

Current SMC 17C.240.250

Section 17C.240.250 Off-premises Signs

- A. No new off-premises signs may be constructed, on any site.
- B. Off-premises signs now in existence in any zone are declared nonconforming uses and may remain, subject to the following restrictions:
 1. A nonconforming off-premises sign may not be increased in size or elevation, relocated to another site or to a new location on the same site or expanded, enlarged, or extended in any way, including, but not limited to, the addition of advertising faces or the addition of rotating faces with movable panels designed to create additional advertising, except as provided for in the public works exception below.
 2. Public Works Exception.

An existing off-premises sign that is allowed to remain in conformance with [SMC 17C.240.250\(B\)](#) shall be allowed to be relocated if necessitated for the accomplishment of a governmental public works project. This relocation of these off-premises signs for public works projects shall be subject to the limitations in subsections (a) through (e) below:

 - a. No increase in square footage of outdoor advertising display copy shall be permitted. These signs shall be replaced at the same size they existed at immediately prior to relocation.
 - b. No additional outdoor advertising faces shall be added.
 - c. No increase in height of the existing outdoor advertising display shall be permitted except where needed to provide for minimum height clearance (from the ground to the bottom of the off-premises signs) to comply with roadway safety.
 - d. The outdoor advertising display shall be relocated along the same roadway it was removed from in the geographical vicinity and shall comply with the Scenic Vistas Act of 1971 (chapter 47.42 RCW and chapter 468-66 WAC) if located along a state highway.
 - e. The relocation of the outdoor advertising shall be subject to all current City of Spokane rules, regulations, and procedures relating to the regulation and control of off-premises signs.
 3. A nonconforming off-premises sign may not be structurally altered. Structural alterations mean alterations to, including replacement of, either the off-premises sign face, or the supporting structure. Normal maintenance and repair including painting, cleaning, or replacing damaged parts of the off-premises sign, shall not be considered a structural alteration.
 4. Any nonconforming off-premises sign which is damaged or destroyed by fire, explosion, wind, act of nature, or other accidental means may be restored if the cost thereof does not exceed fifty percent of its replacement cost. Off-premises signs damaged in an amount in excess of fifty percent of replacement cost shall be removed.
 5. All nonconforming off-premises signs shall be kept in good repair and maintained in a neat, clean, attractive and safe condition. Any work required to repair or maintain an off-premises sign shall be completed promptly so long as the off-premises sign is not structurally altered.

Proposed SMC 17C.240.250

Section 17C.240.230 Off-premises Signs

- A. No new off-premises signs may be constructed, on any site.
- B. Off-premises signs now in existence in any zone, and for which permits were previously issued are declared nonconforming uses and may remain, subject to the following restrictions:
1. A nonconforming off-premises sign may not be increased in size or elevation, relocated to another site or to a new location on the same site or expanded, enlarged, or extended in any way, including, but not limited to, the addition of advertising faces or the addition of rotating faces with movable panels designed to create additional advertising, except as provided for in the public works exception below.
 2. Public Works Exception.
An existing off-premises sign that is allowed to remain in conformance with [SMC 17C.240.250\(B\)](#) shall be allowed to be relocated if necessitated for the accomplishment of a governmental public works project. This relocation of these off-premises signs for public works projects shall be subject to the limitations in subsections (a) through (f) below:
 - a. No increase in square footage of ~~outdoor advertising display~~ off-premise sign copy shall be permitted. These signs shall be replaced at the same size they existed at immediately prior to relocation.
 - b. No additional ~~outdoor advertising display~~ sign faces shall be added.
 - c. No increase in height of the existing ~~outdoor advertising display~~ off-premise sign shall be permitted except where needed to provide for minimum height clearance (from the ground to the bottom of the off-premises signs) to comply with roadway safety.
 - d. The ~~outdoor advertising display~~ off-premise sign shall be relocated along the same roadway it was removed from in the geographical vicinity and shall comply with the Scenic Vistas Act of 1971 (chapter 47.42 RCW and chapter 468-66 WAC) if located along a state highway. For purposes of this provision, "the same roadway" shall be construed to be the actual street upon which said sign is currently located, and shall not be construed to incorporate any parallel streets that may function together with the actual street as a couplet.
 - e. The off-premise sign shall not be relocated to a site with a Center and Corridor zoning designation or located within an historic district, regardless of the zoning or district of the original sign location.
 - f. The relocation of the ~~outdoor advertising display~~ off-premise sign shall be subject to all current City of Spokane rules, regulations, and procedures relating to the regulation and control of ~~off-premises~~ signs, excepting size, height, and off premise advertising limitations.
 3. A nonconforming off-premises sign may not be structurally altered. Structural alterations mean alterations to, including replacement of, either the off-premises sign face, or the supporting structure. Normal maintenance and repair including painting, cleaning, or replacing damaged parts of the off-premises sign, shall not be considered a structural alteration.
 4. Any nonconforming off-premises sign which deteriorates, is damaged, or destroyed by fire, explosion, wind, act of nature, failure to maintain, or other accidental means may be restored if the cost thereof does not exceed fifty percent of its replacement cost. Off-premises signs damaged in an amount in excess of fifty percent of replacement cost shall be removed.
 5. All nonconforming off-premises signs shall be kept in good repair and maintained in a neat, clean, attractive and safe condition. Any work required to repair or maintain an off-premises sign shall be completed promptly so long as the off-premises sign is not structurally altered, and so long as the cost of such repair and/or maintenance does not exceed fifty percent of the cost of replacing the off-premise sign.

