

Sign Code Work Group Meeting #2

July 28, 2017

City Conference Room 3B

Meeting 1 Review

- Current Planning Changes
- City Council Moratorium
 - Passed April 10, 2017
- Content Neutrality
 - Reed v. Gilbert

Current Planning Changes

- [SMC 17C.240.240 \(G\)\(2\)](#) – Grand Opening Displays
 - Temporary sign without size limits
- [SMC 17C.240.240 \(H\)](#) – Directional Signs
 - Inclusion of a logo counts against allowable square footage per site
- [SMC 17C.240.240 \(J\)](#) – Electronic Message Center Signs
 - Enforcement footnote

Current Planning Changes

- [SMC 17C.240.240 \(D\)](#) – Signs Attached to Buildings or Structures
- [Table 17C.240-2](#)
- Address definition of “Rooftop Signs”
- Develop height limits

Current Planning Changes

- [SMC 17C.240.290](#) - Bonus Allowance for Outstanding Design
- Develop more concrete approval criteria
- Consider [Centers and Corridors Design Standards](#)

Current Planning Changes

- [SMC 17C.240.250](#) – Off Premises

Signs

- Allow hospitals that don't front principal arterials, such as Holy Family, to erect one freestanding directional sign on the closest principal arterial, be it private property or right of way. Size limited to 50 sq. ft. and not an EMC.

Current Planning Changes

- [SMC 17C.240.250 \(B\)\(2\)](#) – Public Works Exception
 - Clarify “same roadway”
 - Incorporate zoning restrictions

City Council Moratorium

- On April 10, 2017 the City Council unanimously adopted Emergency Ordinance C35490 imposing an immediate moratorium on the relocations of off-premise signs into areas of Spokane having a center and corridor zoning designation.
- On May 22, 2017 the City Council held a public hearing on this issue, adopted findings of fact supporting the need for an emergency declaration and extended the moratorium for six months.
- This moratorium will expire on November 22, 2017.
- Council and current planning would like to include additional zoning standards for appropriate relocation sites

Content Neutrality

- Reed v. Gilbert (2015)
- Need to read standard
 - If you must read a sign to know how it is regulated then the code is content based and likely unconstitutional
- Requires significant changes to our temporary sign provisions
 - [SMC 17C.240.240\(G\)](#)

Today's Topics

- Intent and Purpose Statements
- Exemptions
- Prohibitions

Statement of Intent

- Our Code currently does not have a statement of intent
- A softer statement of the outcomes our code is seeking to achieve and why
- Precedes the purpose statement which is more concrete and situationally specific

Proposed Statement of Intent

Section 17C.240.010 Intent and Purpose

A. Signs have a strong visual impact on the character and quality of the community. As a prominent part of the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone for the neighborhood. The City relies upon its scenery and physical beauty to attract commerce, aesthetic considerations assume economic value. It is the intent of the City, through this Chapter, to protect and enhance the City's historic and residential character and its economic base through the provision of appropriate and aesthetic signage. In addition, it is the intent of the City to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety. **While balancing free speech**

Purpose Statement

- Sets the stage for all regulations in the chapter
- Regulations must be consistent and defensible based on our stated purpose
- Consistently used by the courts to determine constitutional defensibility when faced with a challenge

Current Purpose Statement

[Section 17C.240.010](#)

These regulations balance the need to protect the public safety and welfare; the need for a well-maintained and attractive community; and the need for adequate identification, communication, and advertising. The regulations for signs have the following specific objectives:

- A. To ensure that signs and awnings are designed, constructed, installed, and maintained according to minimum standards to safeguard life, health, property, and public welfare.
- B. To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties.
- C. To reflect and support the desired character and development patterns of the various zones, overlay zones, and promote an attractive environment.
- D. To allow for adequate and effective signs in residential, commercial, and industrial zones while preventing signs from dominating the appearance of the area.
- E. To ensure that the constitutionally guaranteed right of free speech is protected; and
- F. To avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and the community's appearance.

The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not necessarily to streets and rights-of-way farther away.

Proposed Purpose Statement

17C.240.010

- B. The purpose of this Chapter is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. This Chapter has also been adopted to:
1. Promote and accomplish the goals, policies and objectives of the City's Comprehensive Plan and Zoning Code;
 2. To provide minimum standards in order to safeguard life, health, property and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of sign and sign structures;
 3. Recognize free speech rights by regulating signs in a content-neutral manner;
 4. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;

Proposed Purpose Statement

5. Protect the beauty of the City's built environment by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached, and to encourage signs that are compatible with adjacent buildings and businesses;
6. Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
7. Provide consistent sign design standards;
8. Encourage creative and innovative approaches to signage, and signs that are of a quality design, pleasing in appearance and are appropriate in size, materials and illumination to the surrounding neighborhood;
9. Provide an improved visual environment for the citizens of and visitors to the City; and
10. Adopt clear, understandable regulations which enable the fair and consistent enforcement of this Chapter.

