ORDINANCE NO. 17--2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, RELATING TO TEMPORARY AND PERMANENT SIGNS; CONTINUING INTERIM ZONING REGULATIONS FOR TEMPORARY AND PERMANENT SIGNS; ADMINISTRATION, PERMITTING, AND ENFORCEMENT IN THE COVINGTON MUNICIPAL CODE (CMC) CHAPTER 18.55; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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, the planning commission and city council have discussed the issue of revising the city's existing sign code provisions to meet the guidelines of *Reed v. Town of Gilbert*; and

WHEREAS, city staff has held several study sessions with the city council to develop goals, objectives, and purpose of new sign regulations, which is an important step required by the Supreme Court decision to lay the framework for content neutral signs; and

WHEREAS, city staff has also held several discussions and work sessions with both the city council and planning commission to review progress on the proposed sign code revisions to CMC Title 18.55; and

WHEREAS, city staff and the planning commission held several study sessions and a public open house with stakeholders and the real estate community concerning temporary signs in June, July and August 2017, and discussed a variety of approaches to handle regulation of temporary signs; and

WHEREAS, interim sign code regulations have been in place for six months, and the city desires to continue the interim regulations to allow for additional research and drafting of final sign regulations governing both temporary and permanent signs in the City of Covington before holding a final public hearing on such permanent sign regulations; and

WHEREAS, the city deems it in the public interest to continue interim zoning regulations for a period of six months to investigate this issue further, draft final regulations, and hold a formal public hearing to obtain public input and comment; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the city to adopt interim land use regulations and official controls, and the Covington City Council deems it to be in the public interest to adopt the regulations set forth in this ordinance under this authority; and

WHEREAS, the interim zoning regulations were adopted in November 2016, and extended an additional six months on May 9, 2017, expiring on November 9, 2017; and

WHEREAS, city staff desires to extend the interim regulations for temporary and permanent signs an additional six months until May 9, 2018; and

WHEREAS, a public hearing was held on the regulations set forth in this ordinance on October 24, 2017, and the council has weighed the testimony received; and

WHEREAS, during the six months after the continuation of the interim zoning regulations, city staff and the planning commission will conduct further research and public outreach and a hold a formal public hearing on the proposed permanent sign code regulations and make a final recommendation to the city council for adoption based upon public outreach, public hearing, and public comments; 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 35A.63.220 and RCW 36.70A.390, which require the city council to adopt findings of fact justifying the adoption of interim zoning regulations, the "WHEREAS" clauses set forth above are hereby adopted as the city council's findings of fact in support of continuing the interim zoning regulations imposed by this ordinance. The city council may adopt additional findings if additional evidence is presented to the council.

Section 2. Interim Regulations Established. Notwithstanding the existing provisions of the Covington Municipal Code, the city hereby continues the following interim zoning regulations for both temporary and permanent signs, as defined herein, and are the sole means of establishing temporary and permanent signs within the city as provided in Exhibit A.

Section 3. Work Plan. City staff is hereby directed to implement a reasonable work plan to continue to conduct research on sign regulations drafted by other cities in the state, to draft final permanent sign code regulations, hold the required public hearing before the planning commission, and make a final recommendation to the city council. Staff is directed to review existing laws and regulations applicable to temporary and permanent signs and to monitor federal and state court cases related to *Reed v. Town of Gilbert*. Staff is also encouraged to review and consider the experiences of other jurisdictions dealing with similar sign code regulations.

Section 4. 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 5. 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 6. 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 7. Effective Date. This ordinance shall be in full effect on November 9, 2017, 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 24th day of October, 2017.

Mayor Jeff Wagner

EFFECTIVE: November 9, 2017
PUBLISHED: October 27, 2017

ATTESTED:

Sharon Scott, City Clerk

APPROVED AS TO FORM:

Kathy Hardy, City Attorney

ORDINANCE NO. 17-2017

EXHIBIT A

PROPOSED INTERIM SIGN CODE v.5

CHAPTER 18.55
SIGNS

PART 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 the 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 the community. Because the City relies upon its physical setting and beauty to attract commerce, aesthetic considerations assume economic value. It is the intent of the City, through this chapter, to protect and enhance both the City's residential character and its economic base through the provision of appropriate and aesthetic signage. In addition, it is the intent of the City to limit the size, type, and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety.

