ORDINANCE NO. 08-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, RELATING TO BOTH PERMANENT AND TEMPORARY SIGNS; ADMINISTRATION, PERMITTING, AND ENFORCEMENT; REPEALING AND REPLACING CHAPTER 18.55; REPEALING SECTION 18.31.140; ALONG WITH ASSOCIATED AMENDMENTS OF CHAPTERS 18.20 AND 18.110; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in June of 2014, the city council considered policy issues for temporary signs in the city and whether to adopt the same regulations for all temporary signs or to adopt different regulations for temporary commercial signs and temporary non-commercial signs;

WHEREAS, in 2015 the US Supreme Court issued a decision in *Reed v. Town of Gilbert* that has provided guidance for all cities and counties in revising and updating their sign codes; and

WHEREAS, in October of 2015, the city council reviewed the US Supreme Court's decision in *Reed v. Town of Gilbert* and concluded that local government regulation of signs was not merely a land use issue, but should be viewed as a regulation of speech issue;

WHEREAS, in October of 2015, the city council reviewed the city's entire sign code to determine what provisions would pass strict or intermediate scrutiny under the recent US Supreme Court decision of *Reed v. Town of Gilbert*;

WHEREAS, in October of 2015, the city council concluded they would redraft the City of Covington sign code to be compliant with *Reed v. Town of Gilbert*;

WHEREAS, in October of 2015, the city council concluded that the foundation of a constitutional sign code must include specific goals, policies, and objectives as well as a substantial purpose statement, and the goals, policies, objectives, and purpose statement will guide the development of the sign standards and specifications as well as the administration and enforcement of the sign code;

WHEREAS, in October of 2015, the city council began a process of discussing the city's character and vision related to regulation of both temporary and permanent signs;

WHEREAS, in October of 2015, the city council held several study sessions and exercises to solicit from city councilmembers general core values and objectives for the community, including the time, place, and manner regulations for various types of signs they viewed as acceptable for the character of the City of Covington that would then guide writing the purpose provision for the city's new sign code;

WHEREAS, in October of 2015, the city council concluded that sign regulations should serve multiple purposes, including promotion of economic development, providing for discussion of community and neighborhood values, promotion of high quality aesthetics and design of signs for development, promotion of traffic safety, providing a forum for presentation of city sponsored events, and finally provision of free speech for a variety of political, religious, and individual values and viewpoints;

WHEREAS, in 2016, the city staff held several working sessions with the planning commission to review potential regulation of signs under the provisions of *Reed v. Town of Gilbert* and to provide input to the city council to be used in their decision-making on a new sign code;

WHEREAS, in October of 2016, the city council held a study session to review potential sign regulations relating to temporary signs, with both a commercial or non-commercial message; recognizing the major need for content neutrality within the city's sign regulations;

WHEREAS, in October of 2016, the city council reviewed previously established goals, policies, objectives, and purpose statements to lay the framework for content neutral sign code provisions;

WHEREAS, on October 26, 2016, the city council held a public hearing, received testimony, and adopted interim regulations governing both temporary and permanent signs;

WHEREAS, on May 9, 2017, after interim sign regulations had been in place for 6 months, the city council, after a public hearing, continued the interim sign code regulations for both temporary and permanent signs for an additional six months, to conduct additional public outreach and study by the planning commission on how other communities were governing signs under *Reed v. Town of Gilbert*;

WHEREAS, on October 24, 2017, after interim sign regulations had been in place for 12 months, the city council, after a public hearing, continued the interim sign code regulations for an additional six months, as the planning commission had held several study sessions and an open house to solicit public input on the interim sign code regulations and determined more research and input was necessary;

WHEREAS, on April 24, 2018, after interim sign regulations had been in place for 18 months, the city council, after a public hearing and input from the planning commission, continued the interim sign code regulations for an additional six months to allow city staff to draft the final sign code regulations governing both temporary and permanent signs that will be in compliance with the US Supreme Court decision under *Reed v. Town of Gilbert*;

WHEREAS, on September 20, 2018, the planning commission held a public hearing to receive public testimony from members of the public, weighed the testimony received as part of their decision, and made a final recommendation to the city council;

WHEREAS, on October 23, 2018, the city council held a public hearing, heard public testimony, and weighed the testimony received as part of their final decision; and

WHEREAS, nothing in this ordinance is intended nor shall be construed to authorize or approve of any violation of federal or state law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. In accordance with RCW 36.70A, which authorizes the city council to adopt development regulations to implement Comprehensive Plans, including provisions for signs, the "WHEREAS" clauses set forth above are hereby adopted as the city council's findings of fact in support of new sign regulations for both permanent and temporary signs imposed by this ordinance. The city council may adopt additional findings if additional evidence is presented to the council.

Section 2. Repeal & Replace Chapter 18.55. Chapter 18.55 of the Covington Municipal Code is hereby repealed and replaced in its entirety as set forth in Exhibit A.

Section 3. Repeal Section 18.31.140. Section 18.31.140 of the Covington Municipal Code is hereby repealed in its entirety as set forth in Exhibit B.

Section 4. Associated Amendments. The following list of chapters of the Covington Municipal Code are amended as set forth in Exhibit B: CMC 18.20 and 18.110 and are incorporated herein by reference.

Section 5. Conflict. In the event there is a conflict between the provisions of this ordinance and any other city ordinance, the provisions of this ordinance shall control.

Section 6. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Corrections. Upon the approval of the City Attorney, the City Clerk is authorized to make any necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 8. Effective Date. This ordinance shall be in full effect on November 1, 2018, which is more than five (5) days after publication in the City's newspaper of record. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, at a regular meeting thereof this 23th day of October 2018.

Mayor Jeff Wagner

EFFECTIVE: November 1, 2018
PUBLISHED: October 26, 2018

ATTESTED:

Sharon Scott, City Clerk

APPROVED AS TO FORM:

Kathy Hardy, City Attorney

CHAPTER 18.55
SIGNS
Nov 1, 2018

Article I. General Provisions

18.55.010 Intent and purpose.
18.55.020 Applicability and exclusions.
18.55.030 Interpretation.
18.55.040 Definitions.

Article II. Administration

18.55.050 Prohibited signs.
18.55.060 Sign permits – Exemptions.
18.55.070 Sign permits – Temporary signs.
18.55.080 Comprehensive Sign Program.
18.55.090 Sign permits – Permanent signs.
18.55.100 Sign variances.
18.55.110 Maintenance – Removal.
18.55.120 Nonconforming signs.
18.55.130 Compliance and enforcement.

Article III. Temporary Signs – Regulations

18.55.140 Temporary signs – General regulations.
18.55.150 Temporary signs – Residential properties.
18.55.160 Temporary signs – Mixed use properties.
18.55.170 Temporary signs – Institutional properties.
18.55.180 Temporary signs – Commercial properties.
18.55.190 Temporary signs – ROW and public spaces.
18.55.200 Temporary signs – Other properties.

Article IV. Permanent Signs – Regulations

18.55.205 Permanent signs – Applicability of regulations.
18.55.210 Permanent signs – Structural components.
18.55.220 Permanent signs – Placement.

18.55.230 Permanent signs – Design criteria.

18.55.240 Permanent signs – Residential properties.

18.55.250 Permanent signs – Nonresidential properties – Freestanding signs.

18.55.260 Permanent signs – Nonresidential properties – Building-mounted signs.

ARTICLE I: GENERAL PROVISIONS

18.55.010 Intent and purpose.
18.55.020 Applicability and exclusions.
18.55.030 Interpretation.
18.55.040 Definitions.

18.55.010 Intent and purpose.

(1) Intent. Signs have a strong visual impact on the character and quality of our community. As a prominent part of the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone for our community. The City relies upon its physical setting and beauty to attract commerce and aesthetic considerations assume economic value. The intent of this chapter is to protect and enhance both the City's residential character and its economic base using appropriate and aesthetic signage.

