



**CITY OF BLACK DIAMOND
PLANNING COMMISSION AGENDA
September 10, 2024
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) Planning Commission Meeting of August 6, 2024 and Planning Commission Special Meeting of August 20, 2024

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) **Marijuana Regulations**
 - a. Deliberation and possible action taken on "Marijuana Regulations".

STUDY/WORK SESSION: None

UNFINISHED BUSINESS:

- 3) Draft Sign Code

NEW BUSINESS: None

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
August 6, 2024, 6:00 PM

CALL TO ORDER, FLAG SALUTE, ROLL CALL

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

Present: Commissioner Kelley Sauskojus
Commissioner Steve Jensen
Commissioner Knut Syversen
Commissioner Pam McCain
Chair/Commissioner Carol Morgan
Commissioner John Olson

Staff: Community Development Director, Mona Davis
Assistant Planner, Jill Kuzaro
Deputy City Clerk, Carina Thornquist
IT Staff, Jake Kapsandy

APPROVAL OF MINUTES:

1) Regular Planning Commission Meeting of July 9, 2024 -

There were no changes to the July 9, 2024, minutes and they were approved as presented.

PUBLIC COMMENT - None

PUBLIC HEARING -

2) Code Amendment – Daycares – Director Davis turned the meeting over to the city's Sr. Planner, Jill Kuzaro who went over a few highlights of the memo:

- New name "Childcare Establishments"
- Reviewed process with the City Council

Extensive discussion took place between the Commissioners and Director Davis.

Chair Morgan opened up the Public Hearing at 6:12.

Leslie Paul from Aimstar Learning in Renton, spoke to the Commissioners. She mentioned that they have been looking for a new location for the last 5 years and zoning is always a challenge.

Chair Morgan closed the Public Hearing at 6:16.

Director Davis stated that she would like a decision by October so she can take it to City Council.

Extensive discussion took place between the Commissioners and Director Davis.

Motion was made by Commissioner McCain to forward the Draft as was read and written to the City Council for approval. **Seconded** by Commissioner Jensen **Vote, passed 6 – 0.**

STUDY/WORK SESSION - None

UNFINISHED BUSINESS – None

NEW BUSINESS – None

COMMUNITY DEVELOPMENT DEPARTMENT REPORT -

Director Davis reported on the following items:

- Work session with City Council this Thursday, 8/8 to discuss Middle Housing.
- City of Snoqualmie has asked Black Diamond to take some of their growth.
- Parametrix will be bringing the Transportation Element at 9/24 meeting.
- Further discussion on Cannabis at either 8/20 or 9/11 meeting.
- We will be going over the Draft of the Comprehensive Plan (without the Transportation Element) at the 9/12 City Council Work session meeting.
- Further discussion of the Sign Code will be coming in near future.
- The BESS has been put on the back burner for a while until some of the priority items get completed.
- Beginning 8/1, Jill Kuzaro was promoted to Sr. Planner and Jodie Barnett was hired on as the new Permit Tech.
- Upcoming events: Tough Mudder on 8/17 – 18 and Labor Days.

Extensive discussion took place between the Commissioners and Director Davis.

PUBLIC COMMENTS – None

ADJOURNMENT -

Commissioner Olson moved to adjourn, **second** Commissioner McCain **Vote**, motion **passed 6 - 0**. Meeting adjourned at 6:47 p.m.

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

ATTEST:

Carol Morgan, Chairperson

Carina Thornquist, Planning
Commission Secretary



CITY OF BLACK DIAMOND
PLANNING COMMISSION SPECIAL MEETING MINUTES
August 20, 2024, 6:00 PM

CALL TO ORDER, FLAG SALUTE, ROLL CALL

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

Present: Commissioner Kelley Sauskojus
Commissioner Pam McCain
Chair/Commissioner Carol Morgan
Commissioner John Olson
Excused: Commissioner Steve Jensen
Commissioner Knut Syversen
Staff: Community Development Director, Mona Davis
Deputy City Clerk, Carina Thornquist
IT Staff, Jake Kapsandy

APPROVAL OF MINUTES: None

PUBLIC COMMENT - None

PUBLIC HEARING - None

STUDY/WORK SESSION - None

UNFINISHED BUSINESS –

- 1) Draft Marijuana Regulations** – Director Davis introduced Andrew Love from AHBL who spoke briefly before opening it up for Question-and-Answer period prior to the Public Hearing at the September 10th meeting.

A robust back and forth discussion between the Commissioners, Director Davis and Andrew Love took place.

NEW BUSINESS – None

COMMUNITY DEVELOPMENT DEPARTMENT REPORT - None

PUBLIC COMMENTS – None

ADJOURNMENT -

Commissioner Sauskojus moved to adjourn, **second** Commissioner McCain **Vote**, motion **passed 4 - 0**. Meeting adjourned at 7:18 p.m.

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

ATTEST:

Carol Morgan, Chairperson

Carina Thornquist, Planning
Commission Secretary



CITY OF BLACK DIAMOND

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Black Diamond, WA 98010

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MEMO TO: Planning Commissioners
FROM: Mona Davis, Community Development Director
DATE: August 22, 2024
SUBJECT: Marijuana – Proposed Code Amendment & Public Hearing 9/10/24

I appreciate the Commissioners holding a special meeting on August 20th to review the draft Marijuana regulations and provide input ahead of scheduling a public hearing at the September 10th regular meeting.

To recap, we discussed the following bulleted items at the last meeting and have since had the city attorney review the draft regulations. The city attorney has advised that I obtain input from the police chief on security measures, which I anticipate having available to share at the public hearing. He is also looking into the code language around the city's liability and indemnification clauses and may have some suggested edits to Section 18.62.070 by the next meeting.

- Updated zoning matrix and applicable zoning chapters
- Updated Permitted uses with 1,000-foot buffers and designated CUP for less than 1,000-foot buffers
- Referenced additional security measures outlined in WAC 314-55-083
- Referenced needed submittal checklists to address security and siting requirements as part of land use and building permit reviews
- Size limitations of retail buildings within Neighborhood Center and whether the city should limit the size of production facilities based on the three Tiers in the draft code language

Staff look forward to further discussion with you on September 10th at the next regular meeting and public hearing. As we previously discussed, staff anticipate having the Planning Commission's recommendation by September 24, 2024 in order to present to Council in October.

Thank you,
Mona

Chapter 18.20 Zoning Use Matrix

18.20.010 Zoning use matrix.

- A. The zoning use matrix below combines the uses permitted in all zones within the city. For further information on each zone, see the zone-specific chapters in Chapters 18.30—18.44.
- B. The table lists the zones in the vertical columns and the land use activities in the horizontal rows. If no symbol appears in the box at the intersection of a row and column, the use is not allowed and is prohibited unless otherwise noted.
- C. If the letter "P" appears in the box, the use is permitted outright subject to the provisions of this title. If the letter "C" appears in the box, the use is conditional and is only allowed with a conditional use permit. If the box contains a number, the corresponding footnote further specifies the conditions applicable to the use in the zone.