(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. This chapter has also been adopted to:

(a) Promote and accomplish the goals, policies, and objectives of the City's comprehensive plan and Zoning Code, and the city council's vision, mission, and goals statement;

(b) Provide minimum standards in order 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 of and visitors to the City;

(j) Adopt clear, understandable regulations which 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 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, in particular, recognize the needs of all businesses to identify their premises and advertise their products and services;

(m) Recognize that the aesthetic value of the total environment affects economic values and that an unrestricted proliferation of signs can and does detract from the economic value of the community; and

(n) Prohibit the use of billboard signs by recognizing that billboards affect the aesthetic value of the community, thereby reducing property values, and impact traffic safety because of the distraction that is created by large signage along public rights-of-way.

18.55.020 Applicability and exclusions.

(1) Applicability. This chapter applies to all signs within the jurisdictional limits of the City that are visible from any right-of-way or public place, 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 place, 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 thirty-two square feet (32 sq. ft.) in area or is painted directly on pavement. Such signs include, but are not limited to, building addresses, development review or construction review public notices, and commercial parking facility posting.

(d) Signs installed by the 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 in carrying out its responsibility to protect the public health, safety, and general welfare.

(e) Any sign on a vehicle, unless such vehicle is regularly parked in any prominently visible location from 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.

18.55.030 Interpretation.

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

(b) Any classification of signs in this chapter which purports to permit speech because of the type of sign or identity of the sign user, or otherwise, shall be interpreted to allow either commercial or non-commercial speech on the sign.

(c) No part of this chapter shall be construed to favor commercial speech over non-commercial 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:

(1) "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 one hundred and eighty (180) or more consecutive days.

(2) "Administrator" means the City Manager or his/her designee.

(3) "Animated sign" means any sign, or any portion of the sign, affected by the movement of air or other atmospheric or mechanical means, or 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, pennants, streamers, balloons, search lights, spinners, and propellers. Changeable copy signs and electronic changeable copy signs are not considered animated signs for the purposes of this chapter.

(4) "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.

(5) "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.

(6) "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.

(7) "Canopy sign." See "awning or canopy sign."

(8) "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 twenty-four (24) hour period shall be considered an electronic changeable copy sign, and not a changeable copy sign, for the purposes of this chapter.

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

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

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

(12) "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 ridge of a pitched roof above it (e.g. top of parapet, etc.). 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 ridge or top of parapet that is shown on the elevation drawing submitted with the required drawings for a building permit.

(13) "Facade" means the entire building face, including the parapet.

(14) "Flag" means any piece of cloth of individual size, color, and design, hoisted on a pole permanent 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 flag is classified and regulated as a banner, regardless of how it is anchored or supported.

(15) "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.

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

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

(18) "Frontage, property" means the length of the property line along the public right-of-way on which it borders.

(19) "Graffiti" means an inscription of symbols, works, or pictures by painting, spray painting, or other means of defacing public or private property.

(20) "Government sign" means any temporary or permanent sign erected and maintained by the City or any special purpose district, school district, county, state, or federal government or agency, including, without limitation, traffic signs, directional signs, warning signs, informational signs, and signs displaying

a public service message.

(21) "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.

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

(23) "Inflatable sign" means any object enlarged or inflated which 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 graphic. 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.

(24) "Kiosk" means a freestanding sign, which may have a round shape or which may have two (2) or more faces.

(25) "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 anchor.

(26) "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.

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

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

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

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

(31) "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 of establishment and no longer conforms to the rules and regulations of this chapter.

(32) "Person" means any individual, corporation, association, firm, partnership, or other legal entity.

(33) "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 fifty percent (50%) of the sign width.

(34) "Pole or pylon signs" means freestanding signs supported permanently upon the ground by poles or braces and not attached to any building.

(35) "Portable sign" means a sign that is not permanently affixed and 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, and similar signs.

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

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

(38) "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.

(39) "Roadway" means the portion of a street that is improved for motor vehicular 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.

(40) "Roof sign" means any sign erected above the eaves or on the roof of a building or structure.

(41) "Rotating sign" means a sign that revolves on a fixed axis.

(42) "Sign" means any medium, including structural and component parts, that is used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. The scope of the term 'sign' does not depend on the content of the message or image conveyed.

(43) "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 is without added decoration or change in the canopy, awning, or wall shall have a sign area calculated by measuring the

perimeter enclosing separate copy and totaling the square footage of all such perimeters included as part of the sign.

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

(45) "Temporary sign" means a sign placed on a structure or the ground for a specifically limited period of time as provided in CMC 18.55.140 – 200.

(46) "Tenant space" means a portion of a structure occupied by a single commercial lease holder 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.

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

(48) "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 twenty-four (24) inches from the wall of a building.

