

**Development Code Amendments 2016  
Amend Sign Code (Title 20)**

Date: June 1, 2016

Public Hearing Date: To Be Determined

Prepared by: Kraig Chalem, Associate Planner

Proponent/Applicant: Thurston County Departments of Resource Stewardship, Public Works, and Planning

Action Requested: Appoint a subcommittee.

Amend various sections of the Thurston County sign code (Title 20) to reflect matters protected speech under the First Amendment as recently determined by the U.S. Supreme Court.

Map Changes  Text Changes  Both  Affects Comprehensive Plans/documents  
 Affected Jurisdictions

1 **ISSUE:**

2 Item A-2 on the “2016-17 OFFICIAL DOCKET OF PROPOSED DEVELOPMENT CODE  
3 AMENDMENTS” calls for amending all sign codes as a high priority based on the recent U.S.  
4 Supreme Court decision (Reed v. Town of Gilbert). An item was also included on the 2014-15  
5 Preliminary Docket to address signs in the right-of-way due to a citizen request to ensure  
6 unauthorized signs be defined as litter.

7  
8 The Supreme Court decision changes the method the county needs to use to govern signs. Sign  
9 regulations that include content based criteria must be amended to only reference the number of  
10 signs, size, location, and type of sign structure, and category of sign (temporary or permanent).  
11 Any regulation that requires a person to read or discern the content of the sign is no longer valid.  
12 These regulations are reviewed under the “heightened scrutiny” standard for first amendment  
13 cases. Attorney’s fees can be awarded for such cases. This amendment may also affect other  
14 sections of the county code such as Title 6 Business Licenses and Regulations. The citizen  
15 request was not included on the 2014-15 Official Docket, but remained on the Preliminary  
16 Docket to be considered for the next cycle.

17  
18 Please note that the parameters of this amendment are strictly to address the issues of content and  
19 signs in the right-of-way as described in the 2016-2017 “Official Docket” as set by the Board of  
20 Thurston County Commissioners. Physical sign standards applicable in the rural county and in  
21 the Urban Growth Areas (UGAs) of the three cities are not at issue.

22  
23 **BACKGROUND:**

1 On June 18, 2015, the Supreme Court of the United States (SCOTUS) handed down a decision in  
2 the case of *Reed v. Town of Gilbert, AZ*. The decision held that the City's sign code provisions  
3 were unconstitutional. They were deemed content-based regulations of speech that do not  
4 survive 'strict scrutiny'; because, the local government could not prove that the regulations were  
5 narrowly tailored to serve compelling state interests.

6  
7 Previous to the Supreme Court decision, the federal appeals courts were split, and some had a  
8 more strict application of first amendment constitutional limitations on sign regulations. The  
9 Supreme Court decided to go with the stricter of the two when it came to first amendment  
10 constitutional limitations on sign regulations.

11  
12 In Thurston County there are four separate sign regulations for the rural county and the three  
13 cities. They range in zoning distinctions and differ with respect to varying degrees of definition  
14 and content oriented regulations. Much of the codes for these areas were written around 1997,  
15 and are in need to be brought in conformance with the SCOTUS decision, and reasonable  
16 consistent with applicable adjacent jurisdictions. The City of Lacey updated their sign code in  
17 2015, and the City of Tumwater amended their sign regulations in 2010.

18  
19 *Selected Court Decisions:*

- 20  
21 • [\*Reed v. Town of Gilbert\*](#), 576 U. S. \_\_\_\_ (2015) – The U.S. Supreme Court held that a  
22 town sign code that treats various categories of signs differently based on the information  
23 they convey violates the First Amendment. The sign code defined the categories of  
24 temporary, political, and ideological signs on the basis of their messages and then  
25 subjected each category to different restrictions such as on size, number of signs, and the  
26 permissible duration of display. The court held that the sign code's provision were  
27 content-based regulations of speech that do not survive strict judicial scrutiny because the  
28 town did not demonstrate that the code's differentiation between temporary directional  
29 signs and other types of signs furthers a compelling governmental interest and is  
30 narrowly tailored to that end.
- 31  
32 • [\*City of Ladue v. Gilleo\*](#), 512 U.S. 43 (1994) – The U.S. Supreme Court struck down a  
33 Ladue, Missouri ordinance that prohibited all residential signs, except those falling within  
34 certain specific exemptions such as small "residential identification" signs and signs  
35 advertising the sale, lease, or exchange of property. The Court concluded that the  
36 ordinance violated the First Amendment's free speech protection by suppressing too  
37 much speech. Although the Court invalidated Ladue's restrictions, it did not provide any  
38 meaningful guidance as to what would be a permissible content-neutral regulation of  
39 signs on residential property.
- 40  
41 • [\*McClanahan v. City of Tumwater\*](#), No. 11-cv-5623-RBL (W.D. WA, Mar. 6, 2012)  
42 (Order denying motion for preliminary injunction) – The city removed yard sign  
43 containing political speech that intruded into sidewalk. The court, denying the plaintiff's  
44 motion, held that the city removed the sign not based on its content but because it was  
45 located in the right-of-way.
- 46  
47 • [\*Kitsap County v. Mattress Outlet\*](#), 153 Wn.2d 506 (2005) – Held that Kitsap County's  
48 sign ordinance, which the county claimed prohibited Mattress Outlet's use of raincoat-

1 clad workers as offset advertisements, is an unconstitutional restriction of commercial  
2 speech.

- 3
- 4 • [Collier v. Tacoma](#), 121 Wn.2d 737 (1993) – The state supreme court found  
5 unconstitutional a provision of Tacoma's sign code that prohibited the placement of  
6 political signs earlier than 60 days before the date of the election for which the signs were  
7 intended. Tacoma's requirement that political signs be removed within seven days after  
8 the election was not challenged.

9  
10

### 11 ANALYSIS:

12 Strict Scrutiny is a form of judicial review that courts use to determine the constitutionality of  
13 certain laws. With respect to sign regulations, the standards must be content neutral, and *will not*  
14 withstand 'strict scrutiny' if standards are applied based on: what is written or shown on a sign  
15 face; the purpose of the sign; or who is responsible for putting the sign up in the first place. An  
16 example of narrowly tailored means protecting the safety of pedestrians, drivers, and passengers.  
17 Jurisdictions regulate signs in the public right of way that serve a public purpose such as 'way-  
18 finding'; or, signs that may interfere with moving vehicles by being blown into traffic lanes,  
19 imitate official signs, or signs that obstruct 'clear site triangles' at intersections, and driveways.

20

21 The primary intent of the ruling is that regulating content is regulating speech. If a law applies to  
22 a particular speech because of the topic discussed, or the idea expressed on the sign then it is  
23 limiting the first amendment. Summed up, if a sign must be read to figure out the meaning of the  
24 message, then the content is "activated", and just became a matter of protected speech.

25

26 It is common for jurisdictions to categorize signs as a matter of identifying the extent of  
27 limitation to be applied as they relate to a particular zoning district. Three categories of signs are  
28 particularly relevant to this argument and are distinguished from commercial signs by how  
29 favorably they are perceived as a constitutional right, they are:

- 30
- 31 • 'Ideological' signs. Signs in this category include messages or ideas for noncommercial  
32 purposes that are not another type of sign, like a: construction, directional, or temporary  
33 signs relating to a onetime event, political, or yard sale sign.
  - 34
  - 35 • 'Political signs'. This includes any temporary sign designed to influence the outcome of  
36 an election called by a public body. These signs may not be differentiated by other  
37 temporary signs.
  - 38
  - 39 • 'Temporary and directional signs' relating to 'qualifying event'. This includes any sign  
40 intended to direct pedestrians, motorists, and other passersby to a 'qualifying event'; and,  
41 a qualifying event being any occurrence promoted by a religious, charitable, community  
42 service, educational, or other non-profit entity.

43

44 In the wake of SCOTUS's Reed ruling, the literature indicates that local jurisdictions have been  
45 advised to avoid any possible infringement on free speech by designing and implementing  
46 regulations that address the structure of the code and structure of signs, including materials, size  
47 & height, location, portability, number of signs, illumination, animation, and duration by zoning  
48 district. In regards to commercial signs, regulations may be based on characteristics of the

1 district, and have been held to a '*diminished level of scrutiny*' (still not defined by the courts),  
2 which basically differentiates itself from political/ideological signs by the fact that it is assumed  
3 to serve singular purpose benefitting individual interest and as such, may regulate content to a  
4 degree.

5  
6 Within the context of a sign code, there are specific elements that are considered to be best  
7 practice and recommended they be incorporated in every code to address ambiguity and include  
8 statements of: Purpose, Applicability, Definitions, Prohibited Signs, Exempt Signs, General  
9 Standards, Substitution Clause, and Severability Clause.

10  
11 Purpose Statements should be based on policy, stakeholder input, and some quantitative or  
12 qualitative evidence that shows necessity for traffic safety or aesthetic value. For instance,  
13 Lacey's sign code takes into account the size of the sign in relation to the speed of the viewer.  
14 The faster the speed, the larger the sign must be to contain the same amount of information.

15 Purpose: (Example)

- 16 1. Enhance and protect the physical appearance of the community.
- 17 2. Protect property values.
- 18 3. Promote and maintain visually attractive, high value residential, retail, commercial, and  
19 industrial areas.
- 20 4. Promote the economic well-being of the community by creating a favorable physical  
21 image.
- 22 5. Ensure the signs are located and designed to:
  - 23 a. Provide a effective means of way finding in the community
  - 24 b. Afford the community an equal and fair wat to advertise and promote its products  
25 and services.
  - 26 c. Reduce sign clutter and the distractions and confusion that may be contributing  
27 factors in traffic congestion and accidents, and maintain a safe and orderly  
28 pedestrian and vehicular environment.
  - 29 d. Minimize the disruption of the scenic views which when maintained protect  
30 important community values.
  - 31 e. Afford businesses, individuals and institutions a reasonable opportunity to use  
32 signs as an effective means of communication.
- 33 6. Provide review procedures that assure that signs are consistent with the rural  
34 community's objectives and within the rural community's capacity to efficiently  
35 administer the regulations.
- 36 7. Provides fair and consistent permitting and enforcement.

37 Definitions are also important and should be complete with respect to the express purpose of the  
38 code. Municipal codes do not typically provide definitions at the beginning of every Chapter.  
39 However, it is standard practice to provide definitions at the front of the chapter on sign  
40 regulations to help eliminate ambiguity and erroneous interpretation. As an aside many of the  
41 categories are signs that have been newly defined as content sensitive are mixed with definitions  
42 for structural types and it can at times be difficult to keep consistently track of. For instance,  
43

1 Exceptions and exemptions are areas typical of sign codes. However, these elements are  
2 problematic in relation to content as they may be deemed to unfair for lack of uniformity when  
3 comparing the various sign limitations with respect to categorized type. In this instance the  
4 categories are given different allotments in terms of height, structure, and number of signs.  
5 Often, this is also an issue in 'permitted' and 'prohibited' code sections. It is easy to mix and  
6 match categories, types, and uses, and may be remedied by a clear and concise definition section  
7 supported by a strong purpose section.

8  
9 On and off premise signs are also issues of content and substitution. As a matter of course when  
10 requiring permits, requesting copy of sign content at application implies that the content may be  
11 unfairly regulated. However, this may be allowed in order to determine that other aspects of  
12 civil rights are infringed upon or offensive language or imagery used. Also, where a district  
13 implies design standards lettering and symbols may be limited to preserve continuity. In  
14 addition, substitution allows a business to use allotted signage for a non-commercial purposes as  
15 a matter of free speech.

16  
17 Temporary signs are often not identified as temporary unless the content is read. To avoid the  
18 issue specified in Reed v. Gilbert, temporary signs may be prohibited from the public right-of-  
19 way, required to obtain a permit, and the permit limited in duration, location (setback), size, and  
20 number. Furthermore, signs addressed in exempt section of code are difficult to track and may be  
21 better served in a general standards sections equitably applicable to all zones; or, identified in  
22 separately in distinct zones with differing standards for each.

### 23 Consistency with County-wide Planning Policies:

24 The County, in association with its seven cities and towns, developed and adopted GMA-  
25 required County-Wide Planning Policies. These now provide the planning framework that allows  
26 community individuality while ensuring regional consistency on major policy issues. The GMA  
27 requires the Economic Development section of the Comprehensive Plan to be consistent with  
28 the County-Wide Planning Policies.

29  
30 "City, town, and county governments in Thurston County encourage sustainable economic  
31 development and support job opportunities and economic diversification that provide  
32

### 33 Consistency with the Comprehensive Plan:

## 34 CHAPTER EIGHT -- ECONOMIC DEVELOPMENT

35  
36 OBJECTIVE F: Development Standards - Standards for industrial and commercial areas and  
37 activities should be provided to promote optimal working environments, worker health and  
38 safety, and compatibility with adjoining areas while ensuring sustainable and environmentally  
39 sound developments.

### 40 POLICIES:

41  
42 1. The county should provide standards that should generally be performance-oriented and  
43 should address buffers, traffic access, noise, screening, landscaping, and signs.

### 44 45 46 Financial Impacts:

47 No financial impacts are anticipated by amending ne other than  
48

1 May limit or eliminate financial exposure in legal actions related to free speech.  
2

3 Summary:

4 Local jurisdictions may regulate way finding signs, and commercial interest based on aesthetics,  
5 but regulating signs based on categorizing subject matter has now been clarified as  
6 unconstitutional. The safest course of action is to regulate by zoning district in a content neutral  
7 manner providing sign limitations evenly within the manner characteristic of the zoning district  
8 and do not address the message, but do address size, building codes, lighting, distracting  
9 movement, and portability. Currently, all four sign codes in affect in Thurston County contain  
10 elements of protected speech and need to be removed.  
11  
12

13 **OPTIONS:**

- 14 A. Planning Commission appoints three members to a subcommittee then work with staff to  
15 identify and invite stakeholders who will participate in the code amendment process.  
16 a. Pros: More efficient means of addressing a topic requiring multiple meetings.  
17 b. Con: May be difficult to coordinate with outside parties in a timely manner.  
18  
19 B. Do not form a subcommittee and instead provide staff direction as how to proceed.  
20 a. Pros: Provides for the input of the entire board in the evaluation and decision process.  
21 b. Cons: May appear to be excessively time consuming per meeting or require multiple  
22 meetings, possible extending late into the year.  
23  
24 C. Take no action.  
25 a. Pros: Would allow for more time to study potential impacts and provide additional  
26 analysis for consideration.  
27 b. Cons: would preclude participation of parties of particular interest who may be directly  
28 affected and have valuable information to share; thus, saving staff time.  
29  
30

31 **DEPARTMENT RECOMMENDATION:**

32 Provide staff with any direction necessary to make an appropriate recommendation to the Board  
33 of County Commissioners, and set a public hearing before the Planning Commission at the  
34 earliest opportunity to present the proposed Title 20.63 to the public, and if possible move to  
35 submit a recommendation letter to the Board of County Commissioners supporting the Planning  
36 Commissions preferred option.  
37  
38

39 **SEPA:**

40 An environmental determination for the proposed code amendment to sections related to signage  
41 in unincorporated Thurston County is required pursuant to WAC 197-11-704; and, will be  
42 completed prior to a public hearing on the amendments before the Board of County  
43 Commissioners.  
44  
45

46 **NOTIFICATION:**

47 This briefing was posted online and sent to the Planning Department webmail subscribers, and  
48 interested parties on file with this action.

