



**CITY OF PROSSER, WASHINGTON  
PLANNING COMMISSION  
AGENDA**

**SPECIAL MEETING**

**6:00 P.M.**

**Wednesday January 6, 2016**

1. **Call to Order by Chair.**
2. **Roll Call.**
3. **September 17, 2015 Minutes**  
ACTION: Approve or deny or make changes to minutes as presented.
4. **October 15, 2015 Minutes**  
ACTION: Approve or deny or make changes to minutes as presented.
5. **Public Hearing Commercial Design Standards**  
ACTION: Take testimony and public comment. Approve, deny, or make changes.
6. **Sign Code Changes**  
Recommend setting a public hearing in February
7. **Adjournment**

**CITY OF PROSSER  
PLANNING COMMISSION MEETING  
THURSDAY, SEPTEMBER 17, 2015  
CITY HALL, PROSSER, WASHINGTON**

**CALL TO ORDER:**

The meeting of the Prosser Planning Commission was called to order on September 17, 2015, at 6:00 p.m. by Chair Glenda Schmidt.

**ROLL CALL:**

Members present: Dorothy Evans, Glenda Schmidt, Jay Boyle, Trevor Day, and Rob Siemens. Devina Riojas and Jeremy Lynn were absent. City Staff present: Howard Saxton, City Attorney and Secretary, and Steve Zetz, Planner.

**APPROVAL OF MINUTES:**

Upon motion duly made by Rob Siemens and seconded by Dorothy Evans, the minutes of the June 18, 2015, and July 16, 2015, Planning Commission meetings were approved as drafted.

**DISCUSSION ABOUT CHANGES TO SIGN CODE:**

Steve Zetz and Howard Saxton discussed the recent U.S. Supreme Court case: Reed v. the Town of Gilbert (No. 13-502) 576 U.S. \_\_\_\_, 2015. Steve Zetz provided a redline version of the sign code showing the proposed changes to comply with Reed. The Commissioners reached a consensus that they would like to review the proposed changes at the October meeting of the Commission. Steve Zetz also indicated that he will keep the public informed regarding the changes to the sign code.

**RV PARKING:**

Steve Zetz briefed the Commissioners on the City Council's request that the Planning Commission consider whether Prosser Municipal Code Section 18.60.070 should be revised to allow storage of RV's within fifteen feet from the improved right of way.

**COMPREHENSIVE PLAN UPDATE — 2017:**

Steve Zetz discussed the required update to the City's Comprehensive Plan that must be completed in 2017. All cities located in Benton County must update their Comprehensive Plans in 2017. He indicated that he and the other city planners were working with Benton County to make sure that it updates the Urban Growth Areas for all cities in Benton County to match those cities' 2017 updated Comprehensive Plans. To date, there is no grant funds available to the cities to help pay for the 2017 update.

**PUBLIC COMMENT:**

Kevin Sliger from Ben-Franklin Transit introduced himself to the Commission. He is a planner with Ben-Franklin Transit.

**ADJOURNMENT:**

There being no other business to come before the Planning Commission, the meeting was ADJOURNED at 7:16 p.m.

**Respectfully Submitted,**

---

HOWARD M. SAXTON, III, Secretary

**CITY OF PROSSER  
PLANNING COMMISSION MEETING  
THURSDAY, OCTOBER 15, 2015  
CITY HALL, PROSSER, WASHINGTON**

**CALL TO ORDER:**

The meeting of the Prosser Planning Commission was called to order on October 15, 2015, at 6:00 p.m. by Chair Glenda Schmidt.

**ROLL CALL:**

Members present: Dorothy Evans, Glenda Schmidt, Devina Riojas, Jeremy Lynn, Trevor Day, and Rob Siemens. Jay Boyle was absent. City Staff present: Howard Saxton, City Attorney and Secretary, and Steve Zetz, Planner.

**APPROVAL OF MINUTES:**

There were no minutes presented for approval.

**PUBLIC COMMENT:**

Kevin Sliger from Ben-Franklin Transit updated the Commission a comprehensive service study being conducted by his agency. He indicated that he did not believe there would be major changes made to the services currently being provided by Ben-Franklin Transit in the Prosser area.

**RV PARKING:**

Steve Zetz reviewed the proposed changes to Prosser Municipal Code (PMC) Section 18.60.070. He showed the Commissioners a map he prepared which showed the area in which a RV could be parked in accordance with the revised PMC section. He also indicated that the proposed change was suggested by the City Council. Dorothy Evans was concerned that having RV's parked close to the improved street may cause a safety issue in residential areas where children sometimes run out into the street while playing. Trevor Day indicated that he liked the revised PMC section. The Commissioners also discussed simply prohibiting RV's from being stored in R zones.

Karen Rumsey spoke before the Commission. She indicated that she lives on Main Street and would like to be able to store her trailer on her driveway regardless of how close to the street it was.

The Commissioners reached a consensus to table this issue until the January meeting of the Planning Commission. The Commissioners requested that staff bring examples of what other cities have done regarding the storage of RV's in R zones.

