and/or complement the design of on-site buildings and/or is coordinated with other site design elements.

Figure 18.82.120.B.3

Unacceptable examples of monument signs.



Table 18.82.120.B.4.a

Maximum allowable sign area and height for monument signs based on length of right-of-way frontage.

For parcels with multiple frontages, the standards of this table apply to each frontage individually and may not be combined.				
Length of right-of-way frontage	White or Very Light-Colored Backgrounds		Bonus for Shaded or Dark-Colored Backgrounds	
	Allowable Sign Area	Maximum Height	Allowable Sign Area	Maximum Height
Less than 100 feet	30 sq. ft.	6 feet	40 sq. ft.	7 feet
100 – 199 feet	40 sq. ft.	8 feet	50 sq. ft.	10 feet
200 – 299 feet	60 sq. ft.	12 feet	70 sq. ft.	14 feet
300 feet or more	80 sq. ft.	16 feet	100 sq. ft.	20 feet

Table 18.82.130.B.4.b

Maximum allowable sign area and height for monument signs based on size of property.

Size of property	White or Very Light-Colored Backgrounds		Bonus for Shaded or Dark-Colored Backgrounds	
	Allowable Sign Area	Maximum Height	Allowable Sign Area	Maximum Height
Less than 15,000 sq. ft.	30 sq. ft.	6 feet	40 sq. ft.	7 feet
15,000 sq. ft. – 43,559 sq. ft.	40 sq. ft.	8 feet	50 sq. ft.	10 feet
1 – 2.49 acres	60 sq. ft.	12 feet	70 sq. ft.	14 feet
2.5 acres or more	80 sq. ft.	16 feet	100 sq. ft.	20 feet

Figure 18.82.120.B.5

Examples of signs with shaded or dark backgrounds and light-colored lettering.



Figure 18.82.120.B.6

Multi-tenant center sign size bonus example.

Single Tenant or Business

Maximum Sign Area: 40 square feet

Maximum Height: 8 feet

20% Bonus

Multiple Tenants or Businesses

Maximum Sign Area: 48 square feet

Maximum Height: 9.6 feet

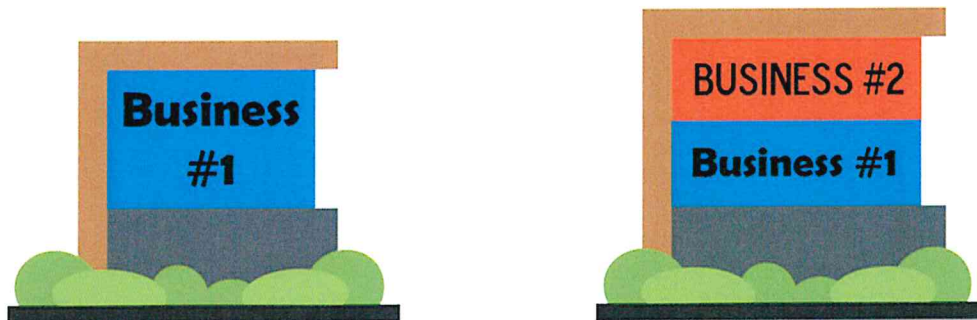


Figure 18.82.120.C

Internal wayfinding sign examples.



Note the consistent design themes using dark backgrounds with light colored text.

Figure 18.82.130

Clarifying sign standards for businesses above the ground floor that include a street facade.



In the example above, Ohme Dentistry occupies the corner second floor office space and are thus allowed signs along each street frontage. Saddlerock Interiors occupies the interior second floor space to the left. Each sign may be up to 10 percent of the applicable upper floor facade. The graphic below illustrates how the upper floor facade is calculated. Note that the upper parapet area is excluded from the calculations (as it extends above the interior of the second-floor office space).

Figure 18.82.130.A

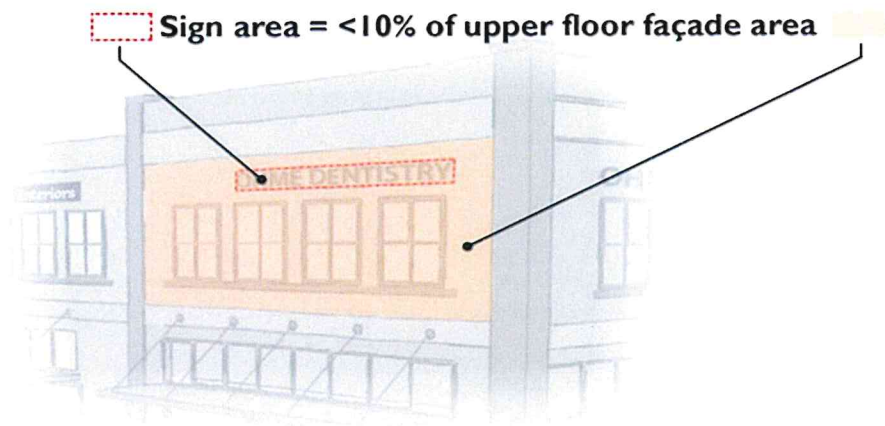


Figure 18.82.130.A.2

Illustrating wall sign standards.