Exemptions

Current Intro – [17C.240.060](#)

- The following signs do not require a sign permit (unless noted), nor shall the area and number of such signs be included in the area and number of signs permitted for any site or use. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance.

Proposed Intro

- The following signs are exempt from a sign permit (unless otherwise noted). The area and number of such signs shall not be included in the area and number of signs permitted for any site or use, however, all other relevant requirements of this chapter shall apply. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance.

Exemptions

Current

- A. The flag, emblem, or insignia of a nation or other governmental unit or nonprofit organization subject to the guidelines concerning their use set forth by the government or organization which they represent. Flagpoles require a sign permit for structural review.
- B. Memorial signs or tablets, names of buildings, stained glass windows, and dates of erection when cut into the surface or the facade of the building or when projecting not more than two inches.

Proposed

- A. Flags. Any flags, provided that they conform to all provisions of this chapter for signs. Freestanding flagpoles require a building permit for structural review.
- B. Memorial signs or tablets, names of buildings, stained glass windows, and dates of erection, when cut into the surface or the facade of the building or when projecting not more than two inches.

Exemptions

Current

C. Traffic or other municipal signs, signs required by law or emergency, railroad crossing signs, legal notices, and any temporary signs as are authorized under policy approved by the city council. |

Proposed

- C. Governmental signs. Signs installed by the City, County, or a federal or State governmental agency for the protection of the public health, safety and general welfare, including, but not limited to, the following:
1. Emergency and warning signs necessary for public safety or civil defense;
 2. Traffic and/or wayfinding signs erected and maintained by an authorized public agency;
 3. Signs required to be displayed by law;
 4. Signs showing the location of public facilities; and
 5. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety and general welfare.

Exemptions

Current

- D. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.
- E. Flush-mounted wall signs, used to identify the name and address of the occupant for each dwelling provided the sign does not exceed two square feet in sign area.
- F. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses.
- G. Decorations, such signs in the nature of a decoration, clearly incidental and customary and commonly associated with any national, local or religious holiday.

Proposed

- D. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities.
- E. Flush-mounted wall signs, used to identify the name and address of the occupant for each dwelling provided the sign does not exceed two square feet in sign area.
- F. Non-visible signs . Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way. Such freestanding signs require a building permit for structural review.

Exemptions

Current

- H. Painting, repainting, or cleaning of an advertising structure or the changing of the advertising copy of message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.
- I. Sculptures, fountains, mosaics, murals, and design features which do not incorporate advertising or identification.
- J. "No trespassing," "no dumping," "no parking," "private" signs identifying essential public needs (i.e., restrooms, entrance, exit, telephone, etc.) and other informational warning signs, which shall not exceed three square feet in surface area.

Proposed

- G. Changes to the face or copy of changeable copy signs, digital signs, electronic messaging signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.
- H. The normal repair and maintenance, (painting, repainting, cleaning) of conforming or legal nonconforming signs that does not involve structural alteration of the sign or supporting structure.
- I. Sculptures, fountains, mosaics, murals, and design features which do not incorporate advertising or identification.
- J. "No trespassing," "no dumping," "no parking," "private" signs identifying essential public needs (i.e., restrooms, entrance, exit, telephone, etc.) and other informational warning signs, which shall not exceed three square feet in surface area.

Exemptions

Current

- K. Directional signs erected by the City on arterial streets directing the public to public, civic, or nonprofit facilities. Such signs shall be erected at the discretion of the director of public works and shall be subject to City design guidelines. In addition, with the approval of the design review board, the director of public works may allow the erection of directional signs as are necessary to designate commercial areas or significant tourist sites within the City.
- L. Publicly approved non-illuminated interpretive signs, or historical signs, or tablets displayed by a public, educational non-profit agency, or private development pursuant to [SMC 17E.060.830](#) and [SMC 17E.060.840](#), strictly for the purpose of informing or educating the public.
- M. Illuminated wall highlights.

Proposed

- K. Publicly approved non-illuminated interpretive signs, or historical signs, or tablets displayed by a public, educational non-profit agency, or private development pursuant to [SMC 17E.060.820](#) through [SMC 17E.060.840](#), strictly for the purpose of informing or educating the public.
- L. Illuminated wall highlights.
- M. Interior signs. Signs or displays located entirely inside of a building and located at least three (3) feet away from transparent doors and windows.

Prohibitions

- [SMC 17C.240.070](#)
- Current intro language-
 - The following are prohibited and existing ones must be removed:

Prohibitions

Current

- A. Signs containing strobe lights.
- B. Abandoned sign structures.
- C. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signs not otherwise allowed by the code.
- D. Permanent balloon signs.
- E. Temporary signs (except as provided for in [SMC 17C.240.240\(G\)](#), Temporary Signs).

