

CITY OF MILLWOOD, WASHINGTON

ORDINANCE # 377

AN ORDINANCE amending the sign provisions in Title 17 Zoning, making provisions for temporary signs, portable signs, nonconforming signs, and amending the procedures and criteria for approval of special sign permits.

WHEREAS, the Millwood Planning Commission was requested by the Mayor and City Council to review the sign regulations contained in Title 21 Zoning of the Millwood Municipal Code, and to submit its recommendations on proposed amendments of the sign regulations, and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendments and, following the hearing approved a written findings of fact and recommendation to City Council.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MILLWOOD:

Section 1. The following is adopted as an ordinance of the City of Millwood, amending Chapter 17.32 Signs of the Millwood Municipal Code (additions underlined and deletions in ~~strike through~~) as follows:

Chapter 17.32 SIGNS

Sections:

- 17.32.010 Definition.
- 17.32.020 Permits required.
- 17.32.030 Sign requirements.
- 17.32.040 Exempted signs.
- 17.32.050 Prohibited signs.
- 17.32.055 Temporary signs.
- 17.32.060 Maintenance and liability.
- 17.32.070 Special and temporary permits.
- 17.32.080 Expirations and renewals.
- 17.32.090 Violation--Penalty.
- 17.32.100 Nonconforming signs.

17.32.010 Definition.

“Billboard” means a permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

“Changeable sign” means a sign with the capability of content change by means of manual or electrical activation, including signs which are:

“Electrically activated” Changeable sign whose message copy or content can be changed electrically by means of switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display.

“Manually activated” Changeable sign whose message copy or content can be changed manually.

“Illuminated sign” means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated), including neon signs; or reflecting off its surface(s) (externally illuminated).

“Permanent sign” means any sign which is not a temporary sign and which is not exempted as defined in this chapter.

“Political sign” means a temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted billboard shall not be considered to be a political sign.

“Portable sign” means any sign not permanently attached to the ground or to a building or building surface.

“Real estate sign” means a temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

“Sign” means any structure, graphic, symbol, words, letters or object used to convey a message or attract the attention of the general public, wherever located and however constructed or affixed if visible from a public street or right-of-way.

“Special or periodic event” means an event which occurs once (special, for example a music performance event) or on a regular schedule (periodic, for example a weekly farmers market) not more frequently than once each week.

“Temporary sign” means a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature, including real estate signs, special event signs and portable signs.

“Window sign” means a sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

17.32.020 Permits required.

It is unlawful for any person, firm, business or corporation to erect, construct, prepare or locate any sign or sign structure except as exempted in Section 17.32.040 without first obtaining a permit for each sign or sign structure within the ~~town~~ city. The fee for sign permits issued pursuant to this chapter shall be set by resolution of the ~~town~~ city council.

17.32.030 Sign requirements.

All signs erected or placed in the ~~town~~ city shall meet the following requirements:

- A. ~~All~~ Permanent signs shall be of sturdy construction and be permanently mounted so as to assure the safety of persons who travel under or near the same;
- B. No sign other than an official traffic sign shall extend over the right-of-way or be placed on a public sidewalk unless authorized by a special sign permit. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet from grade level to the bottom of the sign. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the city for such structures. Bus bench signs are permitted on public right-of-way in the C-1, C-2, I-1 and I-2 zones when authorized by a special sign permit.
- C. No sign shall be constructed or located so as to obstruct vehicular or pedestrian travel or the proper view of persons using streets and sidewalks in the ~~town~~ city;
- D. The bottom of any sign over forty-two (42) inches high shall not be less than twelve (12) feet above ground level and the top of any sign shall not be more than twenty (20) feet above ground level;
- E. All permanent signs, except on building signs, shall be located at least fifteen (15) feet back from the right-of-way line and shall be permanently mounted;
- F. ~~No sign in a residential zone shall exceed six square feet in area and no sign in a commercial area, except that which is along Trent Avenue east of Woodruff Road, shall exceed thirty two (32) square feet in area without a special permit. No sign in a commercial area along Trent Avenue east of Woodruff Road shall exceed forty eight (48) square feet in area without a special permit. The area of any double-sided, "A" or "V" shaped sign shall be the area of the largest single face only; The maximum size of any sign shall be:~~
 - 1. in a residential zone, six sq ft;
 - 2. in a commercial or industrial zone, 32 sq ft, provided that the maximum size for signs in a commercial or industrial area along Trent Avenue east of Woodruff Road extended shall be 48 sq ft.The area of any double-sided, "A" or "V" shaped sign shall be the area of the largest single face only. A sign larger than the maximum specified in this section may be permitted with a special sign permit.
- G. Signs located on any building shall be at least ten feet above grade and shall not extend more than two feet from the building or be closer than two feet from the curb or right-of-way line;

H. All signs must advertise the business or property upon which they are located, except as provided in subsection 17.32.055(B)(4);

I. All signs, whether existing prior to this chapter or hereafter erected, shall be kept and maintained in good repair so as to be pleasing in appearance and not endanger the health, safety and welfare of the ~~town~~ city or general public;

J. ~~Back lit and steady burn neon~~ Illuminated signs will be allowed in areas zoned commercial or public reserve. Placement of ~~the lighted~~ illuminated signs shall be such that no direct light extends over property lines to any adjoining property.