**DISCUSSION ABOUT CHANGES TO SIGN CODE:**

Steve Zetz and Howard Saxton discussed the proposed changes to the sign code to bring it into compliance with Reed v. the Town of Gilbert (No. 13-502) 576 U.S. \_\_\_\_, 2015. The Commissioners requested one change: to allow flags but limit their number to three.

**COMMERCIAL DESIGN REQUIREMENTS:**

Due to time spent reviewing the Sign Code, the Commissioners reached a consensus to delay the discussion of Commercial Design Requirements to a later meeting.

**ADJOURNMENT:**

There being no other business to come before the Planning Commission, the meeting was ADJOURNED at 7:55 p.m.

**Respectfully Submitted,**

---

HOWARD M. SAXTON, III, Secretary



## Chapter 18.72 SIGNS

### Sections:

- 18.72.010 General provisions.
- 18.72.020 Definitions.
- 18.72.030 Definitions—Zones.
- 18.72.040 Prohibited signs.
- 18.72.050 Permitted signs.
- 18.72.060 Height, sign area, and restrictions for permitted signs—Permit required.
- 18.72.070 Temporary event signage.
- 18.72.080 Maximum number of signs—Maximum sign area of all signs.
- 18.72.090 Additional guidelines for signs in the HDP district.
- 18.72.100 Substitution clause.
- 18.72.110 Variances from the sign code.
- ~~18.72.120 Exempt signs or displays.~~
- 18.72.130 Permit—Application—Fees.
- 18.72.140 Requirements applicable to all signs.
- 18.72.150 Nonconforming signs.
- 18.72.160 Administration and enforcement.
- 18.72.990 Severability.

Prior legislation: Ords. 1917, 2055, 2056 and 2621.

### **18.72.010 General provisions.**

- A. Title. This chapter shall be known as the sign code.
- B. Purpose and Scope. The purpose of this code is to protect the health, safety, property and welfare of the citizens of the city of Prosser (hereafter “city”), by establishing standards for the design, placement, size and maintenance of all signs and sign structures visible out of doors in the city.
- C. The development of the city has resulted in an increase in the number of businesses located in the city, with marked increase in the number and size of signs related to those businesses. This

proliferation of signs has resulted in a reduced effectiveness of individual signs. As the number, size and intensity of signs increase without regard to quality and placement, the impact of the individual sign is diminished.

D. Lack of control of signs may cause potentially dangerous conflicts between advertising signs and traffic control signs, thus destroying the effectiveness of both. The increase in automotive and truck traffic experienced within the city has aggravated this danger. Lack of control of signs may lead to sign clutter which may distract drivers and pedestrians, leading to accidents.

E. The uncontrolled use of signs and their shapes, motion, colors, illumination and their insistent and distracting demand for attention can be injurious to property values of both business and residential areas of the city, and may seriously detract from the enjoyment and pleasure of the natural beauty of the city.

F. The right of a business to identify itself contributes to the economic well-being of the community. This right can be exercised in such a way as to bring great benefit to the public without affecting the welfare of the business. The responsible regulation of signs may, in fact, improve business opportunity and the effectiveness of individual signs as a result of the increased attractiveness of the city's environment.

#### **18.72.020 Definitions.**

Unless the context otherwise requires, the definitions in this section apply throughout this chapter. The definitions of the International Building Codes supplement these definitions.

- A. "Abandoned sign" means any sign, located on property that is vacant and unoccupied for a period of four months or more.
- B. "Alley wall sign" means a sign mounted on the building facade facing an alley.
- C. "Awning sign" means a sign affixed to a fixed or retractable canvas (or other sturdy fabric), wood or metal covering, erected over a window, door, balcony or deck.
- D. "Banner sign" means a sign consisting of a piece of fabric or similar material, attached by one or more edges to a pole or staff or other device, or to a building facade, intended for display.

- E. “Blade sign” means a sign that is attached to a building, or to a projection from a building, and is perpendicular to the front of a building.
- F. “Building facade” means that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves for the entire width of the building elevation.
- G. “Canopy sign” means a sign attached to a freestanding structure affording protection from the elements to persons or property thereunder.
- H. “Electronic message board” means an electronic sign that is changed electronically and that is illuminated by light bulbs, light-emitting diodes, fiber optic, plasma, cold cathode, EL wire, or other similar technology.
- I. “Externally illuminated sign” means a sign that has lighting directed onto its surface externally.
- J. R. “Flags” means a fabric sign attached to a pole, including, but not limited to, official flags of the United States of America, states of the United States, counties, municipalities, official flags of foreign nations, and flags of nationally or internationally recognized nonprofit organizations.
- K. S. “
- L. T. “Freestanding sign” means a single-faced or multifaced sign, supported from the ground by one or more columns, uprights, braces or similar support structure, and not attached to any building.
- M. “Freeway sign” means a freestanding sign designed and placed to attract the attention of freeway traffic on Interstate 82.
- N. “Internal illuminated box sign” means an illuminated sign having an opaque surface, allowing its contents to be read.
- O. “Internal illuminated letter sign” means an illuminated sign where the sign’s contents are separately lit from inside the letters or logos.
- P. “Marquee” means a roof-like projection over the entrance to a store, theater, hotel, or similar building.
- Q. “Marquee sign” means a sign attached to a marquee.
- R. “Neon sign” means luminous-tube signs that contain neon or other inert gases at a low pressure which glow brightly when high voltage is applied to them.