(2) Purpose. The purpose of this chapter is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements that:

(a) Promote and accomplish the goals and policies of the City's comprehensive plan and zoning code, and the City council's vision, mission, and goals statement;

(b) Provide minimum standards to safeguard life, health, property, and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location, and maintenance of signs and sign structures and discouraging excessive numbers of signs;

(c) Recognize free speech rights by regulating signs in a content-neutral manner;

(d) Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by or which may be fully or partially attributable to cluttered, distracting, and/or illegible signage;

(e) Promote a positive visual image of the City and protect the beauty of the City's built environment by encouraging signs that are compatible with the architectural style, characteristics, and scale of the building to which they may be attached; appropriate to the size of the subject property and amount of street frontage adjacent to the subject property; and compatible with adjacent buildings and businesses;

(f) Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the City's streetscape;

(g) Provide consistent sign design standards;

(h) Protect and encourage creative and innovative approaches to signage and signs that are of a quality design, pleasing in appearance, and are appropriate in size, materials, and illumination to the surrounding neighborhood or commercial district;

(i) Provide an improved visual environment for the citizens and visitors of the City;

(j) Adopt clear, understandable regulations that will assure equal protection and fair treatment under the law through consistent application of the regulations and consistent enforcement of this chapter;

(k) Balance both public and private business needs with the specific objectives of creating a community with an unmatched quality of life and a strong focus on economic well-being, aesthetics, community and family, the environment, and public infrastructure;

(l) Support and enhance the economic well-being of all businesses within the City and recognize the needs of all businesses to identify their premises and advertise their products and services; and

(m) Recognize that the aesthetic value of the total environment affects economic values and that an unrestricted proliferation of signs detracts from the economic value of the community.

18.55.020 Applicability and exclusions.

(1) Applicability. This chapter applies to all signs within the jurisdictional limits of the City, regardless of the type or nature.

(2) Exclusions. The following are exempted from the regulations and requirements of this chapter, but may be subject to regulation under other portions of the CMC:

(a) Signs that are not visible from any public right-of-way, public space, or another property.

(b) Signs inside a building; however, signs inside windows are not exempt.

(c) Signs required by local, state, or federal law if the sign is no more than 32 square feet in area or is painted directly on a pavement.

(d) Signs installed by a City, County, State, or Federal governmental agency for the protection of the public health, safety, and general welfare, including, but not limited to, the following:

(i) Emergency and warning signs necessary for public safety or civil defense;

(ii) Traffic and/or wayfinding signs erected and maintained by an authorized public agency;

(iii) Signs required to be displayed by law;

(iv) Signs showing the location of public facilities; and

(v) Any sign, posting, notice, or similar sign placed by or required by a governmental agency.

(e) Any sign on a vehicle, unless such vehicle is regularly parked in any prominently visible location from a public right-of-way or other public space for the primary purpose of attracting public attention to the sign, which is prohibited pursuant to CMC 18.55.050.

(f) Public art, as defined by CMC 18.55.040.

(g) Utility art/wrap on utility boxes/equipment displaying noncommercial copy only.

(h) Temporary signs located on fences for screening of a construction site, as long as there is an active development permit, grading permit, or building permit approval that includes external work or modifications of the site.

(i) Historic or memorial plaques and gravestones.

(j) String lights on private property.

(k) Signs placed on, worn by, or held by a person.

18.55.030 Interpretation.

(1) This chapter is not intended to, and shall not be interpreted to, restrict speech based on its content, viewpoint, or message.

(2) No part of this chapter shall be construed to favor commercial speech over noncommercial speech.

18.55.040 Definitions.

The following words, terms, and phrases, when used in this chapter shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word, term, or phrase used in this chapter that is not defined in this section shall have the meaning ascribed to it in Chapter 18.20 CMC. Any word, term, or phrase used in this chapter that is not defined in this section or Chapter 18.20 CMC shall have their normal dictionary meaning:

"Abandoned sign" means any sign remaining in place after such sign has not been maintained, or if the activity conducted on the subject property ceases, for 180 or more consecutive days.

"Animated sign" means any sign, or any portion of the sign, affected by the movement of air or other atmospheric or mechanical means, or that uses natural or artificial changes of lighting, to depict action or create a special effect or scene. Animated signs include, but are not limited to, flashing signs, inflatable signs, rotating signs, pennants, streamers, balloons, searchlights, spinners, and propellers. Changeable copy signs and electronic changeable copy signs are not considered animated signs for the purposes of this chapter.

"Athletic field" means facilities used for sporting activities such as softball, baseball, football, soccer, running track, tennis, and other non-motorized sports. Athletic fields may include bleachers, concession stands, lights, restrooms, and other supporting facilities.

"Awning or canopy sign" means a nonelectric sign that is printed on, painted on, or attached to the vertical surface or flap of an awning or canopy.

"Banner" means a sign composed of flexible material, such as fabric, pliable plastic, or other similar non-rigid material, with no enclosing framework or electrical components and that is supported or anchored on two (2) or more edges or at all four (4) corners, or along either one (1) edge or two (2) corners with weights installed that reduce the reaction of the sign to wind.

"Building-mounted signs" means any sign attached to the face of a building, including, without limitation, wall signs, marquee signs, under canopy signs, and projecting signs.

"Canopy sign." See "awning or canopy sign."

"Changeable copy sign" means a sign with copy that can be changed or altered by manual, electric, electromechanical, or electronic means and without changing or altering the sign frame, sign supports, or electrical parts. A sign on which the copy changes more than eight (8) times in a 24-hour period shall be considered an electronic changeable copy sign, and not a changeable copy sign, for the purposes of this chapter.

"Commercial sign" means any sign, display, or device designed, intended or used to encourage or promote purchase or use of goods or services.

"Comprehensive Sign Plan." (CSP) A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles, and sign types of all signs to be installed on a site.

"Copy" means the graphic content of a sign surface, including, but not limited to, graphics, letters, numbers, figures, symbols, and trademarks.

"Electric sign" means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

"Electronic changeable copy sign" means an electronically activated sign with a copy that is changed, either in whole or in part, more than eight (8) times in a 24-hour period by means of electronic programming.

"Exposed building face" means the building exterior wall of a single occupant building or the building exterior wall of an individual tenant's leased space in a multi-tenant complex, viewed as a vertical plane between the finished grade and the roofline. This vertical plane will be used to calculate the sign area for building-mounted signs. In the case of an interior business without a separate exterior entrance, the exposed building face will be the vertical plane of the entrance wall measured between the floor and ceiling. As an option, for those businesses having oblique walls, the exposed building face is that area between the finish grade and the roofline that is shown on the elevation drawing submitted with the required drawings for a building permit.

"Flag" means any piece of cloth of individual size, color, and design, hoisted on a pole permanently affixed to the ground or displayed via a pole bracket permanently affixed to a building. If any single

dimension of a flag is more than three times (3x) greater than any other single dimension, for the purposes of this chapter such a flag is classified and regulated as a banner, regardless of how it is anchored or supported.

"Flashing sign" means an electric sign or any portion of an electric sign that changes light intensity in sudden transitory bursts, or switches on and off in a constant pattern (e.g. strobe lights). Changeable copy signs and electronic changeable copy signs are not considered flashing signs for the purposes of this chapter.

"Freestanding sign" means a sign on a frame, pole, or other support structure that is not attached to any building.

"Frontage, building" means the length of an outside building wall.

"Frontage, property" means the length of the property line along the public right-of-way or private street on which it borders.

"Graffiti" means writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in public right-of-way or public space, or on a private property viewable from a public right-of-way, public space, or another private property.

"Height" means the vertical distance measured from the highest point of the sign to either the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

"Illuminated sign" means a sign with an artificial light source incorporated internally or externally for illuminating the sign.

"Inflatable sign" means any object enlarged or inflated that floats, is tethered in the air, is activated by air or moving gas, or is located on the ground or on a building with or without copy or other graphics. These signs include large single displays or a display of smaller inflatable items, such as balloons, connected in some fashion to create a larger display.

"Institutional property" means property developed as governmental, educational, health, cultural and recreational centers, places of worship, and cemeteries. They may include government owned and operated facilities or be privately owned and operated.

"Kiosk" means a small structure in a public area used for providing information, often incorporating an interactive display.

"Lawn sign" means a freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchors.

"Maintenance" means the cleaning, painting, and minor repair of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

"Marquee sign" means any sign attached to or supported by a marquee, which is a permanent roof-like projecting structure attached to a building.

"Monument sign (ground sign)" means a freestanding sign having the appearance of a solid base that is 100% or greater of the sign face width, made of landscape construction materials such as brick, stucco, stonework, textured wood, tile, or textured concrete, which are harmonious with the materials of the primary structure on the subject property.

"Multi-tenant complex" means a complex containing two (2) or more uses or businesses.

"Neon (outline tubing) sign" means a sign consisting of glass tubing, filled with neon gas or other similar gas, which glows when an electric current is sent through it.

"Noncommercial sign" means a sign which contains no message, statement, or expression related to commercial interests. Noncommercial signs include, but are not limited to, signs expressing political views, religious views, or information about and/or announcements of non-profit organizations.

"Nonconforming sign" means any sign that was constructed, erected, and maintained in conformance with all King County or City of Covington rules and regulations in effect at the time the sign was established and that no longer conforms to the rules and regulations of this chapter.

