



CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING AGENDA
January 11, 2011 7:00 PM
25510 Lawson Street, Black Diamond, Washington

- 1) CALL TO ORDER, ROLL CALL
- 2) PUBLIC COMMENTS: Individuals wishing to address the Planning Commission regarding any item not on this meeting's agenda may do so at this time.
- 3) APPROVAL OF MINUTES – December 7, 2010
- 4) CONTINUED WORKSESSION ON POTENTIAL CODE AMENDMENTS RE:
URBAN AGRICULTURE
- 5) WORKSESSION ON TEMPORARY SIGN REGULATIONS
- 6) DEPARTMENT REPORT
- 7) ADJOURNMENT

Chapter 18.30
SINGLE-FAMILY RESIDENTIAL DISTRICTS– R4 & R6

Sections:

18.30.010 Intent.

18.30.020 Permitted uses.

18.30.030 Conditional uses.

18.30.040 Development standards.

18.30.050 Additional requirements.

18.30.010 Intent.

It is the intent of this chapter to:

A. Enhance the residential quality of the city by providing a high standard of development for single-family residential areas.

B. Designate certain areas in which single-family structures on individual lots are the predominant type of dwelling unit.

C. Guide residential development to those areas where public sewers are in place or can be extended efficiently at reasonable cost.

D. Guide development of residential areas in such manner as to assure availability of public services and community facilities such as utilities, police and fire protection, schools, parks and recreation.

E. Preserve existing agricultural activities within the city and provide opportunities for small-scale agricultural uses meeting the needs of city residents.

18.30.020 Permitted uses.

A. Residential.

1. Single-family detached structures on individual lots.

2. Manufactured housing as provided in Chapter 18.90.

3. Agricultural uses, including farms, nurseries and community gardens/pea patches. Greenhouses, storage sheds and similar buildings accessory to such uses are also permitted.

B. Other or Related Uses.

1. Accessory buildings or structures as provided in Chapter 18.50.
2. Temporary uses as provided in Chapter 18.52.
3. Home occupations as provided in Chapter 18.54.
4. Utilities, underground.
5. Child day care for up to twelve children.
6. Agricultural stands for sales of produce and plants grown on-site.

18.30.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.30.020 may be allowed by approval of a conditional use permit in accordance with Chapters 18.08 and 18.12:

A. Child care for more than twelve children, including nursery schools, day care centers and preschools.

B. Utilities, aboveground.

C. Public uses/facilities.

D. Religious institutions, not to exceed ten thousand square feet gross floor area.

E. Duplexes, subject to the following criteria:

1. The minimum lot size for a duplex shall be one and one-half times that required for a single family detached structure. Only one duplex shall be permitted per lot which meets this standard;

2. A lot on which a duplex is proposed shall not be located within three hundred feet of any other lot on which a duplex or multiple unit structure is found (accessory dwelling units excluded), or constitute more than ten percent of the dwelling units in a single block;

3. Duplexes shall be subject to design standards to ensure their compatibility in terms of bulk, scale and architectural style with the surrounding neighborhood.

F. Private schools, K-12.

18.50.060 Fences and walls.

The height of the fence or wall shall be determined from the existing, established grade on the property.

A. Fences and walls may be constructed to a height not to exceed the following in each of the required setback areas, as regulated per each zone, or as modified by subsection B of this section:

1. Front yard: Forty-two inches; provided, that fences constructed of wrought iron or similar materials that provide visibility may be seventy-two inches in height; Exception: fences protecting an agricultural use or community garden may exceed forty-two inches in height, provided they are at least seventy-five percent (75%) open.

2. Side yard: Seventy-two inches;

3. Rear yard: Seventy-two inches;

4. Street side yard: Seventy-two inches.

5. These limitations do not apply within the public zone district.

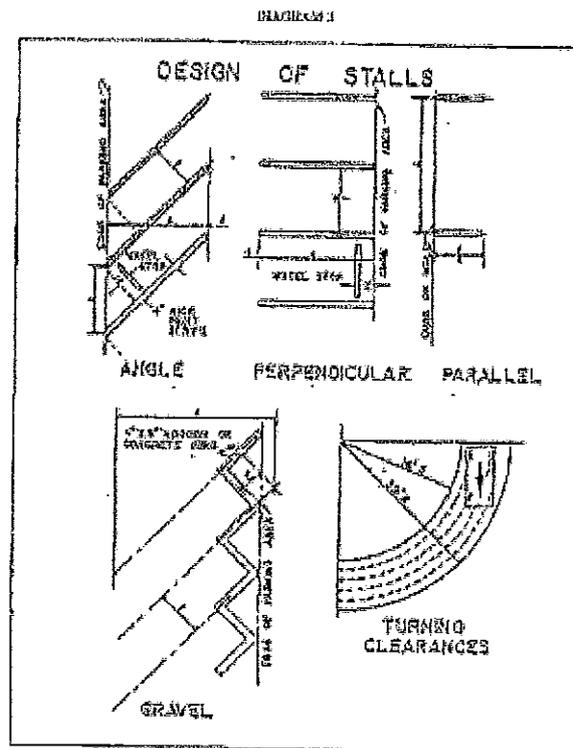
B. Special Height Restrictions. There shall not be anything constructed or reconstructed, and no obstruction permitted to grow, other than a post, column or tree not exceeding one foot square or one foot in diameter, between a height three feet and ten feet above the established grade within the triangular areas described below, without the express approval of the public works director:

1. The triangular area formed by a line extending twenty feet along the right-of-way lines of a street and alley or edge of a private driveway, measured from the point of intersection and the line connecting the two ends of the two twenty-foot lines;

2. Fences located at the corner of intersecting streets shall comply with the sight distance requirements of the city public works standards.

C. In general, no fence, wall, hedge, structure or other obstruction shall act as a sight hazard to traffic, and the public works director may order the removal of such hazard whether or not such object otherwise complies with the provisions of this title.