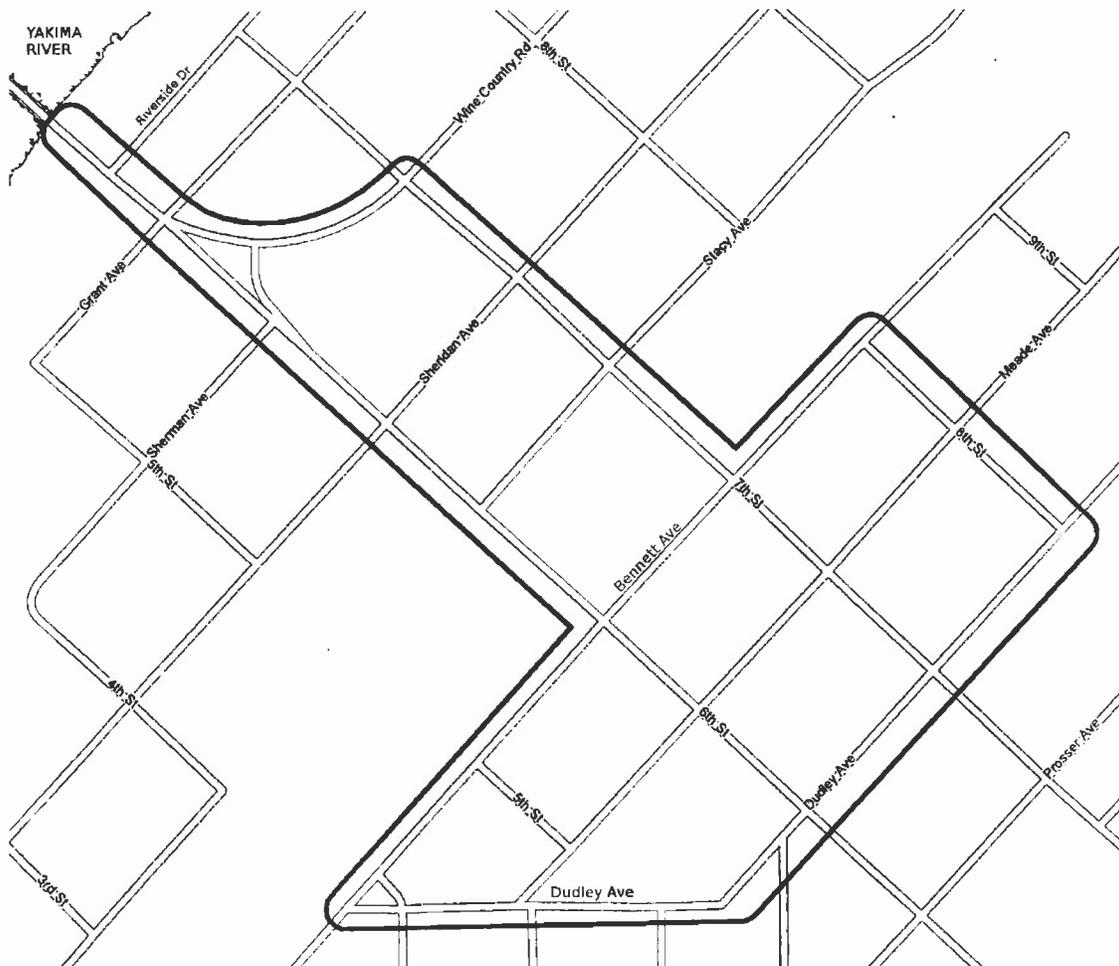
- S. “Parapet” means that portion of a building wall which extends above the roof of the building.
- T. “Public sign” means signs placed in the right-of-way.
- U. “Reader board” means a sign consisting of tracks to hold the sign’s content to allow frequent changes.
- V. “Roof sign” means a sign on the roof or attached behind the parapet of a building that is also attached to the roof or parapet.
- W. “Sandwich board sign” means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make it self standing.
- X. “Sign” means any object, device, display, structure or part thereof, situated indoors or out, which is used to identify, display, advertise, direct or attract attention to an object, person, organization, institution, business, product, service, event, location or message by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.
- Y. “Sign area” means the smallest circle(s), triangle(s) or rectangle(s), which will enclose the individual actual sign face. The supporting structure, which does not contain any part of the sign face, is not included in this definition. If a sign has back-to-back display faces, the area of only one face will be considered the sign area. If a sign has more than one face, all areas which can be viewed simultaneously will be considered the sign area.
- Z. “Small Freestanding Sign” means a freestanding sign that is more than 3 feet in height but less than 8 feet in height.
- AA. “Temporary sign” means a nonpermanent sign not otherwise defined in the sign code intended for use for a limited period of time.
- BB. “Very Small Freestanding Sign” means a freestanding sign that is less than 3 feet in height.
- CC. “Wall sign” means a sign attached parallel to, but within six inches of, a wall, painted on a building surface, or erected and confined within the limits of the building facade and which displays only one sign face.
- DD. “Window sign” means a sign placed within or on a window.

