

CITY OF SEATTLE
ORDINANCE _____

COUNCIL BILL 117991

1
2
3
4 AN ORDINANCE relating to the regulation of wall signs, amending Sections 23.55.030,
5 23.55.034, 23.55.036, 23.84A.036 and 23.90.018 of the Seattle Municipal Code; enacting
6 and amending standards for on-premises wall signs in commercial, Seattle Mixed,
7 industrial and downtown zones; clarifying the definition of wall signs and on-premises
8 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.

9 WHEREAS, ~~the~~ Seattle Municipal Code Chapter 23.55 (“Sign Code”) regulates signs for the
10 purposes set out in ~~SMC~~Section 23.55.001; and

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

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

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

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

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

23 WHEREAS, it is the City of Seattle’s (“City”) intent that any complete on-premises wall sign
24 permit application that is received by the Department of Planning and Development
25 (“DPD”) prior to the effective date of this ordinance for a sign that is larger than 672
26 square feet in area, and subsequently approved by DPD, shall be considered
27 nonconforming to the new area limit and allowed to remain subject to Sections 23.42.112
28 and 23.84A.036 of the Seattle Municipal Code; and

1 WHEREAS, it is the City's intent that all permitted on-premises signs must conform to the
2 definition of "sign, on-premises" in Section 23.84A.036 of the Seattle Municipal Code, as
3 amended by this ordinance, by the effective date of this ordinance, except where DPD has
4 previously and expressly approved (1) the sale or donation of gift cards, gift certificates,
5 coupons or other documents that can be exchanged in part or whole for an item or good
6 that is featured on an on-premises sign but not directly sold or produced or a service
7 rendered where the gift card, gift certificate, coupon or other document is sold or
8 donated; or (2) providing access to a phone, computer or any other device to allow a
9 person to obtain an item or good that is featured on an on-premises sign but not directly
10 sold or produced or a service rendered where the access by phone, computer or other
11 device is offered. Additionally, the business establishment associated with the on-
12 premises sign permit must be able to document that (a) it is the same business
13 establishment that received the original permit for the on-premises sign and (b) the copy
14 displayed or the item or good featured on the sign is the same as that shown on the plans
15 associated with the original approved sign permit. Business establishments that are
16 unable to meet the above-described standards (a) and (b) must conform their on-premises
17 signs to the definition of "sign, on-premises" in Section 23.84A.036 of the Seattle
18 Municipal Code, as amended by this ordinance, by the effective date of this ordinance;
19 NOW, THEREFORE,

20 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

21 Section 1. Findings of Fact. The City makes the Findings of Fact appended hereto as
22 Attachment 1 and incorporated herein to this ordinance by this reference.

23 Section 2. Subsection E of Section 23.55.030 of the Seattle Municipal Code, last
24 amended by Ordinance 123649, is amended as follows:

25 **23.55.030 Signs in NC3, C1, C2 and SM zones**

26 ***

27 E. On-Premises Signs.

28 ***

29 3. Maximum Area.

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

31 1) The maximum area of each face of a pole, ground, roof,
32 projecting or combination sign is 72 square feet plus 2 square feet for each foot of frontage over
33 36 feet on public rights-of-way, except alleys, to a maximum area of 300 square feet, provided
34 that:

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

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

7 2) There is no maximum area limit for ~~((wall;))~~ awning, canopy,
8 marquee or under-marquee signs.

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

10 b. C1 and C2 Zones. There is no maximum area limit for on-premises signs
11 for business establishments in C1 and C2 zones except the maximum area for each wall sign is
12 672 square feet.

13 ***

14 Section 23. ~~Subsection D~~ of Section 23.55.034 of the Seattle Municipal Code, last
15 amended by Ordinance ~~123046~~ 124378, is amended as follows:

16 **23.55.034 Signs in downtown zones**

17 ***

18 D. On-premises Signs.

19 ***

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

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

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

26 ***

1 Section 34. ~~Subsection D of~~ Section 23.55.036 of the Seattle Municipal Code, last
2 amended by Ordinance 123649, is amended as follows:

3 **23.55.036 Signs in IB, IC, IG1 and IG2 zones**

4 ***

5 D. On-premises Signs.

6 ***

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

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

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

14 ***

15 Section 45. ~~Subsection~~Section 23.84A.036 of the Seattle Municipal Code, last amended
16 by Ordinance 123913, is amended as follows:

17 **23.84A.036 "S"**

18 ***

19 "Sign, on-premises" means a sign or sign device used solely by a business establishment
20 on the lot where the sign is located that displays either: (1) commercial messages that are strictly
21 applicable only to a use of the premises on which it is located, including signs or sign devices
22 indicating the business transacted, principal services rendered, goods sold or produced on the
23 premises, name of the business, and name of the person, firm or corporation occupying the
24 premises; or (2) noncommercial messages. For the purposes of this definition, "business
25 transacted, principal services rendered, goods sold or produced on the premises" does not
26 include: (a) the sale or donation of a gift card, gift certificate, coupon or other document that can

1 be exchanged in part or whole for an item or good that is not directly sold or produced or a
2 service rendered where the gift card, gift certificate, coupon or other document is sold or
3 donated; or (b) access by phone, computer or any other device to allow a person to obtain an
4 item or good that is not directly sold or produced or a service rendered where the access by
5 phone, computer or other device is offered. This definition ((shall)) does not include signs
6 located within a structure except those signs oriented so as to be visible through a window.

7 ***

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

12 ***

13 Section 56. Section 23.90.018 of the Seattle Municipal Code, last amended by Ordinance
14 123589124378, is amended as follows:

15 **23.90.018 Civil Enforcement Proceedings and Penalties**

16 ***

17 B. Specific Violations.

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

20 ***

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

26 ***

1 F. Use of Penalties. A subfund shall be established in the City's General Fund to receive
2 revenue from penalties under subsections 23.90.018.B.3, 23.90.018.B.5 and 23.90.018.E.
3 Revenue from penalties under that subsection shall be allocated to activities or incentives to
4 encourage and promote the development of sustainable buildings. The Director shall recommend
5 to the Mayor and City Council how these funds should be allocated. A subfund shall be
6 established in the City's General Fund to receive revenue from penalties under subsection
7 23.90.018.B.8, which shall annually be directed to the Department of Planning and
8 Development's Operations Division, after 10 percent of the gross receipts are paid to the Parks
9 and Recreation Fund as required by Article XI, sSection 3 of the Charter.

10 Section 67. Severability clause. The provisions of this ordinance are declared to be
11 separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or
12 all appeal periods having run, finds any provision of this ordinance to be invalid or
13 unenforceable as to any person or circumstance, such offending provision shall, if feasible, be
14 deemed to be modified to be within the limits of enforceability or validity. However, if the
15 offending provision cannot be so modified, it shall be null and void with respect to the particular
16 person or circumstance and all other provisions of this ordinance in all other respects, and the
17 offending provision with respect to all other persons and all other circumstances shall remain
18 valid and enforceable. The intent of the City Council is to maintain the validity of the Sign
19 Code, and should any provision of this ordinance be found invalid, it is the intent of the City
20 Council that the Sign Code be in force and effect as if that provision of this ordinance had not
21 been enacted.

22 Section 78. This ordinance shall take effect and be in force 30 days after its approval by
23 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
24 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

25 Passed by the City Council the ____ day of _____, 2014, and
26 signed by me in open session in authentication of its passage this
27

1 _____ day of _____, 2014.

2

3

4

President _____ of the City Council

5

6

Approved by me this _____ day of _____, 2014.

7

8

9

Edward B. Murray, Mayor

10

11

Filed by me this _____ day of _____, 2014.

12

13

14

Monica Martinez Simmons, City Clerk

15

(Seal)

16

17

Attachment 1: Findings of Fact

18

19

20

21

22

23

24

25

26

27

28

Attachment 1: Findings of Fact

The City of Seattle ("City") makes the following Findings of Fact with respect to this ordinance:

1. The City has considered the public comments and testimony submitted to date regarding this ordinance and the documents contained in Clerk File 313374 and Clerk File 313732.
2. An intent of the City's Sign Code (Chapter 23.55 of the Seattle Municipal Code), as set out in Section 23.55.001 of the Seattle Municipal Code, is to regulate signs in order to protect the public interest and safety. Components of protecting the public interest and safety include reducing driver distraction, traffic safety hazards and visual blight.
3. All signs contribute to driver distraction and traffic safety hazards and have adverse aesthetic impacts on the visual environment.
4. As set forth at Section 23.55.001 of the Seattle Municipal Code, another important purpose of the City's sign regulations is to allow businesses to identify their premises as well as goods or services that are available on-site, as opposed to at other locations.
5. In the late 1970s, the City banned all new signs with limited exceptions due to their impact on driver distraction and adverse aesthetic impacts. The ban was prompted in large part by the number of off-premises signs (also known as advertising signs or billboards) permitted throughout the City. The ban prohibited the installation of all new off-premises signs.
6. Off-premises signs are limited in overall number (no additional off-premises signs may be installed in the City) and generally do not exceed 672 square feet in area. These off-premises signs must meet dispersion and lighting standards, and each sign location must be registered with the City and listed in the City's "billboard bank". In 1993, when the City required all off-premises signs to be registered, 640 were registered and listed in the billboard bank. As of April 2014, only 482 remain in the billboard bank.
7. The City has elected to allow new signs, including on-premises signs that support certain public goals. On-premises signs are permitted because they allow for the identification of businesses that offer goods, products or services on the site where the sign is located. On-premises signs are defined in Section 23.84A.036 of the Seattle Municipal Code under "sign, on-premises".
8. Prior to the effective date of this ordinance, the Sign Code did not establish area limits for most on-premises wall signs located in commercial, Seattle Mixed, industrial and downtown zones, with the exception of hotel and public building signs that are located in downtown zones and more than 65 feet above the sidewalk closest to the sign.
9. However, some very large wall signs that have been installed throughout the City create visual blight, impair public safety by distracting drivers and, in an increasing number of cases, create confusion between on-premises and off-premises signage.

10. During the last ten years, more than 98 percent of all on-premises wall sign permits issued by the the Department of Planning and Development (“DPD”) were for signs with a total area of 672 square feet or less.
11. The average size of all on-premises wall signs permitted by DPD over that same ten year period was approximately 83 square feet.
12. Recently, however, DPD has observed a growing trend: permit applications for on-premises wall signs that are larger than 672 square feet in area (the size of a large billboard) have significantly increased over the last ten years. More specifically, between 2003 and 2007, DPD received 39 permit applications for such signs, for an average of 7.8 applications per year. Between 2008 and 2012, that figure climbed to 60 or an average of 12 permit applications per year. This trend continued to accelerate between January 2013 and March 2014, when DPD received 30 permit applications for on-premises wall signs in excess of 672 square feet in area. This calculates to an average of 24 permit applications per year.
13. City analysis also suggests that the number of very large wall signs has increased, in part, due to changes in sign production methods and opportunities for revenue. Wall signs can now be printed on vinyl banners that are inexpensive to produce and can be made in virtually any size. This includes wall signs that are double, triple or even ten times the size of large billboards. The City has also learned through recent enforcement actions that some wall signs that are larger than 672 square feet in area have generated monthly revenues of up to \$30,000 or \$40,000 per building and up to \$32,000 per sign.
14. The lack of size control, relative ease of production for wall signs and opportunities to generate revenue from signage has resulted in some sign companies seeking to contract with business establishments or landlords to obtain on-premises sign permits for signage that appears to the average person to be off-premises advertising.
15. It is increasingly difficult to distinguish these large on-premises walls signs from off-premises billboards around Seattle. This creates confusion for those viewing the signs about whether the signs are on-premises or off-premises and has resulted in both diluting the important purpose of on-premises messaging and attempting to replace it with off-premises advertising.
16. The intent of this legislation is to remove the confusion between on-premises and off-premises signs by adopting a maximum area limit for wall signs in commercial, Seattle Mixed, industrial and downtown zones. The area limit is also intended to restore the distinction between on-premises and off-premises signs, strengthen the important purpose of allowing on-premises commercial enterprises to communicate information about what is actually occurring on the site, and reduce the incentive among businesses and landlords to lease out on-premises sign space in exchange for revenues from what are, essentially, off-premises advertisements.