D. Other than in the public, industrial or business/industrial park zones, no fence may include the use of barbed wire, razor wire, etc.; provided, that pasture areas a minimum of one acre in area may be fenced with barbed wire in any zone. Barbed wire may be attached to the top of and in addition to the height of a seventy-two-inch fence, provided it does not extend more than one additional foot in height.



(Ord. No. 909, § 2 (Exh. A), 6-18-2009))

Chapter 18.82

SIGNS

Sections:

- 18.82.010 Purpose and scope.
- 18.82.020 Definitions.
- 18.82.030 Permits—General regulations.
- 18.82.040 Permit requirements.
- 18.82.050 Sign standards and conditions.
- 18.82.060 Temporary signs.
- 18.82.070 Reserved.
- 18.82.080 Permits not required when.
- 18.82.090 Prohibited signs.

18.82.100 Administration and enforcement.

18.82.110 Liability.

18.82.010 Purpose and scope.

A. Purpose. It is the purpose of this chapter to promote a quality visual environment by establishing reasonable standards for the size, placement, height and maintenance of outdoor signs, graphics and advertising. It is further intended to encourage quality design and material composition which create an attractive community and business climate. Special emphasis should be placed on achieving harmony with building design, settings and the character of the surrounding areas.

B. This chapter shall not regulate traffic and directional signs installed by a governmental en-

tity; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point of purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site plaques; gravestones; structures intended for a separate use, such as phone booths, bus shelters, donation containers and recycling containers; or lettering or symbols painted directly onto or flush-mounted magnetically onto a motor vehicle operating in the normal course of business.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.82.020 Definitions.

The following definitions shall apply for the purpose of this code.

Abandoned sign means a sign that no longer correctly identifies, exhorts or advertises any person, business, lessor, owner, product or activity conducted or available on the premises where such sign is located.

Advertising copy means any letters, figures, symbols, logos or trademarks which identify or promote the sign user or any product or service; or which provides information about the sign user, the building or the products or services available.

Banner means any sign of lightweight fabric, vinyl or similar material that is mounted to a building or pole by any means. National flags, state or municipal flags, seasonal flags, or the official flag of any institution or business shall not be considered as banners.

Building means a roofed and walled structure built for permanent use.

Bulletin board means a board or small sign on which notices, community events or hours of operation are posted.

Change means a change to a sign consists of relocating the sign, or replacing fifty percent or more of the structural material in the sign area. Normal maintenance and a change of name are not changes which require a permit.

Code administrator means the community development director or his appointee, who shall be authorized to enforce all of the provisions of the sign code.

Double-faced sign means a sign that has advertising copy on opposite sides of a single display surface or sign structure.

Electrical sign means a sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.

Facade means the entire building front or street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

Flashing signs means a sign or a portion thereof which changes light intensity or switches on and off in a constraint pattern or contains motion or the optical illusion of motion by use of electrical energy. Changing message centers shall not be considered flashing signs.

Freestanding sign means a sign attached to the ground by a sign structure and supported by uprights placed on or in the ground.

Gas station price sign means a sign advertising the price of motor fuel and contains no other business advertising.

Grade means the elevation as measured at the relative ground level in the immediate vicinity of the sign.

Ground sign means a sign of limited height (maximum of twelve feet) constructed and affixed on a foundation upon or in the ground. Also known as a monument sign.

Incidental sign means a small nonelectric information sign four square feet or less in area which pertains to goods, products, services or facilities which are available on the premises where the sign occurs and is intended primarily for the convenience of the public while on the premises.

Institutional sign means a sign to identify educational, civic and religious institutions.

Landscaping means the planned use of trees, shrubs and other living plant materials used in conjunction with a sign and other decorative features.

Lot identification sign means a sign to identify the occupants of the premises.

Mansard roof means a sloped roof or roof-like facade architecturally able to be treated as a building wall.

Marquee means a permanent structure attached to, supported by and projecting from a building and providing protection from the weather elements, but does not include a projecting roof. For purposes of this chapter, a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island, will also be considered a marquee. This also includes canopies.

Neighborhood identification sign means a sign to identify a particular residential area or development four acres or greater in size.

Neon sign means a symbol, logo, or message comprised of illuminated neon tubing used to attract attention for advertising purposes. Neon signs shall not flash, oscillate or revolve.

Off-premises directional sign means a permanently installed sign which provides directional information to a business or service, but not located on the same property as the sign in question.

On-premises directional sign means a permanent sign that directs the public to a specific place such as an entrance, exit or parking or service area, or a particular aspect of a business establishment.

Off-premises sign means a sign relating, through its message and content to a business activity, use, product or service not available on the premises on which the sign is erected.

On-premises sign means a sign which carries only advertisements and messages strictly applicable to a lawful use of the premises on which it is located.

Political sign means any temporary sign that advertises a candidate for elected office or an opinion on a ballot measure in a pending public election.

Portable sign means a sign made of any material, which by its design is readily movable and is not permanently affixed to the ground, structures or buildings.

Projecting sign means a sign which is attached to and projects more than one foot from a structure, building face or marquee.

Public service/civic event sign means a temporary sign which may be placed in the public right-of-way, advertising a city-approved service or event.

Readerboard means a sign face consisting of tracks to hold readily changeable letters allowing frequent changes of copy.

Real estate sign means any sign that advertises the sale, rental or lease of real property.

Revolving sign means a sign which rotates or turns in a circular pattern.

Roof sign means a sign supported by and erected on and above a roof or parapet of a building or structure (shall not include a sign erected on the face of a mansard roof).

Sandwich board sign means a temporary sign set upon the ground, consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing upon the ground.

