

Mike Podowski / Sara Belz
DPD On-Premises Wall Signs ORD
March 20, 2014
Version #8

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117991

AN ORDINANCE relating to the regulation of wall signs, amending Sections 23.55.030, 23.55.034, 23.55.036, 23.84A.036 and 23.90.018 of the Seattle Municipal Code; enacting and amending standards for on-premises wall signs in commercial, Seattle Mixed, industrial and downtown zones; clarifying the definition of wall signs and on-premises signs; directing revenue from sign code violations to the Operations Division of the Department of Planning and Development; and establishing increased penalties for certain violations of sign provisions in the Seattle Municipal Code.

WHEREAS, the Seattle Municipal Code Chapter 23.55 ("Sign Code") regulates signs for the purposes set out in SMC 23.55.001; and

WHEREAS, the intent of Seattle's Sign Code is to "protect the public interest and safety," including reducing driver distraction, to "encourage the design of signs that attract and invite rather than demand the public's attention, and to curb the proliferation of signs," all while providing opportunities for communicating information; and

WHEREAS, the Sign Code authorizes signs that are in the public interest, such as on-premises signs; and

WHEREAS, under the Sign Code, on-premises signs are authorized to carry messages about a business activity, product or service offered on the premises where the sign is located or non-commercial messages; and

WHEREAS, the Sign Code prohibits off-premises signs displaying messages about a business activity, product or service not available on the premises where the sign is located, except for a limited number of registered billboards; and

WHEREAS, the Comprehensive Plan's Urban Design Policies for Downtown seek to regulate signs to "reduce visual clutter," "enhance the appearance of downtown," and "generally discourage signs not oriented to persons at the street level";

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection E of Section 23.55.030 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

1 **23.55.030 Signs in NC3, C1, C2 and SM zones**

2 ***

3 E. On-Premises Signs.

4 ***

5 3. Maximum Area.

6 a. NC3 ((Zones)) and ((the)) SM zones.

7 1) The maximum area of each face of a pole, ground, roof,
8 projecting or combination sign is 72 square feet plus 2 square feet for each foot of frontage over
9 36 feet on public rights-of-way, except alleys, to a maximum area of 300 square feet, provided
10 that:

11 i. The maximum area for signs for multiple business
12 centers, and signs for business establishments located within 100 feet of a state route right-of-
13 way that is not designated in Section 23.55.042 as a landscaped or scenic view section, is 600
14 square feet; and

15 ii. The maximum area for pole signs for gas stations that
16 identify the price of motor fuel being offered by numerals of equal size is 96 square feet.

17 2) There is no maximum area limit for ((wall,)) awning, canopy,
18 marquee or under-marquee signs.

19 3) The maximum area for each wall sign is 672 square feet.

20 b. C1 and C2 Zones. There is no maximum area limit for on-premises signs
21 for business establishments in C1 and C2 zones except the maximum area for each wall sign is
22 672 square feet.

23 ***

24 Section 2. Subsection D of Section 23.55.034 of the Seattle Municipal Code, last
25 amended by Ordinance 123046, is amended as follows:

26 **23.55.034 Signs in downtown zones**

1 ***

2 D. On-premises Signs.

3 ***

4 2. There ~~((shall be))~~ is no maximum area limit~~((s))~~ for on-premises signs, except
5 ~~((for signs))~~ as follows:

6 a. The maximum area for each wall sign is 672 square feet; and

7 b. Signs identifying hotels and public buildings ~~((sixty five (65)))~~ 65 feet
8 or more above the elevation of the sidewalk~~((, which))~~ shall not exceed ~~((eighteen (18)))~~ 18 feet
9 in length, height or any other direction.

10 ***

11 Section 3. Subsection D of Section 23.55.036 of the Seattle Municipal Code, last
12 amended by Ordinance 123649, is amended as follows:

13 **23.55.036 Signs in IB, IC, IG1 and IG2 zones**

14 ***

15 D. On-premises Signs.

16 ***

17 3. Maximum Area. ~~((Except as provided in sub-section D5, there))~~ There ~~((shall~~
18 ~~be))~~ is no maximum area limit~~((s))~~ for on-premises signs for business establishments, except as
19 follows:

20 a. As set forth in 23.55.036.D.5; and

21 b. The maximum area for each wall sign is 672 square feet except that the
22 maximum area for each wall sign for spectator sports facilities with a seating capacity of forty
23 thousand (40,000) or greater shall be 3,000 square feet.

24 ***

25 Section 4. Subsection 23.84A.036 of the Seattle Municipal Code, last amended by
26 Ordinance 123913, is amended as follows:

1 **23.84A.036 "S"**

2 ***

3 "Sign, on-premises" means a sign or sign device used solely by a business establishment
4 on the lot where the sign is located that displays either: (1) commercial messages that are strictly
5 applicable only to a use of the premises on which it is located, including signs or sign devices
6 indicating the business transacted, principal services rendered, goods sold or produced on the
7 premises, name of the business, and name of the person, firm or corporation occupying the
8 premises; or (2) noncommercial messages. For purposes of this definition, "business transacted,
9 principal services rendered, goods sold or produced on the premises" does not include: (a) the
10 sale or donation of a gift card, gift certificate, coupon or other document that can be exchanged
11 in part or whole for an item or good that is not directly sold or produced or a service rendered
12 where the gift card, gift certificate, coupon or other document is sold or donated; or (b) access by
13 phone, computer or any other device to allow a person to obtain an item or good that is not
14 directly sold or produced or a service rendered where the access by phone, computer or other
15 device is offered. This definition ((shall)) does not include signs located within a structure except
16 those signs oriented so as to be visible through a window.