Current Bonus Allowance for Outstanding Design

Section 17C.240.290 Bonus Allowance for Outstanding Design

A. General.

1. Procedures.

Land use reviews of signs are administered under the provisions of [Title 17 SMC](#), Unified Development Code, as modified by this chapter.

2. Content-neutral Administration of Land Use Reviews.

Notwithstanding any other provision of this chapter or of related standards referenced in this chapter, applications will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color or typeface and excluding any reference to message, category, subject, topic, or viewpoint.

B. Review.

1. Purpose.

A bonus allowance for outstanding design is intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area.

2. Procedures.

A request for a bonus allowance for outstanding design shall follow the procedures of [chapter 17G.060 SMC](#), Land Use Application Procedures, for a type II permit application. However, the approval criteria of this section are used, rather than of those of [SMC 17G.060.170](#). In accordance with [SMC 17G.060.210\(B\)](#), appeal or request for reconsideration of the director's decision on a type II project permit application is to the hearing examiner as an open record appeal.

3. Approval Criteria.

A bonus allowance for outstanding design sign will be approved if the planning director finds that the applicant has shown that the criteria below are met.

a. Sign Area Bonus.

A sign area bonus may be granted if the applicant meets the criteria subsections (B)(3)(a)(i), (ii), and (iii) of this section.

- i. The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of an overlay zone or adopted sub-area plan; and
- ii. The sign will not create a traffic or safety hazard; and
- iii. The adjustment will allow a unique sign of exceptional design or style that will:
 - (A.) achieve a positive and tasteful image;
 - (B.) have good legibility;
 - (C.) exhibit technical competence and quality in design, construction, durability, and have standard details uncluttered by wires, angles, or other elements that detract from the appearance;
 - (D.) relate to architectural features rather than obscure or disregard building planes;
 - (E.) present a harmonious relationship to other graphics and street furniture in the vicinity;
 - (F.) be of a size that is in scale with the setting, building, or structure where located; and
 - (G.) avoid glare.

b. Other Code Adjustments.

Through the bonus allowance for outstanding design procedure, the planning director may allow roof signs, adjustment to maximum sign height standards of the underlying zone and electronic message center sign features. Approval of an adjustment to these standards may be granted if the applicant meets the approval criteria of subsection (B)(3)(a)(i), (ii), and (iii) of this section.

Alternative 1 : Remove Bonus Allowance for Outstanding Design and Incorporate “Exception” Section