Sign means any visual communication device, structure or fixture which is legible from any right-of-way and is intended to aid the establishment in question in promoting the sale of products, goods, services, events or to identify a building. Signs may consist of words, logos, insignias, symbols, flags, banners, balloons, inflatable devices, pennants or other feature intended to direct attention to or promote the interest of any person, institution or business. Works of art, fountains, mosaics and building or structural design features that do not contain a commercial message, logo, symbol, or identification are not signs according to this definition.

Sign area means the entire area of a sign on which copy is to be placed. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the area of the smallest rectangle that can be drawn around all parts of the sign from the viewpoint exposing the largest sign surface area, excluding simple support structures.

Sign-supporting structures which are part of the sign display shall be included in the area rectangle.

Special sale/promotional/business opening sign means a temporary sign such as a banner, flags, pennants, and similar devices, or wind-driven sign accents (such as spinners) attached to a sign to attract the attention of the public, used for short durations of time.

Temporary construction sign means a sign jointly erected and maintained on premises undergoing construction, by an architect, contractor, subcontractor and/or materialman, upon which property such person is furnishing labor or material.

Temporary sign means any sign or advertising display, intended to be displayed for a limited time only and not permanently attached to a building or site.

Wall sign means a sign attached or erected parallel to and extending not more than one foot from the facade or face of any building to which it is attached and supported throughout its entire length, with the exposed face of the sign parallel to the plane of said wall or facade. Signs incorporated into mansard roofs, marquees or canopies shall be treated as a wall sign.

Wall graphics means a wall sign of which color and form are part of an overall design on the building.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009; Ord. No. 920, § 1, 8-20-2009)

18.82.030 Permits—General regulations.

No sign shall be installed, constructed, structurally altered, posted or applied without first obtaining a sign permit unless exempted by this chapter. A single permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate permit.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.82.040 Permit requirements.

A. Applications/Fees. Applications for signs shall be accompanied by:

1. Two site plans showing the location of the affected lot, building(s) and sign(s), showing both existing and proposed signs;

2. Two copies of a scale drawing of the proposed sign or sign revision, including size, height, proposed copy, structural and footing details, material specifications, method of attachment, illumination, front and end views of marquees, calculation for dead load and wind pressure, photograph or building elevation marked to show where sign or marquee is proposed and any other information required to ensure compliance with appropriate laws;

3. Written consent of the owner of the building, structure or property where the sign is to be erected;

B. Administrative Requirements. The city shall ascertain that the sign installer has a valid Washington State contractors license, unless the sign is being installed by the owner of the sign.

C. Variances.

1. Any person may apply to the hearing examiner for a variance from the requirements of this chapter. Before the hearing examiner may grant, amend or deny an application for a variance, the hearing examiner shall hold at least one duly noticed public hearing. Upon the filing of a complete application for a variance by a property owner or by a lessee, the director shall set a time and place for said public hearing to consider the application. A written notice thereof shall be mailed to all property owners of record within a three-hundred-foot radius of the external boundaries of the subject property. In addition, notice shall be posted on the property at least ten days prior to the hearing. Said notice shall include the time, date, place and purpose of the hearing and shall identify the subject matter property by address, written description, legal description or vicinity sketch.

2. Upon completion of the public hearing, the hearing examiner shall grant, deny or amend the application in accordance with the provisions of this chapter. Before any variance can be granted, the hearing examiner shall make findings of fact setting forth and showing that the following circumstances exist:

a. The granting of the variance would not be materially detrimental to the property owners in

the vicinity and the variance sought is of minimum sign size, height and scope to meet the conditions and needs of the applicant;

b. The granting of the variance would not be contrary to the objectives of this chapter;

c. The signage of the property in question cannot be adequately met under the literal interpretation and strict application of this chapter; and

d. The granting of the variance is necessary because of special circumstances relating to property location, topography, shape and size; site distance and limited view to property; and/or dependency of business to visual access of freeway traffic in the interchange area.

3. Within twenty-one days of the date of the public hearing, the hearing examiner shall issue its written findings, conclusions and decision setting forth the reasons for its decision to grant, amend or deny the application. A copy of said decision shall be promptly mailed to the applicant by first class mail addressed to his or her last known address.

4. The applicant, the property owner or any person aggrieved or adversely affected by a final decision of the hearing examiner under this chapter may appeal said decision to the King County Superior Court pursuant to Chapter 36.70C RCW. A petition for judicial review must be filed within twenty-one days of the issuance of a decision.

D. Administrative Waiver—Off-Premises Signs. Off-premises commercial signs are prohibited, unless a waiver is granted by the director for an off-premises directional sign. Waivers shall only be granted upon a clear demonstration that the applicant's business or property is not visible from any streets or roads or on-premises signing cannot adequately convey the location and identity of the business to consumers who would normally use the business.

1. Such signs shall be directional only (no advertising other than name and location).

2. No more than two such signs for each business shall be approved.

3. The total area of the sign shall not exceed twenty-four square feet, such sign(s) must be permanently installed on private property, and the application must be accompanied by written permission of the owner of the property where the sign is to be located.

4. Such sign shall meet all other applicable provisions of this chapter.

5. If more than one business in an immediate area has need for an off-premises directional sign, all must be identified on the same sign.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.82.050 Sign standards and conditions.

A. General Regulations.

1. No sign or any part of a sign shall be designed or constructed to be moving by any means, and shall not contain items such as banners, ribbons, streamers and spinners, except as authorized for temporary signs.

2. Exposed braces and angle irons are prohibited. Guywires are prohibited unless there are no other practical means of supporting the sign.

3. No sign shall have blinking, flashing, fluttering or moving lights or other illuminating device which has a changing light intensity or color; provided, however, temperature and/or time signs that conform in all other respects to this chapter are allowed.

4. The structure and installation of all signs shall comply with the latest adopted edition of the Uniform Building Code.

5. Such sign shall meet all other applicable provisions of this chapter.

6. If more than one business in an immediate area has need for an off-premises directional sign, all must be identified on the same sign.