1  
2 After Planning Commission sets the date for public hearing, notification will be posted online  
3 and published in *the Olympian* and sent to webmail subscribers at least twenty (20) days prior to  
4 the scheduled hearing.  
5

6  
7 **PUBLIC COMMENT:**

8 As of the date of this submittal, Thurston County's Resource Stewardship Department's Long  
9 Range Planning Division has not received public comments by way of emails, and or other  
10 media. All comments received with respect to this action will be made part of the public record  
11 and presented to the Planning Commission for consideration prior to conducting a public hearing  
12 on this matter.  
13

14 Public comment will also be accepted when SEPA is issued, and again when the matter is  
15 considered by the Thurston County Board of County Commissioners.  
16

17  
18 **STAFF RECOMMENDATION:**

19 Staff recommends option 1.  
20

21 Staff requests that the Planning Commission appoint three members to a subcommittee and work  
22 with staff to identify and invite stakeholders to participate in the development of which are  
23 consistent with the SCOTUS 2015.  
24

25 Staff recommends that the Planning Commission Subcommittee develop a work plan focused on:  
26

- 27 1. Identify standards based on content consistent with the 2015 SCOTUS decision;
- 28 2. Consider development of a uniform code structure with clear provisions that address:
  - 29 a. Purpose;
  - 30 b. Definitions;
  - 31 c. Severability;
  - 32 d. Substitution; and
  - 33 e. 'consistent' with adjacent city jurisdictions; and
- 34 3. Provide at least two alternatives to the full Planning Commission for consideration and  
35 possibly modification prior to conducting a public hearing.  
36

37 It is anticipated that the PC Subcommittee will meet three times to:  
38

- 39 1. Meeting No. 1
  - 40 a. Develop a timeline of scheduled meetings based upon PC member time constraints;
  - 41 b. Define meeting agendas and meeting schedule; and
  - 42 c. Identify stakeholders and create a "short-list" for staff to coordinate with.
- 43 2. Meeting No. 2
  - 44 a. Meet with stakeholders to identify and discuss impacts of modifying regulations  
45 related to protected speech.
- 46 3. Meeting No. 3

- 1                   a. Produce and present a report of findings to be shared with the full Planning  
2                   Commission for deliberation and subsequent recommendation to the Board of  
3                   County Commissioners.  
4

5                   **SOURCES:**

6                   The following organizations were sourced for this report:  
7                   Thurston Long Range Planning ([TLRP](#)), Municipal Research Services Center ([MRSC](#)),  
8                   Washington State Legislature ([WSL](#)) and Washington Secretary of State ([WSOS](#)), and other  
9                   online resources directly related to the subject of regulating signage.  
10

11                   **ATTACHMENTS:**

12                   Attachment A – Chapter 20.40 - SIGNS AND LIGHTING

13                   Attachment B – Chapter 21.75 - SIGN REGULATIONS

14                   Attachment C – Chapter 22.44 – SIGNS

15                   Attachment D – Chapter 23.42 - SIGNS  
16



# **ATTACHMENT - A**

## **Chapter 20.40 - SIGNS AND LIGHTING**

Sections:

20.40.005 - Purpose.

The purpose of this chapter is to provide for signage while maintaining and, where possible, enhancing traffic and pedestrian safety, property values, and the county's aesthetic character and attractiveness to economic development.

(Ord. 11398 § 3 (part), 1997: Ord. 10111 § 3, 1992)

20.40.010 - Generally.

No sign shall be erected within the boundaries of the zoned areas which conflicts with the provisions of this chapter.

(Ord. 11398 § 3 (part), 1997: Ord. 7075 § 18 (part), 1981: Ord. 6708 § 3 (part), 1980)

20.40.020 - General provisions.

Shall be as follows:

1. No sign shall protrude over the street right-of-way.
2. No sign shall be erected that interferes with the visibility of traffic control devices or street name signs.
3. Signs may be luminous, reflecting or illuminating, but no sign shall be flashing or oscillating.
4. No sign shall be placed so as to cause visual obstruction of a public right-of-way.
5. All signs shall conform to Washington state statutes or building code, if in effect.
6. All signing relating to regulations warning of hazards and guidance of traffic shall conform to the latest edition of the Washington State Highway Commission, Department of Highways, Traffic Engineering Division "Manual for Signing."
7. Within the Grand Mound urban growth area, the Grand Mound Development Guidelines dated March 9, 1998, are adopted and incorporated in this chapter by reference as fully set forth in this chapter.

Nothing in here about clear site triangles or road fall. Could add diagrams.

Nothing about requirements to get a permit, process, requirements for submission,

Nothing about prohibited signs.

Nothing about maximum size

Nothing about applicability

(Ord. 11653 § 5, 1998: Ord. 11398 § 3 (part), 1997: Ord. 7075 § 18 (part), 1981: Ord. 6708 § 3 (part), 1980)

#### 20.40.033 - Billboards.

##### 1. Location.

- a. Billboards are only permitted in the following districts, subject to the provisions of this title:

Arterial commercial district (Chapter 20.25);

Highway commercial district (Chapter 20.26);

Planned industrial park district (Chapter 20.27);

Light industrial district (Chapter 20.28).

- b. Billboards shall not be located in the following areas, regardless of the zoning district:

- i. In the Nisqually valley planning area, as shown in the Nisqually Subarea Plan, dated 1992, and as hereafter amended;

- ii. Where visible from the travel lanes of:

Interstate 5;

US Route 101;

Yelm Highway (SR 510);

Rainier Road;

State Routes 507 and 12;

Old Highway 99 south of 93rd Avenue SE to the Lewis County line; or

Tilley Road.

2. Spacing. Billboards shall be separated by one thousand feet from other billboards on the same side of the road.
3. Size. Billboard display surfaces shall not exceed three hundred square feet in size.
4. Number and Orientation of Sign Faces. Billboards shall have no more than two sign display surfaces, only one of which may be visible to oncoming traffic.

(Ord. 12032 § 23, 1999; Ord. 11398 § 3 (part), 1997; Ord. 11220 § 11, 1996; Ord. 10111 § 4, 1992)

*(This section is defined in general definitions and clearly states limitations pertaining to district, size, height, and number. This section is not at 'issue' as it does not contain content sensitive restrictions.)*

#### 20.40.035 - Exempt signs.

The following signs shall be permitted and are exempt from the provisions of this chapter, and shall not be included in the computation of sign size area for regulated signs. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with any other applicable law or ordinance. Exempt signs are:

1. Construction signs which identify the future use of a site, architects, engineers, contractors, financial institutions, and other individuals or firms involved with the construction of a project, but not including advertisement of any products, during the construction period, and up to thirty days after an occupancy permit has been issued; *(Temporary sign, no size restriction.)*
2. Signs pertaining to the sale, lease or rental of developed residential property or buildings; *(Real Estate Sign – on premise or off-premise? Temporary sign, no size restriction or location)*
3. Signs advertising undeveloped residential property for sale up to thirty-two square feet in sign area, or the sale, lease or rental of commercial or industrial property or buildings; *(Same as above but for commercial. Could be combined. Or done away with for general temporary notes.)*
4. Names of buildings, commemorative tablets and the like when carved into stone, concrete or similar material, or made of bronze, aluminum or other permanent-type construction, made an integral part of the structure, and projecting no more than two inches from the wall;
5. Signs directing vehicular or pedestrian traffic movement or parking into a premises or within a premises, not exceeding four square feet in area, and between three and five feet in height for each sign. Such sign may include an identification logo, but no wording except as related to directions;
6. Temporary advertising signs, not exceeding four square feet, advertising products or services of the building tenant, but not the name of the tenant. Such signs shall be temporarily attached to the wall or window of the building and shall be located below the building eave. Such signs shall be allowed for a period of time not to exceed fourteen days;

*(Signs located in exempt section of code are difficult to track and may be better served in a general standards sections equitably applicable to all zones; or, identified in separately in distinct zones with differing standards for each.)*

7. Signs not exceeding four square feet in area, attached flat against a building, stationary and not lighted, announcing only the names, hours of operation or occupation of the

building tenant; provided that not more than one such sign shall be allowed on any face of a building;

8. Signs located in the interior of a development, which are designed and located to be viewed exclusively by patrons of the development and not plainly visible from off-site;
9. Governmental or corporate flags, which are flown from a permanent pole or standard in conjunction with the national flag of the United States in conformance with United States Public Law 93-344;
10. Signs that are within a ball park or other similar public or nonprofit recreational facility and are intended to be primarily viewed from within that facility;
11. Seasonal displays and decorations not advertising a product, service or entertainment;
12. Signs warning the public against hunting, fishing, trespassing, dangerous conditions, animals, swimming, or the like;
13. Signs identifying essential public needs (i.e., restrooms, entrance, exit, telephone, etc.);
14. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties;
15. **Political campaign signs** advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot may be erected on any privately owned lot or parcel, **excluding right-of-way**. Each sign **shall be removed within fifteen days after that election**. For a successful candidate in a primary election, the sign may remain until the final election but shall be removed within fifteen days after that election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this title;

*(This portion of the code is potentially applicable to the “issues” of the review addresses unauthorized signs in the right-of-way as litter.)*

16. Any special event signs or displays such as search lights, pennants, streamers, ribbons, air-filled figures or gas-filled figures, subject to the following restrictions:
  - a. Such displays shall conform to the height restrictions for permitted signs, and
  - b. Such displays shall be allowed for a period of time not to exceed fourteen days in any calendar year; and

*(Special event signs have been identified as content sensitive and are limited in size and duration, and listed in the exempt section of the code with no requirement for permitting and no mechanism for tracking.)*

17. Signs **up to four square feet** which show the meeting location for a **service club or fraternal organization**.

*(This item mixes a size exemption with noncommercial, special event size, and may be better served under ‘general sign’ provisions.*

(Ord. 11653 § 6, 1998: Ord. 11398 § 3 (part), 1997: Ord. 10089 § 3, 1992)

## 20.40.038 - Directional signs.

The following directional signs may be erected within county rights-of-way subject to the requirements of this section and written authorization from the director of public works or his/her designee:

1. Permitted Directional Signs.
  - a. Signs directing people to publicly owned facilities or sites, hospitals, historic sites, or churches, synagogues, and other similar places of worship;
  - b. Signs directing motorists to gas stations, food, lodging, or privately owned recreation areas. To be eligible for such signage, the facility or site must meet the state's requirements for erecting a motorist information sign along a federal interstate or primary highway. Eligibility, however, will not require compliance with state requirements related to supplemental directional signage.
2. Administrative Requirements and Standards.
  - a. Applicants for a directional sign shall submit a completed application on a form provided by the public works department and pay the fee specified on the department's fee schedule.
  - b. Successful applicants shall supply the public works department with the approved directional sign(s).
  - c. The public works director shall determine the location of directional signs, subject to the provisions of this section. Wherever practical, directional signs shall be grouped in a coordinated display. The director may limit the number of directional signs placed on any section of right-of-way to maintain public safety and the visibility of traffic control signage.
  - d. Approved directional signs shall be installed and maintained by the public works department. The owner shall be responsible for the cost to replace or repair signs or support structures that are damaged or defaced following installation, or that are badly deteriorated. If the county does not receive payment for such repair or replacement within thirty days of notification, it will dispose of the sign.
  - e. Directional signs for seasonal businesses or facilities shall be covered, removed or posted with closed sign during the off-season by the public works department or the sign owner, at the direction of the department.
  - f. Directional signs shall be removed by the county if the nature of the destination, facility, or business no longer complies with subsection (1)(a) or (b) of this section. The county may also remove directional signs if the public works director determines, due to changed circumstances, that they jeopardize public safety. If such signs are not claimed by the owner within thirty days of notification, they will be disposed of by the county.
3. Standards.

- a. Directional signs and their location shall comply with all applicable laws, including Chapter 47.42 RCW, Sections 131 and 315 of Title 23, United States Code, and rules adopted by the State Department of Transportation, including the "Manual on Uniform Traffic Control Devices for Streets and Highways," all as amended.
- b. Directional signs shall, to the extent that the sign's size permits, be of the same design, color, and format as the corresponding state motorist information sign.
- c. Directional signs shall only identify the facility or site and its distance and direction from the sign. No other advertising or message is permitted.
- d. Directional signs shall not exceed five square feet in size and shall not be illuminated.

(Ord. No. 14773, § 10(Att. I), 7-24-2012) (Ord. 11398 § 3 (part), 1997: Ord. 10089 § 4, 1992)

*(This section is defined in general definitions and clearly states limitations pertaining to district, size, height, and number. This section is not at 'issue' as it does not contain content sensitive restrictions.)*

#### 20.40.045 - Sign height.

1. The provisions of subsection (2) of this section apply to any sign the height of which is not regulated by Section 20.54.040(5). (*←Special Use Permit provisions*)
2. No sign shall exceed thirty-five feet in height as measured from the grade level to the highest point of the sign.

(Ord. 11398 § 3 (part), 1997: Ord. 8399, 1986)

#### 20.40.050 - Signs with unclear dimensions.

The square feet of a sign painted or imprinted on the wall of a building or otherwise affixed to the wall of a building in such a manner that the sign has no clearly-defined dimensions shall be equal to the dimensions of the smallest possible rectangular figure which could contain the matter painted, printed or otherwise affixed thereon.

