

**CITY OF BLACK DIAMOND
WASHINGTON**

ORDINANCE NO. 13-1013

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, RELATING TO SIGN REGULATIONS
APPLICABLE TO NON-RESIDENTIAL ZONES;
AMENDING THE GATEWAY CORRIDOR OVERLAY
DISTRICT BDMC 18.76.070; AMENDING THE SIGN CODE
BDMC 18.82.050; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City adopted a new Zoning Code and Sign Code in June 2009; and

WHEREAS, current regulations restrict the size and number of ground signs within non-residential zones, with greater restrictions being imposed in areas situated within the Gateway Overlay; and

WHEREAS, the Planning Commission studied the matter and determined that allowing both larger and, in limited situations, additional ground signs would assist business owners without compromising community aesthetics; and

WHEREAS, the Planning Commission conducted a duly advertised public hearing on April 9, 2013, at which no public comment was provided; and

WHEREAS, the Planning Commission voted unanimously to recommend the City Council adopt the proposed amendments; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (RCW Chapter 43.21.C), pursuant to Washington Administrative Code Chapter 197-11, and a Determination of Non-Significance (“DNS”) was issued on March 22, 2013; and

WHEREAS, in accordance with RCW 36.70A.106 and WAC 365-196-620, a notice of intent to adopt the proposed amendments was sent to the State of Washington Department of Commerce and to other state agencies to allow for a 60-day review and comment period, which comment period ended prior to adoption of this ordinance; and

WHEREAS, the proposed amendments are consistent with, and serve to implement, the City’s adopted Comprehensive Plan; and

WHEREAS, the City Council finds that the amendments to BDMC Ch. 18.76 and 18.82 are in the best interest of the public health, safety and welfare;

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

Section 1. Amendment of BDMC 18.76.070 (Provisions regarding buildings and structures). Section 18.76.070 of the Black Diamond Municipal Code is hereby amended (*amendments shown in legislative revision marks*) to read as follows:

18.76.070 - Provisions regarding buildings and structures.

A. Building Height. No building or structure shall exceed the following heights limits, which are intended to create a "step-back" effect to preserve view sheds. Cross-section drawings demonstrating how proposed structures meet the height requirements may be required to ensure compliance with this section.

| Distance from ROW | Description | Maximum Building Height if Permitted* |
|-------------------|---------------------|---------------------------------------|
| 0 to 25' | Development Setback | Not permitted |
| Edge of setback | Development Area | 15' |
| 45' or more | Development Area | 35' |

* Additional height may be permitted if the applicant meets the sustainable technologies or public amenities incentives as described below.

B. Architectural Features. Building facade modulation is required for all facades facing a public street at intervals of no greater than thirty feet. Street-facing windows shall vary in size and height; clerestory and storefront windows are encouraged. Buildings shall have a minimum of fifty percent transparency into first floor commercial, working space or public area.

C. Utilities. All utility lines including electric, telephone, data and cable television, shall be installed underground. Underground utility trenches within landscaped areas must be revegetated. Utility boxes and cabinets that are now or must, by necessity, be located above ground, shall be shielded from view from the right-of-way with existing vegetation and/or revegetation. Any aboveground boxes and cabinets shall, in addition to the required vegetative screening, be painted black or an earth tone color to otherwise blend in with its surroundings.

D. Signage. Monument signs shall be permitted within the required development setback in accordance with provisions of this section and subject to the approval of the director. Pole signs are not permitted. Signs located beyond the setback area and not visible from the public right-of-way are not subject to the

requirements of this section, but shall comply with the requirements of the underlying zone.

1. The total allowed sign area of all signage permitted within the development setback on any one lot shall not exceed ~~fifty four square feet~~ the standards of BDMC 18.82. A double-faced sign shall be considered a single sign. No more than two signs shall be permitted within the development setback area per lot, provided that this limitation shall not apply to signs pertaining to the identification of the corridor and those signs and/or interpretive panels identifying and directing the traveling public to archaeological sites, historic sites and other similar non-commercial places and features of interest.

2. All signage shall be designed with a theme compatible with the architectural style of the development and have a brick, stone or similar masonry base. Signs should be painted a single neutral or earth tone color as determined by the director to be compatible with the architectural theme or style of the development. ~~Signs may be indirectly lit.~~

3. Internally illuminated signs are allowed; however, no ~~In general, no internally illuminated signs shall be permitted, nor shall any flashing, blinking, fluctuating or otherwise changing light source is be permitted. Provided, an internally lit sign may be allowed if the sign face only allows light to illumine the lettering of the business or development name.~~

4. The main supporting structure of all signs shall be set back at least five feet from the edge of the public right-of-way.

5. If a business entrance opens onto the development setback, then a pedestrian oriented sign may be allowed, not to exceed twelve square feet, at the entrance to the business. These signs shall not be internally illuminated, but may be indirectly lit.

Section 2. Amendment of BDMC 18.82 (Signs). New Section 18.82.035 of the Black Diamond Municipal Code is hereby adopted to read as follows:

18.82.035 – Highway Advertising Control Act adopted.

In addition to and notwithstanding the provisions of this title, all signs shall comply with all other applicable regulations and authorities, including, but not limited to, Chapter 47.42 RCW – Highway Advertising Control Act – Scenic Vistas Act and Chapter 468-66 WAC – Highway Advertising Control Act.

In the case of conflict between the requirements of this chapter and a requirement of another applicable regulation or authority, the more restrictive requirement shall apply.

Section 3. Amendment of BDMC 18.82.050 (Signs). Section 18.82.050 of the Black Diamond Municipal Code is hereby amended (*amendments shown in legislative revision marks*) to read as follows:

18.82.050 - Sign standards and conditions.

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, 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.
10. 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.