7. All signs, together with all of their supports, braces, guys and anchors, shall be maintained in good repair and in a safe, neat, clean and attractive condition.

8. The light directed on, or internal to, any sign shall be so shaded, shielded and/or directed so that the intensity or brightness shall not adversely affect safe vision of operators of vehicles

moving on private or public property or pedestrians on a public right-of-way. Electric signs shall not use incandescent bulbs for internal illumination. Lighted signs visible from nearby residences shall have low or soft illumination or be shielded in a manner to not adversely affect such residents.

9. Portable signs shall not exceed twelve square feet in sign area and no more than one such sign may be displayed per business. Portable signs must be located on the premise to which they relate, except real estate directional signs.

10. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within ninety days after the business or service advertised is no longer conducted on the premises.

B. Freestanding and Ground Signs.

1. Sign height is the vertical distance from the highest point of the sign to the finished grade at the base of the supports.

2. Freestanding signs shall not be permitted in any zone.

3. Height standards:

All non-residential zone districts: Ground signs shall not exceed twelve feet in height.

Residential zones: Ground signs shall not exceed six feet in height.

4. Sign area standards:

All non-residential zone districts: Fifty square feet for a single side or one hundred square feet total both sides.

Residential zones: Twenty-four square feet for a single side or forty-eight square feet total both sides.

5. Location. Ground signs shall be set back a minimum of five feet from a front property line. Placements in these locations are subject to approval by the public works director. The placement of ground signs shall be in such a fashion and location as to not obstruct the view of signs of adjacent property owners.

6. Number. One ground sign shall be permitted on each street frontage of property on which the business is located.

7. Landscaping:

a. Each sign shall have a landscaped area at the base of the sign equal to twice the size of the sign area. The landscaping and sign base shall be protected from vehicles by substantial curbing.

b. Permits for signs shall not be granted until required landscaping is installed or a bond or assigned funds in the amount of one hundred fifty percent of the estimated cost of the landscaping is provided.

c. These requirements may be waived if the sign is located in an area that is part of an approved overall site landscape plan.

C. Wall-Mounted Signs.

1. Total Area. Painted or attached signs on any wall shall not exceed the following ratios:

a. Community Commercial District: Two square feet of sign area to one lineal foot of building front; provided, however, fifty square feet of sign area is guaranteed each business frontage. Those businesses with both a building front and one side wall exposure to vehicular and pedestrian traffic may, as an option for purposes of calculating total wall sign area, add the lineal footage of the building front and side wall then divide by two.

b. Town Center District: One and one-half square feet of sign area to one lineal foot of building front. Those businesses with both a building front and one side wall exposure to vehicular and pedestrian traffic may, as an option for purposes of calculating total wall sign area, add the lineal footage of the building front and side wall then divide by two.

c. Area 3 (all other non-residential zone districts or for non-residential uses in residential districts): One square foot of sign area for every lineal foot of wall upon which the sign is mounted or fifty square feet, whichever is less.

2. Wall signs shall not project above roof lines.

D. Window Signs.

1. Where a window sign is utilized in place of a wall sign, the area standards contained in subsection (C)(1) of this section shall apply.

2. In addition to the area requirements of subsection (D)(1) above, businesses are allowed

one painted window sign identifying the business or proprietor and hours of business. The maximum area of these signs is six square feet.

3. Window signs above the first floor are not included in the maximum sign area of a site, and are allowed to businesses located above the first floor with a maximum area of one square foot of sign area for each lineal foot of window frontage.

E. Projecting Signs.

1. Surface area:

a. Commercial zone districts: Thirty-two square feet total both sides.

b. All other non-residential districts: Eighteen square feet total both sides

2. All projecting signs must be at least eight feet above sidewalks and walkways and fifteen feet above vehicular ways.

3. Sign shall not project more than three feet or one-third the width of the sidewalk or walkway.

4. Businesses choosing to use projecting signs shall reduce the amount of allowable wall mounted or window sign area by the proportionate amount of sign area allowed under subsections (C)(1) and (D)(1) of this section.

F. Shopping Center Identification Sign(s). Each shopping center having eight or more tenants may be permitted one shopping center identification ground sign. Any shopping center having eight or more separate tenants may have one shopping center identification sign that includes identification of each of the separate tenants, if and only if, all of the following conditions are met:

1. All existing signs in the shopping center must be brought into conformance with the city sign standards in effect at the time of application, prior to issuance of a sign permit for the shopping center identification sign. Provided, however, existing roof signs shall be removed within eighteen months from issuance of the shopping center identification sign;

2. Individual tenants/businesses within a shopping center using a shopping center identification sign shall only be allowed to use wall signs;

3. The shopping center identification sign shall be consistent with the city's adopted design standards and guidelines with regard to height, size and design;

4. The sign may only contain the names of the tenant businesses, and the name of the shopping center;

5. The tenant business names shall be of uniform type and size; and

6. The landscape requirements for ground signs shall be met.

G. Office Building Identification Sign. In addition to those signs permitted by this chapter, each office building consisting of at least four tenants may be permitted a building identification sign. The sign shall be architecturally compatible with the design of the building to be identified. The office building identification sign shall be limited to one sign per street frontage, and subject to the height and size requirements of the zone in which the building is located. One such sign(s) shall be permitted per office building or any institutional use, and the copy shall include only the name of the office building or institutional use. A directory or other exclusively informational listing of tenant's names may be attached, provided the area does not exceed twelve square feet.

H. Sandwich Board. In non-residential zones, one sidewalk or sandwich board sign per business shall be permitted subject to the following:

1. Signs may be located on private property provided they do not interfere with the opening of car doors, bus stops, loading zones or pedestrian traffic, or create a traffic safety hazard by interfering with the vision of drivers entering or leaving the premises.