(Ord. 11398 § 3 (part), 1997: Ord. 7075 § 18 (part), 1981)

#### 20.40.060 - Lighting.

Lighting shall be designed and shall function in a manner which shields direct light from adjoining streets and properties. Shielding, location, height, type of illumination and landscape buffers shall be evaluated in lighting design to meet this standard.

(Ord. 11398 § 3 (part), 1997: Ord. 7274 § 2, 1982)

20.40.100 - Nonconforming signs.

Signs rendered nonconforming by the provisions of this title shall comply with the following:

1. Nonconforming signs shall not be increased in size or elevation, structurally altered, or moved to another site.
2. A nonconforming sign must be removed or brought into compliance with this chapter if:
  - a. It is damaged or deteriorated and the cost for repairs, maintenance, or other changes would exceed fifty percent of its replacement cost; or
  - b. It has not been used for six months or longer.
3. All signs and supporting structures which do not conform to the applicable structural requirements of Chapter 14.17 Thurston County Code shall be removed or immediately brought into compliance with such requirements.

(Ord. No. 14388, § 6, 8-3-2010) (Ord. 11398 § 3 (part), 1997: Ord. 10111 § 5, 1992)

*(Code does not contain a 'Severability' or 'Substitution' clause)*

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## ATTACHEMENT - B

### Chapter 21.75 - SIGN REGULATIONS

#### Sections:

#### 21.75.010 - Intent.

The intent of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the number, size, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; to preserve and improve the appearance of the Lacey UGA as a place in which to live and as an attraction to nonresidents who come to visit or trade; to encourage sound signing practices as an aid to business and for public information but to prevent excessive and confusing signing displays.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.020 - Definitions and abbreviations.

For the purpose of this chapter, definitions as defined in Chapter 21.06 and certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section:

"Abandoned sign" means any sign which is located on property which becomes vacant and unoccupied for a period of six months or more, or any sign which relates to any occupant or business unrelated to the present occupant or his business, or any sign which pertains to a time, event, or purpose which no longer applies.

"Advertising vehicles" means any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto, or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during normal course of business. Franchised buses or taxis are exempt from this chapter.

"Animated sign" means any sign which includes action or motion or the optical illusion of action or motion, or color changes of all or any part of the sign facing, requiring electrical



energy, or set in motion by movement of the atmosphere. Excluded from the definition are public service signs, changing message center signs, searchlights and flags.

"Awning" means a temporary shelter supported entirely from the exterior wall of a building.

"Bulletin board (readerboard)" means a sign so designed that the message may be changed by removal or addition of specially designed letters that attach to the face of the sign.

"Changing message center signs" means an electronically or electrically controlled sign where different automatic changing messages are shown on the same lamp bank.

"**Construction sign**" means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and announce the character of the building or the purpose for which the building is intended.

"Flashing sign" means any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Excluded from the definition are public service and changing message center signs.

"Freestanding sign" means any sign which is supported by one or more uprights, poles or braces in or upon the ground.

"**Garage sale signs,**" i.e., yard sales, moving sales, patio sales, means temporary signs used to announce a sale of used items.

"Grade" means the elevation or level of the street closest to the sign to which reference is made, as measured at the street's centerline, or the relative ground level in the immediate vicinity of the sign.

"**Grand opening displays**" means temporary signs, posters, banners, strings of lights, clusters of flags, balloons and searchlights used to announce the opening of a completely new enterprise or the opening of an enterprise under new management.

"Height" or "height of sign" means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns.

"Landscaping" means any material used as a decorative feature, such as shrubbery or planting materials, planter boxes, concrete bases, brick work, decorative framing or pole covers, used in conjunction with a sign which expresses the theme of the sign and related structure but does not contain advertising copy.

"Legal nonconforming sign" means a sign which (1) on the effective date of the ordinance codified in this chapter was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior sign ordinance or code but which sign does not conform to the applicable limitations established by this chapter; or (2) on or after the effective date of the ordinance codified in this chapter was lawfully maintained and erected in accordance with the provisions of this chapter but which sign, by reason of amendment of the ordinance codified in this chapter after the effective date thereof, does not conform to the applicable limitations established by the amendment of this chapter.

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

"Marquee" means a permanent roofed structure attached and supported by the building.

"Monument sign" means a ground-mounted sign which is higher than three feet above the average ground elevation and which is attached to the ground by means of a wide base of solid appearance.

"Multiple building complex" means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business which shares the same lot, access and/or parking facilities.

"Multiple occupancy building" means a single structure housing more than one retail business, office or commercial venture.

"Political sign" means a sign advertising a candidate or candidates for public elective office, or a political party, or sign urging a particular vote on a public issue decided by ballot.

"Portable (mobile) sign" means a sign made of any material which by its design is readily movable and is equipped with wheels, casters or rollers or which is not permanently affixed to the ground, structure or building (also includes sidewalk or sandwich board signs, and signs mounted upon the tops of vehicles).

"Public service signs" means an electronically or electrically controlled public service sign or portion of a larger sign which conveys only information such as time, date, temperature, atmospheric condition or general news information where different alternating copy changes are shown on the same lamp bank matrix.

"Real estate or property for sale, rental or lease sign" means any sign pertaining to the sale, lease or rental of land or buildings.

"Roof sign" means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

"Searchlight" means an apparatus containing an electric light and reflector on a swivel for projecting a far-reaching beam in any desired direction.

"Sign" means any commercial communication device, structure or fixture that is intended to aid an establishment in identification and to advertise and/or promote a business, service, activity or interest. For the purpose of this chapter, a sign shall not be considered to be building or structural design, but shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way.

"Sign area" means the entire area of a sign on which copy is to be placed. Only one side of a doublefaced sign shall be included. The area of painted signs, individual letter signs, and other indirectly illuminated signs shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between letters and lines, as well as the areas of any devices, illuminated or nonilluminated, which are intended to attract attention.

"Special event signs" means temporary signs used to announce a circus, a carnival, festivals or other similar events.

"Temporary sign" means any sign, banner, pennant, valance, flags (not intended to include flags of any nation, state, city or other governmental agency or nonprofit organization), searchlights, balloons or other air-filled or gas-filled figures or advertising display constructed of

cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frame, intended to be displayed for a limited period of time only. Different types of temporary signs included in this category are: construction, grand opening displays, real estate, special event, political and garage sale.

"Wall" means any member or group of members, which defines the exterior boundaries of a building and which has a slope of sixty degrees or greater with the horizontal plane. The height of a wall shall be measured as the two-dimensional height from the average finish grade of the particular architectural building elevation adjacent to the wall to the finish roof plane.

"Wall sign" means any sign attached to or painted directly on the wall, or erected against the wall of a building being parallel or approximately parallel to said wall; and does not exceed a distance of fifteen inches from such wall.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.030 - Permits and fees required.

No sign permit shall be issued unless the sign installer has a valid Washington State sign contractors license; provided, however, that an applicant may obtain a permit to install a sign on his own property without a state license.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.040 - Permit—Requirements.

No sign governed by the provisions of this code of more than four square feet in sign area shall be erected, structurally altered or relocated by any person, firm or corporation after the date of adoption of this code without a permit issued by the county (**with the exceptions as noted**). No new permit is required for signs which have permits and which conform with the requirements of this code on the date of its adoption unless and until the sign is structurally altered or relocated.

(Ord. 11274 § 1 (part), 1996)

*(Exceptions are often problematic due to the fact they elude to differing sign types as identified by copy and have differing standards.)*

#### 21.75.050 - Permit—Applications.

Applications for permits shall contain the name and address of the owner and user of the sign, the name and address of the owner of the property on which the sign is to be located, the location of the sign structure, drawings or photographs showing the design and dimensions of the sign and details of its proposed placement and such other pertinent information as the department

may require to insure compliance with this code and other applicable ordinances. Permit applications shall be available for inspection by the public upon request. Upon completion of a permit application, the application shall be acted on within two weeks unless there is a requirement for further time under SEPA.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.060 - Fee schedule.

Fees for sign permits shall be established by resolution of the board.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.070 - Exemptions.

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:

- 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. Flag poles 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;
- C. Traffic or other municipal signs, bench signs located at designated public transit bus stops, signs required by law or emergency, railroad crossing signs, legal notices; and any temporary, or nonadvertising signs as may be authorized by the board;
- 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, mall, arcade, porch, patio, court, or similar area 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. One bulletin board not over fifty square feet in sign area for each public, charitable or religious institution where the same are located on the premises of said institution. A sign permit is required;

- H. Decorations. Such signs in the nature of decoration, clearly incidental and customary and commonly associated with any national, local or religious holiday;
- I. 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 sign permit unless a structural change is made;
- J. Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification;
- K. "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;
- L. Directional signs erected by the county on arterial streets directing the public to public, civic, or nonprofit facilities;
- M. Signs being manufactured, transported, and/or stored within the Lacey UGA shall be exempt; provided, however, that such signs are not used, in any manner or form for purposes of advertising at the place or places of manufacture or storage;
- N. Commemorative plaques of recognized historical societies and organizations;
- O. Religious symbols and identification emblems of religious orders or historical societies;
- P. Signs on vehicles regulated by the county that provide public transportation, including, but not limited to, buses and taxicabs;
- Q. Signs on licensed commercial vehicles, including trailers; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs;
- R. Special event signs, real estate signs, political signs, banners or cloth signs, decorations and garage sale signs, provided they conform to their applicable limitations.

(Ord. 12761 § 46, 2002; Ord. 11274 § 1 (part), 1996)

*(Exemption sections of each of the codes should be evaluated. Section may be shortened to indicate only those signs serving public purpose of municipality, noncommercial, directional (limited height, size, and indicating direction), way finding for municipal purposes, residential, etc.)*

#### 21.75.080 - Prohibited signs.

The following signs or displays are prohibited:

- A. Roof signs;
- B. Animated signs;
- C. Flashing signs;
- D. Portable signs; *(can be temporary.)*
- E. Advertising vehicles;

- F. Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "caution," "danger," "warning," or similar words;
- G. Signs which, by reason of their size, location, movement, **content**, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or radio equipment vehicle, or which obstruct the visibility of traffic or street sign or signal device;
- H. Signs which are located upon or projecting over public streets, sidewalks, or rights-of-way except as provided for awnings and marquees in Section 21.75.175;
- I. Signs attached to utility poles;
- J. Off-premises signs including:

*(Problem is reading the sign activates content. That is why it is best to regulate sign type and structure by zone. The market place typically dictates the sign content in commercial context.)*

- 1. Any sign identifying a use, facility or service which is not located on the premises;
- 2. Any sign identifying a product that is not produced, sold or manufactured on the premises;
- 3. Any sign that advertises or otherwise directs attention to a product, service or activity, event, person, institution or business that may or may not be identified by a brand name and which occurs or is generally conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is located.

- K. Strings of banners, pennants, and other **graffiti-like material**.

(Ord. 12761 § 47, 2002; Ord. 11274 § 1 (part), 1996)

21.75.090 - **Temporary signs**.

The following signs are classified as temporary (nonpermanent). Temporary signs are permitted subject to the applicable limitations:

- A. **Construction Signs**. A sign permit is required. Such signs may be displayed only after a building permit is obtained and during the period of construction on the construction site. Only one such sign is permitted per construction project for each public street upon which the project fronts. The applicable limits are as follows:
  - 1. In all zones other than single-family residential zones, no construction sign shall exceed thirty-two square feet in sign area (printed copy on one side only) or ten feet in height, nor be located closer than ten feet from the property line or closer than thirty feet from the property line of the abutting owner.
  - 2. In single-family residential zones, no construction sign shall exceed thirty-two square feet in sign area (printed copy on one side only) or ten feet in height, nor be located closer than ten feet from the property line of the abutting owner.
- B. **Grand Opening Displays**. No sign permit is required. Such temporary signs, posters, banners, strings of lights, clusters of flags, balloons or other air or gas filled figures, and

searchlights are permitted for a period of seven days only to announce the opening of a completely new enterprise or the opening of an enterprise under new management. All such materials shall be removed immediately upon the expiration of seven days. Such displays are permitted only in districts where the enterprise so advertised is allowed under district zoning regulations. Searchlights may be permitted by any business or enterprise provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical.

- C. **Special Event Signs.** No sign permit is required. Such temporary signs may be placed upon private property only and shall not be larger than four square feet. Such signs shall not be posted or attached to telephone poles, power poles or other public utility facilities. Such signs may be displayed thirty days prior to an event and must be removed within seven days after the event's conclusion. The event committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code. Searchlights may be permitted by any business or enterprise provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical.
- D. **Real Estate Signs.** No sign permit is required. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits are as follows:
1. **Residential "For Sale" and "Sold" Signs.** Such signs shall be limited to one sign per street frontage not to exceed five square feet in sign area, placed wholly on the property for sale, and not to exceed a height of seven feet.
  2. **Residential Directional "Open House" Signs.** Such signs shall be limited to one sign per street frontage on the premises for sale and three off-premises signs. However, if a realtor has more than one house open for inspection in a single development or subdivision, he/she is limited to four off-premises "open house" signs in the entire development or subdivision. Such signs are permitted only during daylight hours and when the realtor or seller or an agent is in attendance at the property for sale. No such sign shall exceed five square feet in sign area. The sign may be placed along the periphery of a public right-of-way within one mile of the subject residential development.
  3. **Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs.** One sign per street frontage advertising undeveloped commercial and industrial property for sale or rent. The sign shall not exceed thirty-two square feet in sign area and seven 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 one face of the building is less than ten feet from the building line, the sign shall be placed on the building or in a window. The sign shall not exceed seven feet in height, if free-standing, shall be located more than fifteen feet from any abutting property line and a public right-of-way line. Such sign shall not exceed thirty-two square feet in sign area.

5. Undeveloped Residential Property "For Sale" Signs. One sign per street frontage advertising undeveloped residential property for sale is permitted not exceeding thirty-two square feet in sign area. Such sign must be placed more than thirty feet from the abutting owner's property line and may not exceed a height of seven feet.