**18.72.030 Definitions—Zones.**

Unless the context otherwise requires, the definitions in this section apply throughout this chapter.

- A. “AT” means any property zoned agri-tourism district on the city’s zoning map.
- B. “C” means any property zoned commercial neighborhood district, commercial general district, commercial downtown district except any portion thereof included in HDP, commercial thoroughfare district, commercial professional district, or public facility district on the city’s zoning map.
- C. “HDP” means property located in the outlined area within the map (Figure 1) below:

**Figure 1**



- D. “I” means any property zoned industrial light district, or industrial heavy district on the city’s zoning map.

E. “R” means any property zoned residential rural district, residential low density district, residential manufactured home subdivision, residential manufactured home park district, residential medium density district, residential high density district, steep slope residential district, or urban residential district on the city’s most recently adopted zoning map.

**18.72.040 Prohibited signs.**

Except as otherwise provided for in this chapter, the following signs are prohibited in all zoning districts:

- A. Signs attached to utility poles or to street light/traffic control standards;
- B. Signs attached to trees or rocks;
- C. Signs that swing;
- D. Signs that pose a safety or traffic hazard;
- E. Abandoned signs;
- F. Signs containing flashing, blinking, rotating, pulsating, or strobe lights;
- G. Signs that restrict ingress or egress from a property or building;
- H. Unless placed by a governmental agency, signs on property owned by a governmental agency;
- I. Signs containing foil, mirrors, bare metal or other reflective materials that could create hazardous conditions to motorists, cyclists, or pedestrians; and
- J. Roof signs.

**18.72.050 Permitted signs.**

The following matrix summarizes the types of signs permitted in each zone as defined in Section 18.72.030, with “P” signifying that the sign is permitted and “NP” signifying that the sign is not permitted:

<b>Sign Type</b>	<b>AT</b>	<b>C</b>	<b>HDP</b>	<b>I</b>	<b>R</b>
Abandoned Sign	NP	NP	NP	NP	NP
Alley Wall Sign	NP	P	P	P	NP
Awning Sign	P	P	P	P	NP

Sign Type	AT	C	HDP	I	R
Banner Sign	P	P	P	P	NP
Blade Sign	P	P	P	P	P
Canopy Sign	P	P	NP	P	NP
Electronic Message Board	P	P	NP	P	NP
Externally Illuminated Sign	P	P	P	P	P
Electronic Message Board	P	P	NP	P	NP
Flags	P	P	P	P	P
Freestanding Sign	P	P	NP	P	NP
Freeway Sign	P	P	NP	P	NP
Internal Illuminated Box Sign	P	P	NP	P	NP
Internal Illuminated Letter Sign	P	P	P	P	NP
Marquee Sign	P	P	P	NP	NP
Neon Sign	P	P	P	P	NP
Reader Board	NP	P	NP	NP	NP
Sandwich Board Sign	P	P	P	P	NP
Small Freestanding Sign	P	P	P	P	NP
Very Small Freestanding Sign	P	P	P	P	P
Wall Sign	P	P	P	P	P
Window Sign	P	P	P	P	P

**18.72.060 Height, sign area, and restrictions for permitted signs—Permit required.**

Except as otherwise provided for in the sign code, the following matrix summarizes signs requiring a sign permit, maximum heights at which sign may be located above grade, maximum sign areas of a sign and other sign restrictions:

Sign Type/Sign Permit	Maximum Height of Sign above Grade	Maximum Sign Area of Sign	Additional Restrictions
<p>Alley Wall Sign. A sign permit is required.</p>	<p>Cannot extend above the top of the building facade</p>	<p>5 percent of the building facade</p>	<p>This section of the matrix is intended as an overlay to all other sign types. It shall not project into the right-of-way more than 4 inches. Any portion of the sign projecting into the right-of-way shall have a minimum clearance of 8 feet from the alley surface.</p>
<p>Awning Sign. A sign permit is required.</p>	<p>Must be contained within the exterior dimensions of the awning</p>	<p>10 percent of the building facade or 50 percent of the face of the awning, whichever is less</p>	<p>It may not be on a building facade facing an alley. It may have a blade sign with a sign area less than 3 square feet attached underneath the awning, provided the sign has a minimum of 8 feet of clearance from the sidewalk or surface grade.</p>
<p>Banner Sign. A sign permit is not required.</p>	<p>Cannot extend above the building facade</p>	<p>25 square feet</p>	<p>May only be displayed for 2 weeks in any 3 month period. It shall not be on a building facade facing an alley. If on a building facade, it shall be securely anchored to the building facade. Only 1 banner sign may be displayed on any one parcel at any one time. Such signs shall not be included in determining the maximum permissible sign area/the maximum total number of signs permitted on a parcel, under Section 18.72.080.</p>