2. Signs may be located in the public right-of-way directly adjacent to the property upon which the advertising business is located, provided that no sign shall: block a sidewalk; encroach into any portion of a required handicapped ramp; be located closer than two feet from the face of curb to the nearest sign edge; or, along roadways with no curbs, be located six feet from the edge of payment to the nearest sign edge.

3. Owners of such signs shall assume liability for damage resulting from their use.

4. Maximum allowable sign area shall be six square feet per side. Maximum allowable sign height shall be thirty-six inches.

5. Signs shall only be displayed during the hours the premises or business is open to the general public.

6. There shall be no more than one sign per premises in non-residential zones and no more than three signs per premises in residential zones.

7. The provisions of this subsection shall expire on December 31, 2010.

I. Wall Graphics. There are no area restrictions on wall graphics if they do not constitute advertising of a business or product normally subject to the provisions for painted signs.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009; Ord. No. 920, §§ 2, 3, 8-20-2009)

18.82.060 Temporary signs.

No permit is required for. The following standards shall apply to all temporary signs:

A. Special sale/promotional or business opening signs shall be permitted in all non-residential zones.

1. Maximum duration shall be one month or upon termination of the sale or event that they advertise, whichever is less.

2. Maximum area, per site, shall not exceed fifty percent of the size of the permitted wall/ façade sign; this area shall not count towards the total allowable sign area.

3. All banners shall be attached to the façade, wall or window of the building which includes the business which they advertise; provided that, until December 31, 2010, banners may be attached to other site features such as fences, poles, etc.

4. Pennants may be anchored on lighting poles or similar features on private property.

5. The use of pennants, wind-driven accents and other attention-attracting devices attached to a sign shall be prohibited after December 31, 2010.

B. Real estate signs are permitted in all zones and shall be located upon the property to which they apply, except as provided for in this subsection.

1. Residential "For Sale" and "Sold" Signs. On-premise signs shall be limited to one sign per street frontage not to exceed six square feet in sign area per side, placed wholly on the property for sale, and not to exceed a height of six feet. Directional signs, not to exceed two square feet in area per side, may be placed within the public right-of-way no greater than one-half mile from the property available for sale.

2. Residential Open House Sandwich Board Signs. Such signs shall be limited to sandwich board signs or similar portable signs and shall be limited to a maximum of one sign per street frontage on the premises for sale and three off-premises signs. Such signs are permitted only during daylight hours and when the broker/agent or seller or an agent is in attendance at the property for sale. No such sign shall exceed five square feet in sign area per side. Signs may be placed within the public right-of-way provided they do not interfere with vehicular or pedestrian traffic or the ability of the city to maintain the right-of-way.

3. Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising undeveloped commercial or industrial property for sale is permitted while the property is for sale. The sign shall not exceed thirty-two square feet in sign area per side and six feet in height.

4. Developed Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If freestanding, the sign shall not exceed six feet in height; it shall be located more than fifteen feet from any abutting property line and a public right-of-way line; and shall not exceed thirty-two square feet in sign area per side. For rental space in multi-occupancy buildings, one sign, four square feet in area, is allowed per window.

C. **Construction Signs.** Construction signs shall be permitted within all zones.

1. Sign copy shall be limited to information about a building or project under construction or being remodeled.

2. Maximum duration shall be until construction is completed or one year, whichever is shorter.

3. Maximum area shall be twelve square feet in residential zones and thirty-two square feet in non-residential zones.

4. Only one construction sign per contractor per site shall be allowed.

D. **Political Signs.** Political signs are permissible in all zones on both private property and within public rights-of-way.

1. It shall be the responsibility of the candidate to have his or her campaign/political signs removed within ten days after the election, or the city will remove such signs at the candidate's expense. Provided, that signs promoting successful candidates or ballot propositions in a primary election may remain displayed through the general election period.

2. Political signs placed within the public right-of-way shall not interfere with vehicular or pedestrian traffic or the ability of the city to maintain the right-of-way.

3. Maximum sign area shall be twelve square feet.

E. **Public Service/Civic Event Signs.** Signs advertising community events or public issues may be permitted to locate in or over public right-of-ways. If located within the public right-of-way, such signs shall not be permitted to advertised or promote any business or the sale of any product or commodity. Banners shall only be suspended over public rights-of-way at locations approved by the public works director. Maximum duration shall be from one month before the event to five days after the event. Signs shall be removed by the promoters of the event, or the city will remove such signs at the promoter's expense.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009; Ord. No. 920, § 4, 8-20-2009)

18.82.070 Reserved.

Editor's note—Ord. No. 920, § 5, adopted Aug. 20, 2009, repealed § 18.82.070, which pertained to additional standards for specific signs, and derived from Ord. No. 909, § 2, June 18, 2009.

18.82.080 Permits not required when.

The following shall not require a permit; provided, however, these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this chapter or any other law or ordinance:

A. The changing of the advertising copy or message on a lawfully erected, painted or printed sign, reader-board or similar sign specifically designed for the use of replaceable copy;

B. Painting, repainting or cleaning of a lawfully erected sign or the changing of the advertising copy, thereof and other normal maintenance unless a structural or electrical change is made;

C. Temporary decorations customary for special holidays erected entirely on private property;

D. On-premises directional signs when not exceeding sixteen square feet in area and the distance from the ground level at the base of the sign to the top of the sign is not greater than eight feet;

E. Incidental signs;

F. Political signs;

G. One nonelectric on-premises bulletin board not exceeding twelve square feet in area for each charitable or religious organization;

H. Institutional identification signs not exceeding eighteen square feet on all faces. The top of the sign shall not be higher than six feet from the ground level;

I. One emblem of organization sign per city entrance and the total area of the sign on all of its faces shall not exceed twenty-four square feet;

J. One lot identification sign with the total area not to exceed: (a) two square feet per residential dwelling unit, not to exceed a maximum of eighteen square feet for multifamily projects; and (b) eighteen square feet for nonresidential uses.