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- E. **Political Signs.** No sign permit is required. Political signs or posters may be placed upon private property only and shall not be larger than ten square feet of sign area and shall not be posted or attached to telephone poles, power poles or other public utility facilities. Such signs must be removed seven days after the election in which the candidate or issue advertised on a sign has been determined. For a successful candidate in a primary election the sign may remain until the final election, but shall be removed within seven days after the election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code.
- F. **Banners or Cloth Signs.** *(These are sign Types)* Such signs may be permitted and extend across a public street by permission of the director or designee. Such signs may only be placed at county designated locations and erected by county personnel.
- G. **Garage Sale (Yard Sales, Moving Sales, Patio Sales).** No sign permit is required. Such sign shall be limited to one sign on the premises and three off-premises signs. No such sign shall exceed four square feet in sign area. The sign or signs may be displayed only during the sale and must be removed the day the sale ends. The person or persons for which the sign or signs are displayed shall be responsible for its removal and subject to the penalties as provided in this code.

(Ord. 11274 § 1 (part), 1996) (Ord. No. 14773, § 10(Att. I), 7-24-2012)

#### 21.75.100 - Structural requirements.

The structure and erection of signs or flag poles within the Lacey UGA shall be governed by the Uniform Building Code, 1994 Edition (or any superseding edition adopted by the county). Compliance with the Uniform Building Code shall be a prerequisite to issuance of a sign permit under this code.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.110 - Electrical requirements.

Electrical requirements for signs within the Lacey UGA shall be governed by the National Electrical Code. Compliance with the National Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under this code.

(Ord. 11274 § 1 (part), 1996)



#### 21.75.120 - Illumination.

Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.130 - Maintenance.

All signs, including signs heretofore installed shall be constantly maintained in a state of security, safety, appearance and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the sign code department. The premises surrounding a freestanding sign shall be free and clear of rubbish and landscaping area maintained in a tidy manner.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.140 - Landscaping for freestanding and monument signs.

All freestanding and monument signs shall include as part of their design landscaping about their base so as to prevent vehicles from hitting the sign and to improve the overall appearance of the installation.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.150 - Inspection.

All sign users shall permit the periodic inspection of their signs by the county upon county request.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.160 - More restrictive provision to apply.

Whenever two provisions of this code overlap or conflict with regard to the size or placement of a sign, the more restrictive provision shall apply.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.170 - Buildings facing on two parallel streets.

Single or multiple occupancy buildings whose premises extend through a block to face on two parallel streets with customer entrances on each street are permitted monument signs per street frontage as per Section 21.75.180H; provided, however, that each sign is located on different street frontages and are separated more than one hundred feet measured in a straight line between the signs.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.175 - Signage on awnings and marquees.

Signage will be allowed on awnings and marquees in commercial and industrial zones of the Lacey UGA. Such signage shall be limited to thirty percent coverage of the face of the marquee or the exposed surface of the awning. The signage area shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculations shall include the areas between letters and lines as well as the areas of any devices which are intended to attract attention.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.180 - District regulations.

- A. General. This section shall apply to all zones designated in the Zoning Ordinance.
- B. Size and Type.
  - 1. Nonresidential Uses within Residential Districts. Each use is permitted one flush-mounted wall sign having a maximum sign area of twelve square feet.
  - 2. Home Occupations. Home occupation signs relate to home occupation as defined in the Zoning Ordinance. The sign shall be flush-mounted and shall not exceed two square feet in area, and cannot be internally illuminated, nor illuminated at night. Off-premises signs are prohibited.
  - 3. Single-Family Subdivisions. Two signs identifying a subdivision may be permitted per entrance from an access street, provided said signs do not exceed eighteen square feet in sign area each and five feet in height. Such signs can be low profile monument

freestanding or fence mounted, and can be placed anywhere on the property along access streets, not necessarily at entrances.

4. Multifamily Complex. Each multifamily complex is permitted two signs per entrance from an access street identifying the complex provided said signs do not exceed eighteen square feet in sign area each and five feet in height. Such signs can be low profile monument freestanding or fence mounted, and can be placed anywhere on the property along access streets, not necessarily at entrances.
  5. Commercial, Industrial and Open Space/Institutional Districts.
    - a. Each single occupancy building not in a multiple building complex is permitted monument signs as described in Section 21.75.180H of this code.
    - b. Each multiple occupancy building is permitted monument signs as described in Section 21.75.180H of this code.
    - c. Each multiple building complex is permitted monument signs as described in Section 21.75.180H of this code.
    - d. A regional shopping center (more than thirty acres in size and more than three hundred fifty thousand square feet in gross floor area of buildings) is permitted one directory-type sign not exceeding thirty feet in height and three hundred square feet in sign area. Such sign must be located at least twenty feet from all property lines and rights-of-way.
  6. Commercial Subdivisions and Business Park District. Each commercial subdivision or business park is permitted monument signs as described in Section 21.75.180H of this code.
- C. Location. Freestanding signs may be permitted anywhere on the premises except in a required side yard or within ten feet of a street right-of-way, or within the sight triangle established by the Vision Clearance Ordinance. Monument and low profile monument signs can be located adjacent to property lines but not within the sight triangle established by the Vision Clearance Ordinance. Directory-type signs meeting the dimensional requirements of Section 21.75.180H of this chapter are permitted within multiple building complexes such as business parks and governmental centers as an aid in client orientation.
- D. Freestanding Signs. Freestanding signs are permitted only where it can be demonstrated that monument signs are not effective due to topography, landscaping and/or natural vegetation, building locations/setbacks, adjacent land uses, or other physical restraints not created by acts of the property owner. In such cases, such sign shall not exceed fifteen feet in height, shall not exceed the size standards of Section 21.75.180H, and shall be subject to design approval by the county. It shall be incumbent upon the owner/operator of such facility to establish the need for such sign based upon the above criteria.
- E. Wall Signs. The surface area of any building-mounted sign or canopy-mounted sign shall not exceed the figures derived from the following schedule:

Architectural Building Elevation Wall Area	Maximum Sign Surface Area for that Facade (Square Feet)

Below 100	26
100—199	26 + 11% of facade area over 100
200—499	38 + 12% of facade area over 200
500—999	75 + 11% of facade area over 500
1,000—1,499	131 + 7.5% of facade area over 1,000
1,500-2,999	169 + 3% of facade area over 1,500
Over 3,000	214 + 3% of facade area over 3,000 to a maximum of 400

- F. Illumination. Illumination, if used, shall be what is known as white or yellow and shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign or upon the property within the premises and shall not spill over the property lines, in any direction, except by indirect reflection.
- G. Freeway-Oriented Signs. Parcels with significant freeway frontage are permitted freeway-oriented signs under the following criteria:
1. Parcels must have a minimum of one thousand one hundred feet of frontage along a freeway. A frontage road or other right-of-way between the parcel and the freeway does not disqualify the parcel.
  2. Parcels must have limited or no visibility from the freeway, as determined by the County.
  3. Businesses advertised on such signs must not be eligible to be advertised on Department of Transportation informational signs (food, fuel, lodging).
  4. Monument signs are the first and preferred option unless, in the judgment of the county, they will not provide adequate identification.
  5. Adjacent parcels may combine to meet the minimum freeway frontage requirements, providing any such sign is a "directory-type" sign, in which case wall signs on the freeway side of buildings on such parcels are not permitted.
  6. For parcels with less than one thousand one hundred feet of freeway frontage and limited or no visibility, not located within large commercial complexes and if other adjacent parcels within one thousand one hundred feet have freeway visibility, a monument sign is permitted.
  7. The design of any sign permitted under this section must be approved by the county and be in keeping with the design of structures on the parcel(s).

8. Any sign permitted under this section must comply with the size and height standards in this chapter.
  9. Any sign permitted under this section must be reviewed by the department and approved only with a finding that the above criteria are met.
- H. Monument Signs. Monument signs shall be permitted subject to Table 21T-21 and the following criteria:
1. If corner parcel with two arterial street frontages and entrances on both streets and multi-building complex, a sign placed at the corner of the property can be a two- or three-faced sign;
  2. If corner parcel with two arterial street frontages and entrances on both streets and multi-building complex, regular monument signs are permitted at each entrance;
  3. Length of sign structure must be equal or less than one and one-half times height of sign structure;
  4. Five feet minimum setback from all property lines.
- I. Low Profile Monument Signs. Low profile monument signs shall be permitted, subject to the following criteria:
1. Low profile monument signs shall not exceed five feet in height as measured from the average ground elevation at the base of the sign, provided there is no sight obstruction;
  2. The base of low profile monument signs must be at least twice as large (square feet) as the sign area;
  3. Sign area shall not exceed thirty square feet;
  4. Low profile monument signs may be placed on both sides of entrances to businesses, with a maximum of four signs total;
  5. Monument sign diagram shown on Table 21T-22.

(Ord. 12761 § 48, 2002; Ord. 11274 § 1 (part), 1996)

#### 21.75.190 - Variances.

Variances from provisions of this chapter may be granted by the hearing examiner in accordance with Chapter 2.06 of the Thurston County Code.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.200 - Legal nonconforming signs.

- A. Continuance. Any sign existing on the effective date of this title may be continued to be in operation and be maintained after the effective date of the ordinance codified in this chapter and shall become a legal nonconforming sign provided:
1. No such sign shall be changed in any manner that increases the noncompliance of such sign with the provision of ordinance codified in this chapter established for signs in the district in which the sign is located.
  2. The burden of establishing a sign to be legally nonconforming under this section rests upon the person or persons, firm or corporation claiming legal status for a sign.
  3. "Structural alteration" means any action that changes the height, size, or shape of the sign or any action that affects the base or support(s) of the sign. When a sign is structurally altered, it ceases to be a legal nonconforming sign and must conform with the provisions of this chapter.
  4. When a business or activity containing a legal nonconforming sign is enlarged or remodeled to a value of fifty percent or more of existing value of real property improvements, then such sign must be brought into conformity with this chapter.
- B. By Violation of the Chapter. Any violation of this chapter shall terminate immediately the right to maintain a nonconforming sign.

(Ord. 11804 § 118, 1998; Ord. 11274 § 1 (part), 1996)

#### 21.75.210 - Termination of signs.

- A. By Abandonment. No persons shall maintain or permit to be maintained on any premises owned or controlled by him any sign which has been abandoned.
- B. By Destruction, Damage, Obsolescence or Danger. The right to maintain any sign shall terminate and shall cease to exist whenever the sign is:
1. Damaged or destroyed beyond fifty percent. The determination whether a sign is damaged or destroyed beyond fifty percent shall rest with the department and shall be based upon the actual cost of replacing said sign; and/or
  2. Structurally substandard under any applicable ordinance of the county to the extent that the sign becomes a hazard or a danger.

(Ord. 11274 § 1 (part), 1996)

#### 21.75.220 - Department—Appointment—Powers and duties generally.

The department shall administer the provisions of this code. The department is authorized and directed to enforce and carry out all provisions of this code, both in letter and spirit, with

vigilance and with all due speed. To that end, the department is authorized to formulate procedures consistent with the purposes of this code. (*Intent ???*)

(Ord. 11274 § 1 (part), 1996)

21.75.230 - Department—Inspection authority.

The department is empowered to enter or inspect any building, structure or premises in the Lacey UGA upon which, or in connection with which, a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections and to insure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists. (*Application ???*)

(Ord. 11274 § 1 (part), 1996)

21.75.240 - Conflict and severability.

If any provision of this code is found to be in conflict with any other provision of any zoning, building, fire, safety or health ordinance or code of the county, the provision which establishes the higher standard shall prevail.

(Ord. 11274 § 1 (part), 1996)

21.75.250 - Violation—Penalty.

- A. Violation of the provisions of this code or failure to comply with any of its requirements shall constitute a misdemeanor and such violation shall be punished as provided by the statutes of the state of Washington for the commission of a misdemeanor. Each day such violation continues shall be considered a separate offense.
- B. The erector, owner or user of an unlawful sign or the owner of the property on which an unlawful sign is located and who maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section.

(Ord. 11274 § 1 (part), 1996)

21.75.260 - Removal of unlawful or nonconforming signs.

- A. Any unlawful permanent type sign which has not been removed within thirty days after conviction of violation may be removed by the county and the costs charged to the violator.

If removal costs have not been paid and the sign reclaimed within thirty days of its removal by the county, the county may sell or otherwise dispose of the sign and apply the proceeds toward costs of removal. Any proceeds in excess of costs of removal shall be paid to the owner of the sign.

- B. Signs which the department finds upon public streets, sidewalks, right-of-way or other public property or which where so ever located present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the department without prior notice.
- C. Nonconforming signs which the department finds are located so as to present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the department without prior notice.
- D. Any unlawful temporary or portable type sign located on private property which has not been removed after twenty-four hours from notification may be removed by the county. The sign may be reclaimed by the owner after payment of the costs of removal. If the sign has not been reclaimed within thirty days of its removal by the county, the county may sell or otherwise dispose of the sign and apply the proceeds toward costs of the removal. Any proceeds in excess of costs of the removal shall be paid to the owner of the sign.
- E. Neither the county nor any of its agents shall be liable for any damage to the sign when removed under this section.

(Ord. 12761 § 49, 2002; Ord. 11274 § 1 (part), 1996)

21.75.280 - Visual quality.

The department is empowered to prepare graphic materials such as photographs and drawings of sign types and styles acceptable to the county, and to disallow proposed signs that do not comply with the general types and styles represented by these graphic materials. Appeals of such department decisions shall be to the hearing examiner as specified in Thurston County Code Chapter 2.06.

(Ord. 11274 § 1 (part), 1996)

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## ATTACHMENT – C

### Chapter 22.44 - SIGNS

#### Sections:

*(This code regulates signs by zone.)*

#### 22.44.010 - Purpose—Applicability.

- A. It is the intent of this chapter to recognize that attractive development and structures within the Tumwater UGA will encourage desirable economic development and to ensure that signing works to the advantage of all citizens by reasonable control of the size, number and location of signs.
- B. It is the intent of these regulations to protect public safety, and to protect the economic base, and the right of businesses, civic, philanthropic, educational, and religious organizations to properly advertise and to enhance both the overall economy and environment of the Tumwater UGA.
- C. This chapter shall not regulate traffic and directional signs installed by a government entity; signs not intended to be viewed from and not readable from a public right-of-way; window merchandise displays; point-of-purchase advertising displays, legal notices required by law; barber poles; historic site plaques; gravestones; structures intended for a separate use, such as phone booths, Goodwill containers and recycling containers; lettering or symbols painted directly on or attached to an operable motor vehicle operating in the normal course of business.

