



CITY OF BLACK DIAMOND
August 30, 2011 Special Meeting/Workstudy Agenda
25510 Lawson St., Black Diamond, Washington

6:00 P.M. – CALL TO ORDER, ROLL CALL

- 1.) **Public Comments** - Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name and address. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-886-2560. Thank you for attending this evening.
- 2.) **Proclamation** – Bob Eaton
- 3.) **New Business** – Setting the Date for Closed Record Hearings Regarding The Villages and
Lawson Hills Development Agreements Councilmember Boston
- 4.) **Council Comments**
- 5.) **Consent Agenda**
Claim Checks – September 1, 2011 No. 37334 through No. 37382 in the amount of
\$252,193.29
Minutes – Council Meeting of August 18, 2011
- 6.) **Workstudy** – Collective Gardens and Sign Code – Mr. Pilcher and Mr. Bacha
- 7.) **Adjournment**



CITY OF BLACK DIAMOND

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MEMORANDUM

Date: August 23, 2011

To: Mayor Rebecca Olness and City Council Members

From: Steve Pilcher, Community Development Director

Re: Temporary Signs regulations

Proposed amendments to the City's Sign Code (BDMC 18.82) were brought to Council at its July 7th regular meeting. The three members present asked staff to prepare an ordinance that would eliminate the use of various sorts of temporary signage by the end of this year. (Although one Council member indicated he would not guarantee voting for any changes that might be proposed). Subsequent to the meeting, staff had the opportunity to talk to Council members who were not present at the August 4th meeting and determined that there may not be support for changing the regulations to eliminate the use of banners and sandwich board signs. This worksession with Council was scheduled in order to provide the opportunity for further discussion and Council direction.

History

When the Kummer Bridge on SR-169 between Black Diamond and Enumclaw was closed for repairs, through traffic was directed to detour routes, some which resulted in traffic never entering the city limits, others which resulted in traffic being diverted before reaching the historic downtown commercial area. As a result, many businesses in the City experienced a decline in activity.

When the State Department of Transportation re-opened the Kummer Bridge in summer 2009, the Council amended the Sign Code to allow greater use of banners and other forms of temporary signs (Ordinance 920). The Council felt a relaxation of the rules regarding these forms of signage would assist local businesses in recapturing customers. After discussing how long the ordinance should remain in effect, it was decided to extend it through the end of 2010.

In early 2011, several business owners approached the Council and asked that the City consider allowing greater use of temporary signage on a continual basis. The matter was referred to the Planning and Community Services Committee, which in turn, requested the Planning Commission discuss the issue and come back with a proposal.

After several meetings and conducting a public hearing, the Planning Commission recommended code changes that would:

- 1) allow the use of one sandwich board sign per business, either on its property or in the public right-of-way directly adjacent to the business;
- 2) allow the use of banners for a maximum of 180 days during a calendar year and generally, no longer than 30 days at a time; and
- 3) continue the prohibition on the use of pennants and other wind-blown devices.

Policy Issues

Although there are potential legal issues inherent to any sign regulation, the Council is encouraged to provide policy direction to staff regarding allowable uses of temporary signs, which staff can then use to draft any potential amendments to the Sign Code.

Sign regulations typically are a reflection of community values and aesthetics. In various cities across the United States, major corporations have been required to adapt their standardized signage to local codes (the teal colored "golden arches" at the Sedona, AZ McDonald's being a famous example). Similarly, the allowance (or not) of various forms of temporary signage should be reflection of balancing the needs of businesses with the Council's overall vision for the aesthetic character of the community as a whole. The recommendation from the Planning Commission strove to provide temporary sign opportunities for businesses while still imposing some limitations.

Successful implementation of any Sign Code demands staff time in terms of administration, monitoring and enforcement. The Council should bear this in mind when considering various courses of action.

Attachment: draft Sign Code changes as recommended by the Planning Commission

CITY OF BLACK DIAMOND
WASHINGTON
ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, RELATING TO TEMPORARY SIGNS;
AMENDING BDMC 18.82.020 RELATING TO SIGN CODE
DEFINITIONS; AMENDING BDMC 18.82.050(A)
RELATING TO GENERAL REGULATIONS FOR SIGNS;
AMENDING BDMC 18.82.050(H) RELATING TO
SANDWICH BOARD SIGNS; AMENDING BDMC 18.82.060
RELATING TO TEMPORARY SIGNS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, the City of Black Diamond adopted amendments to its Sign Code (Chapter 18.82, Black Diamond Municipal Code) in August 2009 to relax some standards relating to the use of banners and other forms of temporary signs; and