K. One neighborhood identification sign not exceeding a total of twelve square feet on all its faces and the height from the base of the sign to the top shall not exceed six feet;

L. One non-electric portable sign not exceeding four square feet located on-premises. (Ord. No. 909, § 2 (Exh. A), 6-18-2009; Ord. No. 920, § 6, 8-20-2009)

18.82.090 Prohibited signs.

The following signs are prohibited:

A. Signs which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices;

B. Signs which the director of public works determines to be a safety hazard for pedestrian or vehicular traffic. Such signs shall be removed if they already exist;

C. Flashing signs or lights;

D. Signs or parts of signs which revolve;

E. Portable signs exceeding six square feet each side;

F. Signs attached to or placed on a vehicle or trailer parked on public or private property; provided, however, this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from this provision;

G. Off-premises signs, except real estate directional signs, political signs, public service civic event signs, garage sale signs, as allowed under Section 18.82.060;

H. Any sign affixed to or painted on trees, rocks or other natural features or utility poles;

I. Roof signs.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009; Ord. No. 920, § 7, 8-20-2009)

18.82.100 Administration and enforcement.

The director shall be responsible for enforcing the provisions of this code.

A. Removal of Signs. The director may order the removal of any sign erected, installed or maintained in violation of this chapter. He/she shall give written notice specifying the violation to the holder of the sign permit, or the owner of the property where the sign is erected, to correct said violation specifying the violation to the holder of

the sign permit, or the owner of the property where the sign is erected, to correct said violation or remove the sign within thirty days. In the event the violation is not corrected within thirty days, a citation shall be issued to the owner of the sign or the owner of the property where the sign is located. If, in the opinion of the city engineer/designee, the condition of the sign presents an immediate threat to the safety of the public, the city engineer may cause immediate removal of the sign at cost to the owner of the premises.

B. Cumulative Civil Penalty. Any person found in violation of this chapter shall incur a cumulative civil penalty in the amount of one hundred dollars per day from the date set for correction thereof until the violation is corrected.

C. Nonconforming Signs. Nonconforming signs which are permanently installed and were legally installed prior to the adoption of this chapter shall be allowed to continue in use as long as such signs are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way. A nonconforming sign(s) shall be required to be brought into compliance upon: abandonment of the premises, change in the use of the property where the sign(s) is located, or destruction of the sign beyond fifty percent of its value, provided that the director may allow for the re-establishment of a nonconforming sign damaged beyond fifty percent of its value where the reason for the nonconformance is limited to height and/or size of the sign, upon a finding that the cause of damage to the sign was the result of a significant natural event such as a wind storm or earthquake, and a complete sign application to repair or reconstruct the sign is submitted within six months of the natural event. (Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.82.110 Liability.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing or removing any sign for damages to anyone injured or damaged either in person or property by any de-

fect or action therein, nor shall the city, or any agent thereof, be held as assuming such liability by reason of permit or inspection authorized herein or a certificate of inspection issued by the city or any of its agents.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

Chapter 18.84

WIRELESS TELECOMMUNICATIONS FACILITIES

Sections:

18.84.010 Intent.

18.84.020 General provisions.

18.84.030 Permits required.

18.84.040 Priority of locations.

**18.84.050 Application submittal
requirements.**

18.84.060 Development standards.

18.84.010 Intent.

A. The intent of this section is to provide specific regulations for the placement, construction, modification and removal of wireless communication facilities, consistent with federal regulations and community values. To meet these conditions, the regulations are intended to:

1. Satisfy the guidelines of Section 704 of the Federal Telecommunications Act of 1996, 47 U.S.C. Section 332(c)(7), which promote the accessibility of wireless communications to the general public;

2. Not be interpreted to prohibit or to have the effect of prohibiting the provision of wireless telecommunications facilities nor be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent wireless services;

3. Distinguish between telecommunications towers on their relative height and consequential visual impact on the community; and

4. Provide for the distribution and installation of necessary wireless communication facilities in a way that does not adversely impact the health, safety and welfare of the community including aesthetic values.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.84.020 General provisions.

A. Wireless telecommunications facilities shall not be considered or regulated as essential public facilities as provided in Chapter 18.58.

18.74.030 Amendments to design standards and guidelines.

Amendments to these standards shall be considered as a Type 5 legislative decision per Section 18.08.080 and shall follow all procedures provided therein.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

Chapter 18.76

GATEWAY CORRIDOR OVERLAY DISTRICT

Sections:

18.76.010 Intent.

18.76.020 Area of application.

18.76.030 Definitions.

18.76.040 Exemptions from standards.

18.76.050 Submittal requirements and administration.

18.76.060 Site design standards.

18.76.070 Provisions regarding buildings and structures.

18.76.080 Sustainable design incentives.

18.76.090 Driveways, paths and parking.

18.76.010 Intent.

It is the intent of this section is to provide standards to:

A. Protect the scenic character of the city's gateways along (1) the State Route 169 corridor, with its commanding views of Mount Rainier and other attractive natural features and (2) the Auburn-Black Diamond Road, where the transition into the heart of the city from the adjacent rural unincorporated area is now seamless;

B. Protect views from these corridors to natural conditions and other features with historic quality;

C. Regulate the development of land so it preserves, enhances and complements, rather than detracts, from a scenic experience;

D. Provide tree canopies;

E. Allow a gradual transition into a more urban environment.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.76.020 Area of application.

The gateway corridor overlay district shall apply to all parcels, all or a portion of which are:

A. Within two hundred feet of the State Route 169 right of way, commencing at the city's northern most boundary to the north side of the Roberts Drive intersection; and

B. Within two hundred feet of Auburn Black Diamond Road from the western city limits eastward to its first intersection with an arterial street.