Sign Type/Sign Permit	Maximum Height of Sign above Grade	Maximum Sign Area of Sign	Additional Restrictions
<p>Blade Sign. A sign permit is required.</p>	<p>Cannot extend more than 10 feet above the parapet</p>	<p>24 square feet</p>	<p>It must be set back at least 3 feet from the edge of the curb. It must have a minimum clearance of 8 feet above the sidewalk surface or grade of the surface, whichever is higher.</p>
<p>Canopy Sign. A sign permit is required.</p>	<p>Cannot extend above or below the face of the canopy structure</p>	<p>20 percent of the face of the canopy structure</p>	
<p>Electronic Message Board. A sign permit is required.</p>	<p>30 feet</p>	<p>100 square feet</p>	<p>It may not change messages or images more than once every 8 seconds. Messages may not contain any images or text which scroll, flash, pulse, blink, change in size, rotate or expand. Any electronic sign with a changing message may not emit a solid green light or be of such brightness as to cause a hazard to the traveling public. It shall not be on a building facade facing an alley. It may be a freestanding sign subject to the restrictions for freestanding signs. Site review in accordance with Section 18.75.040 is required. A conditional use permit in accordance with PMC 18.75.050 is required if the sign will be located within 500 feet of an R zoning district</p>

<b>Sign Type/Sign Permit</b>	<b>Maximum Height of Sign above Grade</b>	<b>Maximum Sign Area of Sign</b>	<b>Additional Restrictions</b>
<p>Externally Illuminated Sign. A sign permit is required even if the underlying sign type is exempt.</p>	<p>Same as the underlying sign type</p>	<p>Same as the underlying sign type</p>	<p>This section of the matrix applies to any sign that is externally illuminated and it is intended as an overlay to all other sign types. Any sign that is externally illuminated must go through site review in accordance with Section 18.75.040 unless it is in a window. Internal lights from an awning lights attached to the outside of a building, or lights from inside of a window shall not be considered to externally illuminate a sign. Any sign type that prohibits sign illumination may not be externally illuminated.</p>
<p>Flags</p>	<p>35 feet</p>	<p>100 square feet</p>	<p>Not more than three flags on any one parcel.</p>
<p>Freestanding Sign. A sign permit is required.</p>	<p>30 feet</p>	<p>100 square feet</p>	<p>Not more than 1 freestanding sign is permitted on any one parcel, except for parcels on which freeway signs may be erected. On such parcels, 1 freeway sign and 1 freestanding sign may be erected. It must be set back from all buildings on the site by at least 15 feet and set back from the edge of right-of-way by at least 5 feet. It may not encroach on right-of-way without a right-of-way use permit. Site review in accordance with Section 18.75.040 is required.</p>

Sign Type/Sign Permit	Maximum Height of Sign above Grade	Maximum Sign Area of Sign	Additional Restrictions
<p>Freeway Sign. A sign permit is required</p>	<p>100 feet</p>	<p>If it is less than 30 feet high, 100 square feet. If it is between 30 feet and 50 feet in height, 200 square feet. If it is between 51 feet and 100 feet in height, 300 square feet.</p>	<p>It may only be located within 400 feet of the edge of right-of-way of Interstate 82. On properties with a freeway sign, 1 secondary freestanding sign is permitted. Site review in accordance with Section 18.75.040 is required. The sign must comply with Chapter 47.42 RCW as it now exists or as it may hereafter be amended or recodified.</p>
<p>Internal Illuminated Box Sign. A sign permit is required even if the underlying sign type is exempt.</p>	<p>Same as the underlying sign type</p>	<p>Same as the underlying sign type</p>	<p>This section of the matrix applies as an overlay to all other sign types. It must go through site review in accordance with Section 18.75.040. Any sign type that prohibits sign illumination may not be internally illuminated. If it is within 300 feet of an R zone district, that it must go through site review in accordance with PMC 18.75.040.</p>
<p>Internal Illuminated Letter</p>	<p>Same as the underlying sign</p>	<p>Same as the underlying</p>	<p>This section of the matrix is intended as an overlay to all other sign types.</p>