Use	R4	R6	MDR8	NC	CC	TC	B/IP	I	PUB
Accessory uses per BDMC 18.50	P	P	P	P	P		P	P	P
Adult oriented business per BDMC 18.60							C	C	
Agricultural stands for sales of produce/ plants grown onsite	P	P							
Agricultural uses	p ¹³	p ¹³							
Any expansion of light manufacturing spaces that existed before 6/27/2009				C					
Automobile fueling stations				C	P				
Automobile wrecking yards								C	
Bed and breakfasts	C	C	C	C					
Business support services							p ¹⁵	p ¹⁶	
Childcare, including nursery schools and day care centers	p ¹² / C ¹⁰	p ¹² / C ¹⁰	p ¹² / C ¹⁰			C	P		
Drive through facilities				C	P				
Entertainment/ cultural facilities				p ⁹	P	P	C		
Essential public facilities				C	C		C	C	C
General office				p ⁸		P	p ¹⁸	p ¹⁷	
Group Homes			C						
Heavy Industry								P	
Home Occupations per BDMC 18.54	P	P	P						

Use	R4	R6	MDR8	NC	CC	TC	B/IP	I	PUB
Hotels/motels/ visitor lodging					P				
Hybrid wholesale/ retail establishments					C				
Light manufacturing							p ^{1, 19}	P	
Major institutions					C	C	C	C	C
<u>Marijuana processing and/or production facilities per BDMC 18.62</u>							<u>p²¹/C²²</u>	<u>p²¹/C²²</u>	
<u>Marijuana research</u>							<u>P</u>	<u>P</u>	
<u>Marijuana retail establishments per BDMC 18.62</u>				<u>p²¹/C²²</u>	<u>p²¹/C²²</u>		P	P	
Mini storage facilities					C				
Office activities							p ¹		
Other or related uses									P
Parking structures (not associated with primary use)						C	C		
Parks							C		P
Personal and professional services				p ⁷	P	P			
Pet daycare					P				
Pet stores				p ²⁰					
Private clubs, fraternal lodges and similar						C			
Private schools, K-12	C	C	C				P	P	
Public uses/facilities	C	C	C	C	P	P ² /C	C	P	P
Religious Institutions	C ¹¹	C ¹¹	C ¹¹	C	P	C	C		
Research and development							p ¹	P	
Residential									
Accessory dwelling units per BDMC 18.56	P	P	P						
Caretakers quarters									P
Cottage housing			P						
Duplexes	C ¹⁴	C ¹⁴							
Elderly housing			C						
Manufacture home park			C						
Manufactured housing per BDMC 18.90	P	P	P						
Mixed use				p ⁴	p ⁵	p ⁵			
Multi-family up to 6 units			P						
Single family structures	P	P	P						

Use	R4	R6	MDR8	NC	CC	TC	B/IP	I	PUB
Senior housing			C	C		C			
Retail				p ⁶	p ³	P			
Technology, biotechnology, and medical equipment							P		
Temporary uses per BDMC 18.52	P	P	P	P	P		P	P	P
Utilities, above ground	C	C	C	C	C	C	C	P	C
Utilities, below ground	P	P	P	P	P	P	P	P	P
Veterinary clinics				p ²⁰	P				
Warehousing / distribution								P	
Wholesaling							P	P	

- ¹ That do not create significant noise, emissions, risk of explosion or release of hazardous materials, or air or water pollution.
- ² Permitted limited to general administrative offices, otherwise a conditional use.
- ³ Including uses involving outdoor product display or storage.
- ⁴ In attached structures if included as an element of mixed-use site development or on upper floors of a mixed-use structure.
- ⁵ Either in separate buildings or on the upper floors of a mixed-use building; provided that, residential is not allowed at street level within buildings fronting an arterial street.
- ⁶ Supermarket and grocery stores limited to forty thousand square feet, typical neighborhood retail uses limited to ten thousand square feet per individual use and one building not to exceed one hundred thousand square feet excludes drive throughs and gas stations.
- ⁷ Personal services provided primarily to neighborhood residents limited to four thousand square feet per business.
- ⁸ Limited to four thousand square feet per business and excluding drive throughs.
- ⁹ Limited to five thousand square feet or capacity of not more than 100 patrons per business, whichever is greater and excluding drive-throughs.
- ¹⁰ For more than twelve children.
- ¹¹ Not to exceed ten thousand square feet.
- ¹² Up to twelve children.
- ¹³ Including farms, nurseries, and community gardens/ pea patches. Greenhouses, storage sheds, and similar buildings accessory to such uses are also permitted.
- ¹⁴ Provided the minimum lot size is 1.5 times that required for a single-family structure; only one duplex shall be permitted per lot; the lot shall not be within three hundred feet of any other lot containing a duplex or multi-family structures or constitute more than ten percent of the dwelling units in a single block; subject to design standards.

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- ¹⁵ Such as technology services and support, copy centers, and eating and drinking establishments to serve the occupants of the business park. The total gross floor area of such uses is not to exceed twenty percent of the total project gross floor area and a five thousand square feet maximum for any individual use.
- ¹⁶ Including eating establishments primarily serving the immediate work force. The total gross floor area of such uses is not to exceed twenty percent of the total district area and a five thousand square feet maximum for any individual use.
- ¹⁷ Associated with primary manufacturing use.
- ¹⁸ Including call centers and other customer service communication centers.
- ¹⁹ Provided all production and storage activity is conducted indoors.
- ²⁰ No boarding of dogs or outdoor kennels allowed.
- ²¹ With one-thousand-foot buffer as provided in Chapter 18.62.
- ²² With buffer reduction as provided in Chapter 18.62.

Chapter 18.36 NEIGHBORHOOD CENTER—NC

18.36.020 Permitted uses.

A. Retail. Only the following uses are allowed:

1. Supermarket and grocery stores: Limited to not more than forty thousand square feet gross floor area.

2. Marijuana retail establishments with one-thousand-foot buffer as provided in Chapter 18.62: Limited to not more than ten thousand square feet.

~~2-3.~~ All other typical neighborhood retail uses: Limited to not more than ten thousand square feet gross area for each individual use, whether in a separate building or combined with other uses in one building, not to exceed one hundred thousand square feet gross floor area in total; and excluding drive-through facilities and automobile fueling stations.

- B.** Personal services provided primarily to neighborhood residents: Limited to not more than four thousand square feet gross floor area per business.
- C.** General offices: Limited to not more than four thousand square feet gross floor area per business and excluding drive-through facilities.
- D.** Entertainment/culture: Limited to not more than five thousand square feet gross floor area or capacity of not more than one hundred patrons per business, whichever is greater, and excluding drive-through facilities.
- E.** Residential uses in attached structures if included as an element of mixed use site development or on upper floors of a mixed use structure.
- F.** Utilities, below ground.
- G.** Existing light manufacturing uses, provided no expansion is allowed.
- H.** Veterinary clinics and pet stores; no boarding of dogs or outdoor kennels allowed.
- I.** Other or Related Uses:

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1. Accessory uses and structures as provided in Chapter 18.50.
 2. Temporary uses as provided in Chapter 18.52.

18.36.030 Conditional uses.

The following uses may be allowed by Conditional Use Permit in accordance with BDMC Chapters 18.08 and 18.12:

- A. Bed and breakfasts;
- B. Religious institutions;
- C. Drive-through facilities, maximum one per property;
- D. Essential public facilities;
- E. Utilities, aboveground;
- F. Public uses/facilities;
- G. Senior housing;
- H. Automobile fueling stations; ~~and~~
- I. Any expansion of the space, volume or facilities of any light manufacturing use that existed before June 27, 2009. ~~Any, provided that any~~ such expansion must be contained within the same lot as the existing use; ~~and~~
- J. Marijuana retail establishments with buffer reduction as provided in Chapter 18.62.

Chapter 18.38 COMMUNITY COMMERCIAL DISTRICT—CC

18.38.020 Permitted uses.

- A. Retail, including automobile fueling stations ~~and~~, uses involving outdoor product display or storage, and marijuana retail establishments with one-thousand-foot buffer as provided in Chapter 18.62.
- B. Personal and professional services.
- C. Entertainment/cultural.
- D. Religious institutions.
- E. Drive through facilities, including automobile fueling stations.
- F. Hotels, motels, and other visitor lodging.
- G. Residential, if developed as an element of mixed use site development, either in separate buildings or on the upper floors of a mixed use building; provided that, residential is not allowed at street level within buildings fronting an arterial street.
- H. Veterinary clinics and pet daycare.
- I. Public uses/facilities.
- J. Utilities, below ground.
- K. Other or related uses:
 1. Accessory uses and structures as provided Chapter 18.50; and

-
2. Temporary uses as provided in Chapter 18.52.