(Ord. 11274 § 2 (part), 1996)

#### 22.44.015 - Definitions.

Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the following meanings:

"Advertising vehicle" means any vehicle or trailer placed on a public right-of-way, on public property, or on private property, having attached thereto or located thereon any sign or advertising device which advertises a product, business or service, or directs people to a business or activity located on the same or nearby property or any premises. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operated during the normal course of business. Franchised buses or taxis are specifically excluded from this definition.

"Awning" means a rigid shelter that proceeds outward from a building and has a cloth or lightweight cover, through which light cannot pass.

"Awning, illuminated" means a rigid shelter that proceeds outward from a building and has a cloth or light weight cover, which is designed to be illuminated from within.

"Banner" means any sign of lightweight fabric or similar material.

"Building-mounted sign" means any sign attached to or erected against the wall of a building being parallel or approximately parallel to such wall; and exceeds a distance of fifteen inches from such wall.

"Canopy" means a rigid shelter that proceeds outward from a building and has a rigid cover.

"Corporate flag" means a flag that carries a logo, trademark or corporate seal of a company or organization and does not carry another commercial message.

"Exterior wall" means any wall or element of a wall or any member or group of members which defines the exterior boundaries or courts of a building and which has a slope of sixty degrees or greater with the horizontal plane.

"Fascia" means any relatively narrow vertical surface which is projected or cantilevered or supported on columns or on an element other than a wall below.

"Flag" means a piece of cloth, attached to a staff or pole, with distinctive colors, patterns or symbolic devices, used as a symbol for a government, corporation, or other organization.

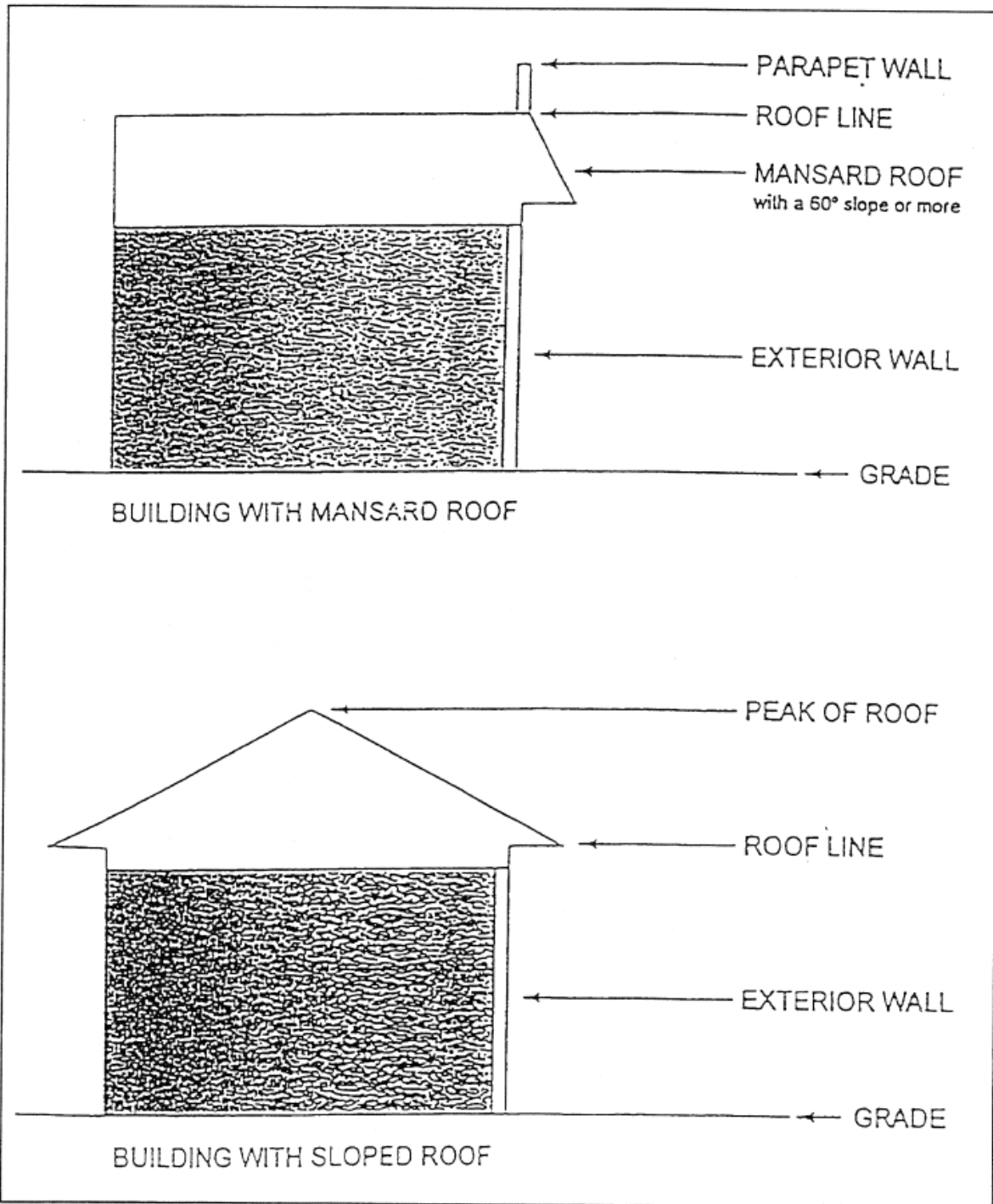
"Freestanding sign" means any sign which is supported by one or more uprights, poles or braces in or upon the ground.

"Hours-of-operation" means the actual hours when the building is open for business or in preparation of opening or closing.

"Industrial park" means a multiple building complex.

Diagram 22.44.015

Walls and Roofs



"Inflatable signs" means balloons or other gas-filled figures. For purposes of this section, inflatable signs shall be treated as temporary signs.

"Mansard roof" means a roof or roof-like facade with a slope of sixty degrees or more from the horizontal and architecturally able to be treated as a building wall.

"Monument sign" means a freestanding sign not more than six feet in height, which is attached to the ground by means of a wide base of solid appearance.

"Multiple building complex" means a group of two or more commercial or industrial structures sharing a common development plan.

"Multiple tenant building" means a single structure housing two or more commercial or industrial businesses which share the same lot, access and/or parking facilities.

"Off-premises sign" means any sign used for the purpose of identifying or directing attention to a business, product or service not located on the lot where such sign is displayed.

"Parapet wall" means that part of any wall entirely above the roofline.

"Pennants" means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or other device, usually in series, designed to move in the wind.

"Point-of-purchase sign" means any exterior sign that suggests a specific product or service being available for purchase.

"Public facade" means any side of a commercial building having a doorway open for regular ingress and egress by customers. For purposes of determining sign size allowances on multiple tenant facilities having individual entrances for businesses, the "public facade" of a particular business means that portion of the total public facade upon which the business has frontage.

"Ribbons" has the same meaning as pennants.

"Roofline" means where a wall meets the roof.

"Shopping center" means multiple building complex.

"Sign" means any visual communication device, structure or fixture that is intended to aid an establishment in identification and to advertise and/or promote a business, service, activity or interest. A sign shall not be considered to be a building or structural design, but shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way set forth in this section.

"Sign structure" means any structure which supports or is capable of supporting any sign defined in this code.

"Streamers" has the same meaning as pennants.

"Temporary sign" means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a limited period of time only.

"Valance" means the leading edge or vertical surface of an awning or canopy.

"Wall sign" means any sign attached to or painted directly on a wall, or erected against a wall of a building being parallel or approximately parallel to such wall; and does not exceed a distance of fifteen inches from such wall.

(Ord. 11500 § 24, 1997; Ord. 11274 § 2 (part), 1996)

22.44.020 - Compliance required.

No sign shall be permitted in the Tumwater UGA unless it conforms to the provisions of this chapter.

(Ord. 11274 § 2 (part), 1996)

22.44.030 - Off-premises signs.

This chapter prohibits off-premises signs except as provided in TCC Section 22.56.170.

(Ord. 11274 § 2 (part), 1996)

22.44.040 - Height regulations—Front or side yard setback area.

Signs located within the front or side yard setback area shall comply with fence height regulations as outlined in Section 22.46.030. Multiple tenant building and multiple building complex identification signs (*Sign type?*) are exempted from these requirements as provided in Section 22.44.155A of this code. Signs located within the front or side yard setback areas shall not be higher than forty-two inches in height except as otherwise exempted in Section 22.44.155A.

(Ord. 11274 § 2 (part), 1996)

22.44.050 - Permit—Required.

- A. No sign shall be erected, altered or relocated without a sign permit issued by the county, except where only the actual sign face or wording is changed, to include the change in business occupancy, repainted, cleaned, repaired or maintained without structural or size alterations. The signs listed in TCC Section 22.44.070 under exempt signs are exempt from the requirements of this subsection.
- B. State electrical permits shall be obtained for all electric signs.
- C. No permit for any sign shall be issued unless the sign complies with all requirements of this chapter and applicable regulations of the Uniform Building Code.

(Ord. 11274 § 2 (part), 1996)

22.44.060 - Permit—Application.

The application for a sign permit shall be filed with the county on forms furnished by the county. The application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings or photographs showing the design and location of the sign, and such other pertinent information as deemed necessary by the administrative official to ensure compliance with the ordinances of the county. A sign permit fee and a plans examination fee shall be paid in accordance with the county's adopted Uniform Building Code based on the value of construction.

(Ord. 11274 § 2 (part), 1996)

#### 22.44.070 - Exemptions.

*(Exemptions are problematic b/c they primarily indicate "types" of signs even though they are exempt. Often the exemption indicates "conditions" i.e.- number of signs, size, location, duration, content, which would not otherwise apply had the sign content not indicated the type.)*

The following signs shall be permitted anywhere within the Tumwater UGA and are exempt from the permit requirements of this chapter, and shall not be included in the computation of sign size area for regulated signs. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with any other applicable law or ordinance. Exempt signs are:

- A. Construction signs which identify the future use of a site, architects, engineers, contractors, financial institutions, and other individuals or firms involved with the construction of a project, but not including advertisement of any products, during the construction period, and thirty days after an occupancy permit has been issued, to a maximum area of thirty-two square feet per surface with a total of sixty-four square feet, per user, not to exceed four signs per project;
- B. Signs pertaining to the sale, lease or rental of developed residential property or buildings up to eight square feet in area, limited to one sign per street frontage;
- C. Signs advertising undeveloped residential property for sale, or the sale, lease or rental of commercial or industrial property of buildings up to thirty-two square feet in sign area;
- D. Names of buildings, commemorative tablets and the like when carved into stone, concrete or similar material, or made of bronze, aluminum or other permanent-type construction (*should define permanent-type*), made an integral part of the structure, and projecting no more than two inches from the wall; (*May be considered public service, or directional*)
- E. Signs directing traffic movement or parking into a premises or within a premises, not exceeding four square feet in area, and between three and five feet in height for each sign. Such sign may include an identification logo, but no wording except as related to directions; (*May be considered public service, or directional*)
- F. Signs not exceeding four square feet in area, attached flat against a building, stationary and not lighted, announcing only the names or occupation of the building tenant

provided that not more than one such sign shall be allowed on any face of a building;  
(????)

- G. Governmental or corporate flags with a total area of thirty square feet or less, which are flown from a permanent pole or standard in conjunction with the national flag of the United States in conformance with United States Public Law 93-344; *(May be considered public service, or directional)*
- H. Signs which are within a ball park or other similar public or nonprofit recreational facility and are intended to be primarily viewed from within that facility; *(May be considered public service, or directional)*
- I. Seasonal displays and decorations not advertising a product, service or entertainment; *(These would be temporary signs. Possible relegated to on-site, commercial, and controlled by size and structure.)(This one may not need to exempt in the regulations altogether.)*
- J. Signs warning the public against hunting, fishing, trespassing, dangerous conditions, animals, swimming, or the like; *(May be considered public service, or directional)*
- K. **Official notices or advertisements** posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; *(May be considered public service, or directional)*
- L. Political campaign signs advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot may be erected on any privately owned lot or parcel, excluding right-of-way. Each sign shall be removed within fifteen days after that election. For a successful candidate in a primary election, the sign may remain until the final election but shall be removed within fifteen days after that election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this title; *(Temporary sign)*
- M. Protest or picket signs; *(Temporary sign; ideological)*
- N. Any special event signs or displays such as search lights, pennants, streamers, ribbons, air-filled figures or gas-filled figures, subject to the following restrictions: *(Temporary sign)*
  - 1. Such displays shall conform to the height restrictions for permitted signs, and
  - 2. Such displays shall be allowed for a period of time not to exceed fourteen days in any calendar year; and
- O. Signs up to four square feet which show the meeting location for a service club or fraternal organization. *(Temporary; off-premise)*

(Ord. 11274 § 2 (part), 1996)

22.44.075 - Conditional exemptions. *(Exemptions are problematic b/c they primarily indicate “types” of signs even though they are exempt. Often the exemption indicates “conditions” i.e.-*

*number of signs, size, location, duration, content, which would not otherwise apply had the sign content not indicated the type.)*

Except to the extent that permits may be required under the Uniform Building Code the following signs are exempt from the permit requirements of this chapter, but they shall be included in the computation of sign size area for regulated signs:

- A. Any temporary sign, banner, or point-of-purchase (*Soda Machine*) sign intended to be displayed for a limited period of time;
- B. Signs flush-mounted or painted directly on the wall of a building, or erected against the wall of a building parallel or approximately parallel to the wall and not extending further than fifteen inches from the wall; and
- C. Product dispensers.

22.44.080 - Prohibited signs.