Sign Type/Sign Permit	Maximum Height of Sign above Grade	Maximum Sign Area of Sign	Additional Restrictions
<p>Sign. A sign permit is required even if the underlying sign type is exempt.</p>	<p>type</p>	<p>sign type</p>	<p>Any sign type that prohibits sign illumination may not be internally illuminated. If it is within 300 feet of an R zone district, that it must go through site review in accordance with PMC 18.75.040.</p>
<p>Marquee Sign. A sign permit is required.</p>	<p>Cannot extend above or below the marquee to which the sign is attached</p>	<p>10 percent of the building facade</p>	<p>Site review in accordance with Section 18.75.040 is required.</p>
<p>Neon Sign. Unless displayed in a window, a sign permit is required.</p>	<p>Cannot extend above the top of the building facade</p>	<p>10 percent of the building facade</p>	<p>Unless it is a window, if it is within 300 feet of an R zone district, that it must go through site review in accordance with PMC 18.75.040.</p>
<p>Reader Board. A sign permit is required.</p>	<p>6 feet</p>	<p>16 square feet</p>	<p>Changing of removable portions of the sign does not require an additional sign permit. It may be part of another sign provided it complies with the restrictions applicable to that sign type.</p>
<p>Sandwich Board Sign. A sign permit is required.</p>	<p>4 feet</p>	<p>9 square feet</p>	<p>It shall be made of plywood, dimension lumber, plastic, Masonite or similar weather-resistant material and must be a 2-faced A-frame style sign and must be readily movable with no permanent</p>

Sign Type/Sign Permit	Maximum Height of Sign above Grade	Maximum Sign Area of Sign	Additional Restrictions
			<p>attachment to a building, structure or the ground.</p> <p>No materials, such as papers, balloons, windsocks, or similar items may be added to the sign to increase its height or width.</p> <p>It shall not be electrified, illuminated, or have mechanical or moving parts.</p> <p>Signs placed on a sidewalk must comply with Section 12.16.030.</p> <p>Such signs shall not be included in determining the maximum permissible sign area/the maximum total number of signs permitted on a parcel, under Section 18.72.080.</p>
<p>Small Freestanding Sign. A sign permit is required</p>	<p>8 feet</p>	<p>40 square feet</p>	<p>Not more than 2 signs may be permitted without the approval of a conditional use permit in accordance with 18.75.050.</p> <p>Any sign type that prohibits illumination may not be illuminated.</p>
<p>Temporary Sign. A sign permit is not required.</p>	<p>10 feet</p>	<p>16 square feet</p>	<p>Except as otherwise provided in the sign code, the aggregate area of all temporary signs placed or maintained on any parcel of private real property in one ownership shall not exceed 64 square feet maximum, and the area of any single sign shall not exceed 32 square feet maximum.</p> <p>Except as provided for in Section 18.72.070,</p>

Sign Type/Sign Permit	Maximum Height of Sign above Grade	Maximum Sign Area of Sign	Additional Restrictions
			<p>no temporary sign shall be displayed for more than 14 consecutive days.</p> <p>Such signs shall not be included in determining the maximum permissible sign area/the maximum total number of signs permitted on a parcel, under Section 18.72.080.</p> <p>No more than 20 temporary signs may be located on any one property parcel assigned a separate parcel number by Benton County, Washington.</p>
<p>Very Small Freestanding Sign. A sign permit is not required</p>	<p>3 feet</p>	<p>6 square feet</p>	<p>May not be illuminated in a R district.</p> <p>No more than 4 signs in an R district and no more than 12 signs in any other district without the approval of a conditional use permit in accordance with PMC 18.75.050.</p>
<p>Wall Sign. A sign permit is required.</p>	<p>Cannot extend above the building facade</p>	<p>10 percent of the building facade</p>	
<p>Window Sign. A sign permit is not required.</p>	<p>Must be contained within a window</p>		<p>It shall not be included in determining the maximum permissible sign area/the maximum total number of signs permitted on a parcel, under Section 18.72.080.</p>

**18.72.070 Temporary event signage.**

Temporary signs may be placed on private property or within right-of-way controlled by the City for not more than 30 days before and 15 days after any election on which City voters may cast a vote. If the sign is placed in property or right-of-way controlled by the City and that right-of-way is maintained by a private property owners, than the consent of the adjacent property owner shall be obtained before the temporary sign is placed on such property or within such right-of-way.

**18.72.080 Maximum number of signs—Maximum sign area of all signs.**

A. The permissible number of signs for each single occupancy building is dependent upon the surface area of the largest single building facade of the building. The permissible number of signs for each enterprise in a multiple occupancy building is dependent upon the surface area of the largest single facade of the portion of the building occupied by the enterprise applying for the sign permit. An enterprise in a multiple occupancy building shall have an exterior entrance to be allowed primary signage pursuant to this section. The permitted number of signs is as follows:

<b>Surface Area of Largest Building Facade</b>	<b>Maximum Number of Signs on Building/Parcel</b>
Less than 999 square feet	2
1,000 to 2,999 square feet	3
3,000 square feet and over	4

*— Take a look*

B. Buildings or enterprises with more than three thousand square feet of building facade on its largest face, with several clearly differentiated departments, each with separate exterior entrances, are permitted one sign for each different department with a separate exterior entrance in addition to the four allotted.