18.38.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.38.020 may be allowed by conditional use permit in accordance with Chapters 18.08 and 18.12:

- A. Major institutions;
- B. Essential public facilities;
- C. Utilities, aboveground;
- D. Hybrid wholesale/retail establishments;~~and~~
- E. Mini storage facilities;~~;~~ and
- F. Marijuana retail establishments with buffer reduction as provided in Chapter 18.62.

Chapter 18.42 BUSINESS/INDUSTRIAL PARK—B/IP

18.42.020 Permitted uses.

- A. Office, research and technology and light manufacturing activities that do not create significant noise, emissions, risk of explosion or release of hazardous materials, or air or water pollution;
- B. General office, including call centers and other customer service communication centers;
- C. Research and development;
- D. Technology, biotechnology and medical equipment;
- E. Light manufacturing, providing all production and storage activity is conducted indoors;
- F. Wholesaling;
- G. Business support services, such as technology services and support, copy centers, and eating and drinking establishments to serve the occupants of the business park. The total gross floor area of such uses is not to exceed twenty percent of the total project gross floor area and a five thousand gross square feet maximum for any individual use;
- H. Child care, including nursery schools and day care centers, when integrated within a development;
- I. Utilities, below ground;
- J. Private schools;~~and~~
- K. Marijuana processing and/or production facilities with one-thousand-foot buffer as provided in Chapter 18.62;
- L. Marijuana research authorized by RCW 69.50.372; and

~~K-M.~~ Other uses:

1. Accessory uses as provided in Chapter 18.50.
2. Temporary uses as provided in Chapter 18.52.

18.42.030 Conditional uses.

The following uses may be allowed by conditional use permit in accordance with Chapters 18.08 and 18.12:

- A. Adult-oriented businesses, consistent with the requirements of Chapter 18.60;
- B. Religious institutions;
- C. Essential public facilities including secure community transition facilities;
- D. Major institutions;
- E. Parks and open space whether public and private;
- F. Public uses/facilities;
- G. Utilities, aboveground;
- H. Entertainment/culture facilities;
- I. Parking structures not associated with a primary, permitted use-; and
- J. Marijuana processing and/or production facilities with buffer reduction as provided in Chapter 18.62.

Chapter 18.44 INDUSTRIAL DISTRICT—I

18.44.020 Permitted uses.

- A. Heavy industry.
- B. Light manufacturing.
- C. Research and development.
- D. General office associated with a primary manufacturing use.
- E. Wholesaling.
- F. Warehousing and distribution.
- G. Business support services including eating establishments primarily serving the immediate work force; the total gross floor area of such uses shall not exceed twenty percent of the total district area and a five thousand gross square feet maximum area for any individual use.
- H. Utilities.
- I. Public uses/facilities.
- J. Private schools.
- K. Marijuana processing and/or production facilities with one-thousand-foot buffer as provided in Chapter 18.62.
- L. Marijuana research authorized by RCW 69.50.372.
- ~~K-M.~~ Other uses:
 - 1. Accessory uses as provided in Chapter 18.50; and
 - 2. Temporary uses as provided in Chapter 18.52.

18.44.030 Conditional uses.

The following uses may be allowed by conditional use permit in accordance with the requirements of Chapters 18.08 and 18.12:

- A. Adult-oriented businesses, consistent with the requirements of Chapter 18.60;
- B. Major institution;
- C. Essential public facilities;
- D. Automobile wrecking yards; and
- E. Marijuana processing and/or production facilities with buffer reduction as provided in Chapter 18.62.

Chapter 18.62 MARIJUANA REGULATIONS

18.62.010 Findings and Purpose.

- A. The purpose of this Chapter is to establish where marijuana producers, processors, and retail establishments may locate in the City, and to describe the restrictions upon such uses. In addition to compliance with this Chapter, every marijuana processor, producer, and retailer shall obtain a City business license under Chapter 2.58 of the Black Diamond Municipal Code.
- B. No part of this Ordinance is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 et seq., the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation. Nothing in this Ordinance shall be construed to supersede Washington state statutory or common law prohibiting or otherwise regulating the acquisition, possession, manufacture, sale, or use of medical cannabis or recreational marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. This Chapter's intention is to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

18.62.020 Location Criteria for Marijuana Uses.

- A. No marijuana producer, processor, or retail establishment may locate within one thousand feet of any of the following:
 - 1. Elementary or secondary school;
 - 2. Playground;
 - 3. Recreation center or facility;
 - 4. Child care center;
 - 5. Early Learning and Development Program;
 - 6. Public park;
 - 7. Public transit center;
 - 8. Library; or
 - 9. Any game arcade (where admission is not restricted to persons twenty-one years of age or older).

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- B. The one-thousand-foot minimum distance described above may be reduced to no lower than one hundred feet by obtaining a Conditional Use Permit, except that the distance between a marijuana producer, processor, or retail establishment and any elementary or secondary school or playground shall remain one thousand feet.
- C. The distances described above shall be computed by direct measurement as stated in WAC 314-55-050(10) as follows:
- The distance shall be measured as the shortest straight-line distance from the property line of the marijuana producer, processor, or retail establishment to the property line of the elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or arcade where admission is not restricted to persons age twenty-one years of age and older.
- D. No marijuana producer, processor, or retailer may locate within any residential or residential/commercial mixed-use building in the City. This includes home occupations.

18.62.030 Performance Standards

- A. All performance standards of licensed premises shall comply with the requirements of WAC 314-55-075, WAC 314-55-077, and WAC 314-55-079 (and all applicable rules and regulations, including those promulgated under WAC 314-55 as currently enacted or subsequently amended).
- B. Producers and production facilities.
1. A marijuana producer license allows the licensee to produce marijuana for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.
 2. The maximum amount of space for marijuana production is limited to two million square feet state-wide. Applicants must designate on their operating plan the size category of the production premises and the amount of actual square footage in their premises that will be designated as plant canopy. There are three categories as follows:
 - a. Tier 1 - Less than two thousand square feet;
 - b. Tier 2 – Two thousand square feet to 9,999 square feet; and
 - c. Tier 3 – Ten thousand square feet to thirty thousand square feet.
 3. Outdoor production shall not be allowed in an open or cleared ground or field; rather outdoor production shall be fully enclosed in a non-rigid greenhouse or other structure.
 4. Outdoor producers must meet the security requirements described in WAC 314-55-083, which shall be confirmed for compliance by the City prior to issuance of a building permit.
- C. Processors and processing facilities.
1. A marijuana processor license allows the licensee to process, package, and label usable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers. A marijuana processor is allowed to blend tested usable marijuana from multiple lots into a single package for sale to a marijuana retail licensee providing the label requirements for each lot uses in the blend are met and the percentage by weight if each lot is also included on the label.
 2. A processor shall meet the requirements as set forth in WAC 314.55.077.

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3. A processor building footprint shall not exceed ten thousand square feet in size and all activities of said use shall be conducted indoors. A processor must meet the security requirements described in WAC 314-55-083, which shall be confirmed for compliance by the City prior to issuance of a building permit.

D. Retailers and retail establishments.

1. A marijuana retailer license allows the licensee to sell only usable marijuana, marijuana-infused products, and marijuana paraphernalia in retail establishments to persons twenty-one years of age and older.
2. Marijuana extracts, such as hash, hash oil, shatter, and wax can be infused in products sold in a marijuana retail establishment, but RCW 69.50.354 does not allow the sale of extracts that are not infused in products. A marijuana extract does not meet the definition of a marijuana-infused product per RCW 69.50.101.
3. Internet sales and delivery of product is prohibited.
4. No sampling or consuming of marijuana, marijuana-infused products, or marijuana paraphernalia shall occur on premises of licensed retail establishments and retailers must meet the security requirements described in WAC 314-55-083, which shall be confirmed for compliance by the City prior to issuance of a building permit.