C. Development shall comply with all provisions of this district in addition to those prescribed by the underlying zone. In case of conflict between the provisions of the gateway corridor overlay district and the underlying zone requirements, the provisions of the overlay district shall apply. In case of conflict between the provisions of the gateway corridor overlay district and an existing development agreement, condition of annexation, or recorded conservation easement, the provision that provides the greatest amount of buffering of development from the public right of way shall apply.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.76.030 Definitions.

A. Development. The division of land into two or more parcels, or ownerships in the case of a condominium; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; and mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

B. Development Setback. The minimum distance by which any building or site improvement must be separated from the SR 169 or Auburn-Black Diamond Road right-of-way boundary.

C. Multi-Modal Path. An eight-foot wide concrete path developed to Americans with Disabilities Act (ADA) standards and connecting to adjacent properties and other internal sidewalks or pathways.

D. Scenic Corridor. A roadway and its accompanying right-of-way that offers the traveling public an unobstructed opportunity to observe scenic views and scenic sites in one or more directions, and which usually has a high percentage of open landscape and mature trees within and alongside it. A corridor may include adjacent private property, depending on the context.

E. Scenic View. A scene that offers significant viewing opportunities beyond a maximum distance of one-quarter mile.

F. Sustainable Design. Design in which the impact of a building on the environment will be minimal over the lifetime of the structure. Buildings should incorporate the principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, high standards of indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse.

G. Topping. The severe cutting back of tree limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy, disfigure the tree, and/or threaten its continued health or growth. (Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.76.040 Exemptions from standards.

All new development within the gateway corridor overlay district shall comply with the provisions of this chapter, except that the following shall be exempt:

A. Farm or agricultural-related structures and activities occurring outside the development setback.

B. Single-family dwellings, manufactured homes and allowed accessory uses on existing lots of record.

C. All developments existing on the effective date of this code, provided that expansions or additions to existing development on or after the effective date of this code shall not be exempt.

D. Existing lots of record that are one acre or less in size are not exempt, but the director may grant an administrative deviation from the strict application of this code to the minimum extent that is necessary to allow a reasonable use of the parcel while not compromising the intent and purpose of the overlay district.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.76.050 Submittal requirements and administration.

All non-exempt development shall submit with the appropriate application, an existing condi-

tions map, a site plan of the proposed development and a landscaping plan as specified in Section 18.76.060(C). When a preliminary plat is required to be filed for a subdivision in accordance with this code, this chapter shall be administered and enforced at the time a preliminary plat is filed as part of the subdivision review process by the director and the hearings examiner. In other cases such as a grading permit, development permit or building permit, this chapter shall be administered and enforced by the director.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.76.060 Site design standards.

A. **Development Setback.** All development shall maintain a minimum twenty-five-foot setback for all buildings, structures and property improvements such as parking lots, except for approved road, driveway and utility crossings. With the approval of the director, the development setback may be reduced to twenty feet for one-half of the principal street frontage, with the remaining frontage setback to thirty feet.

1. **Retention of Significant Vegetation.** Where existing trees and significant vegetation exist within the development setback, they should be retained as determined appropriate by the director. Setback areas where existing trees and significant vegetation is sparse may require re-vegetation with native species, as determined by the director. Vegetation within a setback area that is required to remain may be pruned and/or removed only if necessary to ensure proper sight visibility for traffic safety, to remove safety hazards or dying/diseased vegetation, or for other good cause. In all cases, it shall be unlawful to top or severely prune any tree within the development setback unless determined necessary by the director for purposes of protecting existing overhead utility lines or other safety considerations.

2. **Allowed Uses and Activities Within the Development Setback.** For sites with an underlying non-residential zone designation or that are planned for non-residential use as part of a master planned development, limited portions of the de-

velopment setback may be used for public plazas with seating, sidewalk café outdoor seating areas, and similar uses and activities. Signage shall be limited to directional signage and to monument signs as allowed herein. Other minor accessory features of the development may be included within the setback if compatible with the purpose of the setback or essential to the identification of the development, subject to the approval of the director. Maximum encroachment for all uses within the development setback (other than for signage) is five feet.

3. **Exceptions to Development Setback for Scenic View Shed Protection.** When the application of the development setback requirement of this chapter would have the practical effect of screening from view important scenic sites, natural qualities or historic qualities, the director may modify these provisions so that views of such sites or qualities are retained. The intent of this provision is to preserve lines of sight to view distant scenery from scenic corridors. In requiring the modification, the director shall impose such other conditions as are necessary to mitigate the effect of the deviation to ensure the purpose and intent of the overlay district is met. Any modification that is allowed or imposed under this provision shall be supported by written findings setting forth the factual reasons supporting the modification.

B. **Access.** All development within the gateway corridor overlay district shall provide for internal vehicle and pedestrian connectivity to abutting properties, including the opportunity for shared driveway access. Only one access point to SR 169 or the Auburn-Black Diamond Road shall be allowed for every three hundred feet of frontage. Access shall be designed and constructed to accommodate future shared access when abutting properties are developed. The director may allow a reduced distance between access points if access to an existing lot would not be possible due to lot size, topographical or other conditions, and there is no reasonable way to provide access through adjoining properties.

C. Landscaping Plan. A landscaping plan shall be submitted with all applications for development, showing all existing and proposed features, including existing significant trees and other relevant features. Significant trees should not be removed unless their removal is necessary for placement of a structure or approved parking or access corridor, or as otherwise as approved by the director. In general, native plant materials are required, although the use of ornamental plant materials may be approved if planted in a naturalistic manner and allowed to develop in their natural form. The landscape plan must also demonstrate pedestrian connectivity within the development, to the required multi-modal path, and to future access roads and path systems. These landscaping requirements are in addition to any landscaping required in the underlying zone.