C. Buildings on More Than One Street. Buildings facing on more than one street are entitled to a bonus in the number of primary signs, as follows:

1. Buildings on Intersecting Streets. When a building is located on intersecting streets, two additional signs are permitted if the signs are located on two different streets and are separated more than one hundred feet measured in a straight line between signs.
  2. Buildings Facing on Two Parallel Streets. Single occupancy buildings facing on two parallel streets, or enterprises within multiple occupancy buildings whose premises extend through a block to face on two parallel streets with customer entrances on each street, are permitted the number of primary signs under subsection A of this section for each end of the building facades on a public street.
- D. The maximum sum of all sign areas for all signs located on a building or a parcel shall not exceed fifteen percent of the largest single building facade of the building for a building facing on one street and twenty percent of the largest single building facade of a building facing on two streets. Buildings facing on two parallel streets with entrances on both streets shall not exceed thirty percent of the building's largest building facade. The sign area of freestanding signs and freeway signs shall be excluded when calculating the maximum sign area in this subsection D.
- E. For the purposes of this section, an alley shall not be considered a street.

**18.72.090 Additional guidelines for signs in the HDP district.**

Compliance with the following guidelines is encouraged in the HDP district:

- A. Signs should contribute to the pedestrian-oriented character of the HDP district.
- B. Signs should be designed to blend into the historical character of the HDP district.
- C. Externally illuminated signs and neon signs are encouraged.
- D. Wall signs should be designed and located appropriately to the building's historical character and design.
- E. Wall signs should not cover architectural features of the buildings, and should be centered.
- F. Business owners in buildings are encouraged to use the minimum number of signs possible to convey their advertising message.
- G. Business owners in buildings are encouraged to use the smallest percentage of sign face possible to convey their advertising message.
- H. Blade signs should not exceed two square feet for each ten linear feet of the building facade's height.

- I. Alley wall signs are discouraged.
- J. Window signs should complement the display in the window.

#### **18.72.100 Content**

Nothing in this chapter shall be interpreted to require or regulate the content of any sign.

#### **18.72.110 Variances from the sign code.**

- A. **Scope.** This section establishes the procedure and criteria that the city will use in making a decision upon an application for a variance from the provisions of the sign code.
- B. **Applicability.** This section applies to each application for a variance from the provisions of the sign code.
- C. **Purpose.** A variance is a mechanism by which the city may grant relief from the provisions of the sign code where practical difficulty renders compliance with the provisions of that code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property, and where the purpose of the sign code can be fulfilled.
- D. **Who May Apply.** The property owner or his or her authorized agent may apply for a variance from the provisions of the sign code.
- E. **Applicable Procedure.** The city will process an application for a variance from the provisions of the sign code as a Type III application in accordance with Title 19 and a public hearing on the application shall be held by the board of adjustment.
- F. **Submittal Requirements.**
  - 1. The city administrator, or his designee, shall specify the submittal requirements, including type, detail and number of copies, for a variance application to be deemed complete and accepted for filing.
  - 2. The city administrator, or his designee, may waive specific submittal requirements determined to be unnecessary for review of an application.
- G. **Decision Criteria.** The board of adjustment may approve, or approve with modifications, an application for a variance from the provisions of the sign code if:

1. The variance will not constitute a grant of special privilege inconsistent with the limitation upon signage and uses of other properties in the same vicinity and zone; and
2. Such variance is necessary because of special circumstances, which are not the result of voluntary actions of the applicant, relating to the size, shape, topography, location or surroundings of the subject property, to provide it with signage use rights and privileges permitted to other properties in the same vicinity and zone; and
3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same vicinity and zone; and
4. The variance is the minimum necessary to meet the need of the applicant; or
5. If without the variance, the application of the sign code would result in a regulatory taking, a violation of the First Amendment to the United States Constitution, or to a violation of Article 1, Section 5 of the Washington State Constitution.

H. Limitation on Authority. Except to comply with subsection (G)(5) of this section, the board of adjustment may not grant a variance to:

1. Any dimensional requirement of the sign code to the extent of greater than twenty-five percent of that dimension;
2. The number of signs permitted;
3. Any provision of the sign code which, by the terms of that code, is not subject to a variance.

I. Time Limitation. A variance automatically expires and is void if the applicant fails to file for a sign permit or other necessary development permit within one year of the effective date of the variance. The city administrator, or his designee, may extend a sign variance, not to exceed two years as a Type I application, if:

1. Unforeseen circumstances or conditions necessitate the extension of the variance; and
2. Termination of the variance would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and

3. The extension of the variance will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and
4. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed; and
5. Conditions in the immediate vicinity of the subject property have not changed substantially since the variance was first granted.