"Pedestal sign" means freestanding signs supported permanently upon the ground by one or more solid bases, which base or bases shall be of a width equal to or greater than 50% of the sign width.

"Pole or pylon signs" means freestanding signs supported permanently upon the ground by one or more solid bases, which base or bases are less than 50% of the sign width.

"Portable sign" means a sign that is not permanently affixed and that is designed for or capable of being moved, except those signs explicitly designed for people to carry on their persons or that are permanently affixed to motor vehicles. Portable signs include, but are not limited to, A-frame signs, portable reader boards, lawn signs, and similar signs.

"Projecting sign" means a sign, other than awall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

"Public art" means original artwork that is accessible to the public and/or public employees and has been approved as public art by the City.

"Right-of-way" means land owned, dedicated, or conveyed to the public and used primarily for the movement of vehicles, wheelchair, and pedestrian traffic, and land privately owned and used primarily for the movement of vehicles, wheelchair, and pedestrian traffic, so long as such privately owned land has been constructed in compliance with all applicable laws and standards for a public right-of-way.

"Roadway" means the portion of a street that is improved for motor vehicle or bicycle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

"Roofline" means that lowest portion of a pitched or flat roof visible from a public right-of-way or adjacent property.

"Rotating sign" means a sign that revolves on a fixed axis.

"Sign area" means the entire area of a sign on which copy is placed, excluding the sign's structure, architectural embellishments, and framework. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign face containing the copy; provided, however, that separated copy using a canopy, awning, or wall as the background and that is without added decoration or change in the canopy, awning, or wall shall have a sign area calculated by measuring the perimeter enclosing the separate copy and totaling the square footage of all such perimeters included as part of the sign.

"Sign face" means the area of a sign on which the copy is placed.

"String light" means small electric lights spaced evenly along a cable and used for decoration.

"Temporary sign" means any sign not permanently affixed or attached to the ground or a structure.

"Tenant space" means a portion of a structure occupied by a single commercial leaseholder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

"Vacant lot" means any parcel of land that is without a primary use or structure.

"Wall sign" means either a sign applied with paint or similar substance on the surface of a wall or a sign with no copy on the sides or edges and attached essentially parallel to and extending not more than 12 inches from the wall of a building.

"Window signs" mean all signs located inside and affixed to a window and intended to be viewed from the exterior of the structure.

ARTICLE II: ADMINISTRATION

18.55.050 Prohibited signs.
18.55.060 Sign permits—Exemptions.
18.55.070 Sign permits—Temporary signs.
18.55.080 Comprehensive Sign Program.
18.55.090 Sign permits—Permanent signs.
18.55.100 Sign variances.
18.55.110 Maintenance; removal.
18.55.120 Nonconforming signs.
18.55.130 Compliance and enforcement.

18.55.050 Prohibited signs.

Unless otherwise provided for in this chapter, no person shall erect, alter, maintain, or relocate any of the following signs in the City and such existing signs must be removed:

(1) Animated signs. Any animated sign as defined in CMC 18.55.040, except as permitted under CMC 18.55.140 - .200.

(2) Nuisance signs. Any signs that emit smoke, visible particles, odors, and/or sound, except that speakers in signs on the premises of a drive-through facility shall be allowed.

(3) Hazardous signs. Any sign that is dangerous or confusing to motorists and pedestrians, including any sign that by its color, wording, design, location, or illumination resembles or conflicts with any official traffic control device or that otherwise impedes the safe and efficient flow of traffic.

(4) Impediment to access. No sign may impede free ingress and egress from any sidewalk, pedestrian walkway, door, window, or exit way required by building and fire regulations.

(5) Portable signs on wheels (trailer signs) and outdoor electric portable signs.

(6) Abandoned signs as defined by CMC 18.55.040.

(7) Signs within the public right-of-way, public property, public easements or structures, including but not limited to, medians, roundabouts, sidewalks, utility poles and cabinets, street light poles, traffic poles and signals, and street trees, except as allowed pursuant to CMC 18.55.190.

(8) Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of serving as a sign not otherwise allowed by this chapter.

(9) Graffiti.

(10) Signs without a proper permit. Signs erected, constructed, or structurally altered that are required to have a permit for such action and that were erected, constructed, or altered without obtaining a permit for such action.

(11) Sound. No sign shall emit any sound that is intended to attract attention beyond the boundaries of the lot on which it is located or that creates a public nuisance.

18.55.060 Sign permits—Exemptions.
The following signs, and activities relating to signs, are exempt from the permitting requirements of this chapter:

(1) Changes to the face or copy of changeable copy signs, digital signs, and electronic copy signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.

(2) The normal repair and maintenance of conforming or legal nonconforming signs.

(3) Temporary signs meeting the requirements in this chapter, except for those required to be permitted pursuant to Article III of this chapter.

(4) Any signs required to be posted pursuant to the Covington Municipal Code or any other local, state, or federal regulation.

(5) Any sign on a vehicle, unless such vehicle sign is prohibited pursuant to CMC 18.55.050.

18.55.070 Sign permits—Temporary signs.
(1) Permit Required. No person shall erect, alter, or relocate any temporary sign without first receiving an approved temporary sign permit from the City pursuant to the requirements herein, unless the temporary sign is exempt from permitting requirements in accordance with Article II of this chapter.

(2) Review Type. The review and approval of temporary sign permits is a Type I land use decision that shall be processed pursuant to Chapter 14.30 CMC, as amended.

(3) Application. Applications for temporary sign permits shall be submitted to the City on forms provided by the City.

(4) Fee. The applicable permit application fee, pursuant to the City's current fee schedule in effect at the time of application, shall be paid upon submission of each temporary sign permit application.

18.55.080 Comprehensive Sign Program.
(1) Comprehensive Sign Program. A comprehensive sign program (CSP) may be approved as an alternative to the requirements set forth in Articles III and IV. The purpose of a CSP is to provide flexibility and promote superior sign design and wayfinding. The CSP is intended to provide a process where special consideration can be given to multiple signs that are looked at comprehensively in relation to each other and their context in the overall development with an expectation of high quality design and a holistic approach demonstrating the integration of signage into the development and buildings on the subject property. This flexibility is offered in exchange for a coordinated program of signage to ensure a higher standard of design quality for such signs. The flexibility in size type and location of signs is not a matter of right, and a proposed CSP must be reviewed pursuant to the provisions of this section 18.55.080. The City may allow deviations from the requirements of this chapter consistent with the criteria listed in subsection (6) of this section.

(2) Applicability. A CSP may be submitted for the following uses and developments:

(a) Multi-tenant building or complex;

(b) Single use building over 100,000 sq. ft.;

(c) Hospitals, including stand-alone emergency room centers;

(d) Approved subarea plans; and

(e) Residential subdivisions and short plats where newly constructed dwellings are currently for sale or lease.

(3) Review Process. An application for a CSP under this section will be reviewed and decided upon by the Community Development Director. Prior to issuing a decision, the Community Development Director may consult, at the applicant's expense, with the City's architectural review consultant.

(4) Design Standards.

(a) Illumination. Illumination shall reduce light trespass.

(b) The design of the components shall use the architectural style of the development being identified. Features to be using in designing the structural components include colors, materials, textures, and shapes of the developments architecture.

(5) Application Requirements. A complete CSP application shall consist of the following:

(a) Application form. A completed CSP application shall be submitted to the City on a form provided by the City. If the applicant is not the property owner(s), then the property owner must be identified, and the application must include an affidavit from the property owner(s), verifying that the property owner has given permission to the applicant for the submission of the CSP application.

(b) Narrative. The application shall include a narrative and plans that identify how the CSP meets the review criteria in CMC 18.55.080(6).

(c) Site Plan. A site plan drawn to scale showing existing and proposed buildings, off-street parking areas, internal circulation, landscaped areas, storm drainage facilities, critical areas, public spaces, adjoining streets, pedestrian pathways, sidewalks, and trails.

(d) Building elevation(s). Signs proposed to be mounted on a building require a building elevation(s) drawn to scale that specifies the locations and dimensions of the signs and drawings or photographs that show the scale of the sign in context with the building. Freestanding signs require a site plan indicating the proposed sign location as it relates to property lines, adjacent streets, and adjacent buildings.

(e) Scaled design drawing. Design descriptions of all signs including allowable sign type, shapes, size of typography, lighting, exposed structures, colors, and materials, and any information on the

frequency of changeable graphics, if applicable. A colored rendering or scaled drawing, including dimensions of all sign faces, and descriptions of materials to be used, including color samples.