B. Freestanding and Ground Signs.

1. Sign height is the vertical distance from the highest point of the sign to the finished grade at the base of the supports.
2. Freestanding signs shall not be permitted in any zone.
3. Height standards:
All non-residential zone districts: Ground signs shall not exceed twelve feet in height.
Residential zones: Ground signs shall not exceed six feet in height.
4. Sign area standards:
All non-residential zone districts: Fifty square feet for a single side or one hundred square feet total both sides.
5. Location. Ground signs shall be set back a minimum of five feet from a front property line. Placements in these locations are subject to approval by the public works director. The placement of ground signs shall be in such a fashion and location as to not obstruct the view of signs of adjacent property owners.
6. Number. One ground sign shall be permitted on each street frontage of property on which the business is located; provided that, properties with more than 300 lineal feet of street frontage shall be allowed an additional ground sign. The minimum distance between ground signs on a single property shall be 150 lineal feet.
7. Landscaping:
 - a. Each sign shall have a landscaped area at the base of the sign equal to twice the size of the sign area. The landscaping and sign base shall be protected from vehicles by substantial curbing.

- b. Permits for signs shall not be granted until required landscaping is installed or a bond or assigned funds in the amount of one hundred fifty percent of the estimated cost of the landscaping is provided.
- c. These requirements may be waived if the sign is located in an area that is part of an approved overall site landscape plan.

C. Wall-Mounted Signs.

- 1. Total Area. Painted or attached signs on any wall shall not exceed the following ratios:
 - a. Community Commercial District: Two square feet of sign area to one lineal foot of building front; provided, however, fifty square feet of sign area is guaranteed each business frontage. Those businesses with both a building front and one side wall exposure to vehicular and pedestrian traffic may, as an option for purposes of calculating total wall sign area, add the lineal footage of the building front and side wall then divide by two.
 - b. Town Center District: One and one-half square feet of sign area to one lineal foot of building front. Those businesses with both a building front and one side wall exposure to vehicular and pedestrian traffic may, as an option for purposes of calculating total wall sign area, add the lineal footage of the building front and side wall then divide by two.
 - c. Area 3 (all other non-residential zone districts or for non-residential uses in residential districts): One square foot of sign area for every lineal foot of wall upon which the sign is mounted or fifty square feet, whichever is less.
- 2. Wall signs shall not project above roof lines.

D. Window Signs.

- 1. Where a window sign is utilized in place of a wall sign, the area standards contained in subsection (C)(1) of this section shall apply.
- 2. In addition to the area requirements of subsection (D)(1) above, businesses are allowed one painted window sign identifying the business or proprietor and hours of business. The maximum area of these signs is six square feet.
- 3. Window signs above the first floor are not included in the maximum sign area of a site, and are allowed to businesses located above the first floor with a maximum area of one square foot of sign area for each lineal foot of window frontage.

E. Projecting Signs.

1. Surface area:
 - a. Commercial zone districts: Thirty-two square feet total both sides.
 - b. All other non-residential districts: Eighteen square feet total both sides
2. All projecting signs must be at least eight feet above sidewalks and walkways and fifteen feet above vehicular ways.
3. Sign shall not project more than three feet or one-third the width of the sidewalk or walkway.
4. Businesses choosing to use projecting signs shall reduce the amount of allowable wall mounted or window sign area by the proportionate amount of sign area allowed under subsections (C)(1) and (D)(1) of this section.

F. Shopping or Business Center Identification Sign(s).

Each shopping center or other commercial property having eight or more tenants may be permitted one shopping center identification ground sign, not to exceed 100 sq. ft. in area. Any shopping or business center having eight or more ~~separate~~ tenants may have one center identification sign that includes identification of ~~each of the separate~~ multiple tenants, if and only if, all of the following conditions are met:

1. No other ground signs shall be allowed.
- ~~1-2.~~ All existing signs in the ~~shopping~~ center must be brought into conformance with the city sign standards in effect at the time of application, prior to issuance of a sign permit for the ~~shopping~~ center identification sign. ~~Provided, however, existing roof signs shall be removed within eighteen months from issuance of the shopping center identification sign;~~
- ~~2-3.~~ Individual tenants/businesses within a ~~shopping~~ center using a ~~shopping~~ center identification sign shall only be allowed to use wall signs;
- ~~3-4.~~ The ~~shopping~~ center identification sign shall be consistent with the city's adopted design standards and guidelines with regard to height, size and design;
- ~~4-5.~~ The sign may only contain the names of the tenant businesses, and the name of the ~~shopping~~ center;
- ~~5-6.~~ The tenant business names shall be of uniform type and size; and
- ~~6-7.~~ The landscape requirements for ground signs shall be met.

G. Office Building Identification Sign. In addition to those signs permitted by this chapter, each office building consisting of at least four tenants may be permitted a building identification sign. The sign shall be architecturally compatible with the design of the building to be identified. The office building identification sign shall be limited to one sign per street frontage, and subject to the height and size requirements of the zone in which the building is located. One such sign(s) shall

be permitted per office building or any institutional use, and the copy shall include only the name of the office building or institutional use. A directory or other exclusively informational listing of tenant's names may be attached, provided the area does not exceed twelve square feet.


- 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 a sidewalk; 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 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.
- I. Wall Graphics. There are no area restrictions on wall graphics if they do not constitute advertising of a business or product normally subject to the provisions for painted signs.

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.

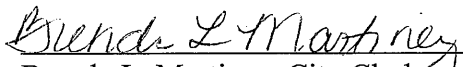
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 19TH DAY OF SEPTEMBER, 2013.

CITY OF BLACK DIAMOND



Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:



Brenda L. Martinez, City Clerk

Approved as to form:

Chris D. Bacha,
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk: September 20, 2013
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