Proposed

- A. Flashing signs or lights. A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source , except as consistent with the standards contained in Table 17C.204-3.
- B. Abandoned sign structures.
- C. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signs not otherwise allowed by the code.
- D. Permanent balloon signs.
- E. Temporary signs (except as provided for in [SMC 17C.240.240\(G\)](#), Temporary Signs).

Prohibitions

Current

- F. Signs that imitate or resemble official traffic lights, signs or signals or signs that interfere with the effectiveness of any official traffic light, sign, or signal.
- G. Signs which are located upon or projecting over public streets, sidewalks, or rights of way except as provided for awnings and marquees in [SMC 17F.040.140](#), and sandwich board signs in [SMC 17C.240.240\(G\)\(9\)](#) and signs extending into the right-of-way allowed in [SMC 17C.240.240\(C\)](#).

Proposed

- F. Hazardous signs. Any sign that is dangerous or confusing to motorists on the public right-of-way, including any sign which by its color, wording, design, location or illumination resembles, conflicts, or interferes with the effectiveness of any official traffic control device or which otherwise impedes the safe and efficient flow of traffic.
- G. Signs which are located upon or projecting over public streets, sidewalks, or rights of way except as provided for awnings and marquees in [SMC 17F.040.140](#), sandwich board signs in [SMC 17C.240.240\(G\)\(9\)](#), and signs extending into the right-of-way allowed in [SMC 17C.240.240\(C\)](#).

Prohibitions

Current

H. Off premises signs (except as provided for in SMC 17C.240.240(G), Temporary Signs, such as real estate signs and community banners; SMC 12.02.0755, Signs Permitted in Conjunction With Bus Bench Signs, and SMC 17C.240.250, Off-premises Signs).

Proposed

H. Off premises signs (except as expressly allowed in other sections of this chapter). No permanent sign shall be located on a vacant lot, parcel or easement. No permanent sign shall be located on a lot, parcel or easement as the principal use of that lot, parcel or easement. Signs may only be established as an accessory use to a principally permitted use.

Prohibitions

Current

- I. Strings of banners, pennants, and other graffiti-like material with advertising copy except grand opening displays and special event signs as allowed in [SMC 17C.240.240\(G\)](#).
- J. Signs erected, constructed or structurally altered that are required to have a permit that were erected, constructed, or altered without a permit.

Proposed

- I. Strings of banners, pennants, and other graffiti-like material with advertising copy except temporary signs as allowed in [SMC 17C.240.240\(G\)](#).
- J. Signs erected, constructed or structurally altered that are required to have a permit that were erected, constructed, or altered without a permit.

Prohibitions

- K. It shall be unlawful for any person, except a public officer or employee in the performance of his public duty, to affix, post, paint, nail, fasten, place, or locate any sign, card, banner, handbill, poster, or advertising or notice of any kind, or cause the same to be done, upon public streets, highways, public right-of-way or any publicly owned or maintained property within the City of Spokane, or upon any curbstone, traffic control device, street sign, utility pole, hydrant, fence, lamp post, guardrail, tree or shrubbery or any other structure situated within any such areas or to affix the same to a wire or appurtenance thereof, except as may be authorized by the ordinances, laws, or regulations of the City of Spokane, the State of Washington or the United States. City-owned or maintained structures include, but are not limited to, bridges, overpasses, street medians, retaining walls, fences, street furniture, and shelters, among other structures located upon public streets, highways, public right-of-way or other public property. The prohibition contained herein shall not apply to political campaign signs which are permitted pursuant to the regulations set forth in [SMC 17C.240.240\(G\)\(6\)](#).
- K. It shall be unlawful for any person, except a public officer or employee in the performance of his public duty, to affix, post, paint, nail, fasten, place, or locate any sign, card, banner, handbill, poster, advertisement or notice of any kind, or cause the same to be done, upon public streets, highways, public right-of-way or any publicly owned or maintained property within the City of Spokane, or upon any curbstone, traffic control device, street sign, utility pole, hydrant, fence, lamp post, guardrail, tree or shrubbery or any other structure situated within any such areas or to affix the same to a wire or appurtenance thereof, except as may be authorized by the ordinances, laws, or regulations of the City of Spokane, the State of Washington or the United States. City-owned or maintained structures include, but are not limited to, bridges, overpasses, street medians, retaining walls, fences, street furniture, and shelters, among other structures located upon public streets, highways, public right-of-way or other public property. The prohibition contained herein shall not apply to temporary signs which are permitted pursuant to the regulations set forth in [SMC 17C.240.240](#).

Prohibitions

- L. No sign may impede free ingress and egress from any door, window or exit way required by building and/or fire code regulations.

Next Meeting

- Topics
 - Off Premise Signs
 - Bonus Allowance for Outstanding Design
- Details
 - Tuesday, August 8
 - 7:30-9:00 am
 - Conference Room 3B