(f) Scaled installation drawing. A scaled drawing that includes the sign description, proposed materials, size, weight, manner of construction, and method of attachment, including all hardware necessary for proper sign installation.

(g) Lighting. A drawing indicating the location and fixture type of all exterior lighting for the proposed signs. The drawings shall specify wattage and bulb type to ensure compatibility with the lighting standards in this chapter.

(h) Calculations. Calculations of the proposed sign area and number.

(i) Site specific CSP design. The CSP shall include design guidelines to ensure that all features of proposed signage, including the illumination, support structure, color, lettering, height and location shall be designed so that it will be an attractive and complementary feature of the building and/or development which is serves.

(j) Fees. The applicable permit application fee, pursuant to the City's current fee resolution in effect at the time of application, shall be paid upon submission of the CSP application.

(6) Criteria for Approval. The City may approve a CSP if:

(a) Placement. All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall signs may be approved on building walls other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street. A sign may be ground or wall mounted or designed into and constructed as part of an integrated architectural feature of a building.

(b) Lighting. Signs shall not be oriented or illuminated so that they adversely affect the surrounding area, particularly existing nearby residential uses or structures.

(c) Quantity. The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development.

(d) Size. All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a CSP contain a freestanding sign that exceeds by more than 50% any maximum height standard permitted by this chapter. Consistent with the exemptions set forth in this chapter,

there shall be no limit on the amount by which a CSP may allow a freestanding sign to exceed the height restrictions permitted on the site when the freestanding sign is placed or oriented so as to be visible only internally to the development. In no event shall a CSP contain a wall sign that exceeds by more than 25% any maximum size (area) standard permitted by this chapter.

(e) Design Features and Materials.

(i) The CSP shall exhibit design excellence, inventiveness, and sensitivity to the context.

(ii) High quality and thought through signage design, placement, and wayfinding is demonstrated as part of the CSP.

(iii) Sign design themes and materials shall be compatible with the architecture, colors, and materials of the associated development. Sign design should reflect the existing or desired character of the area.

(iv) Signs shall be professionally designed and fabricated from quality, durable materials.

(f) Development Standards. The Community Development Director may not reduce any sign development standard to less than 50% of any minimum standard, nor increase any sign development standard by more than 100% of the maximum standard. The Community Development Director shall not base any decision on the message content of a sign.

(7) Notice of Final Decision. The Director shall issue a Notice of Decision incorporating the findings based on the criteria for approval of a CSP.

(8) Need for Sign Permit. Individual sign permits regulated by a CSP Program are required prior to installation of each sign demonstrating consistency with the approved CSP except as provided for under CMC 18.55.060.

(9) Minor Modifications. The Community Development Director may grant a minor modification to the approved CSP if:

(a) The modification does not increase the sign area of the subject property approved in the original CSP.

(b) The modification maintains visual similarity with those elements specifically identified in the original CSP as integral to the design theme of the subject property (for example: location(s), color(s), material(s), or type(s)).

(10) Major Modifications. Modifications requested that do not meet the requirements of this section shall submit a new CSP Application or meet the criteria for the requested sign type as outlined in this chapter.

(11) Appeals. The decision of the Community Development Director in approving or denying a CSP application under subsection (3) of this section or modifications granted under subsections (9) and (10)

of this section may be appealed using the Type II land use decision procedures set forth in Chapter 14.45 CMC, as amended.

18.55.090 Sign permits—Permanent signs.

(1) Permit Required. Except as provided for under CMC 18.55.060, no person shall erect, alter, or relocate any permanent sign without first receiving an approved sign permit from the City pursuant to the requirements herein.

(2) Review Type. The review and approval of permanent sign permits is a Type I land use decision pursuant to Chapter 14.30 CMC, as amended.

(3) Application Requirements. A complete permit application for permanent signs shall consist of the following:

(a) Application form. A completed permanent sign permit application shall be submitted on a form provided by the City. If the applicant is not the property owner, then the property owner must be identified and the application must include an affidavit from the property owner, verifying that the property owner has given permission to the applicant for the submission of the sign permit application and for the installation/posting of the sign on the property owner's property.

(b) Building elevation/site plan. Signs proposed to be mounted on a building require a building elevation drawn to scale that specifies the location of the sign and drawings or photographs that show the scale of the sign in context with the building. Freestanding signs require a site plan indicating the proposed sign location as it relates to property lines, adjacent streets, and adjacent buildings.

(c) Scaled design drawing. A colored rendering or scaled drawing, including dimensions of all sign faces, and descriptions of materials to be used, including color samples.

(d) Scaled installation drawing. A scaled drawing that includes the sign description, proposed materials, size, weight, a manner of construction, and method of attachment, including all hardware necessary for proper sign installation.

(e) Lighting. A drawing indicating the location and fixture type of all exterior lighting for the proposed sign. The drawing shall specify wattage and bulb type to ensure compatibility with the lighting standards in this chapter.

(f) Fees. The applicable permit application fee, pursuant to the City's current fee resolution in effect at the time of application, shall be paid upon submission of the sign permit.

(4) Criteria for Approval. Sign permit applications shall be reviewed by the Community Development Director for consistency with the standards in this chapter, according to the sign type and all other applicable regulations. A sign permit shall not be issued unless the Director makes findings that the criteria applicable to each sign type, as well as the general standards in this chapter, are satisfied. Sign permit applications shall be reviewed by the Building Official for consistency with the Building Code.

(5) Notice of Final Decision. The Director shall issue a Notice of Decision incorporating the decision on the sign permit application not more than 120 days after issuance of the Determination of

Completeness for the same application.

(6) Expiration of Permit. A permanent sign approved under a permanent sign permit must be installed within 180 days of issuance of the permit or the permanent sign permit will expire. No sign may be erected if a sign permit has expired.

18.55.100 Sign variances.

(1) Approval Required. A variance may be granted from the strict application of the regulations in this chapter that apply to:

(a) sign placement on a parcel or building frontage;

(b) sign area; or

(c) sign height, as regulated in this chapter.

A variance may not be granted to allow any prohibited signs or prohibited sign features, as included in CMC 18.55.050, or for any other purpose not listed in this subsection (1).

(2) Review Type. Sign variances under this section shall be processed as a Type II land use decision pursuant to the procedures as set forth in Chapter 14.30 CMC, as amended.

(3) Need for Sign Permit; Consolidation of Processing. A sign variance application may be submitted before or concurrent with the associated sign permit application. No sign permit application requiring a variance for issuance will be processed without a sign variance application.

(4) Application Requirements. A complete sign variance application shall consist of the following:

(a) Application form. A completed sign variance application on a form provided by the City. If the applicant is not the property owner, then the property owner must be identified and the application must include an affidavit from the property owner verifying that the property owner has given permission to the applicant for the submission of the sign variance application and for the installation/posting of the sign on the property owner's property.

(b) Sign Permit Application. A sign permit application pursuant to CMC 18.55.090; provided, that the applicant may submit a variance application without a sign permit application as provided in subsection (3) above.

(c) A narrative report which describes the requested variance in detail. The report shall identify all sections of this chapter from which the applicant is requesting a variance, as well as the nature and extent of the variance.

(d) The narrative report shall also include the applicant's description of the manner in which the sign variance satisfies all the variance criteria in subsection (5) below.

(e) Fees. The applicable permit application fee, pursuant to the City's current fee schedule in effect at the time of application, shall be paid upon submission of the variance application.

(5) Criteria for Approval. To approve any sign variance, the Director must make written findings to show that all the following criteria have been met. The Director may impose conditions or restrictions to ensure that a requested variance will conform to the required findings.

(a) The strict enforcement of the provisions of this chapter creates an unnecessary hardship to the property or business owner; and

(b) The sign variance is necessary due to special circumstances, pre-existing conditions of the building or lot caused by the unique size, shape, layout, or topography; and

(c) The sign will not create a health or safety hazard; and

(d) The sign will not violate any state statute or any City Code provision (other than the provisions identified in this chapter relating to signs); and

(e) The sign will not negatively affect adjacent property, the general public, or businesses; and

(f) The sign will be in keeping with the general character of the surrounding area and the granting of the variance would not result in an alteration of the essential character of the surrounding area and minimize view obstruction; and

(g) The proposed variance is consistent with the purposes and intent of the zoning code and the purposes of this chapter; and

(h) The proposed variance is the minimum necessary to grant relief to the applicant; and

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

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

(6) The variance will not permit any sign or use that is not allowed in the zoning district where the affected land is located, nor will it allow any sign or sign feature prohibited under CMC 18.55.050. Notice of Final Decision. The Director shall issue a Notice of Decision incorporating the decision on the variance application not more than 120 days after issuance of the Determination of Complete Application.