**~~18.72.120 Exempt signs or displays.~~**

~~(Ord. 2761 § 14, 2012).~~

**18.72.130 Permit—Application—Fees.**

- A. Unless exempt, no sign governed by this code shall be erected, altered or relocated from and after the date of adoption of this code without a permit issued by the city.
- B. Permit applications shall be available for inspection by the public upon request.
- C. Applications for sign permits shall be submitted upon forms provided by the city administrator, or his designee, and shall consist of all materials required by the applicable sign regulations or other city ordinances, and shall include, but not be limited to, the following general information:
  1. A completed project permit application form;
  2. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;
  3. A site plan showing the location of the sign;
  4. A scaled drawing of the largest building facade on the applicant's property showing the height and width of such building facade;
  5. A drawing of the sign showing its size, and construction details;

6. For exterior signs, a vicinity map showing at least one block in each direction of the applicant's property and identifying the applicant's property; and
7. Such other pertinent information as the city administrator, or his designee, may require to ensure compliance with the sign code and other applicable ordinances.

D. Fees shall be submitted with the application in the amount set forth in Title 20.

**18.72.140 Requirements applicable to all signs.**

A. Structural Requirements. The structure and erection of signs within the city shall be governed by Chapters 2 and 4 of the Uniform Sign Code, 1985 Edition (or by superseding edition adopted by the city) which is adopted and made a part hereof by this reference, and the International Building Codes adopted by the city in Chapter 15.04. Not less than one copy of said codes is on file in the office of the city clerk. Compliance with the Uniform Sign Code and International Building Codes shall be a prerequisite to issuance of a sign permit under the sign code.

B. Sign Illumination. Illumination from or upon any sign shall be located, shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street.

C. Sign Maintenance. All signs, including signs heretofore installed, shall be constantly maintained in a state of security, safety and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is located to repair or remove the sign within five days after receiving notice from the city. The premises surrounding a freestanding sign shall be free and clear of rubbish and shall be surrounded by a landscaping area free of weeds.

D. Sign Obstructing View or Passage. No sign shall be located so as to physically obstruct any door, window or exit from a building. No sign shall be located so as to be hazardous to a motorist's or pedestrian's ingress and egress from parking areas or any way open to the public. All signs shall comply with the sight distance requirements of Chapter 8.40.

E. Landscaping for Freestanding Signs and Freeway Signs. All freestanding signs and freeway signs shall include landscaping at their base to prevent automobiles from hitting the sign-supporting structure and to improve the overall appearance of the installation. The planting area shall be a minimum of one square foot for each square foot of sign area for such sign and shall include shrubs and groundcover so that at the time of installation a minimum of twenty-five percent of the required planting is covered by plant material. All required landscaping must be installed within sixty days of completion of the sign installation, unless the city grants an extension in writing for reasons of weather, good planting practices, or unforeseeable construction delay.

F. Sign Inspection. All sign users shall permit the periodic inspection of their signs by the city upon the city's request, in accordance with Section 18.72.160.

G. Conflicting Provisions. Whenever two provisions of this code overlap or conflict with each other with regard to the size or placement of a sign, the more restrictive provision shall apply.

**18.72.150 Nonconforming signs.**

A. Signs Eligible for Characterization as Legal Nonconforming. Any sign located within the city limits on the date of adoption of the ordinance codified in this title, or located in an area annexed to the city thereafter, which does not conform with the provisions of this code, shall be considered a legal nonconforming sign and is permitted, provided it also meets the following requirements:

1. The sign was covered by a sign permit on the date of adoption of the ordinance codified in this title if one was required under applicable law; or
2. If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of the ordinance codified in this title; or
3. If the city is unable to determine whether the sign complies with either subsection (A)(1) or (A)(2) of this section, then the sign shall be considered legal nonconforming in accordance with this section of the sign code.

B. Loss of Legal Nonconforming Status. A legal nonconforming sign shall immediately lose its legal nonconforming designation if:

1. The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance) which makes the sign less in compliance with the requirements of this code than it was before the alteration; or
2. The sign is relocated; or
3. The sign is replaced.

On the occurrence of any of subsection (B)(1), (B)(2), or (B)(3) of this section, the sign shall be immediately brought into compliance with this code and a new permit secured therefor, or the sign shall be removed by the owner.

C. Maintenance and Repair of Legal Nonconforming Signs. Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this code regarding safety, maintenance, and repair of signs.

**18.72.160 Administration and enforcement.**

A. The city administrator, or his designee, shall be responsible for administration of the sign code and may adopt rules for the implementation of the sign code; provided the city administrator complies with Chapter 2.115 PMC.

B. The building official, or his designee, is empowered to enter or inspect any building, structure or premises in the city, upon which or in connection with which a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.

C. Violation—Penalty.

1. The violation of or failure to comply with any provision of this chapter is declared to be unlawful.
2. The first violation of the sign code by a person in any twelve-month period shall be a Class 1 civil violation (infraction) with a penalty of two hundred and fifty dollars plus any

state assessments, and shall be issued, adjudicated, and prosecuted as provided for in Chapter 1.40.

3. A person who commits a second violation of the sign code in any twelve-month period shall be guilty of a misdemeanor punishable by a maximum fine of one thousand dollars or ninety days in jail, or both such fine and jail.

**18.72.990 Severability.**

If any section, subsection, sentence, clause, paragraph, phrase, or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, paragraph, phrase or word of this chapter.