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

PART II: ADMINISTRATION

18.55.050 Prohibited signs.
18.55.060 Sign permits—Exemptions.
18.55.070 Sign permits—Temporary signs on commercial properties.
18.55.080 Reserved.
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) Flashing signs. Any flashing sign as defined in CMC 18.55.040, except as permitted under CMC 18.55.140 - .200.

(3) Inflatable signs. Any inflatable sign as defined in CMC 18.55.040, except as permitted under CMC 18.55.140 - .200.

(4) Rotating signs. Any rotating sign as defined in CMC 18.55.040, except as permitted under CMC 18.55.140 - .200.

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

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

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

(8) Permanent signs on vacant lots. No permanent sign shall be located on a vacant lot, parcel, or easement. No permanent sign shall be located on a lot, parcel, or easement as the principal use of that lot, parcel, or easement. Signs may only be established as an accessory use to a principally permitted use.

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

(10) Abandoned signs. Abandoned signs as defined by CMC 18.55.040.

(11) Certain locations within ROW and public property. Signs on or within medians, roundabouts, utility poles, lampposts, traffic poles and signals, and street trees in the right-of-way or on or within other public property or structures, except as allowed pursuant to CMC 18.55.190.

(12) Certain parked vehicles. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signs not otherwise allowed by this chapter.

(13) Signs without 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.

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 CMC 18.55.070.

(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 on commercial properties.

(1) Permit Required. No person shall erect, alter, or relocate any temporary sign allowed on a commercial property without first receiving an approved temporary sign permit from the City pursuant to the requirements herein.

(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 Reserved.

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~~II land use decision that shall be processed 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, 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 one hundred and twenty (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 one hundred and eighty days (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 which 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 (2) 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 of the following criteria have been met:

(a) The request for a sign variance is due to unusual conditions pertaining to sign visibility needs for a specific building or lot; and

(b) The sign will not create a hazard; and

(c) 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

(d) The sign will not negatively affect adjacent property; and

(e) 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

(f) The proposed variance is consistent with the purposes and intent of the Zoning Code and the purposes of this chapter; and

(g) The variance is consistent with the City's comprehensive plan; and

(h) 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

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

(j) 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.

(6) Notice of Final Decision. The Director shall issue a Notice of Decision incorporating the decision on the variance application not more than one hundred and twenty (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 one hundred and eighty (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 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 one hundred and eighty (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 summary removal by the City.

(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 which do not conform to the provisions of this chapter but which were constructed, erected, or maintained in full compliance with previous regulations will be regarded as legal and nonconforming.

(2) Compliance Required. Signs in existence on the effective date of the ordinance codified in this chapter that do not comply with provisions regulating any signs 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 fifty percent (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 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 site review 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, as a consequence, 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) Bond. The City may require a bond 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 offense.

(c) Whenever the City has determined that a violation of this chapter has occurred or is occurring, the City shall remedy said violation as follows:

(i) The first violation of this chapter within a 12-month period shall be a civil infraction punishable by a monetary penalty in the amount of $100.00, not including statutory assessments;

(ii) The second violation of this chapter within a 12-month period shall be a civil infraction punishable by a monetary penalty in the amount of $200.00, not including statutory

assessments;

(iii) The third or any successive violation of this chapter within a 12-month period shall be a misdemeanor, punishable by up to a $1,000 fine and/or imprisonment for up to ninety (90) days.

(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 owner of said sign 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 the 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 shall be jointly and severally liable for violations of and penalties imposed pursuant to this chapter.

PART 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 extend into the right-of-way by this chapter.

(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) Features.

(a) 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.

(b) Audio. Sound generated by any temporary sign shall be regulated and enforced pursuant to the City's noise control provisions under Chapter 8.20 CMC.

(4) Prohibited placement. In addition to the limitations on the placement of temporary signs within the public right-of-way pursuant to CMC 18.55.180, except as otherwise provided for in this chapter, temporary signs are prohibited from being located 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.

(f) Temporary signs shall not be placed within the required setback area from the property line, which shall be not less than five feet (5 ft.) from the property line in residential zones and not less than three feet (3 ft.) from the property line in all other zones. 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.

18.55.150 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.

(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) Size.

(a) Temporary freestanding signs. No temporary freestanding sign shall be greater than twelve (12) square feet in size, with no sign face exceeding six (6) square feet.

(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 twenty percent (20%) of the building's facade.

(c) Window signs. Temporary signs placed on the inside of windows shall, in aggregate, not exceed fifty percent (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.