(7) Expiration of Variance. If the sign variance is approved, the sign identified in the variance must be installed within 180 days or the variance will expire. No sign may be erected if there is no sign permit for the sign, or if the variance or the sign permit has expired.

18.55.110 Maintenance; removal.

(1) Maintenance Required.

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

(b) All signs, whether or not in existence prior to the adoption of this chapter, shall be maintained and kept in good repair and in a safe condition at all times. Maintenance of a sign shall include, but is not limited to, periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation, if required, and the provisions of this chapter.

(2) Removal.

(a) Every person maintaining a sign must, upon vacating the premises where a sign is maintained, remove or cause to be removed said sign within 180 days from the date of vacating the premises. When the Director determines that said sign has not been removed within said period, the Director shall remedy and enforce said violation in accordance with the enforcement provisions of this chapter.

(b) Any vacant and/or unused sign support structures, angle irons, sign poles, or other remnants of old signs which are currently not in use or are not proposed for immediate reuse by a sign permit application for a permitted sign shall be removed.

(c) In addition to the remedies in Chapter 1.30 CMC, the Director shall have the authority to require the repair, maintenance, or removal of any sign or sign structure which has become dilapidated or represents a hazard to the safety, health, or welfare of the public, at the cost of the sign and/or property owner.

(d) Any sign posted in violation of this chapter on public property or on public rights-of-way shall be subject to CMC 18.55.130.

(e) Any person responsible for any sign posting made in violation of this chapter shall be liable to the City for the costs incurred by the City in removal thereof and, in event of failure to pay, for billing and collection charges, including interest and reasonable attorneys' fees.

18.55.120 Nonconforming signs.

(1) Legally Nonconforming. Except as otherwise provided in this section, signs in existence on the effective date of the ordinance codified in this chapter that do not conform to the provisions of this chapter, but that were constructed, erected, or maintained in full compliance with previous regulations will be regarded as legal nonconforming.

(2) Compliance Required. Signs in existence on the effective date of the ordinance codified in this chapter that are not legal nonconforming or that are prohibited pursuant to CMC 18.55.050 shall be immediately made to comply with the provisions of this chapter or be abated in accordance with the

procedure established in Chapter 1.30 CMC.

(3) Sign Face Change. A sign face or copy change on a nonconforming sign is not allowed when the affected property and sign structure have been abandoned pursuant to CMC 18.55.040.

(4) Repair; Restoration. Any part of a sign or sign structure may be repaired as normal maintenance, or restored to a safe condition, without loss of legal nonconforming status. Damage from acts of nature or vandalism to a nonconforming sign will keep its nonconforming status if the cost of the repair is less than 50% of the cost of replacing the nonconforming sign with a conforming sign; provided that the replacement sign must be restored to the original design or a more conforming design.

(5) Alterations; Relocation; Replacement. Except for as provided herein, any legally nonconforming sign that is structurally altered, relocated, or replaced must immediately be brought into compliance with all applicable provisions of this chapter.

(6) Expansion or Change of Use. Any legally nonconforming sign on a non-residential property must be brought into conformance with all applicable provisions of this chapter prior to any expansion or change in use which requires a development proposal or conditional use permit. No building permits for new construction may be issued until compliance with this provision is assured.

(7) Hazardous signs. Any legally nonconforming sign or sign structure on private property, which, consequently, is a hazard to life and property, or which by its condition or location presents an immediate and serious danger to the public, must be removed or otherwise brought into compliance with this chapter pursuant to the enforcement provisions of this chapter.

(8) Variances. Variances may be granted using the variance procedure of this chapter to alleviate unusual hardships or extraordinary circumstances which exist in bringing nonconforming signs into conformity.

18.55.130 Compliance and enforcement.

(1) Compliance with Other Codes. All signs erected or altered under this chapter must comply with all applicable federal, state, and local regulations relating to signs, including, without limitation, the provisions of this chapter and the International Building Code. If any provision of this chapter is found to conflict with any code provision of the City, or any other federal, state, or local regulation, the provision that establishes the more restrictive standard shall prevail.

(2) Inspection. The Director is empowered to enter or inspect any building, structure, or premises in the City upon which any sign is located for inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this chapter. Such inspections shall be carried out during business hours, unless an emergency exists.

(3) Financial Guarantee. The City may require a financial guarantee to ensure compliance with any aspect of this chapter.

(4) Violation – Penalty.

(a) It is a violation of this chapter for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any sign or sign structure in the

City, or cause or permit the same to be done, contrary to the provisions of this chapter.

(b) Each day any person allows a violation of this chapter to continue shall be considered a separate violation.

(c) Whenever the City has determined that a violation of this chapter has occurred or is occurring, the City shall remedy the violation by issuing a civil infraction, punishable by a monetary penalty in accordance with Chapter 1.30 CMC.

(d) Any sign or sign structure that is erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, or maintained in violation of this chapter is declared to be a public nuisance.

(e) All signs abated by the City shall be available for recovery by the sign's owner for a period of fourteen (14) calendar days and upon payment of the costs of removal and storage, if any, after which time the sign will be destroyed. The City shall not be responsible for damages or loss incurred during removal and/or storage of any sign.

(5) Additional Remedies. In addition to the other remedies provided by this chapter, the City may abate said public nuisance or seek any other equitable relief authorized by Chapter 1.30 CMC and the laws and regulations of the State of Washington.

(6) Joint and Several Liability. The property owner(s) and each tenant or occupant may be jointly and severally liable for violations of any penalties imposed pursuant to this chapter.

ARTICLE III: REGULATIONS FOR TEMPORARY SIGNS

18.55.140 Temporary signs—General regulations.
18.55.150 Temporary signs—Residential properties.
18.55.160 Temporary signs—Mixed use properties.
18.55.170 Temporary signs—Institutional properties.
18.55.180 Temporary signs—Commercial properties.
18.55.190 Temporary signs—ROW and public spaces.
18.55.200 Temporary signs—Other properties.

18.55.140 Temporary signs—General regulations.

The following provisions apply to all temporary signs placed within the City:

(1) Sign placement. All temporary signs must be placed totally within the site/property pursuant to the requirements of this chapter, except when allowed to be placed within the right-of-way under CMC 18.55.190.

(2) Materials; construction. Temporary signs may be made of any durable material, provided that the temporary sign otherwise conforms to the requirements of this chapter. A temporary sign may be of rigid or non-rigid construction.

(3) Lighted signs. Temporary signs that have either internal or external illumination shall not be displayed from the hours of 11 p.m. to 8 a.m.

(4) Prohibited placement. In addition to the limitations on the placement of temporary signs within the public right-of-way pursuant to CMC 18.55.190, except as otherwise provided for in this chapter, temporary signs are prohibited from being in the following places:

(a) No temporary sign may be placed on a roof of a building or structure.

(b) No temporary sign may be placed on fences.

(c) No temporary sign shall be so located to physically obstruct any door or exit from a building.

(d) No temporary sign shall be located to be hazardous to a motorist's or pedestrian's ingress and egress from buildings or parking areas.

(e) No temporary sign shall be in the sight-distance triangle pursuant to the City's Design and Construction Standards adopted pursuant to Chapter 12.60 CMC, or in any other area which may obstruct the vision of motorists to create a safety hazard.

18.55.150 Temporary signs—Residential properties.

Except as otherwise provided for in this chapter, temporary signs on residential properties are allowed pursuant to the following regulations:

(1) Non-commercial. All temporary signs on residential properties shall only display non-commercial copy, except as provided in subsection (6) of this section.

(2) Sign types; construction; materials. There is no restriction on the type of temporary sign (i.e. the sign construction or materials used) allowed on residential properties, if all other regulations and provisions of this chapter are met.

(3) Quantity. There is no restriction on the number of temporary signs allowed on residential properties.

(4) Duration. Temporary signs shall not be limited in duration, except as required in CMC 18.55.140.

(5) Size.

(a) Temporary freestanding signs. No temporary freestanding sign shall be greater than 12 square feet in size, with no sign face exceeding six (6) square feet and shall not exceed six (6) feet in height.

(b) Building-mounted signs. Building-mounted temporary signs attached flush to the face of the building:

(i) shall not have a maximum height, provided that no sign shall extend beyond the roofline of the building; and

(ii) in aggregate (i.e. the total of all building-mounted temporary signs) shall not cover more than 20% of the building's facade.

(c) Window signs. Temporary signs placed on the inside of windows shall, in aggregate, not exceed 50% of the area of the window on which they are displayed.