K. ~~Illuminated or "flip disk" type readerboard~~ Changeable signs may be allowed by special sign permit in areas zoned commercial or public reserve. Each changeable sign proposal shall be reviewed by the planning commission to ensure that it will not be overly distracting, or create any other safety hazards to the public.

L. Signs must reasonably conform to the architecture and general property use of the neighborhood.

17.32.040 Exempted signs.

The following signs are exempt from the provisions of this chapter, provided that the signs do not obstruct vehicular or pedestrian travel or the proper view of persons using streets and sidewalks in the city, do not obstruct or otherwise interfere with official traffic signs, signals or devices, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic:

A. ~~Signs that are of a temporary nature which meet the sign requirements set out in Section 17.32.030 and which advertise the property on which they are located "for sale or rent" or solicit political support or votes are exempt-~~ Real estate signs and political signs, provided the same are removed within seven days of the sale or rental of the property or the election.

B. Signs advertising "garage or yard sale" are exempt provided they are posted only during the hours of the sale.

C. Signs required by law or erected by public authorities such as traffic signs or signals or identifying public facilities such as parks, telephones or restrooms, and informational signs such as "No Parking" or "Private Driveway" are exempt, provided they do not exceed six square feet in area.

D. Window signs in commercial zones which advertise the business or products sold within that are nonilluminated and up to six square feet in size are exempt.

E. Historic markers and memorial plaques.

17.32.050 Prohibited signs.

The following signs are prohibited:

- A. Billboards;
- B. Signs containing flashing, pulsating or continuous-moving lights ;
- C. Signs which do not advertise the property or business on which the sign is located, except as provided in subsection 17.32.055(B)(4);
- D. Signs which are illuminated, constructed or located so as to constitute a nuisance or endanger the health, safety or welfare of the ~~town~~ city or the general public;
- E. All signs which have been abandoned;
- F. All signs not exempted under Section 17.32.040 and for which a permit or special or temporary permit has not been obtained.
- G. Portable signs except as allowed for temporary signs in subsection 17.32.055(C).
- H. Signs attached to, or placed on, a vehicle or trailer parked on private or public property that is not associated with the business advertised on said sign(s). This provision is not to be construed as prohibiting the identification of a business or its principal products on a vehicle used in the normal course of business. This does not include automobile for sale signs or signs attached to franchised buses or taxis.

17.32.055 Temporary signs.

Temporary signs shall be in accordance with the following:

- A. No temporary sign shall be displayed prior to obtaining a temporary sign permit.
- B. Special promotion, special or periodic event and grand opening signs. Signs temporarily displayed to advertise special promotions, special or periodic events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and industrial districts subject to the following limitations:
 - 1. Such signs shall not be illuminated.
 - 2. Such signs may be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected no more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
 - 3. The total area of all such signs shall not exceed 32 square feet in any residential district, and 32 square feet in any commercial or industrial district.
 - 4. All temporary signs must advertise the business or property upon which they are located, provided that off-premise signs for special promotion, special or periodic events and grand opening events located on property which does not abut Argonne Rd or Trent Ave, are permitted with the approval of the owner of the property where the sign is located.
- C. Portable signs. In addition to those signs allowed under paragraph (b) in this section, a nonilluminated portable sign shall be permitted where the main building is

set back less than 5 feet from the front property line. One portable sign may be displayed on any property, provided that in a multiple-occupancy building one portable sign may be displayed for each occupancy in the building. Such sign shall not exceed a height of 4 feet nor an area of 8 square feet. Portable signs may be placed on public sidewalks provided that a pathway of at least 3 feet shall be kept clear for the unobstructed passage of the public. Such sign shall be placed no closer than 2 feet from the edge of curb or roadway. Portable signs are allowed only during the business hours of the business advertised.

D. Anchoring. All temporary signs shall be physically anchored in a manner which both prevents the sign from being blown over or away from its approved location and also allows for the prompt removal of the sign.

E. All temporary signs shall be kept and maintained in good repair so as to be pleasing in appearance and not endanger the health, safety and welfare of the city or general public.

17.32.060 Maintenance and liability.

The owner(s) of the ~~land~~ property and the sign shall be responsible for its maintenance and appearance and shall hold the ~~town~~ city harmless from all damages, injuries, loss or liability resulting from the issuance of a permit or existence of such sign. All signs shall be maintained in good repair. The planning department shall have the authority to revoke any permit for signs that are tattered, torn, faded or otherwise in disrepair. Any damaged sign shall be repaired within 30 days of notice. Any sign which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed within 48 hours of notice. Any abandoned sign shall be removed within 60 days of notice.