WHEREAS, Ordinance No. 920, which adopted these amendments, provided that they were to expire on December 31, 2010; and

WHEREAS, members of the business community requested the Council re-examine the Sign Code as it relates to the use of temporary signs; and

WHEREAS, the City Council directed the Planning Commission to develop potential code amendments; and

WHEREAS, the Planning Commission conducted a public hearing on proposed amendments on April 12, 2011 and June 7, 2011;

WHEREAS, the Planning Commission voted unanimously to recommend approval of the proposed amendments to the City Council

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. BDMC Section 18.82.020, Amended. Black Diamond Municipal Code Section 18.82.020 (Definitions) is hereby amended to read as follows:

18.82.020 Definitions.

The following definitions shall apply for the purpose of this code:-

Abandoned sign means a sign that no longer correctly identifies, exhorts or advertises any person, business, lessor, owner, product or activity conducted or available on the premises where such sign is located.

Advertising copy means any letters, figures, symbols, logos or trademarks which identify or promote the sign user or any product or service; or which provides information about the sign user, the building or the products or services available.

Banner means ~~any~~ a temporary sign of lightweight fabric, vinyl or similar material that is mounted to a building ~~or pole~~ by any means. National flags, state or municipal flags, seasonal flags, or the official flag of any institution or business shall not be considered as banners.

Building means a roofed and walled structure built for permanent use.

Bulletin board means a board or small sign on which notices, community events or hours of operation are posted.

Change means a change to a sign consists of relocating the sign, or replacing fifty percent or more of the structural material in the sign area. Normal maintenance and a change of name are not changes which require a permit.

Code administrator means the community development director or his appointee, who shall be authorized to enforce all of the provisions of the sign code.

Double-faced sign means a sign that has advertising copy on opposite sides of a single display surface or sign structure.

Electrical sign means a sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.

Facade means the entire building front or street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

Flashing signs means a sign or a portion thereof which changes light intensity or switches on and off in a constraint pattern or contains motion or the optical illusion of motion by use of electrical energy. Changing message centers shall not be considered flashing signs.

Freestanding sign means a sign attached to the ground by a sign structure and supported by uprights placed on or in the ground.

Gas station price sign means a sign advertising the price of motor fuel and contains no other business advertising.

Grade means the elevation as measured at the relative ground level in the immediate vicinity of the sign.

Ground sign means a sign of limited height (maximum of twelve feet) constructed and affixed on a foundation upon or in the ground. Also known as a monument sign.

Incidental sign means a small nonelectric information sign four square feet or less in area which pertains to goods, products, services or facilities which are available on the premises where the sign occurs and is intended primarily for the convenience of the public while on the premises.

Institutional sign means a sign to identify educational, civic and religious institutions.

Landscaping means the planned use of trees, shrubs and other living plant materials used in conjunction with a sign and other decorative features.

Lot identification sign means a sign to identify the occupants of the premises.

Mansard roof means a sloped roof or roof-like facade architecturally able to be treated as a building wall.

Marquee means a permanent structure attached to, supported by and projecting from a building and providing protection from the weather elements, but does not include a projecting roof. For purposes of this chapter, a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island, will also be considered a marquee. This also includes canopies.

Neighborhood identification sign means a sign to identify a particular residential area or development four acres or greater in size.

Neon sign means a symbol, logo, or message comprised of illuminated neon tubing used to attract attention for advertising purposes. Neon signs shall not flash, oscillate or revolve.

Off-premises directional sign means a permanently installed sign which provides directional information to a business or service, but not located on the same property as the sign in question.

On-premises directional sign means a permanent sign that directs the public to a specific place such as an entrance, exit or parking or service area, or a particular aspect of a business establishment.

Off-premises sign means a sign relating, through its message and content to a business activity, use, product or service not available on the premises on which the sign is erected.

On-premises sign means a sign which carries only advertisements and messages strictly applicable to a lawful use of the premises on which it is located.

Political sign means any temporary sign that advertises a candidate for elected office or an opinion on a ballot measure in a pending public election.

~~*Portable sign* means a sign made of any material, which by its design is readily movable and is not permanently affixed to the ground, structures or buildings.~~

Projecting sign means a sign which is attached to and projects more than one foot from a structure, building face or marquee.

Public service/civic event sign means a temporary sign which may be placed in the public right-of-way, advertising a city-approved service or event.

Readerboard means a sign face consisting of tracks to hold readily changeable letters allowing frequent changes of copy.

Real estate sign means any sign that advertises the sale, rental or lease of real property.