(d) The size requirements of this section shall not apply to a flag(s) placed on a permanent flagpole or bracket.

(6) Temporary signs for properties actively for sale or lease. One (1) temporary sign displaying a commercial message that does not exceed eight (8) square feet in size can be placed on the property or attached to the dwelling unit when the property is actively for sale or lease.

18.55.160 Temporary signs—Mixed-use development properties.

(1) Residential uses. Residential uses on mixed-use development properties shall be subject to the temporary sign regulations pursuant to CMC 18.55.150.

(2) Commercial uses. Commercial uses on mixed-use development properties shall be subject to the temporary sign regulations pursuant to CMC 18.55.180.

(3) Institutional uses. Institutional uses on mixed-use development properties shall be subject to the temporary sign regulations pursuant to CMC 18.55.170.

18.55.170 Temporary signs—Institutional properties.

Except as otherwise provided for in this chapter, temporary signs on institutional properties are allowed pursuant to the following regulations:

(1) Non-commercial. All temporary signs on institutional properties shall display only non-commercial copy.

(2) Sign types; construction; materials. There is no restriction on the type of temporary sign (i.e. the sign construction or materials used) allowed on institutional properties, if all other regulations and provisions of this chapter are met.

(3) Quantity.

(a) Banners. One (1) temporary banner sign is allowed per each 500 feet of street frontage, not to exceed four (4) banners per property. Temporary banners may be placed on fences on the property.

(b) All other temporary signs. There is no restriction on the number of all other temporary signs allowed on institutional properties.

(4) Size.

(a) Banners. Banners shall not be greater than five (5) feet in height, unless attached to the face of the primary structure on the property, in which case there is no maximum height restriction so long as the banner does not extend above the roofline of the building. Any banner shall not be larger than a total of 32 square feet in size.

(b) All other temporary signs displayed on an institutional property shall each not be greater than three (3) feet in height and shall not be greater than six (6) square feet in size.

(c) Window signs. Temporary signs placed on windows shall, in aggregate, not exceed 50% of the area of the window on which they are displayed.

(d) The size requirements of this section shall not apply to a flag(s) placed on a permanent flagpole or bracket.

18.55.180 Temporary signs—Commercial properties.

Except as otherwise provided for in this chapter, all temporary signs placed on commercial properties shall conform to the following provisions:

(1) Permit Required. Only temporary banner signs placed on commercial properties require a permit issued by the City pursuant to CMC 18.55.070.

(2) Commercial and non-commercial signs. Temporary signs on commercial properties may be commercial or non-commercial in their messaging.

(3) Features. No temporary sign on a commercial property may have direct or internal illumination, changing image sign features, or electronic elements.

(4) Banners. Temporary banner signs on commercial properties shall be limited to the following:

(a) Quantity.

(i) One (1) temporary banner sign is allowed per tenant space on the property.

(ii) The property owner (or landlord), if not also a tenant, may be allowed one (1) temporary banner sign.

(b) Size. The maximum size of a banner shall be 32 square feet.

(c) Placement. A banner shall be attached to the face of the building and may not extend above the roofline.

(d) Duration. Each tenant space, or the property owner pursuant to subsection (4)(a)(ii) above, shall be allowed to display a temporary banner for no more than a total of 120 days in a calendar year.

(5) Portable signs.

(a) Quantity. One (1) temporary portable sign is allowed per tenant space on the property.

(b) Size. The sign shall be no more than 12 square feet in size, with no single sign face larger than six (6) square feet. No portable sign face shall be greater than four (4) feet in height.

(c) Placement. Portable signs must be placed entirely on private property.

(d) Duration. Portable signs may be placed from sunrise to sunset, 365 days a year.

(6) Window signs. Temporary signs placed on the inside of windows shall, in aggregate, not exceed 50% of the area of the window on which they are displayed.

(7) Temporary freestanding sign. Where a commercial property, either in whole or in part, is actively listed for sale or lease, one (1) additional temporary freestanding sign for each street frontage on the site is allowed pursuant to the following:

(a) The sign shall be no more than 32 square feet in area. Temporary freestanding signs may have an additional face up to 32 square feet in size if the angle between the sign faces is less than 90 degrees. The sign shall not exceed seven (7) feet in height;

(b) The sign must be placed totally on private property; and

(c) The sign must be immediately removed upon the termination or closing of a sale or lease of any listed property or tenant space.

18.55.190 Temporary signs—ROW and public spaces.

(1) Right-of-way. Except as prohibited pursuant to CMC 18.55.050, temporary signs may be placed in the right-of-way if they meet all the following standards:

(a) Non-Commercial Copy. All temporary non-commercial copy signs in public right-of-way shall abide by subsections (c) through (i) of this section, and shall not be limited in quantity or duration:

(b) Commercial Copy. All temporary commercial copy signs in public right-of-way shall abide by subsections (c) through (i) of this section, and shall:

(i) Be limited in quantity to no more than six signs per open house, business, or event at any time;

(ii) Be limited for display from sunrise to sunset and only when an owner, agent, or employee is on-site and the open house, business, or event location is open to the public;

(iii) Be allowed to be displayed up to seven (7) days per week;

(iv) Require a temporary sign permit. The temporary sign permit for temporary commercial signs displayed in public ROW shall be valid for 365 days from the date of sign issuance.

(c) Only temporary lawn and portable signs are allowed;

(d) The sign shall not be placed in medians, traffic islands, roundabouts, or other areas within the roadway;

(e) The sign shall not be placed on a sidewalk or obstruct pedestrian or wheelchair access to the sidewalk;

(f) The sign shall not be placed in parking spaces or identified pedestrian or bicycle routes;

(g) The sign shall be placed entirely outside of the sight-distance-triangle of a right-of-way corner, curb-cut, or drive entrance pursuant to the City's Design and Construction Standards adopted under Chapter 12.60 CMC. Where no curb exists, the sign must be placed outside the roadway at least five (5) feet from the edge of the roadway.

(h) The sign shall be no larger than 12 square feet in size, with no single sign face larger than six (6) square feet in size, and no portion of the sign shall exceed three (3) feet in height; and

(i) The sign shall remain portable and may not be attached or anchored in any way to trees or to public property including, but not limited to, utility or light poles, utility boxes, street signs, parking meters, fences, or pavement.

(2) Street pole banners and string lights. Temporary banner signs and string lights may be placed on public right-of-way if they meet all the following standards:

(a) Banners across public right-of-way. All temporary banner signs located over public right-of-way shall:

(i) Only be allowed across SE 272nd Street on permanent sign poles designed specifically to display banners;

(ii) Display non-commercial copy only;

(b) Banners placed on street light poles. All temporary banner signs displayed on street light poles in public right-of-way shall:

(i) Only be allowed in the (TC) Town Center, (MC) Mixed Commercial, (GC) General Commercial, (MHO) Mixed Housing/Office (MHO), and RCMU (Regional Commercial Mixed Use) zoning districts;

(ii) Only be attached to street light poles with brackets designed for the display of signs;

(iii) Display non-commercial copy only;

(iv) Require a temporary sign permit;

(v) Be limited in duration to 365 days per permit;

(vi) Be limited in quantity to 75 banners per applicant;

(vii) Only be installed and maintained by city staff or the street light pole owner, with all installation, maintenance, and removal costs paid by the applicant;

(c) String lights on street trees: All temporary string lights placed in public right-of-way shall:

(i) Only be placed on street trees that have an electrical outlet at the base of the tree. Electrical cords or string lights shall not cross any roadway, sidewalk, planter strip, or undeveloped right-of-way, and shall not be strung from tree to tree or from a tree to any structure or private property;

(ii) Shall not flash or blink;

(iii) Shall be outdoor rated string lights only;

(iv) Shall only be allowed with the approval of the adjacent property owner;

(v) Shall require a Right-of-Way Use permit if placement or removal of the string lights will affect street traffic;

(3) Public spaces. Temporary signs shall not be placed in any public park, trail, open space, or other public space, except for those signs placed by the City, which signs shall only display non-commercial copy.

18.55.200 Temporary signs—Other properties.

Properties with primary uses other than those regulated under CMC 18.55.150 (Residential properties), 18.55.170 (Institutional properties); 18.55.180 (Commercial properties), or 18.55.190 (ROW) shall be subject to the temporary sign regulations in CMC 18.55.180 (Commercial properties).