1. Tree Requirement. In addition to the preservation of significant trees, all development shall provide an additional two trees, with an expected height at maturity of at least thirty feet, per each twenty linear feet of road frontage along either SR-169 or Auburn-Back Diamond Road. These trees shall be a planted within the development setback in a staggered or clustered configuration to ensure maximum canopy development when not in conflict with scenic view protection. These trees shall be a mixture of both native evergreen and deciduous trees, with deciduous trees preferred near buildings to allow for winter solar access. Trees shall have a minimum caliper of three inches at planting, as measured two feet from base of tree.

2. Screening. If the required development setback does not provide adequate screening of parking lots and service and loading zones from the public right-of-way, there shall be additional landscaping, walls, fences, hedges, shrubbery and/or earthen berms to provide the screening of utilities and loading areas.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.76.070 Provisions regarding buildings and structures.

A. Building Height. No building or structure shall exceed the following heights limits, which are

intended to create a "step-back" effect to preserve view sheds. Cross-section drawings demonstrating how proposed structures meet the height requirements may be required to ensure compliance with this section.

Distance from ROW	Description	Maximum Building Height if Permitted*
0 to 25'	Development Setback	Not permitted
Edge of setback	Development Area	15'
45' or more	Development Area	35'

* Additional height may be permitted if the applicant meets the sustainable technologies or public amenities incentives as described below.

B. Architectural Features. Building facade modulation is required for all facades facing a public street at intervals of no greater than thirty feet. Street-facing windows shall vary in size and height; clerestory and storefront windows are encouraged. Buildings shall have a minimum of fifty percent transparency into first floor commercial, working space or public area.

C. Utilities. All utility lines including electric, telephone, data and cable television, shall be installed underground. Underground utility trenches within landscaped areas must be revegetated. Utility boxes and cabinets that are now or must, by necessity, be located above ground, shall be shielded from view from the right-of-way with existing vegetation and/or revegetation. Any aboveground boxes and cabinets shall, in addition to the required vegetative screening, be painted black or an earth tone color to otherwise blend in with its surroundings.

D. Signage. Monument signs shall be permitted within the required development setback in accordance with provisions of this section and subject to the approval of the director. Pole signs are not permitted. Signs located beyond the set-

back area and not visible from the public right-of-way are not subject to the requirements of this section, but shall comply with the requirements of the underlying zone.

1. The total allowed sign area of all signage permitted within the development setback on any one lot shall not exceed fifty-four square feet. A double-faced sign shall be considered a single sign. No more than two signs shall be permitted within the development setback area per lot, provided that this limitation shall not apply to signs pertaining to the identification of the corridor and those signs and/or interpretive panels identifying and directing the traveling public to archaeological sites, historic sites and other similar non-commercial places and features of interest.

2. All signage shall be designed with a theme compatible with the architectural style of the development and have a brick, stone or similar masonry base. Signs should be painted a single neutral or earth tone color as determined by the director to be compatible with the architectural theme or style of the development. Signs may be indirectly lit.

3. In general, no internally illuminated signs shall be permitted, nor shall any flashing, blinking, fluctuating or otherwise changing light source be permitted. Provided, an internally lit sign may

be allowed if the sign face only allows light to illumine the lettering of the business or development name.

4. The main supporting structure of all signs shall be set back at least five feet from the edge of the public right-of-way.

5. If a business entrance opens onto the development setback, then a pedestrian oriented sign may be allowed, not to exceed twelve square feet, at the entrance to the business.

E. Walls and Fences. Walls within or along the development setback shall not be allowed, except for low-lying decorative stone walls (maximum thirty-six inches in height) for enhancement of the scenic corridor, or walls that are needed for slope stabilization. Where permitted, walls shall be located so that scenic views are maintained. Walls must consist of natural materials and shall only be of colors that blend with the vegetation or abutting landscape features. Privacy fences shall not be permitted within or along the development setback area.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.76.080 Sustainable design incentives.

In an effort to encourage the more widespread use of sustainable design, building heights may be increased as noted below for use of one or more of the following elements:

Sustainable Design Technology	Criterion
Solar panels	Must be sufficient to reduce estimated energy consumption by 20%
Green roofs on commercial buildings	Must be constructed to National Roof Construction Association standards
The installation of storm water runoff collection systems to re-circulate runoff as landscaping irrigation	Designed and stamped by a civil engineer
The planting of at least 25 percent more trees than required by code	Landscape plan must be submitted with additional trees identified by species and location

Sustainable Design Bonus:

Distance from ROW	Description	Maximum Building Height if Permitted	Maximum Building Height Bonus, if One or More Technologies Employed
0 to 25'	Development Setback	Not permitted	Not applicable
25' to 45'	Development Area	15'	Additional 10' with one technology employed
45' or more	Development Area	35'	Additional 20' with two technologies employed

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)

18.76.090 Driveways, paths and parking.

A. Internal roadways within a development shall be designed and constructed to contribute to the scenic character of the corridor and shall be the minimum width allowed. Internal roadways shall provide connectivity to abutting properties. If an abutting property is undeveloped, the site shall be designed and constructed so connectivity can occur when the abutting property develops.

B. Stormwater runoff shall be collected in bio-swales per city standards or best management practices.

C. Pedestrian-scale lighting shall be employed for internal circulation and shall use horizontal cut-off fixtures. Lighting shall be installed to provide a consistent two foot-candles along any path.

D. A continuous eight-foot-wide concrete, ADA accessible, multi-modal path shall connect all properties and shall be constructed either within the development setback or public right-of-way (or both). This path may meander as needed to protect existing significant vegetation and/or provide interest. The multi-modal path shall be connected to the front doors of all commercial development by a minimum five-foot-wide walkway.

E. Parking. Parking lots shall not be visible from public right-of-way. Buildings should be used to screen parking whenever possible. In the case of access points where buildings at or near the set-

back cannot screen parking areas, internal lot landscaping shall be used to screen parking areas from view.

(Ord. No. 909, § 2 (Exh. A), 6-18-2009)