Revolving sign means a sign which rotates or turns in a circular pattern.

Roof sign means a sign supported by and erected on and above a roof or parapet of a building or structure (shall not include a sign erected on the face of a mansard roof).

Sandwich board sign means a temporary sign set upon the ground, consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing upon the ground.

Sign means any visual communication device, structure or fixture which is legible from any right-of-way and is intended to aid the establishment in question in promoting the sale of products, goods, services, events or to identify a building. Signs may consist of words, logos, insignias, symbols, flags, banners, balloons, inflatable devices, pennants or other feature intended to direct attention to or promote the interest of any person, institution or business. Works of art,

fountains, mosaics and building or structural design features that do not contain a commercial message, logo, symbol, or identification are not signs according to this definition.

Sign area means the entire area of a sign on which copy is to be placed. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the area of the smallest rectangle that can be drawn around all parts of the sign from the viewpoint exposing the largest sign surface area, excluding simple support structures. Sign-supporting structures which are part of the sign display shall be included in the area rectangle.

Special sale/promotional/business opening/closing sign means a temporary sign such as a banner, flags, pennants, and similar devices, ~~or wind-driven sign accents (such as spinners) attached to a sign to attract the attention of the public,~~ used for short durations of time.

Temporary construction sign means a sign jointly erected and maintained on premises undergoing construction, by an architect, contractor, subcontractor and/or materialman, upon which property such person is furnishing labor or material.

Temporary sign means any sign or advertising display, intended to be displayed for a limited time only and not permanently attached to a building or site.

Wall sign means a sign attached or erected parallel to and extending not more than one foot from the facade or face of any building to which it is attached and supported throughout its entire length, with the exposed face of the sign parallel to the plane of said wall or facade. Signs incorporated into mansard roofs, marquees or canopies shall be treated as a wall sign.

Wall graphics means a wall sign of which color and form are part of an overall design on the building.

Section 2. BDMC Subsection 18.82.050(A), Amended. Black Diamond Municipal Code Subsection 18.82.050(A) (Sign standards and conditions – General Regulations) is hereby amended to read as follows:

A. General Regulations.

1. No sign or any part of a sign shall be designed or constructed to be moving by any means, and shall not contain items such as banners, ribbons, and streamers, ~~and spinners,~~ except as authorized for temporary signs.

2. Exposed braces and angle irons are prohibited. Guywires are prohibited unless there are no other practical means of supporting the sign.

3. No sign shall have blinking, flashing, fluttering or moving lights or other illuminating device which has a changing light intensity or color; provided, however, temperature and/or time signs that conform in all other respects to this chapter are allowed.

4. The structure and installation of all signs shall comply with the latest adopted edition of the Uniform Building Code.

5. Such sign shall meet all other applicable provisions of this chapter.

6. If more than one business in an immediate area has need for an off-premises directional sign, all must be identified on the same sign.

7. All signs, together with all of their supports, braces, guys and anchors, shall be maintained in good repair and in a safe, neat, clean and attractive condition.

8. The light directed on, or internal to, any sign shall be so shaded, shielded and/or directed so that the intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on private or public property or pedestrians on a public right-of-way. Electric signs shall not use incandescent bulbs for internal illumination. Lighted signs visible from nearby residences shall have low or soft illumination or be shielded in a manner to not adversely affect such residents.

~~9. Portable signs shall not exceed twelve square feet in sign area and no more than one such sign may be displayed per business. Portable signs must be located on the premise to which they relate, except real estate directional signs.~~

~~109.~~ Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within ninety days after the business or service advertised is no longer conducted on the premises.

Section 3. BDMC Subsection 18.82.050(H), Amended. Black Diamond Municipal Code Subsection 18.82.050(H) (Sign standards and conditions – Sandwich Board) is hereby amended to read as follows:

H. Sandwich Board. In non-residential zones, one ~~sidewalk or~~ sandwich board sign per business shall be permitted subject to the following:

1. Signs may be located on private property provided they do not interfere with the opening of car doors, bus stops, loading zones or pedestrian traffic, or create a traffic safety hazard by interfering with the vision of drivers entering or leaving the premises.

2. Signs may be located in the public right-of-way directly adjacent to the property upon which the advertising business is located, provided that no sign shall: ~~block~~ reduce the travel way of a sidewalk to less than 42 inches; encroach into any portion of a required handicapped ramp; be located closer than two feet from the face of curb to the nearest sign edge; or, along roadways with no curbs, be located six feet from the edge of ~~payment~~ pavement to the nearest sign edge.