ARTICLE IV: PERMANENT SIGNS—REGULATIONS

18.55.210 Permanent signs—Structural components.
18.55.220 Permanent signs—Placement.
18.55.230 Permanent signs—Design criteria.
18.55.240 Permanent signs—Residential properties.
18.55.250 Permanent signs—Nonresidential properties—Freestanding signs.
18.55.260 Permanent signs—Nonresidential properties—Building-mounted signs.

18.55.205 Permanent signs—Applicability of regulations.
Sections 18.55.210 to 18.55.230 of this chapter shall apply to all permanent signs within the City.

18.55.210 Permanent signs—Structural components.
To the maximum extent possible, signs should be constructed and installed so that angle irons, guy wires, braces, and other structural elements are not visible. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.

18.55.220 Permanent signs—Placement.
(1) Obstructing and hazardous placement prohibited. No sign shall be so located to physically obstruct any door or exit from a building. No sign shall be located to be hazardous to a motorist's or pedestrian's ingress and egress from buildings or parking areas.

(2) Sight distance. All signs are subject to the current City of Covington Design and Construction Standards regarding sight distances, pursuant to CMC 12.60, as amended, and CMC 18.30.240 – Sight Distance Requirements. No sign shall obstruct the vision of motorists to create a safety hazard.

(3) Sign Setback Requirements. The required setback from the property lines for all signs shall be not less than five (5) feet from the property line in residential zones and not less than three (3) feet from the property line in all other zones. Kiosk freestanding signs with commercial copy shall be setback 50 feet from all property lines. The distance between a sign and a property line shall be measured along a straight line representing the shortest distance between the sign and the property line.

18.55.230 Permanent signs—Design criteria.
(1) Sign Base. The base of the sign must be constructed with brick, stucco, stonework, textured wood, tile, or textured concrete, or materials that are similar with the character of the primary structures on the property and subject to the Director's approval. No visible gap shall be allowed between the sign base and the finished grade.

(2) Sign Face. The color, shape, material, and other architectural details of the sign face and all visible sides of the sign shall be consistent with the character of the primary structure or development.

(3) Landscaping around freestanding signs. To improve overall appearance of the sign and to reduce the risk of motor vehicles hitting the sign or supports of the sign, an area adjacent to the base of each freestanding sign must be landscaped equal to the sign area; provided, however, that the City will not require more than 200 square feet of landscaped area. This landscaping must include vegetation and may include other materials and components such as brick or concrete bases as evidenced in plazas, patios and other pedestrian areas, planter boxes, pole covers, or decorative framing.

(4) Illumination. No sign may contain or utilize any of the following (does not apply to neon signage):

(a) Any exposed incandescent lamp with a wattage more than 25 watts.

(b) Any exposed incandescent lamp with an internal or external reflector.

(c) Any continuous or sequential flashing device or operation.

(d) Except for electronic changeable copy signs, any incandescent lamp inside an internally lighted sign.

(e) External light sources directed towards or shining on vehicular or pedestrian traffic or on a street.

(f) Internally lighted signs using 800-milliamp or larger ballasts if the lamps are spaced closer than 12 inches on center.

(g) Internally lighted signs using 425-milliamp or larger ballasts if the lamps are spaced closer than six (6) inches on center.

(5) Design compatibility. Where more than one (1) sign is allowed for a property, all signs for that property shall be compatible in design, style, color, and method of illumination.

18.55.240 Permanent signs—Residential properties.

(1) Generally. No sign permit shall be issued for any permanent sign on a residential property unless such sign complies with the sign type, maximum number, maximum sign area, maximum height, location, duration, and all other allowances and limitations for those uses as required by this chapter.

(2) Residential developments. Residential subdivision, short plat, and manufactured home park developments are allowed signs pursuant to the following:

(a) Two monument signs only are allowed per development entrance from a public right-of-way by which the subdivision gains entrance;

(b) No sign shall exceed five (5) feet in height and no sign face shall exceed 32 square feet in size;

(c) Any sign shall be contained in a tract specifically created for a sign;

(d) Internal illumination is not allowed;

(e) The area around the sign shall contain a minimum of 100 square feet of landscaped area.

(f) Only non-commercial copy is allowed.

(3) Properties issued a business license. On residential properties for which the City has issued a valid City business license for a home occupation or home industry, one (1) permanent sign is allowed pursuant to the following:

(a) The sign must be a wall sign placed on the façade of the primary structure; the sign may be of a commercial or non-commercial nature.

(b) The maximum sign size shall not be greater than four (4) square feet in size.

(c) Where a sign placed on the building's façade cannot be seen from a public street due to the distance the building is setback from the street, the Director may approve an alternative sign size, type, or location.

(d) The sign shall not cover or obscure important architectural details of a building, such as stair railings, windows, doors, decorative louvers, or similar elements, intended to be decorative features of a building design.

(e) The sign must appear to be a secondary feature of the building façade.

(f) The sign shall not project above the roofline of the exposed building face to which it is attached.

(g) The sign shall be installed to appear flush-mounted.

(h) Illumination is not allowed.

18.55.250 Permanent signs—Nonresidential properties—Freestanding signs.

All nonresidential properties shall be designated as either qualifying for a high-profile, medium-profile, or low-profile freestanding sign based upon the following criteria:

(1) Freestanding signs—High-profile.

(a) A commercial property meeting all the following criteria is allowed a high-profile freestanding sign:

(i) A zoning designation of GC (General Commercial) or MC (Mixed Commercial);

(ii) A minimum of 250 feet of frontage on one public right-of-way;

(iii) Multi-tenant complex; and

(iv) A minimum site of 15 acres.

(b) Sign Types. A freestanding high-profile sign may be a pedestal sign, monument sign, or kiosk sign.

(c) Sign Features. A freestanding high-profile sign may be an electric sign, illuminated sign, neon sign, electronic changeable copy sign, or changeable copy sign.

(d) Sign Height. Pedestal or monument signs shall not exceed 12 feet in height. Kiosk signs shall not exceed seven (7) feet in height.

(e) Sign Area. Pedestal or monument signs shall not be larger than 160 square feet for the total of all sign faces, with no one face exceeding 80 square feet. Kiosk signs shall not be larger than 60 square feet per sign, with no one sign face exceeding 30 square feet.

(f) Number of Signs. A property qualifying for a freestanding high-profile sign may have the following maximum number of signs:

(i) Pedestal or monument signs: one per street frontage. In addition, two monument signs are allowed per entrance from a public right-of-way, not to exceed five feet in height and 40 square feet in size per sign; and

(ii) Kiosk signs: one for 15 or fewer tenant spaces. An additional kiosk sign is allowed for every additional 15 tenant spaces.

(2) Freestanding signs—Medium-profile.

(a) Criteria. Except as provided for in CMC 18.55.250, commercial, mixed use development, and multi-family complex uses in the GC (General Commercial) or MC (Mixed Commercial) zoned properties that do not qualify for a freestanding high-profile sign pursuant to Subsection (1) of this section or is zoned I (Industrial), MHO (Mixed Housing/Office), TC (Town Center), or RCMU (Regional Commercial Mixed Use) is allowed a medium-profile freestanding sign.

(b) Sign Type. A freestanding medium-profile sign may be a pedestal sign, monument sign, or kiosk sign:

(c) Sign Features. A freestanding medium-profile sign may be an electric sign, illuminated sign, neon sign, electronic changeable copy sign, or changeable copy sign.

(d) Sign Height. Pedestal or monument signs shall not exceed 12 feet in height for a public street frontage more than 200 feet in length. Pedestal or monument signs shall not exceed eight (8) feet in height for a public street frontage less than 200 feet in length. Kiosk signs shall not exceed seven (7) feet in height.

(e) Sign Area.

(i) For signs with public right-of-way frontage more than 200 feet in length, the maximum sign area is 128 square feet for the total of all sign faces on each permitted sign, with no one sign face exceeding 64 square feet.

(ii) For signs with public right-of-way frontage 200 feet or less in length, a sign area of 100 square feet for the total of all sign faces on each permitted sign with no one sign face exceeding 50 square feet.

(iii) Kiosk signs. 60 square feet per sign with no one sign face exceeding 30 square feet.

(f) Number of Signs. A property qualifying for a freestanding medium-profile sign may have the following maximum number of signs:

(i) Pedestal or monument sign: one (1) per street frontage. In addition, two monument signs are allowed per entrance from a public right-of-way, not to exceed five feet in height and 40 square feet in size per sign; and

(ii) Kiosk sign: one sign for up to 15 tenant spaces. An additional kiosk sign is allowed for every additional 15 tenant spaces.

(3) Freestanding signs—Low-profile.

(a) Criteria. A property located in the NC (Neighborhood Commercial) or CC (Community Commercial) zones, and commercial, institutional, mixed-use development, and multi-family

complex uses located in the residential zones are allowed low-profile freestanding signs.