18.62.040 Business License Required.

- A. A valid, current license is required from the Washington State Liquor and Cannabis Board for operation of any marijuana producer, processor, or retail establishment.
- B. A business license is required from the City for operation of any marijuana producer, processor, or retail establishment.

18.62.050 Signs and Advertising.

All signage and advertising for a marijuana producer, processor, or retail establishment shall comply with all applicable provisions of the Black Diamond Municipal Code and WAC 314-55-155 (and all applicable rules and regulations promulgated thereunder).

18.62.060 Security Requirements.

- A. Security measures at all licensed premises shall comply with the requirements of WAC 314-55-083 (and all applicable rules and regulations promulgated thereunder).
- B. The City may require producers, processors, or retail establishments to install additional security features, including but not limited to security gates over windows and/or doors, bollards, and additional site lighting to deter criminal activity if the City determines that one or more of the following criteria are met: (1) _____, (2) _____, (3) _____. This will be evaluated at site plan review and/or building permit review. [This section under review by Police Department.]

18.62.070 No City Liability - Indemnification.

- A. By accepting a permit issued pursuant to this Chapter, all licensees (as defined in WAC 314-55-010(19), jointly and severally, if more than one, agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without

limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the marijuana business that is the subject of the license. [This section under legal review.]

18.62.080 Adoption by Reference.

The City hereby adopts WAC 314-55 by reference, as well as RCW 69.50.101.

18.62.090 Definitions.

A. The City adopts the definitions in WAC 314-55-010 and RCW 69.50.101, except the following may be used interchangeably:

1. "Cannabis" and "marijuana;" and
2. "Retail outlet" and "retail establishment."

PROJECT MEMO



TO: Mona Davis, Community Development Director
FROM: Andrew Love, AICP
Seattle - (206) 267-2425
DATE: September 3, 2024
PROJECT NO.: 2210340.31
PROJECT NAME: Black Diamond Sign Code Update
SUBJECT: 9/10/24 Planning Commission Sign Code Update

This memo highlights the major changes since the Sign Code was brought before Planning Commission in June. The intention of the September 10, 2024 meeting is to present the latest draft sign code before the Planning Commission and seek any remaining comments, questions, and concerns. In particular, it may be good to review temporary sign standards before the public hearing. I have highlighted some areas of the temporary signs standards that may be good discussion topics for the Planning Commission. In addition, we need to seek guidance on pole and/or pylon sign amortization (Section 18.82.050.C.8). After the September 10 meeting, the remaining steps for Planning Commission would include a public hearing and recommendation to City Council.

Changes Since June

- Add food truck signs and murals to list of Exemptions in Section 18.82.030, unless the mural advertises a business, product, or service then only that portion of the mural would be regulated the same as a wall sign.
- The prior drafts only permitted illumination during business hours. After receiving feedback from Planning Commission and business owners, this was increased to no restrictions in non-residential zones. In residential zones, illumination would be limited to the hours between 6am and 10pm. Neighborhood entrance signs would be exempt from this limitation.
- Within Section 18.82.090, the table for non-residential zones was eliminated because every sign type was permitted (except any signs listed under Section 18.82.160, Prohibited Signs).
- Sections 18.82.100 and 18.82.110 now have maximums for total types of signage for freestanding and building-mounted signs, respectively. The prior drafts of the sign code did not have standards for total types of signs, which implied a single business could potentially have monument signs, pylon signs, post and arm signs, etc. Now they are limited to one type of freestanding sign and two types of building-mounted sign.
- New pole signs are now proposed to be prohibited. Pylon signs would still be allowed and an effective alternative.
- The maximum height and maximum sign area for monument and pylon signs were slightly changed to reflect common measurements for sign areas, and a slightly lower maximum height of 14 feet (versus 16 feet). The maximum height of the two lowest categories (less than 100 feet of frontage and 100-199 feet of frontage) were each raised by 2 feet.
- Table 18.82.110 was simplified to allow for a sign area equal to 15% of the façade for façade areas below 1,000 square feet and 10% for façade areas 1,000 square feet and over.
- Section 18.82.130, Temporary Signs, was adjusted. Type 4 signs were renamed from Feather and Aerial Signs to Wind-Powered and Inflatable Signs in order to make it easier to understand.
- A new Section 18.82.140, Windows Signs, was added. The old Section 18.82.140 (Variances) and following sections were renumbered.

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.
18.82.100	Freestanding signs.
18.82.110	Building-mounted signs.
18.82.120	Digital and changeable-copy sign integration.
18.82.130	Temporary signs.
18.82.140	Windows signs.
18.82.150	Variance application to sign regulations.
18.82.160	Prohibited locations.
18.82.170	Prohibited signs.
18.82.180	Administration and enforcement.
18.82.190	Severability.
18.82.200	Definitions.

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. A permit is not required for temporary signs (see Section 18.82.130).
- 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 holidays and special occasions erected entirely on private property.
- C. Flag poles except that they shall comply with the applicable height provisions of the zoning and building codes.
- D. Gravestones and similar memorial plaques and monuments outside of public right-of-way.

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- 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, parking lot, alley, or drive aisle. 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 six square feet in commercial and industrial zones.
 - K. Building Name Signs. Historic Signs that (1) advertise the name of the building, year built, and/or historical references, or designated as a historic landmark, and (2) are not associated with the name of any individual business, provided they meet the standards below.
 - 1. Maximum quantity: one sign per building entrance.
 - 2. Maximum sign area: 6 square feet.
 - 3. Maximum height above existing grade: 6 feet.
 - 4. Digital message signs are not allowed as building name signs.
 - L. Any sign on a mobile food vendor/food truck unless such sign is prohibited pursuant to Section 18.82.170.
 - M. Murals, except when advertising a business, product, service, or activity that portion of said mural is regulated as a wall sign and shall require a permit.

18.82.040 Permit application requirements.

- A. Applications for sign permits are processed as Type 1 decisions in accordance with Chapter 18.08 BDMC.
- B. Applications and fees. Applications for a sign permit or a sign variance request pursuant to this Chapter 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.
- C. 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 city’s building codes (BDMC 15.04.030).
 - 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 illuminated signs shall obtain an electrical permit and inspection by the State of Washington Department of Labor and Industry.
- 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 until December 31, 2034. No structural alterations to the nonconforming pole or pylon sign may be made after December 31, 2024. 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 previously 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.
 - c. Graffiti shall be removed from signs within five calendar days.

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

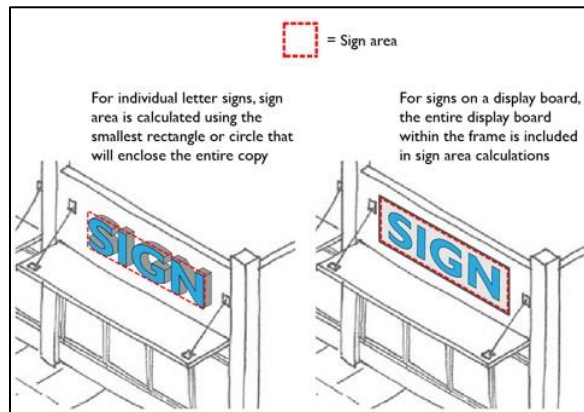
18.82.070 Measurement of sign area.

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 18.82.070-A below for additional examples and clarification.

Figure 18.82.070-A

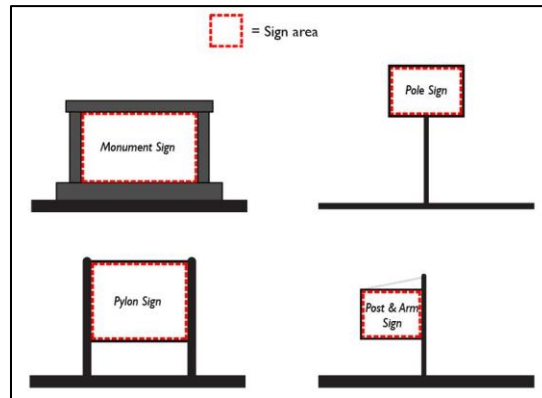
Clarifying sign area measurement for wall signs.