Section 17C.240.290 Exceptions

- A. **Approval Required.** An exception may be granted from the strict application of the regulations in this Chapter which apply to: (a) sign placement on a parcel or building frontage; (b) sign area; or (3) sign height, as regulated in this Chapter. An exception may not be granted to allow any prohibited signs or prohibited sign features, as described in Section 17C.240.070, or for any other purpose not listed in this subsection A. The exception procedure in this Section does not apply to any street Right-of-Way Use permit or Building permit.
- B. **Need for Sign Permit, Consolidation of Processing.** An application for an exception may be submitted before or concurrent with the associated sign permit application. No sign permit application requiring an exception for issuance will be processed without a sign exception application unless the applicant specifically requests that the application be processed without an exception.
- C. **Review Procedures.** The following steps shall be followed in the processing of sign exception applications ([hyperlink to appropriate section of the City’s Permit Processing chapter](#)):
 1. Determination of Complete Application (Section __.__.__)
 2. Determination of Consistency (Section __.__.__)
 3. Notice of Decision by Director (Section __.__.__)
 4. Administrative Appeal, if any (open record hearing, Section __.__.__)
- D. **Application Requirements.** A complete sign exception application shall consist of the following:
 1. **Application form.** A completed sign exception application, including the applicant’s name, address, phone number and e-mail address. If the applicant is not the property owner, then the property owner must be identified and the application must include an affidavit from the property owner, verifying that the property owner has given permission to the applicant for the submission of the sign exception application and for the installation/posting of the sign on the property owner’s property.
 2. **Sign Permit Application** (all of the materials required by Section 17C.240.090 Sign Permit required). However, the applicant may submit an exception application without a sign permit application as provided in subsection B above.
 3. A narrative report which describes the requested exception in detail. The report shall identify all of the sections of this Chapter from which the applicant is requesting the exception, as well as the nature and extent of the exception (in size, area, location on the property, height).
 4. The narrative report shall also include the applicant’s description of the manner in which the sign exception satisfies all of the exception criteria in subsection E below.
 5. **Fees.** Payment of the appropriate sign exception application fee.
- E. **Exception Criteria for Approval.** Sign exception applications shall be reviewed by the planning director to determine whether all of the following criteria are satisfied. In order to approve any sign exception, the director must make written findings to show that all of the following criteria have been met:
 1. The request for an exception is due to unusual conditions pertaining to sign visibility needs for a specific building or lot; and

2. The sign will not create a hazard; and
 3. The sign will not violate any state statute or any City Code provision (other than the ones identified in this Chapter relating to signs); and
 4. The sign will not negatively affect adjacent property; and
 5. The sign will be in keeping with the general character of the surrounding area and the granting of the exception would not result in an alteration of the essential character of the surrounding area; and
 6. The proposed exception is consistent with the purposes and intent of the Zoning Code and the purposes of this Chapter; and
 7. The exception is consistent with the City's Comprehensive Plan; and
 8. The applicant has established that there are practical difficulties in complying with the provision(s) of this Chapter and that the proposed sign is a reasonable use of the property. (Economic considerations alone do not constitute practical difficulties.); and
 9. The plight of the applicant is due to circumstances unique to the property, which were not created by the applicant or landowner; and
 10. The exception will not permit any sign type or use that is not allowed in the zoning district where the affected land is located, nor will it allow any sign or sign feature prohibited under Section 17C.240.070.
- F. First Amendment Exception. Where an applicant can demonstrate that the strict application of the regulations in this Chapter would violate his/her First Amendment rights, the City may grant an exception that does not conform to all of the exception criteria in subsection E above. However, the applicant shall submit an application which provides his/her response to each of the exception criteria in subsection E. The City need not make findings that all of the exception criteria have been satisfied, but if not all criteria have not been satisfied, the exception may only be granted to the extent reasonably necessary to protect the applicant's First Amendment rights. If a First Amendment exception is granted, it shall be treated as an approval of an exception for purposes of this Chapter.
- G. Notice of Final Decision. A Notice of Decision incorporating the decision on the exception application shall issue not more than 120 days after issuance of the Determination of Complete Application.
- H. Expiration of Exception. If the exception is approved, the sign identified in the exception must be installed within 180 days or the exception will expire. No sign may be erected if there is no sign permit for the sign, or if the exception or the sign permit has expired, even if the applicant has received associated building permits or street Right-of-Way Use permits, and the latter have not expired.

Alternative 2: Proposed Changes to Bonus for Creative Graphic Design

Section 17C.240.290 Bonus Allowance for Outstanding Design

~~A.—General.~~

~~1.—Procedures.~~

~~Land use reviews of signs are administered under the provisions of Title 17 SMC, Unified Development Code, as modified by this chapter.~~

~~2.—Content-neutral Administration of Land Use Reviews.~~

~~Notwithstanding any other provision of this chapter or of related standards referenced in this chapter, applications will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color or typeface and excluding any reference to message, category, subject, topic, or viewpoint.~~

~~B.—Review.~~

1. Purpose.

A bonus allowance for **outstanding creative graphic** design is intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area.