(b) Sign Type. A freestanding low-profile sign may be a pedestal or monument sign.

(c) Sign Features. Any freestanding low-profile sign may be an electric sign, an illuminated sign, and/or a neon sign.

(d) Sign Height. A freestanding low-profile sign shall not exceed eight (8) feet in height.

(e) Sign Area. A freestanding low-profile sign shall not exceed 100 square feet per sign with no sign face exceeding 50 square feet.

(f) Number of Signs. A property qualifying for a freestanding low-profile sign may have the one per street frontage. In addition, two monument signs are allowed per entrance from a public right-of-way, not to exceed five (5) feet in height and 40 square feet in size.

(4) Freestanding signs – Drive-up window use.

(a) Criteria. A property with a drive-up window use shall be allowed freestanding signs in addition to subsections (1), (2), and (3) of this section.

(b) Sign Type. A sign associated with a drive-up window use may be a pedestal or monument sign.

(c) Sign Features. Any sign associated with a drive-up window use may be an electric or illuminated sign.

(d) Sign Height. Any sign associated with a drive-up window shall not exceed six (6) feet in height.

(e) Sign Area. Any sign associated with a drive-up window shall not exceed 40 square feet in size.

(f) Number of Signs. A drive-up window use may have two (2) signs per stacking lane.

(g) Screening. All signs associated with a drive-up window use shall be fully obscured from view from a public right-of-way with a vegetative screen, fence, building, or other methods, as approved by the Director.

(5) Freestanding signs - Athletic field uses.

(a) Criteria: An institutional property that has an athletic field may have a freestanding sign in addition to subsections (1), (2), and (3) of this section as follows:

(b) Sign type. A sign associated with an athletic field may be a pedestal or monument sign.

(c) Sign Features. A property qualifying for a sign associated with an athletic field:

(i) Can be an electric sign, illuminated sign, electronic changeable copy sign, or changeable copy sign;

(ii) Shall not contain commercial copy.

(d) Number of signs. One (1) sign is allowed per athletic field.

(e) Sign Height. Any sign associated with an athletic field shall not exceed 20 feet in height.

(f) Sign Area. Any sign associated with an athletic field shall not exceed 200 square feet in size.

(g) Sign location. A property qualifying for a sign associated with an athletic field:

(i) Shall not be located within 50 feet of a property line;

(ii) Shall not face a public ROW or a residential property; and

(iii) Shall have a vegetative screen along the backside of the sign.

(6) Combined sign package for adjacent property owners. The owners of two or more properties that abut or are separated only by a vehicular access easement or tract may propose a combined sign package through a Comprehensive Sign Program submittal to the City. The City will review and decide upon a combined sign package by reviewing the proposal as if the combined parcels were one development. The City may approve the combined sign package if it will provide more coordinated, effective, and efficient signs. The allowable sign area, sign type, sign height, and the number of signs will be determined as if the applicants were one multi-tenant complex.

18.55.260 Permanent signs—Nonresidential properties—Building-mounted signs.
All nonresidential properties shall be allowed permanent building-mounted signs pursuant to the following criteria:

(1) Sign Types. The following may be building-mounted signs and are allowed in all nonresidential zoning districts:

(a) Awning or canopy signs;

(b) Changeable copy signs;

(c) Electronic changeable copy signs;

(d) Marquee signs;

(e) Window signs;

(f) Projecting signs; and

(g) Wall-mounted signs.

(2) Sign Features. Any building-mounted sign may be an electric sign, an illuminated sign, and/or a neon sign.

(3) Sign Height. No sign shall project above the roofline of the exposed building face to which it is attached.

(4) Sign Area. Except as otherwise provided for in this section, the total sign area of building-mounted signs for each business or tenant, excluding under canopy signs, shall not exceed 15 percent of

the exposed building face to which it is attached; provided, however, that no individual sign shall exceed a sign area of 240 square feet and every applicant is entitled to a minimum sign area of 30 square feet.

(5) Number of Signs.

(a) The number of building-mounted signs allowed each user is dependent upon the surface area of the largest single exposed building face of the building as follows:

Largest Exposed Building Face	Maximum Number of Signs
Less than 999 square feet	2
1,000 – 2,999 square feet	3
3,000 – 3,999 square feet	4
4,000 and over square feet	5

(b) Primary users with more than one business (i.e., a grocery store with a banking facility, cleaner, etc.), which must obtain a business license and without a separate entrance, are allowed one sign for each different business in addition to the number allowed above. The area of such additional signage must not exceed 15 percent of the exterior wall of the separate business.

(c) An applicant is not allowed to transfer sign area calculated pursuant to this section from one building face to another but can move allotted signs from one building face to another.

(d) Each business or use may be allowed a sign underneath a canopy in addition to the other allowed building-mounted signs subject to the size and separation requirements set forth in CMC Title 18.

(6) Window signs.

(a) Permanent window signs shall, in aggregate, not exceed 30% of the area of the window on which they are displayed.

(b) A permit is not required for the display of permanent window signs.

EXHIBIT B

Chapter 18.20 – Definitions

18.20.1085 Sign. (Definition Replacement)

"Sign" means any device, structure, fixture, or placard that uses graphics, symbols, or written copy and is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes.

The following definitions are to be repealed as they are not used/referenced in code or have been added to CMC 18.55.

18.20.1090 Sign, awning.

18.20.1095 Sign, changing message center.

18.20.1100 Sign, community bulletin board.

18.20.1105 Sign, directional.

18.20.1110 Sign, freestanding.

18.20.1115 Sign, fuel price.

18.20.1120 Sign, incidental.

18.20.1125 Sign, indirectly illuminated.

18.20.1130 Sign, monument.

18.20.1135 Sign, off-premises directional.

18.20.1140 Sign, on-premises.

18.20.1145 Sign, permanent residential development identification.

18.20.1150 Sign, portable.

18.20.1155 Sign, projecting.

18.20.1160 Sign, time and temperature.

18.20.1165 Sign, wall.

Chapter 18.31.140 - Sign requirements

Repeal CMC 18.31.140 as sign regulations for the Town Center are now incorporated in CMC 18.55.

~~18.31.140 Sign requirements.~~

~~(1) The requirements of Chapter 18.55 CMC shall apply in the downtown zone, except as provided in this section. Where sign regulations in this section conflict with sign regulations in Chapter 18.55 CMC, the sign regulations in this section shall control.~~

~~(2) Special Requirements for the Town Center District.~~

~~(a) Freestanding signs are prohibited on Type I streets. Freestanding signs shall be placed a minimum of 100 feet from the Type I streets.~~

~~(b) Signs shall be building-mounted.~~

~~(c) Freestanding signs (where allowed) shall be located a minimum of 300 feet from other multi-tenant freestanding signs located on the same side of the public right-of-way.~~

~~(d) Tenant directory signs shall be located internal to the site and oriented towards drive aisles and/or sidewalks/walkways, not the public right-of-way.~~

~~(e) No sign shall project above the roofline of the exposed building face to which it is attached.~~

~~(f) Freestanding signs shall not exceed a height of eight feet and a total area of 120 square feet, with no one sign face exceeding 60 square feet.~~

~~(g) Window signs shall not exceed 20 percent of the total window area of any facade.~~

~~(h) Freestanding secondary entrance signs shall not exceed a height of six feet and a total area of 120 square feet per entrance.~~

~~(3) In the town center district, the total sign area of building-mounted signs for each business or tenant, excluding under canopy blade signs, shall not exceed 10 percent of the exposed building face to which it is attached. No individual sign shall exceed 200 square feet, and every applicant is entitled to a minimum sign area of 30 square feet.~~

~~(4) Maximum Number of Signs in Town Center District.~~

~~(a) Two building-mounted signs per business or tenant.~~

~~(b) No more than one freestanding sign shall be allowed along the street frontage of any property.~~

~~(c) Where a property has a secondary entrance from a parking lot or public right-of-way, it is allowed to have one building-mounted or freestanding sign.~~

~~(5) Additional Sign Requirements Referenced in This Title.~~

~~(a) Chapter 18.55 CMC for other applicable standards.~~

~~(6) Refer to the City of Covington Downtown Design Guidelines and Standards Section B(3) for additional sign design requirements.~~

EXHIBIT B

18.110.030 Complete application.

18.110.030(9)(b)(x) ~~Master sign plan~~ Comprehensive sign plan in accordance with section 18.55.080-Comprehensive Sign Program showing the approximate size, height, location, color, material, etc., of all existing/proposed signs.