- 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. See Figure 18.82.070-B below for examples on how to calculate the measurements of freestanding signs.

Figure 18.82.070-B

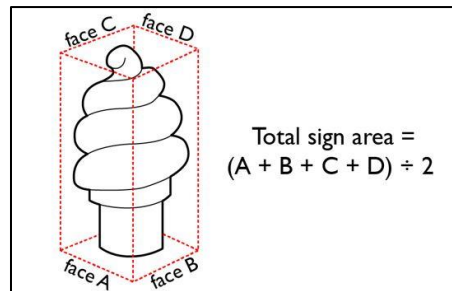
Clarifying sign area measurement for freestanding signs.



- C. Two-faced signs (front and back) 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. Three 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 18.82.070-C below for clarification of 3D sign area measurement.

Figure 18.82.070-C

Clarifying 3D sign area measurement.



18.82.080 Sign illumination.

A. 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 Section 18.82.120.C.
 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.
- B. Hours of Illumination.
1. Non-residential zones. There are no restrictions on hours of sign illumination in non-residential zones.
 2. Residential zones. Any sign shall only be illuminated between the hours of 6:00 a.m. and 10:00 p.m. in residential zones. Neighborhood entrance signs that otherwise meet all other requirements of this section are exempt from the 6:00 a.m. and 10:00 p.m. limitation.
- C. Permitted Sign Illumination Types. Table 18.82.080 below specifies permitted sign illumination types by zone and other requirements.

Table 18.82.080
Permitted sign 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 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, 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, or monument sign

Illumination Type and Description	Example	Permitted Zones and Overlays	Other Requirements
Neon.		All nonresidential zones	May be incorporated into a permitted wall, projecting, interior, 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, 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 signs
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.

18.82.090 Sign types permitted by zone.

- A. Non-residential. There are no restrictions to the types of signs allowed in commercial, industrial, or public zones. All other regulations of this Chapter apply, including but not limited to maximum types of freestanding signs, maximum types of building-mounted signs, and Section 18.82.160, prohibited signs.
- B. Residential. Table 18.82.090 below illustrates the types of signs that are allowed for different development/use types in residential zones. Interpretation:
1. The letter "P" indicates permitted sign types.
 2. A blank cell indicates the particular sign type is not permitted.
 3. A number in the cell refers to a condition, listed below the table.

Table 18.82.090

Signs Permitted by Development or Use Type in Residential Zones.

Sign Type	Development or Use Type			
	Single-Family Subdivision	Multifamily Complex	Home Occupation	Other Permitted Nonresidential Use ¹
<i>Freestanding Signs</i>				
Monument sign	p ²	p ²		p ³
Pylon sign				p ³
Post and arm sign			p ⁴	p ³
Internal wayfinding sign		P		p ³
<i>Building-Mounted Signs</i>				
Wall sign			p ⁴	P
Projecting sign				
Awning sign				P
Under-canopy sign				P

NOTES:

¹ Where sign standards are established as part of a CUP, those standards apply.

² 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 24 square feet in sign area and four feet in height.

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 24 square feet in sign area and no taller than six feet in height.

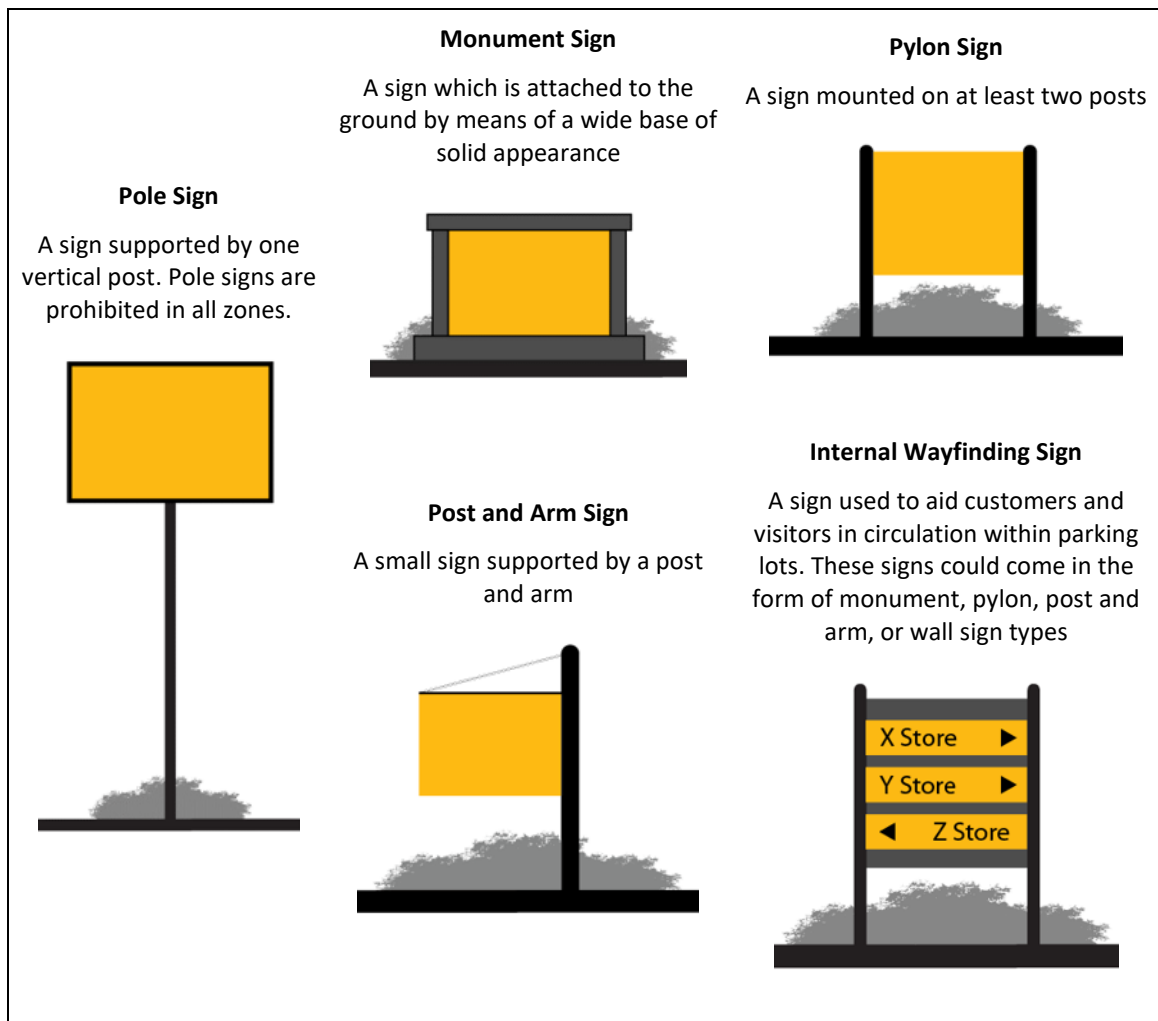
⁴ Home occupations may either have one non-illuminated post and arm sign or one non-illuminated wall sign. Home occupation wall signs are limited to six square feet in sign area.

18.82.100 Freestanding signs.

Freestanding signs include pole signs, monument signs, pylon signs, post and arm signs, and internal wayfinding signs. See Figure 18.82.100-A below for visual examples and descriptions of all freestanding sign types.

Figure 18.82.100-A

Freestanding sign types.



A. Maximum Types of Freestanding Signs. When allowed under Section 18.82.090, applicants are limited to one type of freestanding sign.

1. The total number of signs within each sign type is dependent upon the other regulations set forth in this section.

2. Internal wayfinding signs are exempt from this limitation.
- B. Pole Signs. Poles signs are prohibited in all zones.
- C. Monument Signs.
1. Maximum Quantity. One sign per 150 feet of lot frontage.
 2. Minimum Setback. Five-foot minimum setback to property lines, rights-of-way, or private drives from the closest element of the sign structure.
 3. Minimum Base Height. The copy shall be at least one-foot above grade. See Figure 18.82.100-B below.