2. Procedures.

A request for a bonus allowance for **outstanding creative graphic** design shall follow the procedures of [chapter 17G.060 SMC](#), Land Use Application Procedures, for a type II permit application. However, the approval criteria of this section are used, rather than of those of [SMC 17G.060.170](#). At the discretion of the Planning Director, the application may be referred to the Design Review Board for recommendation, prior to issuance of a director's decision. In accordance with [SMC 17G.060.210\(B\)](#), an appeal or request for reconsideration of the director's decision on a type II project permit application is to the hearing examiner as an open record appeal.

3. Approval Criteria.

A bonus allowance for **outstanding creative graphic** design sign will be approved if the planning director finds that the applicant has shown that the criteria below are met.

a. Sign Area Bonus.

A sign area bonus may be granted if the applicant meets the following criteria: ~~subsections (B)(3)(a)(i), (ii), and (iii) of this section.~~

- i. The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of an overlay zone or adopted sub-area plan; and
- ii. The sign will not create a traffic or safety hazard; and
- iii. The adjustment will allow a unique sign of **exceptional creative** design or style that: ~~will:~~

~~(A.) achieve a positive and tasteful image;~~

~~(B.) have good legibility;~~

~~(C.) exhibit technical competence and quality in design, construction, durability, and have standard details uncluttered by wires, angles, or other elements that detract from the appearance;~~

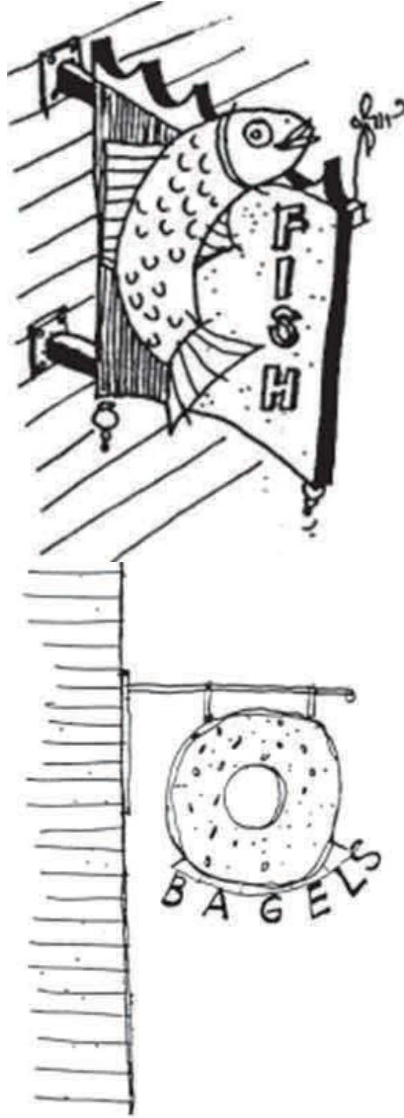
~~(D.) relate to architectural features rather than obscure or disregard building planes;~~

~~(E.) present a harmonious relationship to other graphics and street furniture in the vicinity;~~

~~(F.) be of a size that is in scale with the setting, building, or structure where located; and~~

~~(G.) avoid glare.~~

- i. are highly graphic in form, expressive, and individualized;
- ii. has good legibility and conveys the product or service offered in bold, graphic form;
- iii. has details uncluttered by wires, bracing, angles, or other elements that detract from the appearance, ornamental support elements are strongly encouraged;
- iv. fit with the architectural character, proportions and details of the development rather than obscure or disregard building planes;
- v. present a harmonious relationship to other graphics and street furniture in the vicinity;
- vi. are of a size that is in scale with the setting, building, or structure where located; and
- vii. avoid glare.



b. Other Code Adjustments.

Through the bonus allowance for **outstanding creative graphic** design procedure, the planning director may allow roof signs, adjustment to maximum sign height standards of the underlying zone and electronic message center sign features. **Approval of an adjustment to these standards may be granted if the applicant meets the approval criteria of subsection (B)(3)(a)(i), (ii), and (iii) of this section.**