17.32.070 Special and temporary permits.

A. Special Sign Permits. Because of the diversity of situations in which a person, firm or corporation may wish to utilize signs, the ~~town~~ city may issue special permits for signs ~~which do not fully comply to all of the requirements of this chapter~~ so long as the ~~town~~ city is fully satisfied that said sign does not endanger the health, safety or welfare of the ~~town~~ city or general public, and reasonably conforms to the architecture and general property use of the area in which said sign is to be located.

1. The special sign permit application fee shall be set by resolution of the ~~town~~ city council.

2. Applications for these special sign permits shall be heard at an open-record pre-decision public hearing before the planning commission of the ~~town~~ city.

3. Special sign permits for signs which are not on or over public right of way may be approved by the planning commission without further review by the city council. Special sign permits approved or denied by the planning commission may be appealed to the city council following the procedure pertaining to administrative interpretations contained in section 17.36.030.

4. In granting such a permit, ~~the applicant shall demonstrate that the strict and literal application of this chapter would cause undue and unnecessary hardship to the applicant because of unique or unusual conditions pertaining to the applicant's specific building or property. Applicant must demonstrate that the granting of the permit will not be materially detrimental to the other property owners in the vicinity and that granting the permit will not be contrary to the general objectives of this chapter; that the unusual conditions applying to the property or building do not generally apply to other property or buildings within the town and that the unusual conditions or circumstances did not result from the actions of the applicant; that the permit is necessary for the applicant to make reasonable use of the building or property~~ the planning commission shall make the following findings:

a. The proposed use is consistent with the purpose and intent of the general plan for the physical development of the neighborhood, as embodied in this title and in the Millwood Comprehensive Plan or portion thereof adopted or proposed as part of said general plan;

b. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood;

Special Sign Permits shall stipulate restrictions or conditions which may include a definite time limit, provisions greater than the minimum requirements of the zoning ordinance, and any other reasonable restrictions, conditions, or safeguard that would uphold the spirit and intent of the Millwood Comprehensive Plan and zoning ordinance, and mitigate any adverse effect upon the neighborhood properties by the sign.

5. For special sign permits involving signs over or on public right of way, at a closed-record decision hearing, the ~~town~~ city council shall render the final decision of approval, conditional approval or rejection of said application.

B. Temporary Sign Permits. Temporary signs which are not exempt under Section 17.32.040 may be allowed by a temporary sign permit issued by the ~~town~~ building official in accordance with the requirements contained in section 17.32.055 of this

~~code. The purpose of a temporary sign is to allow notice of public service events or occasions, short term sales events, or care facility openings. The temporary sign must meet all the requirements of this chapter with the exception of being permanently mounted. The sign shall not be illuminated, and shall not create a hazard to the public by its location or temporary nature. Temporary sign permits shall be granted for a maximum of thirty (30) days and shall be nonrenewable. The temporary sign permit fee shall be set by resolution of the town city council.~~

17.32.080 Expirations and renewals.

All sign permits issued from and after the effective date of the ordinance codified in this chapter shall expire upon termination of the business or event which they advertise. A sign advertising a new or different business or event shall require a new permit even if located in the same place or upon a sign structure which is already granted a permit. Any sign relocated, altered or replaced after the effective date of the ordinance codified in this chapter shall comply with the conditions of this chapter.

17.32.090 Violation--Penalty.

Violations of this chapter are regulated under Chapter 17.36. In addition, violation of this chapter may be subject to enforcement and punishment in accordance with Chapter 8.14. The town city has the authority to remove any sign determined to be in violation of this chapter at the expense of the owner, which expense shall be in lien upon the owner's property, and without liability for loss or damage to the owner. A sign may be picked up or removed fourteen (14) days after written notice of violation has been sent to the property owner of record according to the office of the Spokane County Assessor, and business owner if applicable. If it is deemed by agents of the town city that the sign constitutes an immediate hazard to the public, the sign may be removed upon the hazard determination with notices of such removal posted on the site. Each day that a violation of this chapter continues shall constitute a separate offense.

17.32.100 Nonconforming signs. Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

1. Structural alteration, enlargement or re-erection are permissible only where such alternations will not increase the degree of nonconformity of the signs.
2. Any legal nonconforming sign shall be removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the planning department.

Section 2. Subsection 17.18.030(O) of the Millwood Municipal Code is amended to read as follows:

O. Sidewalks. All public sidewalks must be maintained free from ~~the placement of signs, parking or goods for sale.~~

Section 3. Repeal. All ordinances or parts thereof in conflict with this ordinance are, to the extent of said conflict, hereby repealed.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section sentence, clause or phrase of this ordinance.

Section 5. This ordinance or summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force upon passage and publication.

Passed by the City Council this _____ day _____, 200__.

Daniel L. Mork, Mayor

Attest:

Eva Colomb, Clerk-Treasurer

Approved as to form:

Brian M. Werst, City Attorney