Figure 18.82.100-B

Minimum base height for sign copy.



4. Maximum Height and Sign Area. Table 18.82.100-A below illustrates two ways to calculate the maximum allowable sign area and height for monument signs. Applicants may choose either the length of right-of-way frontage or the size of the property to determine the applicable sign area and height standards.

Table 18.82.100-A

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

Length of right-of-way frontage ¹	Size of Property	Maximum Sign Area (per face if two-sided)	Maximum Height
Less than 100 feet	Less than 15,000 square feet	32 square feet	8 feet
100 to 199 feet	15,000 to 43,559 square feet	48 square feet	10 feet
200 to 299 feet	1 to 2.49 acres	64 square feet	12 feet
300 feet or more	2.5 acres or more	84 square feet	14 feet

NOTE:

¹ For parcels with multiple frontages, the standards of this table apply to each frontage individually and may not be combined.

5. Sign Form. At least 40 percent of the total sign width shall meet the ground plane. See Figure 18.82.100-C below.

Figure 18.82.100-C
Minimum ground anchoring provisions for monument signs.



6. Materials and Design. Monument signs in commercial zones 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, and/or internal wayfinding signs).
- D. Pylon Signs.
1. Maximum Quantity. One sign per 150 feet of lot frontage.
 2. Minimum Setback. 5-foot minimum setback to property lines, rights-of-way, or private drives from the closest element of the sign structure.
 3. Maximum Height and Sign Area. Monument sign standards apply per subsection B.4 of this section.
- E. Post and Arm Signs.
1. Maximum Quantity. One sign per 150 feet of lot frontage.
 2. Minimum Setback. 5-foot minimum setback to property lines, rights-of-way, or private drives from the closest element of the sign structure.
 3. Maximum Height. 6 feet.
 4. Maximum Sign Area. 6 square feet (per face if two-sided).
- F. Internal Wayfinding Signs.
1. Purpose. To aid visitors in finding the location of a business, use, or building on large commercial development sites.
 2. Maximum Quantity. The appropriate number of signs needed to provide directional assistance, given size of site and circulation pattern, as determined by the community development director.
 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.
 4. Maximum Height. See respective sign type standards.

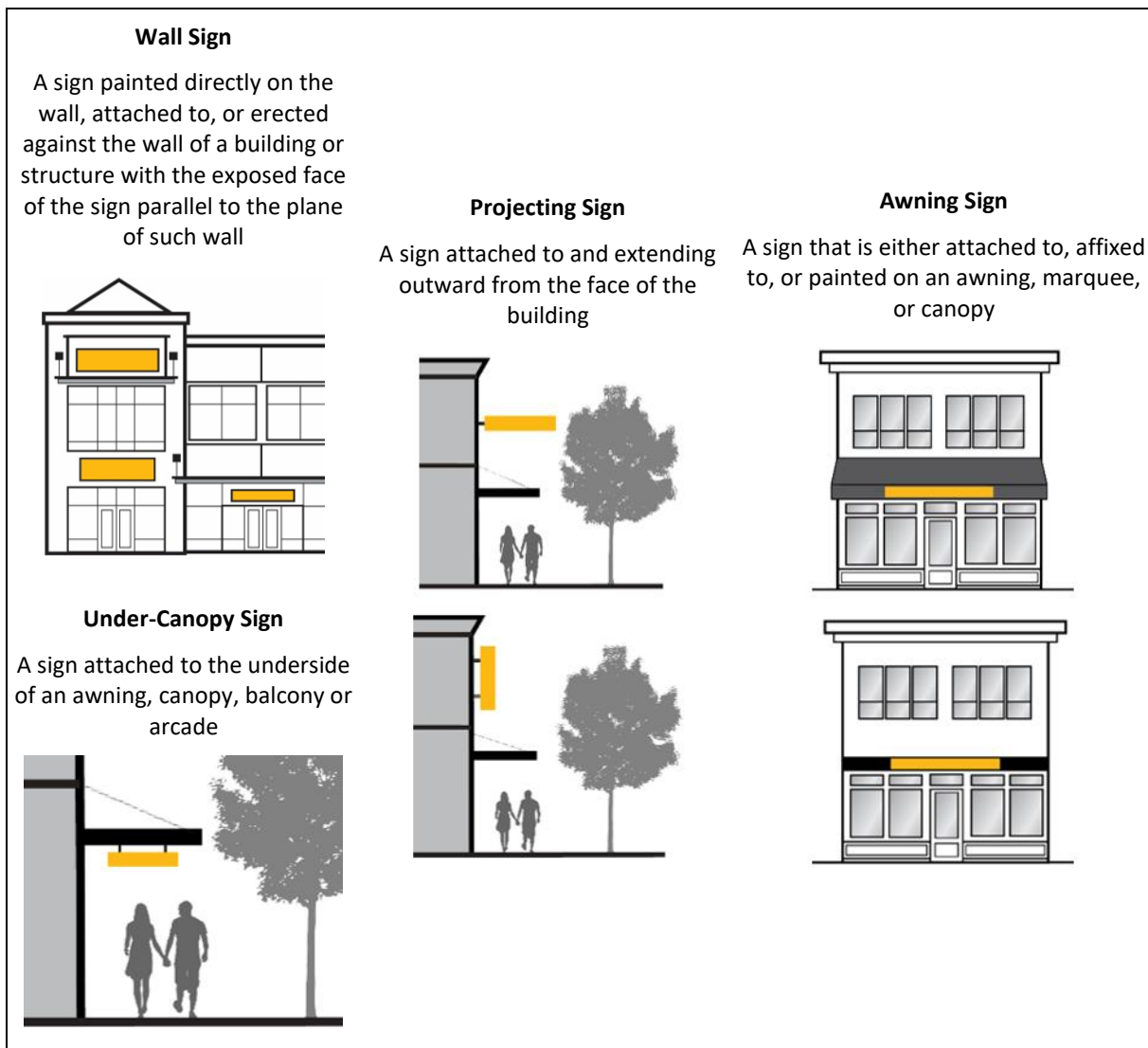
5. Maximum Sign Area. 20 square feet (per face if two-sided), except that when such sign types are mounted on buildings, they are limited to a maximum of 12 square feet.
6. Design. Signs shall be designed in a uniform manner (within individual subdivision or center) using consistent background color and typeface colors. Dark background colors with light colored text are preferred.

18.82.110 Building-mounted signs.

Building-mounted signs include wall signs, projecting signs, awning signs, and under-canopy signs. See Figure 18.82.110-A below for visual examples and descriptions of all building-mounted sign types.

Figure 18.82.110-A

Building-mounted sign types.



-
- A. Maximum Types of Building-Mounted Signs. When allowed under Section 18.82.090, applicants are limited to one sign type in each of the following categories:
1. Category 1: Wall signs or awning signs.
 2. Category 2: Projecting signs or under-canopy signs.
 3. The total number of signs of each sign type is dependent upon the other regulations set forth in this section.
- B. Wall Signs.
1. Maximum Quantity. 1 sign per tenant façade that is visible from an adjacent street, customer parking lot, or alley.
 2. Maximum Width. Wall signs shall be no wider than two-thirds the width of the individual façade. This standard also applies to upper-level businesses.
 3. Location. Wall signs shall 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.
 4. Maximum Sign Area. Table 18.82.110 below provides standards for the maximum amount of wall or awning sign area on each tenant's façade. For building elevations that include signs for upper-level businesses, the standards apply to the entire building elevation.