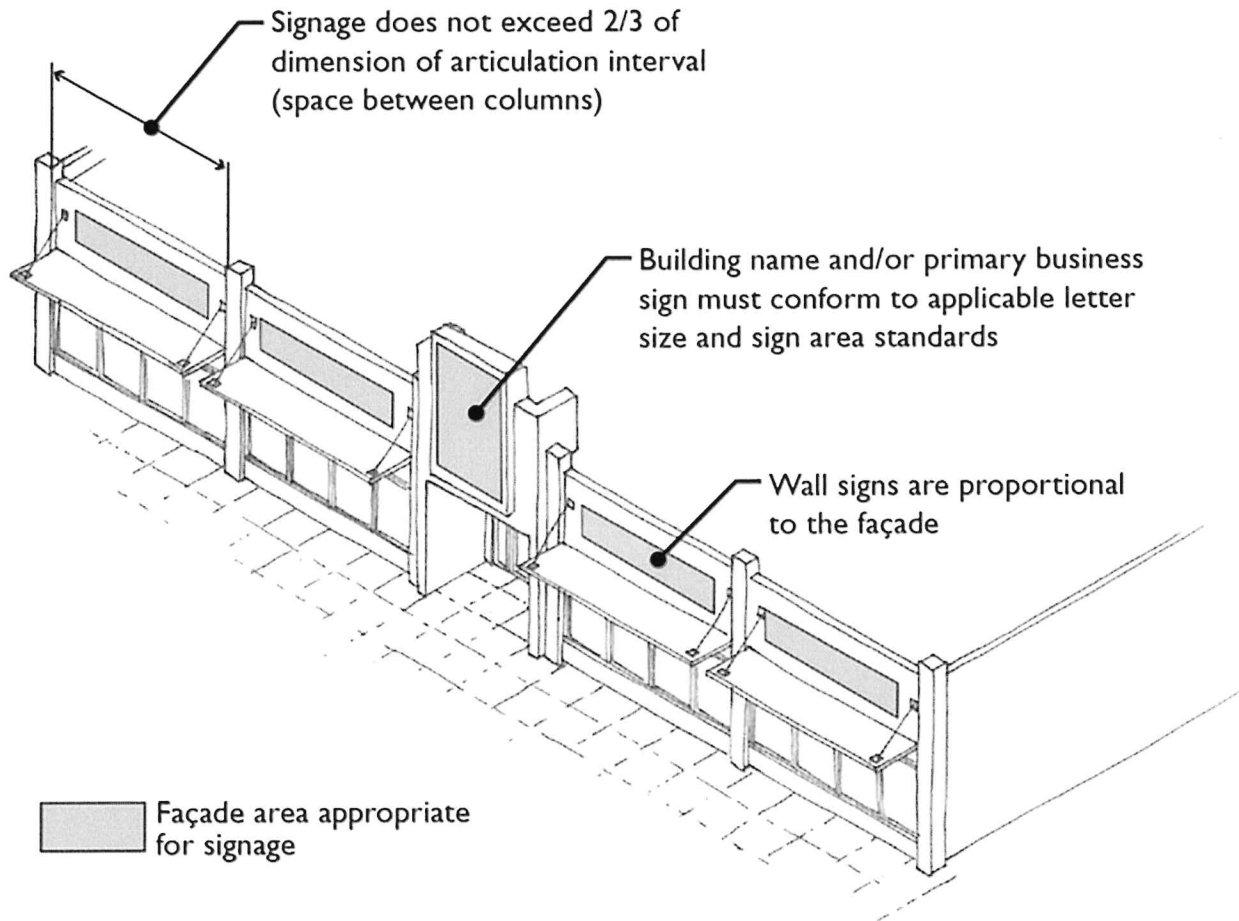


Table 18.82.130.A.3(a)

Sign area standards for wall and awning signs for each tenant's facade.

Tenant facade area	Maximum sign area (for tenant's facade)	
	Sign with internal lighting	Sign without internal lighting
Below 200 sf	15% of the facade	25% of the facade
200 – 349 sf	14% of the facade	22.5% of the facade
350 – 499 sf	13% of the facade	20% of the facade
500 – 999 sf	12% of the facade	17.5% of the facade
999 – 1,499 sf	11% of the facade	15% of the facade
1,500 –1,999 sf	10% of the facade	12.5% of the facade
Over 2,000 sf	10% of the facade	10% of the facade

Figure 18.82.130.A.3(b)

Clarifying the calculations of maximum sign area for tenant wall, canopy, or awning signs.

 Tenant Facade Area = 320 SF



Figure 18.82.130.A.3(c)

Acceptable wall sign examples.





Note the different styles of signs and use of stacked (both left images) and supplemental text (lower left).