*(Exemptions are problematic b/c they primarily indicate "types" of signs even though they are exempt. Often the exemption indicates "conditions" i.e.- number of signs, size, location, duration, content, which would not otherwise apply had the sign content not indicated the type.)*

The following signs are prohibited:

- A. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic-control device or which hides from view any traffic or street sign or signal, or which obstructs the view in any direction at a street or road intersection;
- B. Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, and which bear the words, "stop," "caution," "danger," "warning," or similar words;
- C. Signs which contain or consist of spinners, strings of light bulbs, blinking or fluctuating lights, or other similar or moving devices, except public service signs, or changing message center signs which show time and temperature only;
- D. Signs which are pasted or attached to utility poles, trees, other signs, rocks, or other natural features;
- E. Any sign which is not permanently anchored or affixed to the ground, structure or building, and which does not permanently identify or contain the name of the service or business on whose property the sign is located, excepting signs which also serve as a point-of-purchase sign, but including any sign displayed on an abandoned vehicle or trailer. This regulation shall not be deemed to prohibit advertising on moving vehicles on public streets, unless such advertising is located on an advertising vehicle;
- F. Signs erected upon, against or directly above the roof or on top of or above the parapet of a building, or located on any portion of a parapet which is located more than twenty-four inches higher than the main roofline of a building. For the purposes of this section, the face of a mansard roof or fascia shall not be considered to be a part of the roof;



- G. Signs which are the primary use of the land on which they are located, except those allowed under this chapter, except also those allowed by special use permit;
- H. Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related;
- I. Signs, except those of an official nature, which are located upon or projecting over public streets, sidewalks or rights-of-way;
- J. Signs which are attached to fences, except those signs erected in conformance with TCC Section 22.44.070H; and
- K. Freestanding signs which are greater than thirty feet in height. OK

(Ord. 11274 § 2 (part), 1996)

#### 22.44.090 - Existing signs.

Any existing sign may continue to be in operation and be maintained after the effective date of this ordinance and shall be a legal nonconforming sign provided:

- A. The burden of establishing a sign to be legally nonconforming under this section rests upon the person or persons, firm or corporation claiming legal status for a sign;
- B. A nonconforming sign may not be structurally altered or relocated. However, if such alteration or relocation is required as a result of government action, then said action is exempt.
- C. A nonconforming sign will cease to be a legal nonconforming sign if a structural alteration or relocation increases its nonconforming status. An increase in nonconforming status will be construed to be a violation of this chapter and such sign will be subject to removal as provided in this chapter and Chapter 22.54. Changes in the sign face wording of a nonconforming sign shall not be deemed an alteration under this section.
- D. A nonconforming sign will cease to be a legal nonconforming sign if improvements are made to the property on which the sign is located amounting to twenty-five percent or greater of the assessed valuation of the property within any twelve-month period. Improvements to single-family dwellings shall be exempt from this requirement. Improvements made to any residential structure due to fire, earthquake or storm damage, or other natural disasters shall be exempt from this requirement.

(Ord. 11274 § 2 (part), 1996)

#### 22.44.100 - Inspection.

Signs may be inspected periodically by the administrative official for compliance with this and other codes of the municipality.

(Ord. 11274 § 2 (part), 1996)

22.44.110 - Maintenance.

All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition. This section shall be subject to the enforcement and removal provisions contained in TCC Section 22.44.120.

(Ord. 11274 § 2 (part), 1996)

22.44.120 - Removal.

- A. If any permanent sign shall be unlawfully installed, erected or maintained in violation of any provisions of this section, the owner or the person or firm maintaining same shall, upon written notice by the administrative official, make such sign conform to the provisions of this chapter, or shall remove it within thirty days. Such party shall only be authorized to exercise the appeal rights set forth in Chapter 22.62 after application has been made and permit fees paid, if applicable; provided, the thirty-day appeal period shall commence upon the date of notice, whether a permit was applied for or not.
- B. If any temporary sign shall be unlawfully installed, erected or maintained in violation of any provisions of this section, the owner or the person or firm maintaining same shall, upon written notice by the administrative official, make such sign conform to the provisions of this chapter, or shall remove it within forty-eight hours. Administrative review shall not be authorized for interpretations regarding temporary signs. In the event compliance is not obtained, enforcement action including the imposition of penalties shall be brought by the prosecuting attorney.
- C. If any order of the administrative official, as set forth in subsection A or B, above, is not complied with, the administrative official may cause such sign to be removed at the expense of the owner or lessee.
- D. Signs which the administrative official finds upon public streets, sidewalks, rights-of-way, or other public property may be immediately removed by the administrative official without prior notice. Hazardous signs shall be removed in accordance with the Uniform Building Code.

(Ord. 11274 § 2 (part), 1996)

22.44.130 - Area measurements.

- A. The sign area of a freestanding sign is the entire background of a sign upon which a message could be placed, counting all faces including the frame but not other supporting structure unless such supporting structure conveys a message. Of the total area of freestanding sign, not more than fifty percent may be on one face. Refer to Diagram 22.44.130.

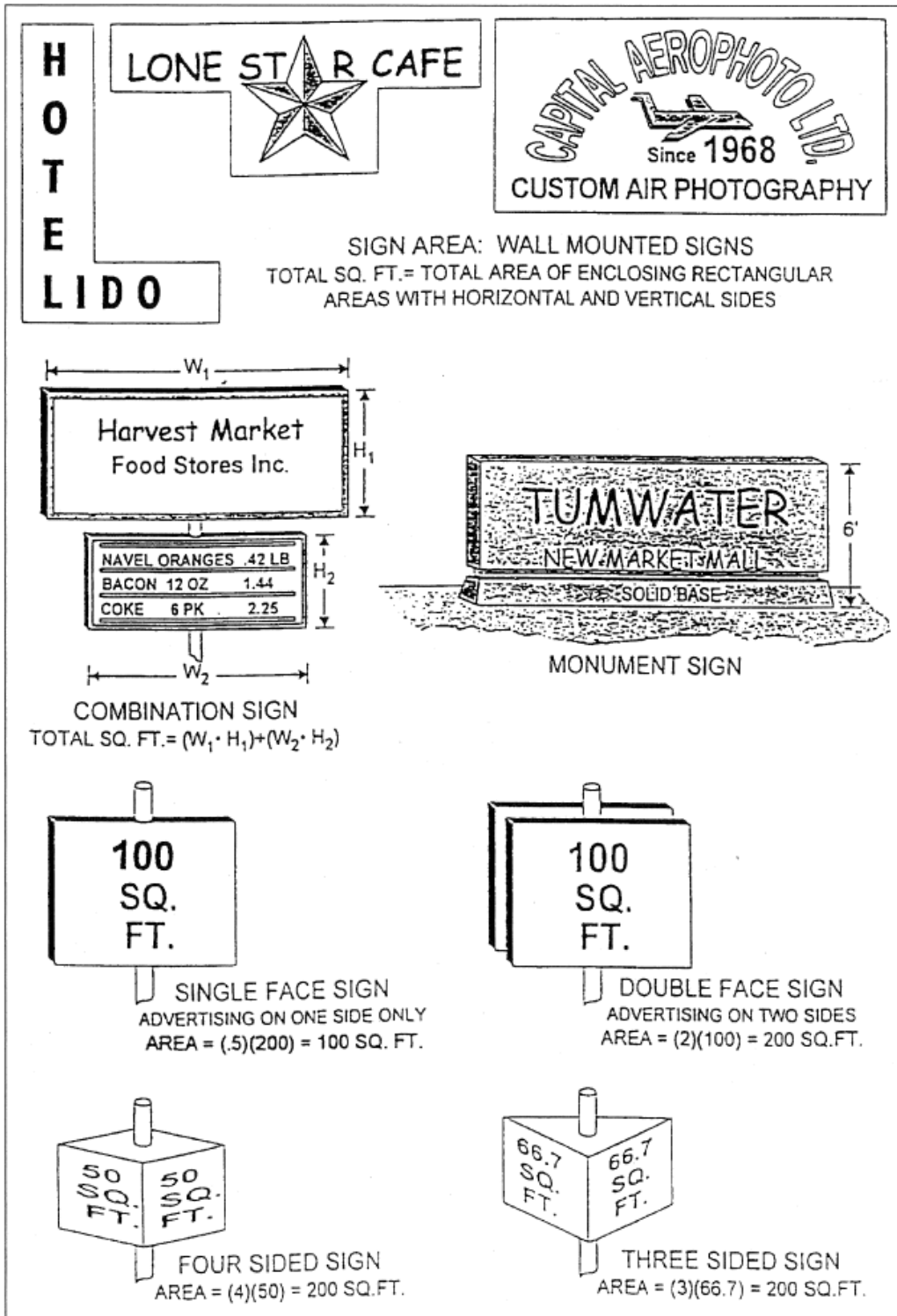
- B. Unless otherwise clearly shown by a frame or border, the sign area of a wall-mounted sign is measured by the smallest regularly-shaped figure or contiguous figures which may be drawn around the message shown. Examples are set forth in Diagram 22.44.130.
- C. Structures requiring separate building permits for architectural and identifications for access entrance to long plat housing projects, commercial parks, industrial parks (none of which are parks only), shall be considered buildings.

(Ord. 11804 §§ 141, 142, 1998: Ord. 11274 § 2 (part), 1996)

Diagram 22.44.130 Sign Area Measurement

Pole Sign Examples are Based on a Total Allowable Area of Two Hundred Square Feet

*(Figure Unavailable)*



22.44.140 - Residential zone districts.

The following regulations shall apply to all residential zone districts (RSR, residential/sensitive resource; SFL, single-family low density residential; SFM, single-family

medium density residential; MFM, multifamily medium density residential; MFH, multifamily high density residential):

- A. A sign not to exceed six square feet may be permitted to identify the occupant, permitted home occupation and address;
- B. One thirty-two-square-foot monument sign may be permitted for each street frontage to identify the name of the residential development or multiple-unit residential building of eight units or more;
- C. Any sign located within the front or side yard area shall comply with fence height regulations, as outlined in Chapter 22.46;
- D. One sign having a total of twelve square feet may be permitted to identify each nonresidential use, except home occupations which are limited by subsection A of this section; and
- E. In all residential zone districts, the height of any freestanding sign shall not exceed six feet.

(Ord. 11274 § 2 (part), 1996)

#### 22.44.150 - Commercial and industrial zone districts.

- A. *(Unless stated otherwise in the following sections, t)*he following general regulations shall apply to the following zone districts: NC, neighborhood commercial; CD, commercial development; MU, mixed use; GC, general commercial; LI, light industrial; HI, heavy industrial; and BP, business park:
  - 1. Any sign located within the front yard area shall comply with fence height regulations, as outlined in Chapter 22.46;
  - 2. Signs shall be located at least two feet from the curb line or a service drive or travel lane;
  - 3. All building-mounted signs shall be flush against the building and shall not project above the roof line;
  - 4. No freestanding sign shall be permitted to be higher than the principal building on the lot; provided, that no sign shall be higher than thirty feet, and provided also that the height of any freestanding sign shall be limited to the heights set forth within each zoning district.
- B. Signs in the NC, neighborhood commercial zone district, shall be limited to a total of eighty square feet on all faces of all permanent freestanding signs, provided that no one sign face is larger than fifty percent of the total allowable sign area. Wall and building mounted signs shall be limited to an area not to exceed twenty percent of the public facade, provided that the total area of signs on an individual public facade or other wall of a building does not exceed fifty percent of the sign area allowed for freestanding signs. **Twenty-five square feet** shall be allowed **for temporary** *(Content activated Sign Category)* signs; however, the

temporary sign allowance shall be included in the signage amounts allowed for permanent signs. No freestanding sign shall be higher than ten feet. *(Conflicts with A.4.)*

- C. Signs in the MU, mixed use; GC, general commercial; CD, commercial development; LI, light industrial; and HI, heavy industrial zone districts, shall be limited to a total of two hundred square feet on all faces of all permanent freestanding signs; provided, that no one sign face is larger than fifty percent of the total allowable sign area. Wall and building mounted signs shall be limited to an area not to exceed twenty percent of the public facade, provided that the total area of signs on an individual public facade or other wall of a building does not exceed fifty percent of the sign area allowed for freestanding signs. Seventy-five square feet shall be allowed for temporary signs; however, the temporary sign allowance shall be included in the signage amounts allowed for permanent signs. No freestanding sign shall be higher than thirty feet.
- D. Illuminated awnings may be used in place of building-mounted signs in any commercial or industrial zone district, subject to the following restrictions:
  - 1. Illuminated awnings shall not cover more than thirty-three percent of the face of any building;
  - 2. Illuminated awnings shall not be placed higher than the first story of any building; and
  - 3. Illuminated awnings shall conform to the hours of illumination set forth in Section 22.44.170D.

(Ord. 13040 Attach. D § 4 (part), 2003; Ord. 11500 § 25, 1997; Ord. 11274 § 2 (part), 1996)

Figure 22.44.150

Commercial/Industrial Sign Size Allowances

Zoning District	Freestanding and Building Mounted Signs (square feet) (See Note 1) (permit required)	Wall Signs (no permit required)	Temporary Signs (square feet)	Sign Height (See Note 2) (feet)	Monument Sign
NC*	80	No greater than twenty percent/side of building (also including temporary signs) (See Note 3) For illuminated awnings (See Note 4)	25	10	optional
MU	200		75	30	optional
HI	200		75	30	optional
LI	200		75	30	optional
GC	200		75	30	optional

CD	200		75	30	optional
GB	32		N/A	6	required
OS	32		N/A	6	required

Notes:

1. May not exceed fifty percent of maximum allowance per sign face (Section 22.44.150).
2. The height of any freestanding sign may not exceed the height of the principal building.
3. The temporary sign allowance is included in the amount of signage allowed for permanent, nonpermitted (exempt) signs.
4. Illuminated awnings may be allowed in place of wall signs. See Section 22.44.150D.
5. Signs on awnings are included in Column 2, even though permits may be required.
6. Product dispensers (vending machines) are included in the maximum amount allowed for freestanding signs.

NC Neighborhood commercial

MU Mixed Use

HI Heavy industrial

LI Light industrial

GC General commercial

CD Commercial development

GB Greenbelt

OS Open space

\* Illuminated signs are restricted in this zone: See Section 22.44.170D.

(Ord. 13040 Attach. G § 1, 2003)

22.44.155 - Multiple building complexes and multiple tenant buildings.

The following regulations shall apply to all freestanding signs located within multiple building complexes, or intended to serve multiple tenant buildings. Any wall signs for such complexes or buildings shall conform to the sign size restrictions set forth in Section 22.44.150.