Table 18.82.110

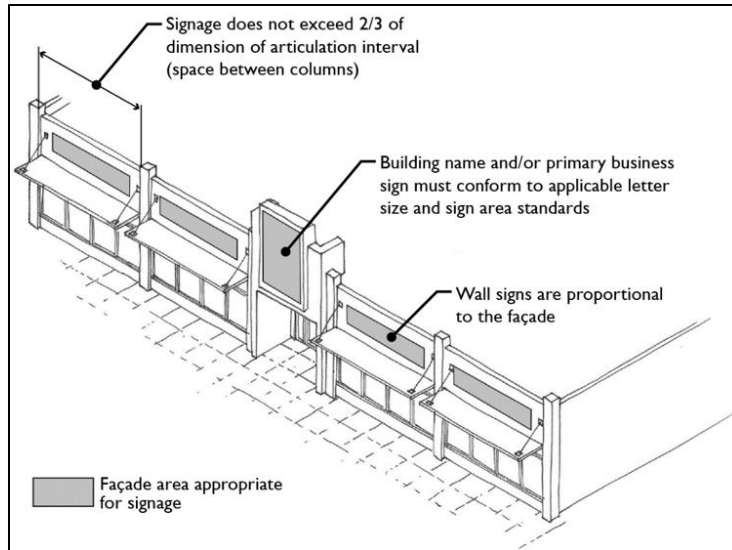
Sign area standards for wall and awning signs for each tenant's façade.

Tenant Façade Area	Maximum Sign Area (for Tenant's Façade)
Below 1,000 square feet	15% of the façade
1,000 square feet and over	10% of the façade

5. Mounting. Wall signs should be mounted exactly vertical 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.
6. Building Name Signs.
 - 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 18.82.110 above, provided they are designed and sized in proportion to the façade. See Figure 18.82.110-B below.

Figure 18.82.110-B

Illustrating wall sign standards.



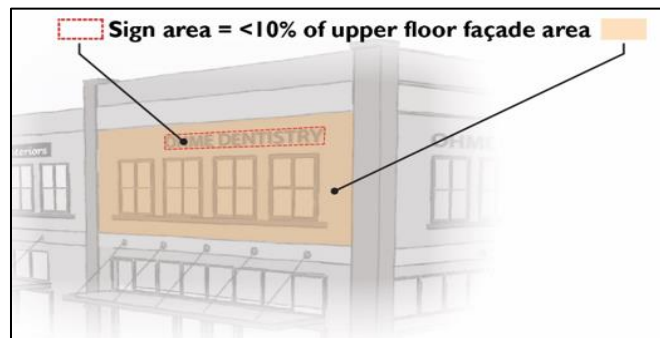
- b. Signs shall be placed near the top of the facade and generally centered on the architectural features of the building. See Figure 18.82.110-B above.

7. Supplemental Standards.

- a. 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.
- b. Each sign may be up to 10 percent of the applicable upper floor facade. Figure 18.82.110-C 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 18.82.110-C

Illustrating maximum wall sign area for upper floor façades.

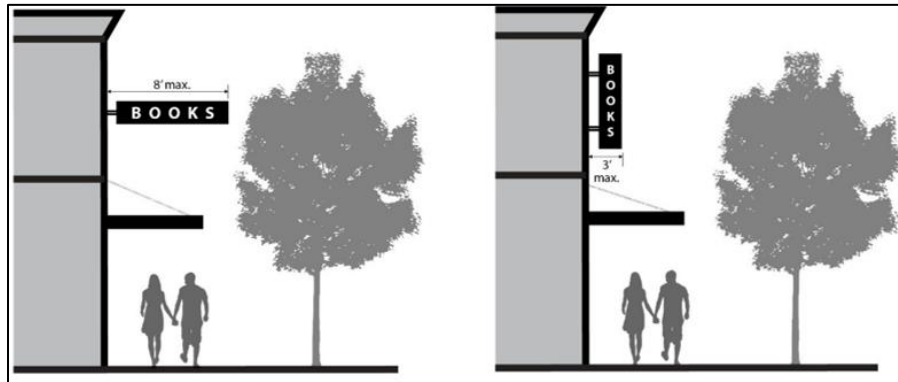


- C. Projecting Signs. Projecting signs meeting the following conditions are allowed for commercial uses adjacent to and facing a street or drive aisle. Projecting signs may be either vertical or horizontal oriented. They may be used in addition to wall and awning signs provided they meet the applicable standards below.
 - 1. Maximum Quantity. 1 sign per facade that is visible from a street, alley, or customer parking lot.
 - 2. Minimum Vertical Clearance. 8 feet above sidewalk or pathway and 14 feet when within 5 feet of a roadway.

-
3. Maximum Sign Area. Projecting signs are not based on sign area standards, but on the dimensional standards below.
 - a. Maximum Projection.
 - i. Horizontally oriented signs: 8 feet. See Figure 18.82.110-D below.
 - ii. Square or vertically oriented signs: 3 feet. See Figure 18.82.110-D below.

Figure 18.82.110-D

Maximum projection for horizontally oriented (left) and square or vertically oriented (right) projecting signs.



- iii. Signs may project into public right-of-way for storefront buildings but shall not extend over the curb into the travel lane.
 - b. Maximum Height.
 - i. Horizontally oriented signs: 3 feet.
 - ii. Vertically oriented signs: shall not extend above the building parapet, soffit, the eave line or the roof of the building.
4. Supplemental Standards.
 - a. Projecting signs shall not be located directly over windows or in conflict with other signs or architectural features of the building.
 - b. Projecting signs within right-of-way are subject to additional public works standards.
 - c. Projecting signs shall not extend above the building roof line.
- D. Awning Signs.

Figure 18.82.110-E

Awning sign examples and standards.



1. Maximum Quantity. 1 sign per awning that is visible from a street, alley, or customer parking lot.
2. Maximum Width. Awning signs shall not exceed 2/3 of the individual awning width.
3. Maximum Sign Area. Table 18.82.110 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. Supplemental Standards. Signs within right-of-way are subject to additional public works standards.

E. Under-Canopy Signs.

Figure 18.82.110-F

Under canopy standards and example.



1. Maximum Quantity. 1 sign per entrance that is visible from a street, alley, or customer parking lot.
2. Minimum Vertical Clearance. 8 feet above sidewalk or pathway.
3. Minimum Horizontal Clearance. 1 foot from the building and canopy edge.
4. Maximum Height. 2 feet.
5. Maximum Sign Area. None. The maximum sign area is dependent on the maximum height and maximum clearances above.

18.82.120 Digital and changeable-copy sign integration.

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

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- A. One hundred percent of allowed monument sign copy area may be used for digital or changeable copy signage, provided the standards of this chapter are met.
 - B. 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.
 - C. Management Program. In addition to the permitting requirements of BDMC 18.82.040, 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.

- 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 – Small Temporary Signs. 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, sandwich board signs, residential real estate signs, and yard signs. See subsection E.1 of this section for standards on small temporary signs.
 - 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 on banners.
 - 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 on large yard signs.
 - 4. Type 4. Signs in this category are wind-powered or inflatable, typically used to advertise grand openings or special events. Types include fixed aerial displays, balloons, pennants, spinners, feather or sail signs, strings of flags, streamers, 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 of this section for standards.

D. Location.

1. Property Type. General temporary sign location is on private property or public rights-of-way.
2. General Restrictions.
 - a. Except for public right-of-way, property owner permission is required for temporary signs on public or private property. 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.
 - b. Temporary signs shall not be placed within any roadway median, traffic circle, traffic island, or roundabout.
 - c. Temporary signs attached to building walls shall not be placed in a manner that obstructs any door, fire department sprinkler connection, or address numbers.
 - d. 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.
 - e. 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 through the granting of a right-of-way use permit.
 - f. Temporary signs in the public right-of-way shall be located at least five feet from any other temporary sign.
 - g. 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 special community events are in subsection (6) of this subsection.

1. Type 1 – Small Temporary Signs.

- a. Location. May be located in any zone.
- b. Quantity.
 - i. Commercial signs.
 - (A) Private property. Two per business.
 - (B) Public right-of-way. 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.
 - ii. Non-commercial signs.
 - (A) Private property. Two signs per lot may be displayed for each single noncommercial purpose.
 - (B) Public right-of-way. No limit.
- 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 temporary post-and-arm style signs may be up to six feet above grade.