More acceptable wall sign examples.

Figure 18.82.130.A.3.d

Unacceptable wall sign example.



Most or all of these signs clearly exceed two-thirds of the width of their respective individual storefronts.

Figure 18.82.130.A.4
Acceptable building name sign.



Figure 18.82.130.B.1(b)
Dimensional standards for horizontal (left) and vertically oriented (right) projecting signs.

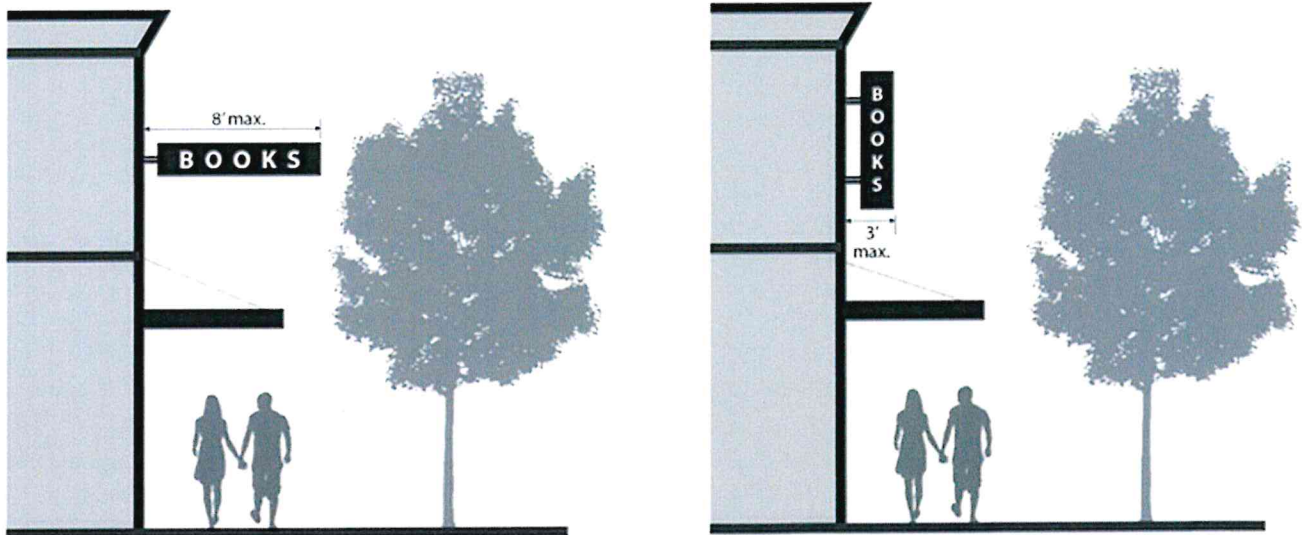


Figure 18.82.130.B.1.c

Acceptable and unacceptable projecting sign examples.



The example on the right includes two complementary projecting signs that are separated enough that they do not conflict or cause visual clutter. The second sign is smaller and advertises the lounge that is within the restaurant.



Both examples include signs that project over the roofline. In the right example there are far too many signs that visually conflict and create unwanted sign clutter.

Figure 18.82.130.C

Awning sign examples and standards.

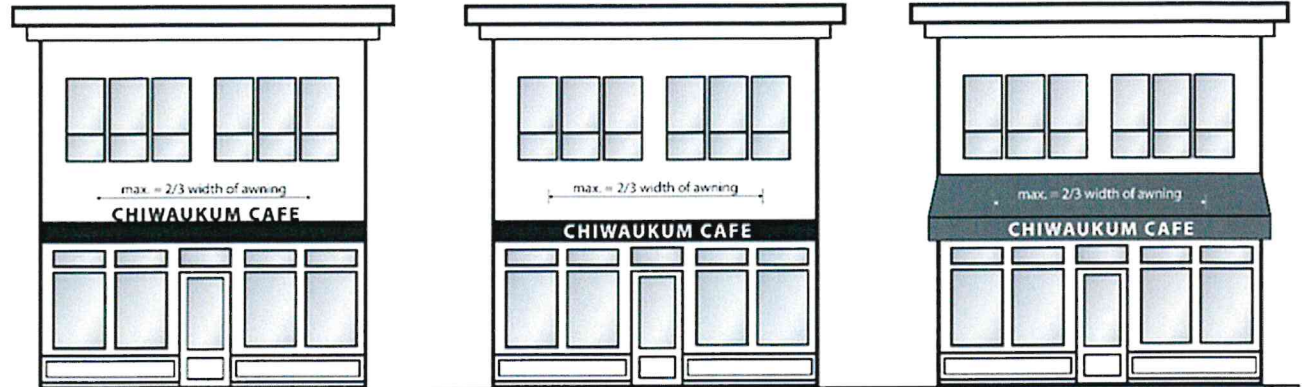


Figure 18.82.130.D

Under canopy standards and example.