17. This ordinance establishes a maximum area limit for on-premises wall signs in commercial, Seattle Mixed, industrial and downtown zones because, unlike in single-family and multi-family zones where such area limits already exist, the City has observed the proliferation of very large wall signs in these areas, including signs with a total area of more than 672 square feet.
18. It is reasonable to adopt a 672 square foot area limit for wall signs because the vast majority of all wall signs permitted during the last ten years did not exceed 672 square feet in size. A 672 square foot area limit is more than adequate to allow a business to identify its location, advertise its products and/or communicate other information about on-premises activities. If a business establishment desires a new on-premises sign that is larger than 672 square feet, there are a variety of types of signage available, other than wall signs, for which the Sign Code does not establish an area limit. Further, adopting an area limit of 672 square feet, which is smaller than the very largest wall signs the City is seeing in increasing numbers, will reduce the incentive for sign companies to contract with landlords or business establishments for on-premises sign permits for what are essentially off-premises signs.
19. An area limit of 672 square feet would not result in increased driver distraction and could even reduce driver distraction somewhat because the City's wall sign regulations that existed prior to the effective date of this ordinance did not include an area limit for on-premises wall signs located in commercial, Seattle Mixed, industrial and downtown zones. Larger wall signs result in longer driver distraction than smaller wall signs because larger signs can be seen earlier and at a further distance than smaller signs. Therefore, adoption of an area limit may reduce the level of distraction that drivers currently experience.
20. It is reasonable to adopt an area limit of 3,000 square feet for all new on-premises wall signs for spectator sports facilities located in industrial zones with a seating capacity of 40,000 or greater because the larger sign size is more proportionate to the scale of such buildings. The use of the seating capacity measure is intended to serve as a proxy for identifying structures that occupy a large total area, feature vast exterior walls and occupy extended lengths of street frontage. The intent of the amendment is to allow large spectator sports facilities to install wall signs that are appropriately scaled to the size of their buildings, thereby allowing them to adequately communicate with the public about the events, services and products located inside.
21. The spectator sports facilities located in industrial zones that would be subject to the 3,000 square foot wall sign area limit established in this legislation are Century Link Field (maximum seating capacity of around 72,000) and Safeco Field (maximum seating capacity of about 47,000).
22. About 20 percent of the nearly 100 permits issued over the last 10 years for on-premises wall signs in excess of 672 square feet were for sign installations at either Century Link Field or Safeco Field.

23. In addition to adopting an area limit to restore the distinction between on-premises and off-premises signs and to reduce confusion between those two types of signs, it is also reasonable to clarify the definition of “sign, on-premises” in Section 23.84A.036 of the Seattle Municipal Code. An on-premises sign is a sign or sign device used solely by a business establishment on the lot where the sign is located. Such a sign, when used for commercial purposes, must indicate, among other things, “the business transacted, principal services rendered, goods sold or produced on the premises”. This ordinance seeks to clarify that the term “business transacted, principal services rendered, goods sold or produced on the premises” specifically excludes providing customers with gift cards, gift certificates, coupons or similar documents, or with access to phones, computers or other devices that customers may use to purchase goods, products or services that are featured on an on-premises sign but not available on-site.

24. Finally, to further assist in (a) clarifying the distinction between on-premises and off-premises signage and (b) reducing the incentive for some businesses and landlords to attempt to utilize on-premises signage for what appears to be off-premises purposes, this ordinance increases the penalties for certain violations of the Sign Code. The current penalty for violating the City’s wall sign regulations is \$500 per day. Thus, the maximum penalty the City could seek against a responsible party per month would be about \$15,000. As is noted above, the City is aware of examples where large wall signs have generated up to \$32,000 in revenue per month per sign. Because the maximum penalty the City could seek is less than the monthly revenue generated by some very large wall signs, the current penalty for Sign Code violations is insufficient to deter some parties from defying the City’s regulations. Therefore, it is reasonable for the City to adopt maximum penalties of \$1,500 per day for certain violations of the Sign Code.

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:

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.

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 287672-square foot area limit for on-premises wall signs in commercial, Seattle Mixed, industrial and downtown zones;
- Establish a 3,000 square foot area limit for all new on-premises wall signs for spectator sports facilities that have a seating capacity of 40,000 or greater and are located in industrial 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-premises advertising signs than on-premises signs.

The intent of this legislation is to improve the consistency of the Land Use Code by 1) clarifying and restoring 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~~was held ~~in early~~on February 20, 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.