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- 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.
 - i. Commercial signs.
 - (A) Private property. 90 days per individual sign for a single commercial purpose per calendar year.
 - (B) Public right-of-way. No limit except may not be displayed between 30 minutes after sunset and 30 minutes before sunrise. Signs must be placed within 15 feet of a customer entrance.
 - ii. Non-commercial signs.
 - (A) Private property. No limit.
 - (B) Public right-of-way. 180 days per individual sign for a single non-commercial purpose per calendar year.
2. Type 2 – Banners.
- a. Location. Banners may be located on any non-residential property, except where noted in subsection (h) of this subsection.
 - 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 banners is 18 square feet (per face if two-sided).
 - d. Height. Maximum height of banners using supports is six feet above grade. Building-mounted banners may exceed six feet in height but shall not be placed on or above the roof of a building.
 - 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 nonresidential property, banners may be displayed for a maximum 45 calendar days per year. A maximum of four 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. Residential Adjustments. One banner up to 18 square feet in size may be displayed on residential property for no longer than 45 consecutive calendar days per year.
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.
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- e. Material. The sign face shall be composed of a rigid material.
 - 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:
 - i. No limit to duration on properties that are undeveloped or vacant.
 - ii. 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 – Wind-Powered and Inflatable Signs.
- a. Location. May only be displayed on non-residential properties or adjacent rights-of-way and shall not be placed upon the roof of any structure.
 - 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. Height. Wind-powered and inflatable signs have a maximum height of 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. 90 days per individual sign per calendar year.
 - f. Residential Adjustments. Inflatable decorations, string lights, balloons, and other decorations can be displayed on any residential property on a temporary basis for holidays and special events. Inflatable decorations can be illuminated. See also: Exemptions, Section 18.82.030.B.
5. Adjustment of Standards for Certain Commercial Temporary Signs.
- 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. 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 through 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. Location. Businesses may only display exterior event signs on-site.
 - iv. Size. Based on limits set forth for Types 1 through 4 in subsection E of this section, but no more than 20 square feet per sign.
 - 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:
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- i. On Site.
 - (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 three “Open House,” “For Sale,” or “For Rent” signs may be used at any street intersection for any one developer, broker, seller, or owner.
 - (D) Sign Area. Maximum size of four 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 per sign face.
 - 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.
 - 6. 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. Duration. Beginning 14 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.

18.82.140 Window signs.

- A. The combination of all window signs, temporary and permanent, shall not exceed 25 percent of the total window area.
- B. The combination of additional graphics, artwork, photos, decorations shall not exceed an additional 25 percent, for a total of 50 percent window area.
- C. Exceptions. When a space is empty, unoccupied, or under construction, then its windows may be fully obscured though art, decoration, or graphics.
- D. Exemptions.

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1. Window signs such as open/closed, store hours, address, and other necessary direction and information signs shall be exempt from total area limitations.
 2. Privacy treatments like frosted glass or blank window coverings shall be exempt from total area limitations.

18.82.150 Variance application to sign regulations.

- A. Any person may apply for a variance from the requirements of the Sign Code pursuant to the permit application requirements in section 18.82.040. Before any variance can be granted, the community development director shall make findings of fact setting forth and showing that the following circumstances exist:
 1. The signage of the property in question cannot be adequately met under the literal interpretation and strict application of this chapter; and
 2. 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; and
 3. 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.

18.82.160 Prohibited locations.

- A. 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.
 1. 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.
 2. 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.
 3. 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.
 4. 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.

18.82.170 Prohibited signs.

- A. 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. Abandoned signs.
 2. Animated signs. 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 Type 4 temporary signs.
 3. Any sign affixed to or painted on trees, rocks, other natural features, or utility poles.
 4. Balloons and other inflated objects, with the following exceptions:
 - a. Balloons and inflatable decorations are allowed on a temporary basis on private property in residential zones for holidays and special occasions.

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- b. As authorized for Type 4 temporary signs.
 - c. Inflatable tube dancers are still prohibited in all instances.
5. Billboards.
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. 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-premises sign.
 - b. Off-premises signs explicitly authorized in other portions of this chapter.
7. Pole signs.
7. Portable signs exceeding six square feet each side.
8. Roof signs.
9. Signs that have blinking, flashing, fluttering, or moving lights or other illuminating devices that have a changing light intensity or color, provided, however, temperature and/or time signs that conform in all other respects to this chapter are allowed.
10. Signs that by reason of color, shape, wording, or location interfere or conflict with traffic control signs or devices, or that reasonably could be confused with any authorized traffic signal or device.
11. Signs that emit smoke, visible vapors, visible particles, sounds, flames, or odors.
12. Signs with mirrors or other highly reflective surfaces.
13. Signs that the public works director 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.

18.82.180 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.

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- D. **Abatement.** In addition to the abatement authority provided under Chapter 8.02 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 per the city's most recently adopted fee schedule.
 - 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 8.02.070.
 - 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.

18.82.190 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.

18.82.200 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.

A-Frame Sign. See Sandwich Board Sign.

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:

- A. **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.
- B. **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.
- C. **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:

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1. **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.
 2. **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; Canopy, Attached; and Canopy, 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 Sign. An awning that contains a "sign" section or copy area shall comply with the applicable sign area requirements for wall signs. 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.

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 Façade. 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.

Building-Mounted Sign. Any sign attached to or otherwise displayed on the face of a building or canopy, including wall signs, awning signs, projecting signs, and under-canopy signs.

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.

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.

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

- A. **Manually Activated** - Changeable sign whose message copy or content can be changed manually on a display surface.
- B. **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:

- A. 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.
- B. 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.
- C. 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 Section 18.82.070 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.

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.

Feather Sign. See Portable 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. Freestanding sign types include pole signs, monument signs, pylon signs, post and arm signs, and internal wayfinding signs. Refer also to Table 18.82.100 herein for visual reference examples.

Ground Sign. See Freestanding Sign.

Historic Sign. Signs recognized by the City of Black Diamond, King County Historic Preservation, or the National Register 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 premise 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.

Internal Wayfinding Sign. A freestanding 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.

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.

Marquee or Marquee Sign. See Canopy, Attached and Canopy Sign.

Monument Sign. A freestanding sign that is attached to the ground by means of a wide and solid base of solid. Also referred to as ground signs. See also: Freestanding Sign.

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

Mural. A design or representation that is painted or drawn on the exterior surface of a structure and that does not advertise a business, product, service, or activity.

Non-Residential Properties. These sites are generally commercial, industrial, public, or open space sites that are may be developed or vacant. See also: Residential Properties.

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 Sign. A freestanding sign supported by one vertical post. See also: Freestanding Sign.

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 banners, sandwich board signs, and feather signs.

Post and Arm Sign. A small, freestanding sign support by a post and arm. See also: Freestanding Sign.

Projecting Sign. A sign other than a Wall Sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

Pylon Sign. A freestanding sign mounted on at least two posts. See also: Freestanding Sign.

Residential Property. A site improved with residential structures, vacant properties zoned for residential uses, or tracts within a residential subdivision. See also: Non-Residential Properties.

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.

Sandwich Board Sign. 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. See also: Portable Sign and Temporary Sign.

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 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 50 percent of the sum of the area of all faces of the sign. See BDMC 18.82.070 herein for computational methodology for various sign area configurations.

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 Face. The surface upon, against, or through that 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 BDMC 18.82.070 herein for sign face computational illustrations.

- A. 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.
- B. 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.
- C. 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.

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

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 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 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.

Wayfinding Sign. A sign, frequently off-premises, specifically designed to provide direction, orientation, and/or destination information for pedestrian or vehicular traffic. See also Internal Wayfinding Sign and/or Off-Premises Sign.

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