

| **Section 17C.240.280** **Section 17C.240.280** Nonconforming Signs

- A. Any sign legally existing prior to August 5, 2009 that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered nonconforming and may continue in such status until such time as it is removed by its owner.
- B. Regulations that Apply to All Nonconforming Signs.
 1. Sign maintenance, sign repair, and changing of permanent sign faces is allowed so long as structural alterations are not made and the sign is not increased in size. In the DTS zone, for existing signs that are sixty feet or more in height, the replacement of the sign cabinet with a sign cabinet of equal or smaller sign area is permitted if the sign height is not more than the existing sign.
 2. Permanent signs and sign structures that are moved, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right-of-way improvements may be re-established (See [SMC 17C.240.240180\(GD\)\(4\)](#), Removal of Signs, and [SMC 17C.240.260\(B\)\(2\)](#), Public Works Exception.)
 3. Nonconforming temporary signs must be removed.
 4. Ownership.
The status of a nonconforming sign is not affected by changes in ownership.
 5. Change to a Conforming Sign.
A nonconforming sign may be altered to become conforming or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established. Unless prohibited, proposed changes that are not in conformance are subject to the adjustment process.
 6. Loss of Nonconforming Sign Status.
 - a. Discontinuance.
If there is no sign face in place on a sign structure or building wall for six continuous months, the nonconforming rights are lost and a nonconforming sign may not be re-established.
 - b. Destruction.
When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards. However:
 - i. Repair and Maintenance.
A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair. In order to preserve the nonconforming sign status, the person removing the sign must inform the director, in writing, before the sign is removed. If the responsible party fails to inform the director, any re-erected sign will be considered a new sign.
 - ii. Unintentional Destruction.
When a sign or sign structure that has nonconforming elements is damaged or destroyed by fire, explosion, wind, act of nature, or other accidental means, it may be rebuilt to the same size and

height using the same or similar materials, so long as the cost of such repair and/or maintenance does not exceed fifty percent of the cost of replacing the non-conforming sign.

C. Documenting a Nonconforming Sign.

To document legal nonconforming status, the applicant must provide evidence to show that the sign was established prior to the effective date of this chapter or allowed when established, and that the sign has been maintained over time. If the applicant provides standard evidence from the lists below, the director will determine if the evidence is satisfactory.

1. Sign Established Before effective Date of this Chapter.

If the sign was established before the effective date of this chapter, the applicant must provide evidence to show that the sign was established before the effective date of this chapter. Standard evidence that the sign was established before the effective date of this chapter is a:

- a. building, zoning, sign, or development permit;
- b. date-stamped photograph of the sign at its current location.

2. Sign Maintained Over Time.

The applicant must provide evidence to show that the sign has been maintained over time. Standard evidence that the sign has been maintained over time is:

- a. utility bills;
- b. sign-specific property or income tax records;
- c. business licenses;
- d. listings in telephone, business, or Polk directories;
- e. advertisements in dated publications;
- f. building, sign, land use, or development permits; or
- g. records of sign lease agreements;
- h. tax returns or schedules.