- A. One freestanding sign for a multiple building complex or a multiple tenant building may be located within yard setback areas, provided that it is part of an overall landscaping plan and it is not determined by the county to create a sight distance hazard. Any such sign in a yard setback area may exceed the height limits set forth in Section 22.44.040, but it must conform to all other height restrictions in the underlying zone district.
- B. Any freestanding sign for a multiple building complex or multiple tenant building located outside yard setback areas may exceed the maximum freestanding sign size restrictions set forth in Section 22.44.150 by thirty-five percent, provided that the sign is a part of a consistent signage plan for the entire site.
- C. For multiple building complexes or multiple tenant buildings having more than fifty thousand square feet of floor area, monument signs not exceeding forty percent of the size of the principal freestanding sign may be located at any other site entrance intended for use by the general public. These monument signs are permitted in addition to the freestanding sign allowed in Section 22.44.155A, and shall not be included in the overall sign size computation for the development.

(Ord. 11274 § 2 (part), 1996)

#### 22.44.160 - Greenbelt and open space zone districts.

The following regulations shall apply to the GB, greenbelt, and OS, open space zone districts:

- A. One thirty-two-square-foot monument sign may be permitted for each street frontage to identify the name of the development or building;
- B. Any sign located within the front yard shall comply with fence height regulations, as outlined in Section 22.46.030, relating to residential zones; and
- C. All signs other than those regulated by subsection A of this section shall be limited to a total of twelve square feet on all faces of all signs.

(Ord. 11274 § 2 (part), 1996)

#### 22.44.170 - Exterior lighting.

The use of exterior lighting shall be subject to the following regulations:

- A. In conjunction with any commercial use, an exterior light source shall not be located above the building height of the nearest commercial building to which the light pertains;



- B. Light which either prevents or tends to prevent proper interpretation of traffic-control lighting or signs shall not be permitted;
- C. Signs may be illuminated except that such illumination shall not blink, fluctuate or move. Light rays shall directly shine only upon the sign or upon the property within the premises;
- D. In the NC, neighborhood commercial zone district and the MU, mixed use zone district, signs may be illuminated during the actual hours of operation of the business, or until ten p.m., whichever is later.

(Ord. 13040 Attach. D § 4 (part), 2003: Ord. 11274 § 2 (part), 1996)

*(No severability or substitution clause.)*

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## ATTACHMENT – D

### **Chapter 23.42 - SIGNS**

Sections:

#### 23.42.020 - Purpose.

It is the purpose of this chapter to safeguard the life, health and welfare of the citizens of the Olympia UGA by regulating and controlling the design, quality of materials, construction, location, use, electrification and maintenance of all signs and sign structures. The intent of the standards set forth below is to: (A) encourage the design of signs that attract and invite the public's attention; (B) promote the enhancement of business properties and their neighborhoods through the erection of signs complementary with their buildings and uses and harmonious with their surroundings; (C) to protect the public's interest and safety; and (D) to protect the right of business to identify its premises and advertise products on the premises through the use of signs. This chapter shall not regulate building design, official directional signs, traffic signs, copy of signs (except as provided in Section 23.42.120Q5), design of signs, signs not intended to be viewed from a public right-of-way, window displays, point of purchase advertising displays such as product dispensers and candy machines, national flags, flags of political subdivisions, gravestones, holiday decorations, historical site plaques or other such signs of a noncommercial nature.

(Ord. 11274 § 3 (part), 1996)

#### 23.42.040 - Applicability.

No signs shall be erected or maintained in any land use district established by this code, except those signs specifically identified in this chapter. The number and size of signs as outlined in this chapter are intended to be maximum standards.

(Ord. 11274 § 3 (part), 1996)

#### 23.42.060 - General sign regulations.

##### A. Design Review of Signs.

1. In applying the design criteria set forth above, or the design guidelines, the department may deny or further restrict signs otherwise authorized or regulated in other sections of this chapter. It is intended that the general provisions of this chapter are subordinate to the design criteria and design guidelines, if the criteria and guidelines are more restrictive.

2. The appeal procedures set out in TCC Section 23.50.140 for signs subject to design review shall apply.
- B. **Enforcement and Removal.** The department may order the removal of any sign erected or maintained in violation of these standards. The department shall give thirty days' notice in writing to the owner of the sign, or, if the sign owner cannot be located, to the owner of the property upon which the sign is erected. If the sign or property owner has not removed or corrected the sign within the thirty-day period, the department may order the removal of the sign and charge for removal shall become a lien on the property. If the department finds that any sign is in violation of these standards to the extent that it presents an immediate and serious danger to the public, the department may order its immediate removal. (See nonconforming signs, Section 23.42.140.)
  - C. **Fees.** A sign permit fee shall be paid as established by an ordinance adopted by the board of county commissioners.
  - D. **Maximum Height.** The maximum allowable height for all signs shall be thirty-five feet from ground level to sign top unless further restricted by individual use districts, design review criteria or guidelines, exceptions that, on buildings that are over thirty-five feet in height, flush-mounted signs only, may be located more than thirty-five feet above ground level.
  - E. **New Signs, Repairs, Alterations, Abandoned Signs.**
    1. No new sign shall be erected nor any existing sign structurally altered, that is not in compliance with these standards, the provisions of the use district in which it is located and any other pertinent federal, state or local regulations.
    2. All signs shall be kept in good repair and shall be maintained in a safe, neat, clean and attractive condition.
    3. Abandoned and out-of-date signs shall be removed. See "Nonconforming Signs."
    4. No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below minimum standards required by an applicable law or the Uniform Building Code.
    5. Signs shall not interfere, confuse or conflict with the recognition and visibility of any traffic control or directional devices or street name signs, nor shall any sign be so placed as to cause visual obstruction of any public right-of-way.
  - F. **No Permit Required.** The following signs do not require a permit:
    1. Signs erected by government agencies to implement public policy;
    2. **Real estate signs** subject to the requirements of Section 23.42.1200;
    3. On-premise occupant name plates not exceeding three square feet in area;
    4. Changing of advertising on a legal changeable copy sign;
    5. On-premise **contractor job signs** not exceeding thirty-six square feet in area;

6. Temporary signs less than six square feet in sign surface area on property and installed less than forty-two inches above ground.

*(The issue with this section is that it does not require a permit, but provides varying size standards depending on the category of sign. The type of sign is identified by reading it, then the sign is granted more benefit than another depending on what it is.)*

G. Nonconforming Signs. Except as otherwise provided, any sign which is nonconforming shall not be structurally altered without being brought into compliance with the requirements of this title. See definition of signs, abandoned. *(Should have a see also section 23.42.140 - Nonconforming signs, as it goes into greater detail at the end of the chapter.)*

H. Permit Application. A permit shall be obtained from the department for the installation of a new sign or the structural alteration of an existing sign.

1. Application for a sign permit shall be made in writing upon forms provided by the department. Structural detail, all dimensions, materials, illumination and advertising copy must be included.

*(“Copy” is not necessary if regulating location, size, height, structure, number. Especially, if a substitution clause has been provided.)*

2. A plot plan showing property lines, all abutting public right-of-way, buildings and other structures on the property, existing signs and proposed sign locations, shall be included with the application.
3. For larger signs or unusual installation conditions, additional engineering information and/or structural detail stamped by a structural engineer registered in the state of Washington may be required.
4. No sign permit shall be issued for an enterprise using nonconforming signs in the Olympia UGA unless the user or owner brings said signs into conformance or removes them.

I. Signs and Street Graphics Criteria.

- a. Signs shall be designed to be harmonious with building design and appropriate to the activity occurring on the site.
2. Signs and graphics shall complement or enhance the visual character of the land use zone in which they are located.
3. The scale of a sign shall be in proportion to the building and site.
4. The number of signs shall be minimized, and the graphic design shall be reviewed in order to avoid visual clutter.
5. Design elements, such as the size, shape, materials, lighting, color, lettering style shall be harmonious. The use of easily recognized symbols is encouraged.
6. Sign area is computed per side.

J. Structural Requirements. The structure and erection of signs within the Olympia UGA shall be governed by the Uniform Building Code, 1994 Edition (or any subsequent edition adopted by the County). *(Needs to be updated.)*

(Ord. 11501 § 32, 1997: Ord. 11274 § 3 (part), 1996)

23.42.080 - Prohibited signs.

The following types of signs are prohibited:

- A. Animated signs. Exception: traditional barber signs;
- B. Portable signs. Exception: sidewalk or sandwich board signs;
- C. Signs advertising products not sold on premises;

*(Reading sign to determine on/off premise activates content. This is where a substitution clause may be appropriate.)*

- D. Any sign over forty-two inches high in a required yard setback;
- E. No sign shall be in or over public right-of-way with the exception of projecting signs, sidewalk or sandwich board signs, **political signs**, or those legally mounted on a marquee;

*(Sidewalk and sandwich board signs are structural types, "political sign" is a category type, and is affected by protected speech.)*

- F. Off-premises commercial directional signs. Exceptions: A variance for an off-premises commercial directional sign may be justified if all of the following can be found to apply:
  - 1. The use applying for the variance caters to the tourist through the on-premise provision of food, lodging or recreation.
  - 2. The use is located at least one city block from a major arterial (as designated by the county).
  - 3. Such signs shall be directional in nature only (no advertising other than location allowed).
  - 4. No more than two such signs for each occupancy shall be approved.
  - 5. The total area for a sign shall be a maximum of fifty square feet, but shall not exceed the allowable area in the respective use district.
  - 6. Such a sign shall meet all other applicable provisions of these standards;

- G. Outdoor advertising signs. (???)

(Ord. 11274 § 3 (part), 1996)

23.42.100 - District regulations.

- A. General Commercial District.

1. The minimum setback for signs in the general commercial district shall be the same as provided for buildings; except: The front yard setback shall be a minimum of five feet if abutting a principal arterial (major arterial) with a right-of-way of eighty feet or less, provided that:
  - a. The sign owner agrees to assume all expenses of relocating the sign when and if the county acquires additional right-of-way; and
  - b. The sign owner provides the county with an appropriate legal document binding the owner and any future heirs or assigns to such agreement.

B. Medical Service (MS), Professional Office/Residential Multifamily (PO/RM);

1. Signs shall be indirectly lighted only (backlit), provided that flush-mounted signs may be back lit or lit from inside the sign.
2. Each use within a multiple occupancy building shall be permitted either one of the following: one twenty-four square foot flush-mounted sign or one twenty-four square foot sign per street frontage.
3. Signs for apartment buildings shall not exceed sixteen square feet in sign surface area.
4. Signs shall be flush-mounted or ground signs only.

5. Exceptions.

- a. Commercial parking lots may be allowed one pole sign per street frontage, but in no case shall there be more than two pole signs. Each sign may have a maximum of twenty-four square feet of sign surface area if they have more than one face. Single-faced pole signs may have a maximum of twelve square feet surface area. Maximum height is twenty feet.
- b. Hotels, motels, restaurants, nightclubs, taverns and lounges may have one pole sign per street frontage not to exceed fifty square feet of sign surface area if they have more than one face. Single-faced pole signs may have a maximum of twenty-five square feet of sign surface area. Maximum height permitted is twenty feet;

*(Exceptions and exemptions are areas typical of sign codes. However, these elements pose a problematic in relation to content as they may be deemed to unfair for lack of uniformity when comparing the various sign limitations with respect to categorized type. In this instance the categories are given different allotments in terms of height, structure, and number of signs.)*

C. Multifamily (RM-18).

1. Signs shall be flush-mounted only; however, ground mounted signs no more than forty-two inches from ground level to sign top are permitted,
2. Signs shall be indirectly lighted (backlit) only,
3. Signs shall not exceed sixteen square feet in sign surface area,
4. There shall be only one sign, provided that two signs are permitted where there are entrances off two public rights-of-way,
5. See design guidelines, Section 23.04A.170;

*(Good example of uniform limitations based on zoning district and not uses within the district.)*

D. Neighborhood Retail (NR) District.

1. Pole signs are prohibited.
2. Other accessory signs shall be located on the premises with the use they are identifying.
3. No sign shall protrude more than two feet into any required yard, nor shall the top of the sign protrude above the top of the building.
4. The aggregate gross area of all permanent exterior signs for any one use shall not exceed a ratio of one and one-half square feet of area to one lineal foot of principal street frontage occupied by such use, and in no case shall a sign be larger than one hundred square feet.
5. Signs may be illuminated, provided they are not flashing, animated or unusually bright or glaring.

*(Good example of uniform limitations based on zoning district and not uses within the district.)*

E. R-4, R 4—8, R 6—12, MR 7—13, MR 10—18 Districts.

1. Signs shall be flush-mounted or ground signs only.
2. There shall be only one sign per parcel, unless otherwise provided for in this code.
3. Signs shall be indirectly lighted (backlit) only.
4. Signs shall not exceed two square feet in sign surface area, except as provided in Section 23.42.120P.
5. See design guidelines, Section 23.04A.170, Multifamily—Signs.

(Ord. 11274 § 3 (part), 1996)

23.42.120 - Permitted signs.

*(The sign content is activated if it must be read to determine its purpose. Exemptions should be written to include purpose of a noncommercial nature and government.)*

(Note: The following provisions apply throughout the Olympia UGA unless modified by zone district restrictions.)

- A. **Awning Signs.** Any sign on awnings is limited to business name, logo, and address only. Awning signs shall be considered wall signs for purposes of this chapter. Awning signs may not be backlit, except that area containing a sign band (sign letters and/or logo). All awnings which are illuminated must meet state energy code requirements.
- B. **Commercial Parking Lots.** Commercial parking lots may be allowed one flush-mounted or pole sign per street frontage, each sign not exceeding twenty-four square feet in sign surface area.
- C. **Development Signs (Commercial).** A sign not exceeding fifty square feet in sign surface area and not over forty-two inches in height and located at the entry to the development

(one per entry). The sign will be allowed to have the name of the business within the development plus a directory of the business within the development. The business names shall be limited to one-tenth of the total sign size and shall be small enough to allow all present and future businesses to be installed or none shall be installed. The total directory shall not exceed sixty percent of the total sign surface area.