(5) Temporary signs in parking strip. Temporary signs may be placed in the parking strip or landscaped or unimproved right-of-way directly adjacent to a residential property pursuant to the following:

(a) No more than three (3) temporary signs are allowed. For residential properties actively for sale or lease, one (1) of the three (3) temporary signs may be a commercial sign;

(b) No temporary sign may be greater than four feet (4 ft.) in height; and

(c) The approval of the property owner of said adjacent property must be given.

18.55.160 Temporary signs—Mixed use properties.

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

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

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 five hundred feet (500 ft.) 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 feet (5 ft.) 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 thirty-two square feet (32 sq. ft.) in size.

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

(c) Window signs. Temporary signs placed on windows shall, in aggregate, not exceed fifty percent (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. All temporary signs placed on commercial properties must be permitted 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.

(a) No temporary sign on a commercial property may have direct or internal illumination.

(b) Changing image sign features and electronic elements are prohibited.

(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 thirty-two square feet (32 sq. ft.).

(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 one hundred and twenty (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 eight square feet (8 sq. ft.) in size. Only one side of a portable sign will be counted. No single sign face shall be greater than four feet (4 ft.) in height.

(c) Placement. Portable signs must be placed entirely on private property and directly adjacent to the tenant space for which the portable sign permit was issued.

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

(6) Window signs.

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

(b) A permit is not required for temporary interior window signs.

(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 thirty-two square feet (32 sq. ft.) in area. Temporary freestanding signs may have an additional face up to thirty-two square feet (32 sq. ft.) in size if the angle between the sign faces is less than ninety (90) degrees;

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

(c) The permit for such a temporary sign shall expire, and the sign must be immediately removed, upon the deactivation, 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 POMC 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 signs in public right-of-way shall only display non-commercial copy.

~~(a)~~(b) Only temporary lawn signs are allowed;

~~(b)~~(c) The sign must be placed entirely outside of the roadway;

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

~~(d)~~(e) The sign must not obstruct pedestrian or wheelchair access to the sidewalk;

~~(e)~~(f) The sign must not be placed in parking spaces, pedestrian pathways, or bicycle paths;

~~(f)~~(g) The sign must 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 feet (5 ft.) from the edge of the roadway.

~~(g)~~(h) The sign shall be no larger than six square feet (6 sq. ft.) in size with no sign face taller than three feet (3 ft.); and

~~(h)~~(i) The sign must 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, parking meters, fences, or pavement.

(2) 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. All temporary signs in public spaces 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).

PART 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—Town center.
18.55.260 Permanent signs—Nonresidential properties—Freestanding signs.
18.55.270 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 triangle. No sign shall be in the triangular area(s) measured 15 feet by 15 feet where a driveway enters onto a street, or in any other area which may obstruct the vision of motorists to create a safety hazard. Additionally, all signs are subject to the current City of Covington Design and Construction Standards regarding sight distances, pursuant to CMC 12.60, as amended.

(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.

(4) Setback and Distance Measurements. The following guidelines shall be used to determine compliance with setback and distance measurements:

(a) The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.

(b) 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 done in landscape construction materials such as brick, stucco, stonework, textured wood, tile, or textured concrete, or materials that are harmonious 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 must be consistent with the character of the primary structure.

(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 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 twelve (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 consistency. Where more than one sign is allowed for a property, all signs for that property shall be consistent 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 in a residential zone 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) Properties issued a business license. On residential properties for which the City has issued a valid City business license for 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—Town Center.

Permanent sign construction and design standards in Chapter 18.31 CMC for the Town Center (TC) zoning district shall be applied to all permanent signs within the Town Center zone. Where any other standards in this chapter may conflict with Chapter 18.31 CMC, the standards contained in Chapter 18.31 CMC shall control.

18.55.260 Permanent signs—Nonresidential properties—Freestanding signs.

Except as provided for in CMC 18.55.250, 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-use complex; and

(iv) A minimum site of fifteen (15) acres.

(b) Sign Types. The following sign types are allowed for freestanding high-profile signs:

(i) Pedestal signs;

(ii) Monument signs; and

(iii) Kiosks.

(c) Sign Features. The following sign features are allowed for freestanding high-profile signs:

(i) Any high-profile sign may be an electrical sign, an illuminated sign, and/or a neon sign.

(ii) The sign features for pedestal or monument sign may include electronic changeable copy signs and/or changeable copy signs.

(d) Sign Height. A freestanding high-profile sign shall not exceed the following maximum heights:

(i) Pedestal or monument signs: Twelve feet (12 ft.)

(ii) Kiosk sign: Six feet (6 ft.), unless the sign is set back a minimum of fifty feet (50 ft.) from any public right-of-way, in which case it may be ten feet (10 ft.).

(e) Sign Area. A freestanding high profile sign shall not exceed the following maximum sign areas:

(i) Pedestal or monument signs: 160 square feet for the total of all sign faces with no one face exceeding 80 square feet.

(ii) Kiosk signs: 15 square feet per sign face.

(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 sign unless the property has an additional 500 feet of street frontage for a total of 750 feet of aggregate frontage on any public right-of-way,

in which case the property will be allowed one additional high profile sign, not to exceed a maximum of two such signs per property. In addition, two monument signs are allowed per entrance from a public right-of-way, not to exceed five feet (5 ft.) in height; and

(ii) Kiosk signs: one sign per property frontage.

(2) Freestanding signs—Medium profile.

(a) Criteria. Except as provided for in CMC 18.55.250, a property that does not qualify for a freestanding high profile sign pursuant to Subsection (1) of this section or is zoned I (industrial), M (mineral), MHO (Mixed Housing/Office), or some other zoning designation other than those identified in Subsection (1) above is allowed a medium profile freestanding sign.

(b) Sign Type. The following sign types are allowed for a freestanding medium profile sign:

(i) Pedestal signs; and

(ii) Monument signs.

(c) Sign Features. The following sign features are allowed for freestanding high-profile signs:

(i) Any medium profile sign may be an electrical sign, an illuminated sign, and/or a neon sign.

(ii) The sign features for pedestal or monument sign may include electronic changeable copy and/or changeable copy signs.

(b) Sign Height.

(i) The height of a freestanding medium profile sign shall be calculated at the rate of 0.75 feet of sign height for every ten (10) lineal feet of frontage on a public right-of-way; provided, however, that sign height shall be calculated at the rate of one and one-half feet in height for every ten (10) lineal feet of frontage on a public right-of-way for any multi-tenant complex.

(ii) Sign height shall not exceed twelve (12) feet and every applicant is entitled to a minimum height of five (5) feet.

(b) Sign Area.

(i) For any multi-tenant complex, sign area will be calculated at the rate of two (2) square feet per lineal foot of building frontage on a public right-of-way not to exceed a maximum sign area of 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 all other uses, sign area allowed for medium profile signs shall be calculated at the rate of one (1) square foot per lineal foot of frontage on a public right-of-way not to exceed a maximum sign area of 80 square feet for the total of all sign faces on each permitted sign with no one sign face exceeding 40 square feet.

(iii) Notwithstanding the foregoing sign area calculations, every applicant is entitled to a minimum sign area of 50 square feet for the total of all sign faces with no one sign face exceeding 25 square feet.

(b) 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 per street frontage.

(ii) Kiosk sign: one per property frontage.

(2) Freestanding signs—Low profile.

(a) Criteria. A property located in the NC (Neighborhood Commercial) or CC (Community Commercial) zones is allowed a low-profile freestanding sign.

(b) Sign Type. The following sign types are allowed for a freestanding low profile sign:

(i) Pedestal signs; and

(ii) Monument signs.

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

(d) Sign Height. A freestanding low profile sign shall not exceed the following maximum heights:

(i) Pedestal or monument signs: five (5) feet.

(ii) Kiosks: six (6) feet unless the sign is set back a minimum of 50 feet from any public right-of-way, in which case it may be ten (10) feet.

(e) Sign Area.

(i) Pedestal or monument signs: sign area allowed for a low-profile sign shall be calculated at the rate of one (1) square foot per lineal foot of building frontage on a public right-of-way; provided, however, that a low-profile sign shall not exceed a maximum sign area of

80 square feet for the total of all sign faces on each permitted sign with no one sign face exceeding 40 square feet.

(ii) Every applicant is entitled to a minimum sign area of 50 square feet for the total of all sign faces with no one sign face exceeding 25 square feet.

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

(i) Pedestal or monument signs: one sign per frontage on a public right-of-way.

(3) 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 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 number of signs will be determined as if the applicants were one multi-tenant complex.

18.55.270 Permanent signs—Nonresidential properties—Building-mounted signs.
Except as provided for in CMC 18.55.260, 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 electrical 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 fifteen (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 on upon the surface are 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 uses with more than one business (i.e., 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 fifteen (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 under canopy signs 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 in buildings with nonresidential uses are limited to painted or vinyl cut-out materials, or a neon signs constructed with or without a solid or opaque background.

(b) Permanent signs with solid backgrounds are not allowed in windows to ensure maximum light and visibility through windows.