17 ***

18 "Sign, wall" means any sign attached to and supported by a wall of a structure, or
19 projected on or onto a wall of a building or structure or suspended from the roof of a building or
20 structure, with the exposed face of the sign on a plane approximately parallel to the plane of the
21 wall, or any sign painted directly on a building facade.

22 ***

23 Section 5. Section 23.90.018 of the Seattle Municipal Code, last amended by Ordinance
24 123589, is amended as follows:

25 **23.90.018 Civil Enforcement Proceedings and Penalties**

26 ***

1 B. Specific Violations.

2 1. Violations of Section 23.71.018 are subject to penalty in the amount specified
3 in subsection 23.71.018.H.

4 ***

5 8. Violations of subsections 23.55.030.E.3.a.3, 23.55.030.E.3.b, 23.55.034.D.2.a
6 and 23.55.036.D.3.b, or, if DPD has issued an on-premises sign permit for a particular sign and
7 the actual sign is not being used for on-premises purposes or does not meet the definition of an
8 on-premises sign as defined in chapter 23.84A SMC, are subject to a civil penalty of \$1,500 per
9 day for each violation from the date the violation begins until compliance is achieved.

10 ***

11 F. Use of Penalties. A subfund shall be established in the City's General Fund to receive
12 revenue from penalties under subsections 23.90.018.B.3, 23.90.018.B.5 and 23.90.018.E.
13 Revenue from penalties under that subsection shall be allocated to activities or incentives to
14 encourage and promote the development of sustainable buildings. The Director shall recommend
15 to the Mayor and City Council how these funds should be allocated. A subfund shall be
16 established in the City's General Fund to receive revenue from penalties under subsection
17 23.90.018.B.8, which shall annually be directed to the Department of Planning and
18 Development's Operations Division, after 10 percent of the gross receipts are paid to Parks as
19 required by Article XI, section 3 of the Charter.

20 Section 6. Severability clause. The provisions of this ordinance are declared to be
21 separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or
22 all appeal periods having run, finds any provision of this ordinance to be invalid or
23 unenforceable as to any person or circumstance, such offending provision shall, if feasible, be
24 deemed to be modified to be within the limits of enforceability or validity. However, if the
25 offending provision cannot be so modified, it shall be null and void with respect to the particular
26 person or circumstance and all other provisions of this ordinance in all other respects, and the
27

1 offending provision with respect to all other persons and all other circumstances shall remain
2 valid and enforceable. The intent of the City Council is to maintain the validity of the Sign
3 Code, and should any provision of this ordinance be found invalid, it is the intent of the City
4 Council that the Sign Code be in force and effect as if that provision of this ordinance had not
5 been enacted.

6 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
7 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
8 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

9 Passed by the City Council the ____ day of _____, 2014, and
10 signed by me in open session in authentication of its passage this
11 ____ day of _____, 2014.

12 _____
13 _____
14 President _____ of the City Council

15 _____
16 Approved by me this ____ day of _____, 2014.

17 _____
18 _____
19 Edward B. Murray, Mayor

20 _____
21 Filed by me this ____ day of _____, 2014.

22 _____
23 _____
24 Monica Martinez Simmons, City Clerk

25 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Department of Planning and Development (DPD) & Legislative Department	Mike Podowski / 6-1988 Sara Belz / 4-5382	Not Applicable

Legislation Title:

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Summary of the Legislation:

The ordinance would make the following changes to the Land Use Code (Title 23 of the Seattle Municipal Code):

- Provide a 287-square foot area limit for on-premises wall signs in commercial, Seattle Mixed, industrial and downtown zones;
- Clarify definitions of wall signs and on-premises signs; and
- Increase penalties for violations of certain sign provisions addressed in the legislation from \$500/day to \$1,500/day.

Background:

The City generally bans all signs, including off-premises signs (also known as advertising signs or billboards), because they contribute to driver distraction and visual blight. However, the City makes some exceptions to advance other purposes, such as allowing on-premises business signs to promote local business vitality. Currently, there are no size/area limits for on-premises signs in commercial, Seattle Mixed, industrial and downtown zones. Over the last few years, the City has seen an increase in the number of very large on-premises wall signs located in these areas, some of which far exceed the size of large billboards (672 square feet) and some of which appear more like off-premise advertising signs than on-premise signs.

The intent of this legislation is to improve the consistency of the Land Use Code by 1) clarifying the distinction between on-premises and off-premises signage, and 2) adopting area limits for new wall signs that will reduce driver distraction and visual blight more than the current Code, which does not contain an area limit, all while continuing to allow businesses to communicate

with the public via on-premises signage. The proposed legislation would also increase the maximum penalties for violations of certain sign provisions in the Land Use Code. DPD prepared a Director's Report at the request of Council related to the proposed amendments; the Director's Report can be found in Clerk File 313374.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
Over time, it is possible the legislation could have some impact on the amount of penalty payments DPD receives from parties that violate the City's on-premises sign regulations. It may also have an effect on the amount of revenue DPD generates from issuing on-premises sign permits because permit fees are based in part on a sign's size. The scale of those potential impacts are not currently known.
- b) **What is the financial cost of not implementing the legislation?**
See above.
- c) **Does this legislation affect any departments besides the originating department?**
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** There are no other possible alternatives that could achieve the same or similar objectives. Legislative action by ordinance is required to amend the City's Land Use Code.
- e) **Is a public hearing required for this legislation?**
Yes, a public hearing will be held in early 2014.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
Yes.
- g) **Does this legislation affect a piece of property?**
No.
- h) **Other Issues:**
None.

List attachments to the fiscal note below:

None.