- D. **Development Signs (Residential)**. A sign not exceeding fifty square feet in sign surface area not over forty-two inches in height and located at the entry to the development (one per entry). The sign will be allowed to have the name of the development only.
- E. **Directional Signs**. Directional signs or informational signs of a public or quasi-public nature not exceeding sixteen square feet in sign surface area may be erected or maintained by an official or civic body.
- F. **Driveway Entrances**. Driveway entrance/exit signs are allowed a maximum area four square feet. No advertising permitted. Maximum forty-two inches above grade.
- G. **Entrance Signs**. Entrance signs shall be flush-mounted and shall be installed in accordance with the following standards:
  - 1. Individual uses within a shopping center which do not have a marquee may have one entrance sign over each exterior entrance, not to exceed six square feet in area. Exception: If the floor area for the use exceeds twenty thousand square feet, a shopping center may have one additional entrance sign per exterior entrance with a maximum sign surface less than thirty-two square feet.
  - 2. In a single building situation such as a hotel with a dining room, coffee shop, barber shop, etc., each business use shall be allowed one entrance sign not exceeding ten square feet in area in addition to the signs allowed at the hotel as a whole.
  - 3. Individual uses without a marquee may have one additional entrance sign over each exterior entrance not exceeding six square feet in area.
- H. **Flush-Mounted Signs**. Flush-mounted signs shall be installed in accordance with the following standards:
  - 1. Individual businesses within a shopping center may have one flush-mounted sign per exterior entrance.
  - 2. Signs shall not project more than twelve inches away from the wall to which they are attached nor extend beyond either end of such wall, or above the roof line.
  - 3. Flush-mounted signs shall not exceed one square foot of sign surface area per one foot of length of the wall on which it is mounted, or two hundred square feet, whichever is less.
  - 4. Each individual use having frontage or exposure to a street, court or other public way (not including alleys) may have one flush-mounted sign for each frontage or exposure.
- I. **Ground Signs**. Ground signs shall be installed in accordance with the following standards:



1. Uses Permitted Ground Signs. Any use not located within a shopping center may install a ground sign in lieu of a permitted pole or flush-mounted sign.
  2. Ground signs shall not be more than forty-two inches from grade to the top of the sign.
- J. Marquee Signs. Marquee signs shall be installed in accordance with the following standards:
1. Any individual use with a marquee may have one marquee sign per exterior entrance.
  2. Individual users within a shopping center may have one additional marquee sign per exterior entrance in addition to the flush-mounted sign subject to the following requirements:
    - a. The floor area for the use exceeds twenty thousand square feet.
    - b. The maximum sign surface area does not exceed thirty-two square feet.
  3. Marquee signs shall be located under the marquee, or on the top or on any face of the marquee.
  4. The vertical measurement of the sign shall not exceed twelve inches.
  5. If located under the marquee, the sign shall not have less than an eight-foot minimum clearance nor exceed four feet in length.
  6. If located on the top of the marquee, the sign shall be parallel to the plane of the wall to which the marquee is attached.
  7. No portion of the sign may project out beyond the marquee.
  8. Marquee signs are exempt from the aggregate sign surface area requirements.
- K. Noncommercial Signs. Unless otherwise provided in this chapter, noncommercial signs shall meet the following requirements:
1. Temporary Noncommercial Signs.
    - a. Such signs shall meet the general requirements of Section 23.42.060.
    - b. Such signs shall not require a sign permit if less than six square feet in sign surface area and less than forty-two inches in height.
    - c. In residential zones, such signs shall be limited to one sign per street frontage, not to exceed five square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.
    - d. In commercial and industrial zones, such signs shall be limited to one sign per street frontage not to exceed thirty-two square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.
  2. Permanent Noncommercial Signs.
    - a. Such signs shall meet the general requirements of Section 23.42.060.
    - b. Such signs shall require a sign permit.

- c. If located on the premises of the business or residence of the owner, such signs shall meet the size and location requirements of the underlying zoning district for commercial signs.
  - d. If not located on the premises of the business or residence or the owner, permanent noncommercial signs shall meet the size, height and location requirements for temporary noncommercial signs.
- L. Pole Signs. Pole-mounted signs shall be installed in accordance with the following standards:
  - 1. Single occupancy buildings are allowed one pole sign.
  - 2. The use may have one-pole sign per Frontage Street, but in no case shall there be more than two-pole signs. Exception: Service stations may have one pole sign only.
  - 3. The maximum height of pole signs shall be thirty-five feet unless restricted by individual use districts.
  - 4. Pole signs shall not exceed two and one-half square feet in sign surface area per one foot of maximum lot length, or two hundred square feet, whichever is less (noting any restrictions of individual use districts).
  - 5. Pole signs erected after passage of these standards shall be placed in a planter box, or otherwise landscaped, with the area of the landscaping a minimum of one-half of the sign surface area of the sign.
  - 6. See design guidelines, Section 23.06A.360, Freeway corridor—Street signs—City street frontages.
- M. **Political Signs**. No sign permit is required. Political signs may not be placed in public parks or attached to traffic safety devices, telephone poles, power poles, or other public utility facilities. They may be placed upon private property or within the public right-of-way, provided that:
  - 1. The sign shall be placed no less than ten feet from the paved edge or traveled portions of the roadway. Signs placed within twenty feet of a street corner shall not exceed thirty-six inches in height within the clear sight triangle.
  - 2. The sign shall not interfere with traffic safety.
  - 3. If located in any residential zone district, they shall not exceed ten square feet of sign area. If located in any other zoning district, the maximum area shall be thirty-two square feet.
  - 4. Signs shall not exceed forty-two inches in height if placed in a residential district or in a required setback in any district. In other districts and outside of setbacks, they shall not exceed ten feet in height.
  - 5. Such signs must be removed five days after the election in which the candidate or issue advertised on a sign has been determined. For a successful candidate in a primary election the sign may remain until five days after the general election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code.

6. The candidate or committee for which the sign is displayed shall be subject to a fine or penalty for violation of these requirements as set forth in this title.

N. Projecting Signs. Projecting signs shall be installed in accordance with the following standards:

1. Each single occupancy building not located in a shopping center may have one projecting sign if the building does not have a pole sign and if projecting signs are not specifically prohibited in the individual use district, except that, if a use is contiguous to two parallel streets which are at least two hundred feet apart, a projecting sign is allowed on each of those streets or a projecting sign may be on one street and a pole sign on the other.
2. Projecting signs shall not exceed fifty square feet in sign surface area.
3. Projecting signs shall be installed in accordance with the following table:

Clearance from Grade	Maximum Sign Projection from Face of Building
Less than eight feet	Not permitted
Eight to ten feet	Under marquee only
Over ten feet	Three feet

O. **Real Estate Signs.** No sign permit is required, except as provided in subsection .6 below. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs with applicable limits are as follows:

1. Residential "For Sale" and "Sold" Signs. Such signs shall be limited to one sign per street frontage not to exceed five square feet in sign area per side, placed wholly on the property for sale, and not to exceed a height of seven feet.
2. Residential Directional "Open House" Signs. Such signs shall be limited to one sign per street frontage on the premises for sale and three off-premises signs. However, if a broker/agent has more than one house open for inspection in a single development or subdivision, s/he is limited to four off-premises "open house" signs in the entire development or subdivision. 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. The sign may be placed along the periphery of a public right-of-way, provided it does not interfere with traffic safety, but it may not be attached to a utility pole or traffic safety device.
3. Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising undeveloped commercial and industrial property for sale or for rent is permitted while the property is actually for sale or rent. The

sign shall not exceed thirty-two square feet in sign area per side and eight 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 one face of the building is less than ten feet from the building line, the sign shall be placed on the building or in a window. The sign shall not exceed eight feet in height; if free-standing, it shall be located more than fifteen feet from any abutting property line and a public right-of-way line. Such sign shall not exceed thirty-two square feet in sign area per side.
  5. **Undeveloped** Residential Property "For Sale" Signs. One sign per street frontage advertising undeveloped residential property for sale is permitted not exceeding thirty-two square feet in area per side, nor exceeding a height of eight feet. If the sign is greater than five square feet in area, it must be placed more than thirty feet from the abutting owner's property line.
  6. **Additional Signs.** The department may grant a permit to allow temporary off-premises signs in addition to those permitted above, not to exceed five square feet in size per side, or forty-two inches in height. Notice of adjacent property owners shall not be required. Such additional signs may be used to advertise open houses, to provide directions to new developments, or for similar purposes. Such signs may be placed along the periphery of the public right-of-way, provided they do not interfere with traffic safety, but they may not be attached to utility poles or traffic safety devices. The department shall determine the number and locations of such signs, and the period during which they may be displayed. The department shall take into account the number of existing signs in any proposed location, and shall limit or prohibit new ones so as to prevent a traffic safety hazard or a detrimental effect on neighboring property.
- P. **Residential Signs**—Generally. Nonresidential uses within residential districts are permitted one flush-mounted or ground sign having a maximum sign area of twenty-four square feet for each use. (See design guidelines, Section 23.04A.170.)

Exceptions:

1. **Preschools, Home Occupations, and Income Producing Uses in Co-Housing Developments.** One flat unlighted flush-mounted sign on the building containing such uses is permitted. Such sign shall not exceed two square feet in sign surface area, nor shall any side exceed two linear feet. This sign shall state only the name of the occupant and the type of occupation. In co-housing developments a structure containing multiple businesses may contain up to ten square feet of signage, at the rate of two square feet of signage per business;
2. **Academic Schools.** In addition to the flush or ground sign permitted, a pole sign not to exceed twenty feet in height and seventy-five square feet in sign surface area is permitted;
3. **Co-housing developments.**

*(Problematic due to differing standards applied to different uses that are not known to the public unless content is activated.)*

- Q. Roof Signs. Roof signs shall be installed in accordance with the following standards:
1. Each individual use may have one roof sign provided the use of roof signs is not prohibited in the individual use district and the use has no other sign on the building.
  2. Individual businesses within a shopping center may have one roof sign in lieu of any allowed flush-mounted signs.
  3. Roof signs shall not be more than six feet in height (including supporting structure), nor shall they be more than thirty-five feet above ground level, nor extend beyond the edge of the roof level upon which they are supported.
  4. Roof signs shall not exceed one square foot of sign surface area per foot of length of the main entrance wall of the use occupancy.
  5. The sign may only identify the building or occupant. No product advertising is allowed.
- R. Shopping Center Signs. Major and minor shopping center signs shall be installed in accordance with the following standards:
1. Shopping centers may have one major identification sign per major arterial frontage and one minor identification sign per secondary or local street frontage, but in no case shall there be more than two major and two minor identification signs.
  2. The maximum height of a major or minor identification sign shall be thirty-five feet unless restricted by the individual use district.
  3. Major identification signs shall not exceed three hundred square feet in sign surface area.
  4. Minor identification signs shall not exceed one hundred fifty square feet in sign surface area.
  5. Identification signs shall be placed in a planter box or otherwise landscaped with the area of the landscaping a minimum of one-half of the sign surface area of the sign.
- S. Sidewalk Signs. One sidewalk or sandwich board sign per business shall be permitted subject to the following:
1. Signs shall be located next to the curb edge of a sidewalk in such a manner so as not to interfere with the opening of car doors, bus stops, loading zones, or pedestrian traffic. An unobstructed passageway of forty-eight inches shall be maintained for wheelchair travel on all public and private right-of-ways.
  2. Signs shall be located directly in front of the sponsoring business during business hours only.
  3. Only uses within the neighborhood retail (NR), expand to include arterial commercial (AC), neighborhood village (NV), urban village (UV), etc.,

professional office/ residential multifamily (PO/RM), or general commercial (GC) districts are permitted sidewalk or sandwich board signs.

4. Owners of such signs shall assume liability for damage resulting from their use and shall provide the county with an appropriate legal document holding the county harmless for such resulting loss.
5. No such sign shall be located so as to create a traffic safety hazard by interfering with the vision of drivers entering or leaving the premises.

T. Temperature Signs. Time and temperature signs, public service signs and community bulletin boards are allowed.

U. **Temporary Signs**. Temporary signs are allowed, provided that:

1. Permits for such signs may be issued by the department not to exceed sixty days.
2. No more than one such permit shall be issued at any one time per business occupancy, nor shall more than four such permits be issued to any one business during any twelve-month period.

*(Temporary signs are often not identified as temporary unless the content is read. To avoid the issue specified in Reed v. Gilbert, temporary signs may be prohibited from the public right-of-way, required to obtain a permit, and the permit limited in duration, location (setback), size, and number.)*

V. Theaters. Existing movie theaters are allowed to retain their traditional type of marquee sign without animated lighting. (???)

(Ord. 12577 § 23, 2001; Ord. 11274 § 3 (part), 1996)

#### 23.42.140 - Nonconforming signs.

A. General. The erection or placement of any outdoor advertising sign, as defined in Section 23.02.180, is prohibited in any zone of the Olympia UGA. Outdoor advertising signs now in existence in any zone are declared nonconforming uses and may remain, subject to the following restrictions:

1. A nonconforming outdoor advertising sign may not be increased in size or elevation, nor shall it be relocated to another site or to a new location on the same site.
2. A nonconforming outdoor advertising sign may not be structurally altered.
3. Any nonconforming outdoor advertising 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. Outdoor advertising signs damaged in an amount in excess of fifty percent of replacement cost shall be removed.
4. All nonconforming outdoor advertising 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 outdoor advertising sign shall be completed promptly so long as the sign is

not structurally altered. Grounds surrounding any outdoor advertising sign shall be kept free of debris, litter, and unsightly vegetation.

B. Removal.

1. Any outdoor advertising sign not meeting the restrictions of Section 23.42.140A1, 2, and 3 above shall be removed within thirty days of the date an order is given by the department to remove.
2. If, in the opinion of the director, an outdoor advertising sign is not being maintained or kept in good repair as required by Section 23.42.140A4, the director shall give notice to the owner or person, firm or corporation having control of the sign to cure the lack of maintenance or repair within a time specified in the order. If acceptable maintenance or repair is not completed within the time specified, the sign shall be removed within ten working days from the date an order is given.
3. The owner or person, firm or corporation having control of any outdoor advertising sign ordered removed pursuant to subsections B1 and B2 of this section may appeal such order of removal to the hearing examiner. Such appeal must be filed with the department within ten days of receipt of the order. Such appeal shall be considered pursuant to the procedures set forth in Chapter 2.06 of the Thurston County Code.

(Ord. 11274 § 3 (part), 1996)

*(No severability or substitution clause.)*