3 Owners of such signs shall assume liability for damage resulting from their use.

4. Maximum allowable sign area shall be six square feet per side. Maximum allowable sign height shall be thirty-six inches.

5. Signs shall only be displayed during the hours the premises or business is open to the general public.

6. There shall be no more than one sign per premises in non-residential zones and no more than three signs per premises in residential zones.

7. ~~The provisions of this subsection shall expire on December 31, 2010. A permit is not required.~~

8. No provision herein shall supersede Washington State law concerning the use of temporary signs within State right-of-ways.

Section 3. BDMC Section 18.82.060, Amended. Black Diamond Municipal Code Section 18.82.060 (Temporary signs) is hereby amended to read as follows:

18.82.060 Temporary signs.

~~No permit is required for.~~ The following standards shall apply to all temporary signs:

A. Special sale/promotional or business opening signs shall be permitted in all non-residential zones.

1. Maximum duration shall be:

a) 180 days total per calendar year;

b) sixty (60) days for a business opening/closing event; and

c) one month or upon termination of the special sale or other event that they advertise, whichever is less.

2. Maximum area, per site, shall not exceed fifty percent of the size of the permitted wall/façade sign; this area shall not count towards the total allowable sign area.

3. All banners shall be attached to the façade, wall or window of the building which includes the business which they advertise; ~~provided that, until December 31, 2010, banners may be attached to other site features such as fences, poles, etc.~~

~~4. Pennants may be anchored on lighting poles or similar features on private property.~~

~~5. The use of pennants, wind-driven accents and other attention-attracting devices attached to a sign shall be prohibited after December 31, 2010.~~

4. No banner shall be erected without first obtaining a temporary sign permit.

B. Real estate signs are permitted in all zones and shall be located upon the property to which they apply, except as provided for in this subsection.

1. Residential "For Sale" and "Sold" Signs. On-premise signs shall be limited to one sign per street frontage not to exceed six square feet in sign area per side, placed wholly on the property for sale, and not to exceed a height of six feet. Directional signs, not to exceed two square feet in area per side, may be placed within the public right-of-way no greater than one-half mile from the property available for sale.

2. Residential Open House Sandwich Board Signs. Such signs shall be limited to sandwich board signs or similar portable signs and shall be limited to a maximum of one sign per street frontage on the premises for sale and three off-premises signs. Such signs are permitted only during daylight hours and when the broker/agent or seller or an agent is in attendance at the property for sale. No such sign shall exceed five square feet in sign area per side. Signs may be placed within the public right-of-way provided they do not interfere with vehicular or pedestrian traffic or the ability of the city to maintain the right-of-way.

3. Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising undeveloped commercial or industrial property for sale is permitted while the property is for sale. The sign shall not exceed thirty-two square feet in sign area per side and six feet in height.

4. Developed Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If freestanding, the sign shall not exceed six feet in height; it shall be located more than fifteen feet from any abutting property line and a public right-of-way line; and shall not exceed thirty-two square feet in sign area per side. For rental space in multi-occupancy buildings, one sign, four square feet in area, is allowed per window.

C. Construction Signs. Construction signs shall be permitted within all zones.

1. Sign copy shall be limited to information about a building or project under construction or being remodeled.

2. Maximum duration shall be until construction is completed or one year, whichever is shorter.

3. Maximum area shall be twelve square feet in residential zones and thirty-two square feet in non-residential zones.

4. Only one construction sign per contractor per site shall be allowed.

D. Political Signs. Political signs are permissible in all zones on both private property and within public rights-of-way.

1. It shall be the responsibility of the candidate to have his or her campaign/political signs removed within ten days after the election, or the city

will remove such signs at the candidate's expense. Provided, that signs promoting successful candidates or ballot propositions in a primary election may remain displayed through the general election period.

2. Political signs placed within the public right-of-way shall not interfere with vehicular or pedestrian traffic or the ability of the city to maintain the right-of-way.

3. Maximum sign area shall be twelve square feet.

E. Public Service/Civic Event Signs. Signs advertising community events or public issues may be permitted to locate in or over public right-of-ways. If located within the public right-of-way, such signs shall not be permitted to advertised or promote any business or the sale of any product or commodity. Banners shall only be suspended over public rights-of-way at locations approved by the public works director. Maximum duration shall be from one month before the event to five days after the event. Signs shall be removed by the promoters of the event, or the city will remove such signs at the promoter's expense.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2011.

CITY OF BLACK DIAMOND

Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

Brenda Martinez, City Clerk

Approved as to form:

Chris D. Bacha,
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.
Date of Publication:
Effective Date: