



CITY OF SAMMAMISH

PLANNING COMMISSION MEETING

February 23rd, 2017 6:30 – 8:30 PM

SAMMAMISH CITY HALL 801-228TH AVE SE

AGENDA

Approx start time

CALL TO ORDER

6:30 pm

ROLL CALL

6:31 pm

- **APPROVAL OF THE AGENDA**
- **APPROVAL OF THE MINUTES – 02/02/2017**
- **PUBLIC COMMENT – Non Agenda (3 minutes each)**

OLD BUSINESS

- **Sign Code**
- **Workshop Session**

6:50 pm

- **PUBLIC COMMENT – Agenda (7 minutes each)**

ADJOURN

8:30 pm

Note: This is an opportunity for the public to address the Planning Commission. For non-agenda items, three (3) minutes are granted per person, or five (5) minutes if representing the official position of a recognized community organization. Seven (7) minutes are granted per person for agenda items.

If you are submitting written material, please supply 8 copies (7 for Planning Commission; 1 for the record). If you would like to show a video or PowerPoint, it must be submitted or emailed by 5pm the day of the meeting to Tammy Mueller at tmueller@sammamish.us. Please be aware that Planning Commission meetings are videotaped and available to the public.

The City of Sammamish Planning Commission is appointed and is the advisory board to the City Council on the preparation and amendment of land use plans and implementing ordinances such as zoning. Planning Commissioners are selected to represent all areas of the City and as many "walks of life" as possible. The actions of the Planning Commission are not final decisions; they are in the form of recommendations to City Council who must ultimately make the final decision.

THE COMMISSION MAY ADD OR TAKE ACTIONS ON ITEMS NOT LISTED ON THIS AGENDA.

Planning Commission meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.

PLANNING COMMISSION AGENDA CALENDAR

Date	Time	Type	Staff	Topics
March 2	6:30 PM	Regular Meeting	Kellye Hilde Jeff Thomas Doug McIntyre	Work Session: Neighborhood Character Work Session: Basic Short Course Training (Video)
March 16	6:30 PM	Regular Meeting	David Pyle David Goodman Charlotte Archer	Work Session: Sign Code Update
April 6	5:00 PM	Special Meeting w/ Parks Commission	Kellye Hilde Parks Staff	Work Session: Urban Forestry Management Plan Work Session: PRO Plan Update
	6:30 PM	Regular Meeting	David Pyle David Goodman Charlotte Archer	Public Hearing / Deliberation: Sign Code Update
April 20	6:30 PM	Regular Meeting	Kellye Hilde Jeff Thomas Doug McIntyre	Work Session: Neighborhood Character
May 4	Cancelled	Regular Meeting		
May 18	6:30 PM	Regular Meeting		
June 1	6:30 PM	Regular Meeting		
June 15	6:30 PM	Regular Meeting		
July 6	6:30 PM	Regular Meeting		
July 20	6:30 PM	Regular Meeting		
August		No Meetings		



Memorandum

Date: February 23, 2017

To: City of Sammamish Planning Commission

From: David Goodman, Management Analyst, and Doug McIntyre, Senior Planner

Re: Sign Code Amendments

Background

The Department of Community Development is drafting amendments to Chapters 21A.45 and 21B.45 of the Sammamish Municipal Code (SMC), which contain sign regulations for the city as a whole as well as the Town Center. This effort is in response to the decision in the Supreme Court case of Reed v Gilbert, which found content-based sign regulations, of which the SMC contains many, an unconstitutional restriction of free speech.

Project Update

City staff have met regularly to develop a draft of the sign code for the Planning Commission to review. Below is a summary of the work completed on the focus areas for this effort:

1. **Compliance with Reed v. Gilbert.** Staff have developed a draft version of the City's sign code that has attempted to eliminate all content-based regulations and replace them with content-neutral regulations. In many cases, the general framework of the content-based regulation (for example, permitted location, duration, and quantity) has been preserved, but in other cases regulations and sign categories have been merged, changed, or eliminated.
2. **Town Center sign code (Chapter 21B.45 SMC) improvements.** Many of the content-neutrality changes that will be made to Chapter 21A.45 SMC will be duplicated in Chapter 21B.45 SMC. Staff plan to present the proposed changes to 21B.45 that are unrelated to Reed v Gilbert to Planning Commission at the March 16 meeting.
3. **Need for improved code enforcement mechanisms.** Staff have included a new enforcement section in the draft of Chapter 21A.45 SMC.
4. **Code clean-up.** The enclosed draft of Chapter 21A.45 SMC features a streamlined code that includes permitted sign tables that replace wordy descriptions of regulations, and no longer includes redundant, out-of-date, and/or self-contradictory programs and provisions.

Focus Areas for Planning Commission

In addition to the overall structure and content of the proposed sign code amendments, the staff is seeking the Planning Commission's guidance on the following specific issues:

1. **Temporary Signs in Right-of-Way (New Section SMC 21A.45.070(1)):** Sammamish's existing sign code has specific regulations concerning location, duration, and material for temporary community event, fundraising, and political signs. Due to the Reed v Gilbert decision, the City of Sammamish can no longer regulate temporary signs in this manner, and must treat every non-

commercial sign equally. Staff will seek the Planning Commission's direction on their vision for regulating non-commercial signage in the public right-of-way, specifically with regard to quantity, material, duration, and other considerations.

2. **Community Banner Program (New Section SMC 21A.45.070(5)):** The community banner program has long operated on a content-based basis. The City has different options regarding bringing the program into compliance with the Reed v Gilbert decision, dependent on whether banner programs constitute traditional or limited public fora, or government speech.
3. **Real Estate Signs (New Section SMC 21A.45.070(4)):** The City has traditionally accommodated a wide range of real estate-related signs, both on private property and in the public right-of-way. As a result of Reed v Gilbert, if the City wishes to continue regulating real estate signs as a separate category of speech, the sign code must provide a strong justification for doing so. Is there justification for allowing temporary real estate signs in the right-of-way when we plan to not allow other commercial signs in the right-of-way? The Planning Commission's input is also requested on the topic of signage on and for newly constructed residential developments.
4. **Temporary Business / Holiday Displays (New Section SMC 21A.45.070(3)):** The existing code allows businesses to have "grand opening displays" (signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights) for up to 30 days when a new business opens or an existing business opens under new management. Does the Planning Commission wish to preserve this option for businesses?
5. **Purpose Section (New Section SMC 21A.45.010):** The conversations on topics 1-4 will inform a discussion on the contents and wording of the chapter's Purpose section, which should include a justification for the regulations that follow.

Process

At a joint meeting on December 13, 2016, the City Council and Planning Commission were presented with background information on the Reed v. Gilbert case and its implications for Sammamish's sign code. On December 15, 2016, staff presented to the Planning Commission the specific sections of the SMC that contain content-based sign regulations, and offered examples of how other cities have transitioned from content-based to content-neutral regulations in response to the decision in Gilbert v. Reed. On January 19, 2017, Planning Commission provided input on the scope and focus of the proposed amendments.

At their March 16 meeting, Planning Commission will continue discussing the amendments proposed to Chapter 21A.45 SMC, and will be presented with the proposed amendments to the Town Center sign code (Chapter 21B.45 SMC) that are unrelated to content-neutrality. A public hearing is scheduled for April 6, at which point the Commission will submit a recommendation on the proposed sign code amendments to City Council.

Attachments

Attachment A – Chapters 21A.45 and 21A.15 SMC – Sign Code Draft

Attachment B – Summary of Substantive Changes to Chapter 21A.45 SMC

Attachment C – Strikethrough/Underline Version of Current Code

Attachment D – Kenyon Disend Memo on Regulation of Banners

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21A.45.010 - Purpose

The purpose of this chapter is to enhance and protect the economic vitality and visual environment of the City, allow for the expression of free speech, and promote general safety and welfare by:

1. Regulating the type, number, location, size, and illumination of signs; and
2. Recognizing the purpose of signs for identification and economic well-being of businesses in Sammamish; and
3. Ensuring a safe driving environment; and
4. Recognizing and protecting the use of the public right-of-way as a forum for non-commercial speech; and
5. Facilitating fair and consistent content-neutral enforcement; and
6. Safeguarding and enhancing property values, attracting new residents, and encouraging orderly development; and
7. Allowing for limited temporary commercial signage in the public right of way, to provide a flow of truthful and legitimate commercial information to consumers to enable them to make vital decision of purchasing a home, and to further the critical public goal of providing for equal access to housing; and
8. Upholding the goals and policies of the Comprehensive Plan.

21A.45.020 – Permit Requirements

1. Except as otherwise provided in this chapter, no sign shall be erected, altered, or relocated within the City without a permit issued by the City.

2. No permit shall be required for repainting, cleaning, or other normal maintenance and repair of a permitted sign, or for sign face and copy changes that do not alter the size or structure of the sign.

21A.45.030 – Exempt Signs

The following signs or displays are exempt from the permitting requirements of this chapter, but shall conform to the other requirements set out in this chapter:

1. Historic plaques, gravestones, and address numbers;
2. Official or legal notices issued and posted by any public agency or court; or
3. Traffic control signs established by the Manual on Uniform Traffic Control Devices (MUTCD) or authorized by City of Sammamish Department of Public Works;
4. Plaques, tablets, or inscriptions which are an integral part of the building structure or are attached flat to the face of the building, which are non-illuminated, and which do not exceed four square feet in surface area;
5. Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs when established and maintained by a public agency;
6. Government flags; and
7. Nonverbal religious symbols attached to a place of worship.

21A.45.040 – Sign Area Calculation

1. Sign area for pole signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.
2. Sign area for letters or symbols painted or mounted directly on walls or monument signs or on the sloping portion of a roof shall be calculated by measuring the smallest single rectangle that will enclose the combined letters and symbols.
3. Sign area for signs contained entirely within a cabinet and mounted on a wall, roof, or monument shall be calculated by measuring the entire area of the cabinet. (Ord. 099-29 § 1)

21A.45.050 – Permanent Signs

The table below outlines the regulations for permanent signs in the City of Sammamish. All permanent signs must be approved through the permitting process. Unless otherwise stated herein, all permanent signs must be on-site. No permanent sign may be placed in the City's right-of-way.

Key

X – Prohibited

N/A – Not Applicable – Sign Type Not Allowed in Zone

	R-Zone	CB-Zone ^{1,2}	NB-Zone ^{1,2}	Office Zone ^{1,2}
	Freestanding Signs³			
Quantity ⁴	X	One (1) per street frontage ⁵		One (1) per street frontage
Maximum Sign Area	N/A	85 sq ft, + 20 sq ft for each additional business in a multiple tenant structure up to 145 sq ft.	50 sq ft	
Combined Sign Area Limit for Lots with Multiple Freestanding Signs ⁶	N/A	250 sq ft	150 sq ft	80 sq ft
Maximum Height	N/A	20 feet	15 feet	
	Home Business Signs			
Maximum Sign Area ⁷	6 sq ft	N/A		
	Permanent Residential Development Identification Signs			
Quantity	One (1)	One (1) ⁸		
Maximum Sign Area	32 sq ft	32 sq ft		
Maximum Sign Height	6 ft ⁹	N/A		
	Projecting or Awning Signs Mounted on the Sloping Portion of Roofs¹⁰			
Quantity ¹¹	X	One (1) Allowed in Lieu of Wall Signs		
Maximum Sign Area	N/A	No greater than 15% of building façade	No greater than 10% of building façade	
Minimum Clearance above Finished Grade ¹²	N/A	8 ft		
Maximum Projection, Perpendicular from Supporting Building Façade	N/A	6 ft		
	Signs on Property with Public Agency Facilities¹³			
Quantity	2 per Facility	X		
Maximum Sign Area	30 sq ft	N/A		
Maximum Height	6 ft	N/A		

	R-Zone	CB-Zone ^{1,2}	NB-Zone ^{1,2}	Office Zone ^{1,2}
	Sign on Residentially Zoned Property with Nonresidential Use¹⁴			
Quantity	One (1)	X		
Maximum Sign Area	25 sq ft	N/A		
Maximum Height	6 ft	N/A		
	Wall SignsError! Bookmark not defined.			
Maximum Sign Area ¹⁵	N/A ¹⁶	15% of building façade	10% of building façade	10% of building façade ¹⁷

Conditions

1. Directional signs for surface parking areas or parking structures located in the R-, CB, NB, and O-Zones shall not be included in the sign area or number limitations stated in this table, provided that they shall not exceed six square feet in surface area and are limited to one for each entrance or exit.
2. Fuel price signs shall not be included in sign area or number limitations referenced in this table, provided such signs do not exceed 20 square feet per street frontage.
3. Changing message center signs and time and temperature signs can be wall or freestanding signs, and shall not exceed the size permitted for wall or freestanding signs.
4. Corner lots with a street frontage of less than 100 feet on each street shall be permitted only one freestanding sign.
5. Multiple tenant developments in the CB and NB zone that have more than 300 feet of street frontage on one street may have one additional freestanding sign for each 300 feet of street frontage, or portion thereof. Such signs shall be separated from one another by a minimum of 150 feet, if located on the same street frontage.
6. On lots where more than one freestanding sign is permitted, the sign area permitted for individual freestanding signs may be combined.
7. Home business signs may only be wall signs.
8. Permanent residential identification signs are only allowed in the NB, CB, and O-Zones as part of a mixed-use development.
9. Applicable only to freestanding signs.
10. Any sign attached to the sloping surface of a roof shall be installed or erected in such a manner that there are no visible support structures, shall appear to be part of the building itself, and

shall not extend above the roof ridge line of the portion of the roof upon which the sign is attached.

11. Maximum height for awning signs shall not extend above the height of the awning upon which the awning sign is located.
12. Maximum height for projecting signs shall not extend above the highest exterior wall upon which the projecting sign is located.
13. See SMC 21A.15.915 for a list of permitted public agencies.
14. Non-residential uses of residential property as outlined in Chapter 21A.20 SMC.
15. Maximum height for wall signs and changing message center signs shall not extend above the highest exterior wall or structure upon which the sign is located.
16. Wall signs are allowed in Residential zones to identify schools, home businesses, and other non-residential uses, subject to the regulations listed below in this table.
17. Only on building facades with street frontage.

21A.45.060 – Illumination of Permanent Signs

The table below outlines the regulations for illumination of permanent signs in the City of Sammamish. Temporary signs, governed by SMC21A.45.070, shall not be illuminated. All permanent signs, including the requested illumination, must be approved through the permitting process. All electrical components for signs shall be governed by Chapter 19.28 RCW and Chapter 296-46-910 WAC.

Key

P – Permitted, pursuant to Permit issued by City

X - Prohibited

	R-Zone	CB-Zone	NB-Zone	Office Zone
Internal Illumination ¹	X	P		
Indirect Illumination ^{1,2}	P			
Signs with an On/Off Operation	X	P	X	

1. The light source for indirectly illuminated signs shall be no farther away from the sign than the height of the sign.
2. Indirectly illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way.

21A.45.070 – Temporary Signs

The following temporary signs or displays are permitted and except as required by the International Building Code, Chapter 16.20 SMC, Construction Administrative Code, or as otherwise required in this chapter, do not require permits. All temporary signs shall not obstruct sight distances and shall follow the regulations prescribed by Chapter [14.01](#) SMC, Public Works Standards Adopted, and by SMC [21A.25.220](#), Sight distance requirements. No temporary signs shall be located within the center median of principal, minor, and collector arterials or within roundabouts, traffic circles, or islands. Temporary signs shall not be illuminated.

1. Non-Commercial Temporary Signs. No permit is required to post a temporary non-commercial sign in the public right-of-way or on private property subject to the following requirements.

	Temporary Sign Type I – Placed in Public Right-of-Way (Non-A-Frame)	Temporary Sign Type II – Placed in Public Right-of-Way (A-Frame)	Temporary Sign Type III Private Property (All Sign Types) ¹
Size Limit	4 sq ft	6 sq ft	16 sq ft if located less than 50 feet from a street property line; 32 sq ft if located 50 feet or more from a street property line
Height Limit	3 ft above grade	3.5 ft	8 ft
Duration	180 days	48 hours	180 days

1. Placement of off-premises temporary signs on private property is subject to the landowner’s authorization.

The Director of Community Development or their designee, in consultation with the City engineer, and following review of applicable state and City codes, may approve placement of temporary non-

commercial signs in the public right-of-way on hardscape areas (i.e., concrete pads or other sidewalk areas not used for pedestrian travel).

2. Temporary Commercial Displays

Signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights are permitted for a period of up to 30 consecutive days once each calendar year at businesses located in Sammamish in the CB, NB, or O-Zones.

3. Signs located on property with active construction

- a) One non-illuminated, double-faced sign is permitted for each public street upon which the project fronts;
- b) No sign shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and
- c) Signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first.

4. Signs Associated with Properties for Sale or Rent

Signs Located On Property with Individual Unit for Sale or Rent	
Sign Quantity	One (1) per public street frontage
Permitted Location	Public street frontage
Permitted Duration	Signs shall be removed within five days after closing of the sale, lease or rental of the property.
Maximum Size Area	8 sq ft
Maximum Height	6 ft
Signs Located Off-Site of Property with Individual Unit for Sale or Rent ¹	
Sign Quantity	One (1) ²
Permitted Location	Public right-of-way adjacent to the intersection of the primary vehicle entrance to the property and closest public street.
Permitted Duration	Signs shall be removed within five days after closing of the sale, lease or rental of the property.
Maximum Size Area	4 sq ft
Signs on Property with commercial or industrial property for sale or rent	
Sign Quantity	One (1)
Permitted Location	Public street frontage
Maximum Size Area	32 sq ft
Maximum Height	12 ft
Signs on Newly Constructed Residential developments for sale	
Sign Quantity	One (1)
Permitted Location	Public street frontage
Maximum Size Area	32 sq ft
Maximum Height	12 ft
Directional Signs Located Off-site Of Newly Constructed Residential developments for sale	
Sign Quantity	Two (2)
Permitted Location	Private property (with permission); public right-of-way
Maximum Sign Area	16 sq ft

1. Only allowed for properties with a unit for sale or rent that is not located adjacent to a public street.
2. When more than three off-site real estate signs are proposed for a location, the fourth proposed sign owner shall install and make available to other licensed real estate agents a

frame, designed to allow for a minimum of six signs to be hung in a stacked fashion, to accommodate multiple signs; Frames installed to hold multiple real estate signs shall not exceed a height of six feet. Off-site signs located on a frame shall individually not exceed a height of one and a half feet, a width of two feet, and an area of three square feet.

5. Community Banners Sign
 - a) Community banners shall only be located on public banner poles erected by the City for that use;
 - b) Letters on the sign shall not be less than 12 inches in height except for lettering associated with sponsor logos;
 - c) Banners shall not be illuminated or have any attention-getting lights; and
 - d) Sponsor logos shall be limited to the name and corporate symbol of the sponsor.

21A.45.080 – Prohibited Signs

1. Portable signs including, but not limited to, sandwich/A-frame signs and mobile readerboard signs, and excluding signs permitted under SMC 21A.45.070;
2. Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination may be confused with traffic control signs or signals;
3. Signs located in the public right-of-way, except where permitted in this chapter; provided, that in no case shall temporary signs permitted under SMC 21A.45.070 be located within travel lanes or sidewalks, or be attached to traffic control signs, utility or signal poles;
4. Posters, pennants, strings of lights, blinking lights, balloons, searchlights, and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in SMC 21A.45.070 as temporary commercial displays;
5. Changing message center signs, where the message changes more frequently than every three minutes; and
6. Billboards.

21A.45.090 – Legal Non-Conforming Signs

1. Any sign located within the city limits on the date of adoption of the ordinance codified in this title, or located in an area annexed to the city thereafter, which does not conform with the

provisions of this code, shall be considered a legal nonconforming sign and is permitted, provided it also meets the following requirements:

- a) The sign was covered by a permit on the date of adoption of the ordinance codified in this title if one was required under applicable law; or
- b) If no permit was required under applicable law for the sign in question, the sign was in all respects compliant with applicable law on the date of adoption of the ordinance codified in this title.

2. Loss of Legal Nonconforming Status.

Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this code. Repair and maintenance are allowable, but may require a permit if structural components require repair or replacement.

21A.45.100 – Variance

1. A sign variance is categorized as a Type 1 land use application and shall be subject to the requirements of SMC 21A.110.030. Variances from the terms of this chapter may be granted by Director of Community Development upon proper application. Variances may be granted when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict interpretation of the regulations of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.
2. The variance shall not constitute a grant of special privilege inconsistent with a limitation upon uses of other properties in the vicinity and zone in which such property is situated.
3. For signs placed within the right-of-way, a right-of-way permit is required.

21A.45.110 – Enforcement

1. Compliance with other applicable codes. All signs erected or altered under this chapter must comply with all applicable federal, state and local regulations relating to signs, including without limitation the provisions of the International Building Code as adopted in SMC 16.05.010 by the city. If any provision of this Code is found to be in conflict with any provision of any zoning, building, fire, safety or health ordinance or code of the city, the provision which establishes the higher standard shall prevail.
2. Sign maintenance. All permanent and temporary signs must be kept in good repair and in a safe manner at all times. The sign owner must repair damaged or deteriorated signs within 30 days of notification by the city. The area surrounding freestanding signs must be kept free of litter and debris at all times.
3. Inspection. Code enforcement officers are authorized to inspect any sign covered by this chapter for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this Code. Such inspections shall be carried out during business hours, unless an emergency exists.

4. Abatement. In addition to the abatement authority provided by proceedings under SMC 21A.115.030, the City or its agents may summarily remove any sign placed on a right-of-way or public property in violation of the terms of this chapter under the following circumstances:
- a) When a sign is determined by the City Engineer or Director of Community Development to present an immediate threat to the safety, health, and welfare of the public;
 - b) When a sign is illegally placed within the public right-of-way, within a landscape median, landscape island, traffic circle, attached to a utility pole or city traffic sign, upon public sidewalks or roadway, or on any public building or structure when such facilities are located on public property or within public right-of-way;
 - c) When a sign is determined by the City to be abandoned; provided, that the city must first provide fourteen days' notice to the underlying property owner or business owner that the sign is deemed abandoned;
 - d) Disposal of Signs. When a sign has been removed by the City as authorized by this section, the City shall take the following actions:
 - a. The city shall hold a sign for at least seven days. After seven days the city may dispose of the sign without prior notice to the sign owner. The City shall not be responsible for damage or loss during removal or storage of any signs in violation of this code. Sign owners wishing to reacquire possession of removed signs prior to their disposal shall pay an impoundment fee pursuant to SMC 23.100.010.
 - b. For signs with a fair market value exceeding five hundred dollars, the City shall provide notice by mail to the following:
 - i. Sign Owner. If the mailing address can be determined by the City after reasonable efforts in investigation. "Reasonable efforts" shall include investigation efforts that take no longer than one-half hour of staff time.
 - ii. Underlying Property Owner. If the address of the sign owner cannot be reasonably ascertained, the City shall mail the notice to the underlying real property owner, as identified in the records of the King County Assessor's Office.

23.100.010 Assessment schedule.

Code Enforcement Penalties:	
Infraction	up to \$500
Stop Work Order	up to \$500

Noncompliance:	
1 – 15 days	\$100 up to \$250 per day
16 – 31 days	\$250 up to \$500 per day
31+ days	\$500 up to \$1,000 per day (up to \$50,000 maximum)
Environmental Damage/Critical Areas Violations:	
Up to \$25,000 plus the cost of restoration.	
Unlawful Tree Removal or Damage:	
\$1,500 per inch of diameter at breast height of tree removed or damaged.	
\$25 fee per sign illegally placed on public property or in the City's right-of-way.	

Chapter 21A.15

TECHNICAL TERMS AND LAND USE DEFINITIONS

21A.15.467 Flag.

“Flag” means a fabric sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one (1) end.

21A.15.468 Flag, government.

“Flag, government” means Any flag or badge or insignia of the United States, State of Washington, King County, City of Sammamish, or official historic plaque of any governmental jurisdiction or agency.

21A.15.1085 Sign.

“Sign” means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods, or service. (Ord. O2003-132 § 10)

21A.15.1090 Sign, awning.

“Sign, awning” means a sign painted on or attached directly to and supported by an awning. An awning may be constructed of rigid or nonrigid materials and may be retractable or nonretractable. (Ord. O2003-132 § 10)

2A.15.1095 Sign, changing message center.

“Sign, changing message center” means an electrically controlled sign that contains advertising messages that changes at intervals of three minutes or greater. (Ord. O2003-132 § 10)

21A.15.1096 Sign, community banner.

“Sign, community banner” means a temporary sign, located on City banner poles, which advertises an event that would provide civic, cultural, educational, philanthropic, or service opportunities hosted or promoted by the City or a community group that is not-for-profit or nonprofit and nonpolitical with an IRS designation of Section 501(c) or (d). (Ord. O2005-180 § 1)

2A.15.1097 Sign, commercial.

Sign, Commercial. A sign erected for a business transaction or advertising the exchange of goods and services.

21A.15.1105 Sign, directional.

“Sign, directional” means a sign designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience, and may include incidental graphics such as trade names and trademarks. (Ord. O2003-132 § 10)

21A.15.1110 Sign, freestanding.

“Sign, freestanding” means a permanent sign fixed directly to the ground or having one or more supports fixed directly to the ground, and being detached from any building or fence. (Ord. O2003-132 § 10)

21A.15.1115 Sign, fuel price.

“Sign, fuel price” means a sign utilized to advertise the price of gasoline and/or diesel fuel. (Ord. O2003-132 § 10)

21A.15.1120 Sign, incidental.

“Sign, incidental” means a sign, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include but not be limited to signs designating:

- (1) Restrooms;
- (2) Hours of operation;
- (3) Acceptable credit cards;
- (4) Property ownership or management;
- (5) Phone booths; and
- (6) Recycling containers. (Ord. O2003-132 § 10)

21A.15.1125 Sign, indirectly illuminated.

“Sign, indirectly illuminated” means a sign that is illuminated entirely from an external artificial source. (Ord. O2003-132 § 10)

21A.15.1130 Sign, monument.

“Sign, monument” means a freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground. (Ord. O2003-132 § 10)

21A.15.1131 Sign, non-commercial.

“Sign, non-commercial” means any sign that is not a commercial sign. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit entities or groups..

21A.15.1135 Sign, off-premises directional.

“Sign, off-premises directional” means a sign that contains no advertising of a commercial nature that is used to direct pedestrian or vehicular traffic circulation to a facility, service, or business located on other premises within 660 feet of the sign. (Ord. O2003-132 § 10)

21A.15.1140 Sign, on-premises.

“Sign, on-premises” means a sign that displays a message that is incidental to and directly associated with the use of the property on which it is located. (Ord. O2003-132 § 10)

21A.15.1144 Sign, permanent

“Sign, permanent” Any sign which is intended to be lasting and is constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is permanently affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the ordinance.

21A.15.1145 Sign, permanent residential development identification.

“Sign, permanent residential development identification” means a permanent sign identifying the residential development upon which the sign is located. (Ord. O2003-132 § 10)

21A.15.1146 Sign, pole.

“Sign, pole” means a freestanding sign having one or more supports standing directly upon the ground, and being detached from any building or fence.

21A.15.1150 Sign, portable.

“Sign, portable” means a sign that is capable of being moved and is not permanently affixed to the ground, a structure, or building. (Ord. O2003-132 § 10)

21A.15.1155 Sign, projecting.

“Sign, projecting” means any sign that is attached to and supported by the exterior wall of a building with the exposed face of the sign on a plane perpendicular to the wall of the building, projecting more than one foot from the wall of a building and vertical to the ground. (Ord. O2003-132 § 10)

21A.15.1160 Sign, temporary.

“Sign, time and temperature” means any sign, banner, pennant, or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials. Any sign not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.

21A.15.1160 Sign, time and temperature.

“Sign, time and temperature” means an electrically controlled sign that contains messages for date, time, and temperature, which changes at intervals of one minute or less. (Ord. O2003-132 § 10)

21A.15.1165 Sign, wall.

“Sign, wall” means any sign painted on, or attached directly to and supported by, a building or structure, with the exposed face of the sign on a plane parallel to the portion of the building or structure to which it is attached, projecting no more than one foot from the building or structure, including window signs that are permanently attached. (Ord. O2003-132 § 10)

21A.15.1166 Sign, window.

“Sign, window” means any sign applied to or mounted on a window.

21A.15.1250 Street frontage.

“Street frontage” means any portion of a lot or combination of lots that directly abut a public right-of-way. (Ord. O2003-132 § 10)

	Original Section	Original	Amended	Rationale
1	<u>21A.45.010 - Purpose</u>	<p>The purpose of this chapter is to enhance the visual environment of the City by:</p> <p>(1) Establishing standards that regulate the type, number, location, size, and lighting of signs;</p> <p>(2) Recognizing the private purposes of signs for the identification of businesses and promotion of products and services; and</p> <p>(3) Recognizing the public purposes of signs that includes considerations of traffic safety, economic, and aesthetic welfare. (Ord. O99-29 § 1)</p>	<p>The purpose of this chapter is to enhance <u>and protect</u> the <u>economic vitality and</u> visual environment of the City, <u>allow for the expression of free speech, and promote general safety and welfare by:</u></p> <p>(1) Establishing standards that regulate <u>Regulating</u> the type, number, location, size, and <u>illumination lighting</u>-of signs;</p> <p>(2) Recognizing the private-purposes of signs for the identification <u>and economic well-being of businesses in Sammamish</u> of businesses and promotion of products and services; and</p> <p>(3) Recognizing the public purposes of signs that <u>Ensuring a safe driving environment; and includes considerations of traffic safety, economic, and aesthetic welfare.</u></p> <p>(4) <u>Recognizing and protecting the use of the public right-of-way as a forum for non-commercial speech; and</u></p> <p>(5) <u>Facilitating fair and consistent content-neutral enforcement; and</u></p> <p>(6) <u>Safeguarding and enhancing property values, attracting new residents, and encouraging orderly city development; and</u></p> <p>(7) <u>Allowing for limited temporary commercial signage in the public right of way, to provide a flow of truthful and legitimate commercial information to consumers to enable them to make vital decision of purchasing a home, and to further the critical public goal of providing for equal access to housing; and</u></p> <p>(8) <u>Upholding the goals and policies of the Comprehensive Plan.</u></p>	<p>Strengthening the purpose section of the Sign Code is crucial for justifying the regulations that follow.</p>

	Original Section	Original	Amended	Rationale
2	<u>21A.45.030 - Exempt Signs</u>	<p>The following signs or displays are exempted from the regulations under this chapter:</p> <p>(1) Historic site markers or plaques, gravestones, and address numbers;</p> <p>(2) Signs required by law, including but not limited to:</p> <p style="padding-left: 40px;">(a) Official or legal notices issued and posted by any public agency or court; or</p> <p style="padding-left: 40px;">(b) Traffic directional or warning signs;</p> <p>(3) Plaques, tablets, or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are non-illuminated, and which do not exceed four square feet in surface area;</p> <p>(4) Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs providing directions, warnings, or information when established and maintained by a public agency;</p>	<p>The following signs or displays are exempted from the regulations under this chapter:</p> <p>(1) Historic site markers or plaques, gravestones, and address numbers;</p> <p>(2) Signs required by law, including but not limited to:</p> <p style="padding-left: 40px;">(a) Official or legal notices issued and posted by any public agency or court; or</p> <p style="padding-left: 40px;">(b) Traffic directional or warning signs <u>as established by the Manual for Uniform Traffic Control Devices (MUTCD);</u></p> <p>(3) Plaques, tablets, or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are non-illuminated, and which do not exceed four square feet in surface area;</p> <p>(4) Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs providing directions, warnings, or information when established and maintained by a public agency;</p> <p>(5) <u>State or federal Government</u> flags;</p> <p>(6) <u>Nonverbal</u> Religious symbols <u>attached to a place of worship;</u> and</p>	<p>These changes were made to make the regulations content-neutral, and to clarify the City's jurisdiction over traffic directional and warning signs. Commercial flag provision removed to avoid promoting commercial speech over non-commercial speech.</p>

	Original Section	Original	Amended	Rationale
		<p>(5) State or federal flags;</p> <p>(6) Religious symbols; and</p> <p>(7) The flag of a commercial institution, provided no more than one flag is permitted per business premises; and further provided the flag does not exceed 20 square feet in surface area. (Ord. O99-29 § 1)</p>	<p>(7) The flag of a commercial institution, provided no more than one flag is permitted per business premises; and further provided the flag does not exceed 20 square feet in surface area. (Ord. O99-29 § 1)</p>	
3	<u>21A.45.040(2) - Prohibited Signs</u>	(2) Private signs on utility poles;	Provision removed.	<u>Provision removed due to redundancy. Signs on utility poles are banned under provision (4) of this section.</u>
4	<u>21A.45.060(1) – General Sign Requirements – Off-Premises Directional Signs</u>	All signs, except billboards, community bulletin boards, community identification signs, political signs, real estate signs, and special event signs shall be on-premises signs; provided, that uses located on lots without public street frontage in business and office zones may have one off-premises directional sign of no more than 16 square feet.	Section removed.	References to content-based sign categories removed, as these are no longer allowed. Off-premises directional sign provision removed due to confusion over such

	Original Section	Original	Amended	Rationale
				signs regarding permitted placement.
5	<u>21A.45.050(1) - Sign area calculation</u>	(1) Sign area for nonmonument freestanding signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.	(1) Sign area for nonmonument freestanding pole signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.	Changed to clarify which type of sign falls under this regulation. Definition added for pole signs.
6	<u>21A.45.060(1) - General sign requirements.</u>	(11) Except as otherwise permitted by this chapter, off-premises directional signs shall not exceed four square feet in sign area.	Sub-section removed.	Contradicted SMC 21A.45.060(1). Unnecessary given presence of other directives on off-premises signs – all forms of off-premises directional signs are otherwise regulated.
7	<u>21A.45.070 – Community bulletin board signs</u>	One community bulletin board sign is permitted within the Sammamish Commons Comprehensive Plan designated center with the following limitations:	Section removed.	Section was removed in consultation with Parks and Recreation; there were plans for this originally but they did not

	Original Section	Original	Amended	Rationale
		(1) Community bulletin board signs may not exceed 32 square feet and are only permitted at City Hall. (Ord. O2004-153 § 3; Ord. O99-29 § 1)		materialize in the eventual adopted plan.
8	<u>21A.45.080(1)(b) – School</u>	(b) Schools are permitted one sign per school or school facility entrance, not exceeding 25 square feet and not exceeding six feet in height, which may be located in the setback. Two additional wall signs not exceeding 25 square feet attached directly to the school or school facility are permitted;	Provision removed.	<u>School entrance sign provision merged with 21A.45.080(1)(a), which allows signs on “nonresidential uses,” of which a school is one, with the dimensions and height restrictions.</u> <u>Additional school wall sign requirement removed; City may not allow more square footage for schools than for any other institution.</u>
9	<u>21A.45.120 – Signs or displays of limited duration - Preamble</u>	The following temporary signs or displays are permitted and except as required by the International Building Code, Chapter 16.20 SMC, Construction Administrative Code, or as	The following temporary signs or displays are permitted and except as required by the International Building Code, Chapter 16.20 SMC, Construction Administrative Code, or as otherwise required in this chapter, do not require building permits: <u>All temporary signs shall not obstruct sight distances and shall follow the regulations prescribed by Chapter 14.01 SMC, Public Works Standards Adopted, and</u>	Added language to clarify that all temporary signs must follow Public Works regulations and

	Original Section	Original	Amended	Rationale
		otherwise required in this chapter, do not require building permits:	<u>by SMC 21A.25.220, Sight distance requirements. No temporary signs shall be located within the center median of principal, minor, and collector arterials or within roundabouts, traffic circles, or islands.</u>	may not be placed in certain locations in the public right-of-way.
10	<u>21A.45.120(1) – Signs or displays of limited duration – Grand Opening Displays</u>	<p>(1) Grand Opening Displays.</p> <p>(a) Signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights are permitted for a period of up to one month to announce the opening of a new enterprise or the opening of an enterprise under new management; and</p> <p>(b) All grand opening displays shall be removed upon the expiration of 30 consecutive days;</p>	<p>(1) Grand Opening Temporary Business Displays.</p> <p>(a) Signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights are permitted for a period of up <u>to 30 consecutive days once each calendar year at business located in Sammamish in the CB, NB, or O-Zones.</u> to one month to announce the opening of a new enterprise or the opening of an enterprise under new management; and</p> <p>(b) All grand opening displays shall be removed upon the expiration of 30 consecutive days;</p>	Amended to read as content-neutral. Business are now allowed to have festive displays for up to 30 consecutive days once per year.
11	<u>21A.45.120(2) – Signs or displays of limited duration – Construction Signs</u>	<p>(2) Construction Signs.</p> <p>(a) Construction signs identifying architects, engineers, planners, contractors, or other individuals or firms involved with the construction of a building and announcing the character of the building or the purpose for which the building is intended may be displayed;</p>	<p>(2) Construction Signs <u>on property with active construction.</u></p> <p>(a) Construction signs identifying architects, engineers, planners, contractors, or other individuals or firms involved with the construction of a building and announcing the character of the building or the purpose for which the building is intended may be displayed;</p> <p>(b) <u>(ba)</u> One non-illuminated, double-faced sign is permitted for each public street upon which the project fronts;</p>	Amended to read as content-neutral.

	Original Section	Original	Amended	Rationale
		<p>(b) One non-illuminated, double-faced sign is permitted for each public street upon which the project fronts;</p> <p>(c) No sign shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and</p> <p>(d) Construction signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first;</p>	<p>(eb) No sign shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and</p> <p>(cd) Construction sSigns must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first;</p>	
12	<u>21A.45.120(3) – Signs or displays of limited duration – Political Signs</u>	<p>(3) Political Signs. Political signs are allowed, subject to the following requirements:</p> <p>(a) Location.</p> <p>(i) Political signs may be displayed on private property with the consent of the property owner;</p> <p>(ii) Political signs may be displayed within public easements or streets; provided, that signs shall not be located within the center median of principal, minor, and collector arterials (as</p>	Subsection removed.	Political Sign section and definition removed to ensure content-neutrality. Permitted location, size, and duration are covered under the three temporary sign categories. One exception is that while political signs on private property were previously allowed to

	Original Section	Original	Amended	Rationale
		<p>defined) or within roundabouts, traffic circles, or islands;</p> <p>(iii) Political signs located pursuant to subsection (3)(a)(i) or (ii) of this section shall not obstruct sight distances as prescribed by Chapter 14.01 SMC, Public Works Standards Adopted, or by SMC 21A.25.220, Sight distance requirements.</p> <p>(b) Specifications.</p> <p>(i) Political signs located on private property may have a maximum sign area of up to 32 square feet;</p> <p>(ii) Freestanding political signs on private property may be up to eight feet tall;</p> <p>(iii) Political signs located on or within public easements or streets may have a maximum sign area of up to four square feet and may be up to three feet tall above grade;</p>		<p>have a maximum size area of up to 32 square feet, such signs would now fall under the Temporary Sign III category, which allows signs to be up to 32 sq ft only if located 50 feet or more from a street property line, and up to 16 sq ft if located 50 feet or fewer from a street property line.</p>

	Original Section	Original	Amended	Rationale
		<p>(iv) Political signs located within 15 feet of a street corner or driveway, as further identified in Chapter 14.01 SMC, Public Works Standards Adopted, or by SMC 21A.25.220, Sight distance requirements, shall be further limited in sign area and height as necessary to satisfy sight distance limitations;</p> <p>(c) Removal.</p> <p>(i) Political signs shall be removed within seven days following the election;</p> <p>(ii) Property owners shall be responsible for the removal of political signs located on private property;</p> <p>(iii) The campaign officer or responsible official shall be responsible for the removal of political signs located on or within public easements or streets;</p>		
13	21A.45.120(4)(a)(i)(B) – Signs or displays of	(B) One off-site sign is allowed on private property or city street right-of-way between the effective date the ordinance	Reference to pilot program end date removed; remainder of subsection merged with real estate-focused signs.	Removed as a separate pilot program. Regulations were moved

	Original Section	Original	Amended	Rationale
	<p><u>limited duration – Real Estate</u></p>	<p>codified in this section and December 31, 2010, subject to the following:</p> <p>(1) The individual residential unit or property for sale or rent is not located adjacent to a public street;</p> <p>(2) The off-site sign is located on private property or city street right-of-way, adjacent to the intersection of the primary vehicle entrance to the property and closest public street;</p> <p>(3) When more than three off-site real estate signs are proposed for a location, the fourth proposed sign owner shall install and make available to other licensed real estate agents a frame to accommodate multiple signs;</p> <p>(4) Off-site real estate signage displayed on private property shall be with the consent of the property owner; and</p> <p>(5) Signs located in the city street right-of-way shall be located outside of the improved portion of the right-of-way (behind the sidewalk, roadway shoulder, drainage ditch, etc., whichever is furthest from the traveled roadway), and may be removed by the city if determined</p>	<p>(2) The off-site sign is located on private property or city street right-of-way adjacent to the intersection of the primary vehicle entrance to the property and closest public street;</p>	<p>into real estate sign table and reorganized to be content-neutral.</p> <p>Private property removed as an approved location for off-site signs, as this type of sign would be covered under other temporary sign categories.</p>

	Original Section	Original	Amended	Rationale
		to be a hazard or if the placement is otherwise in conflict with the public use of the right-of-way;		
14	<u>21A.45.120(4)(b)– Signs or displays of limited duration – Real Estate</u>	(b) Portable off-premises residential directional signs announcing directions to an open house at a specified residence that is offered for sale or rent shall not exceed six square feet in area for each sign, and shall not exceed 42 inches in height. Such signs shall be permitted only when the agent or seller is in attendance at the property for sale or rent and may be located on the right-of-way outside of vehicular and bicycle lanes.	<u>Provision removed.</u>	Provision removed due to difficulty of enforcement. Signs used in this manner are covered under the general temporary sign restrictions.
15	<u>21A.45.120(4)(c)– Signs or displays of limited duration – Real Estate</u>	(c) On-site commercial (nonresidential) or industrial property for sale or rent signs shall be limited to one sign per street frontage, and shall not exceed 32 square feet in area. The sign shall not exceed 12 feet in height. The sign shall be removed within five days after closing of the sale, lease or rental of the property. A building permit is required and shall be issued for a one-year period. The permit is renewable for one-year increments up to a maximum of three years.	Regulations will be preserved, but no permit will be required.	Provision requiring a permit removed due to difficulty of enforcement.

	Original Section	Original	Amended	Rationale
16	<u>21A.45.120(4)(d)– Signs or displays of limited duration – Real Estate</u>	(d) On-site residential development for sale or rent signs shall be limited to one sign per development. The sign shall not exceed 32 square feet in area, and shall not exceed 12 feet in height. A building permit is required and shall be issued for a one-year period. The permit is renewable annually for up to a maximum of three years.	Regulations will be preserved, but no permit will be required.	Provision requiring a permit removed due to difficulty of enforcement.
17	<u>21A.45.120(4)(e)– Signs or displays of limited duration – Real Estate</u>	(e) Off-site directional signs for residential developments shall be limited to six signs. Each sign shall not exceed 16 square feet in area, and shall include only the name of and directions to the residential development. The sign(s) shall be placed a maximum of two road miles from the nearest residential development entrance. No two signs for one residential development shall be located closer than 500 feet from one another on the same street. A single building permit is required for all signs and shall be issued for a one-year period. The permit number and the permit expiration date must be clearly displayed on the face of each sign. The permit is renewable for one-year increments up to a maximum of three years; provided, that extensions will only be granted if the sign permit applicant has complied with the applicable regulations.	Number of off-site signs allowed reduced to two, and no permit will be required. The sign(s) shall be placed a maximum of two road miles from the nearest residential development entrance. No two signs for one residential development shall be located closer than 500 feet from one another on the same street. A single building permit is required for all signs and shall be issued for a one-year period. The permit number and the permit expiration date must be clearly displayed on the face of each sign. The permit is renewable for one-year increments up to a maximum of three years; provided, that extensions will only be granted if the sign permit applicant has complied with the applicable regulations.	Number of off-site signs allowed reduced to two in the interest of reducing sign clutter. Provisions requiring a permit and establishing spacing requirements removed due to difficulty of enforcement.

	Original Section	Original	Amended	Rationale
18	<u>21A.45.120(4)</u> <u>(f)– Signs or displays of limited duration – Real Estate</u>	(f) Residential on-premises informational signs shall be limited to one sign per feature, including but not limited to signs for information centers, model homes, parking areas or announcing features such as parks, playgrounds, or trails. Each sign shall not exceed 16 square feet in area, and shall not exceed six feet in height;	Provision removed.	Provision removed due to inability to enforce.
19	<u>21A.45.120(5)</u> <u>– Signs or displays of limited duration – Community Event Signs</u>	(5) Community Event Signs. Community event signs are allowed, subject to the following requirements: (a) Location. (i) Community event signs may be displayed on private property with the consent of the property owner. (ii) Community event signs may be displayed within public easements or streets; provided, that: (A) Signs shall be A-frame signs as specified in subsection (5)(b) of this section; and (B) Signs shall not be located within the center median of principal, minor, and	Subsection removed; regulations merged in General Temporary Sign table.	The City may no longer have a separate category for community event signs. The size and height restrictions in place in this section are preserved in the new General Temporary Sign table.

	Original Section	Original	Amended	Rationale
		<p>collector arterials (as defined) or within roundabouts, traffic circles or islands.</p> <p>(iii) Community event signs located pursuant to subsection (5)(a)(i) or (ii) of this section shall not obstruct sight distances as prescribed by Chapter 14.01 SMC, Public Works Standards Adopted, or by SMC 21A.25.220, Sight distance requirements.</p> <p>(iv) The director, in consultation with the City engineer, and following review of applicable state and City codes, may approve temporary sign placement in the public right-of-way on hardscape areas (i.e., concrete pads or other sidewalk areas not used for pedestrian travel); provided, that sign location does not conflict with subsection (5)(a)(i) or (ii) of this section.</p> <p>(b) Specifications.</p> <p>(i) Community event signs on private property may have a maximum sign area of 32 square feet;</p>		

	Original Section	Original	Amended	Rationale
		<p>(ii) Community event signs on public easements or streets shall be “A-frame” signs that shall not exceed six square feet in area for each sign, and shall not exceed 42 inches in height;</p> <p>(iii) Community event signs located within 15 feet of a street corner or driveway, as further identified in Chapter 14.01 SMC, Public Works Standards Adopted, or by SMC 21A.25.220, Sight distance requirements, shall be further limited in sign area and height as necessary to satisfy sight distance limitations; and</p> <p>(iv) Community event signs shall be stationary and shall not be illuminated.</p> <p>(c) Removal.</p> <p>(i) Community event signs shall be removed within seven days following the end of the community fair, festival, or event; provided, that the signs shall not be displayed for more than a total of 21 calendar days; and</p>		

	Original Section	Original	Amended	Rationale
		(ii) Sign removal shall be the responsibility of the event sponsor;		
20	<u>21A.45.120(7) – Signs or displays of limited duration – Fundraising Signs</u>	<p>(7) Fundraising Sign. Fundraising signs are allowed subject to the following provisions:</p> <p>(a) Location.</p> <p>(i) Fundraising signs may only be located on private property as follows:</p> <p>(A) On any property zoned office (O), community business (CB), neighborhood business (NB), and Town Center A (TC-A); or</p> <p>(B) On property with a residential zoning designation (R), where such property abuts a principal, minor, or collector arterial.</p> <p>(ii) No more than one fundraising sign may be located on any one property;</p> <p>(iii) Any fundraising sign authorized located on a street corner or driveway shall conform to</p>	Subsection removed; regulations merged in General Temporary Sign table.	The City may no longer have a separate category for fundraising signs. The size and height restrictions in place in this section are preserved in the new General Temporary Sign table.

	Original Section	Original	Amended	Rationale
		<p>Chapter 14.01 SMC, Public Works Standards, and SMC 21A.25.220, Sight distance requirements; and</p> <p>(iv) All signs shall be located on private property with the written permission of the property owner.</p> <p>(b) Specifications. Fundraising signs may be attached to a wall or be freestanding signs subject to the following design specifications:</p> <p>(i) Fundraising signs located on property zoned O, CB, NB, and TC-A shall be limited to a maximum area of 32 square feet;</p> <p>(ii) Fundraising signs located on property zoned residential (R):</p> <p>(A) Shall be limited to a maximum area of 16 square feet if located less than 50 feet from a street property line; and</p>		

	Original Section	Original	Amended	Rationale
		<p>(B) Shall be limited to a maximum area of 32 square feet if located 50 feet or more from a street property line;</p> <p>(iii) Signs shall not be illuminated;</p> <p>(iv) Freestanding signs shall not exceed a height of eight feet;</p> <p>(v) All signs shall be constructed of a solid opaque material; and</p> <p>(vi) Freestanding signs shall be located outside of required zoning setbacks.</p> <p>(c) Removal.</p> <p>(i) A permit is required and shall be issued for a six-month period. The permit number and the permit expiration date must be clearly displayed on the face of each sign. The permit may be renewed upon payment of the required fee and subject to further review and approval under the requirements of this section;</p>		

	Original Section	Original	Amended	Rationale
		(ii) Removal of the fundraising sign is the responsibility of the property owner and/or applicant. (Ord. O2011-305 § 1 (Att. A); Ord. O2009-258 § 1 (Att. A); Ord. O2009-249 § 1; O2005-180 § 1; Ord. O99-29 § 1)		
21	<u>Article II. Electronic Reader Board Pilot Program</u>		Article removed; electronic reader boards installed under pilot program will be covered under new non-conforming signs section of code.	This pilot program should have ended in 2014. Rather than create a separate category for these specific signs (of which there are 3 currently operating), these will fall under the non-conforming sign section. The signs will be allowed to remain where they are provided they are not relocated, replaced, or otherwise altered in a structural way.

	Original Section	Original	Amended	Rationale
22	<u>21A.15 – Definitions - New definitions</u>		Flag; Flag, government; Sign, commercial; Sign, non-commercial; Sign, Permanent; Sign, pole; Sign, temporary; Sign, window	
23	<u>21A.15 – Definitions - Removed definitions</u>	Sign, community bulletin board; Sign, fundraising; Sign, political		

Draft Amendments to Chapter 21A.45
~~DEVELOPMENT STANDARDS – SIGNS~~ SMC and Chapter 21A.15 SMC

Sections:

~~Article I. General Provisions~~

- ~~21A.45.010 – Purpose.~~
- ~~21A.45.020 – Permit requirements.~~
- ~~21A.45.030 – Exempt signs.~~
- ~~21A.45.040 – Prohibited signs.~~
- ~~21A.45.050 – Sign area calculation.~~
- ~~21A.45.060 – General sign requirements.~~
- ~~21A.45.070 – Community bulletin board signs.~~
- ~~21A.45.080 – Residential zone signs.~~
- ~~21A.45.090 – Office zone signs.~~
- ~~21A.45.100 – Neighborhood business zone signs.~~
- ~~21A.45.110 – Community business zone signs.~~
- ~~21A.45.120 – Signs or displays of limited duration.~~

~~Article II. Electronic Reader Board Pilot Program~~

- ~~21A.45.130 – Pilot program established – Applicability.~~
- ~~21A.45.140 – Definition of electronic reader board sign.~~
- ~~21A.45.150 – Location of electronic reader board signs.~~
- ~~21A.45.160 – Specifications of electronic reader board signs.~~
- ~~21A.45.170 – Pilot program monitoring.~~
- ~~21A.45.180 – Duration of pilot program.~~

~~Article I. General Provisions~~

~~21A.45.010~~

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21A.45.010 - Purpose. 

The purpose of this chapter is to enhance and protect the economic vitality and visual environment of the City, allow for the expression of free speech, and promote general safety and welfare by:

1. (1) Establishing standards that regulate~~Regulating~~ the type, number, location, size, and lighting~~illumination~~ of signs; and
2. (2)-Recognizing the ~~private purposes~~purpose of signs for ~~the~~ identification and economic well-being of businesses in Sammamish; and ~~promotion~~
3. Ensuring a safe driving environment; and
4. Recognizing and protecting the use of the public right-of-way as a forum for non-commercial speech; and
5. Facilitating fair and consistent content-neutral enforcement; and
6. Safeguarding and enhancing property values, attracting new residents, and encouraging orderly development; and
7. Allowing for limited temporary commercial signage in the public right of way, to provide a flow of ~~products and services; and~~ truthful and legitimate commercial information to consumers to enable them to make vital decision of purchasing a home, and to further the critical public goal of providing for equal access to housing; and
8. (3) Recognizing the public purposes of signs that includes considerations of traffic safety, economic, and ~~aesthetic welfare~~Upholding the goals and policies of the Comprehensive Plan.

~~(Ord. 099-29 § 1)~~

21A.45.020- ~~Permit requirements.~~  **Requirements**

1. (1)-Except as otherwise ~~permitted by~~provided in this chapter, no sign shall be erected, altered, or relocated ~~without approval by~~within the City- without a permit issued by the City.
2. (2)-No ~~building~~ permit shall be required for repainting, cleaning, or other normal maintenance and repair of a permitted sign, or for sign face and copy changes that do not alter the size or structure of the sign. ~~(Ord. 099-29 § 1)~~

21A.45.030 ~~– Exempt signs.~~  Signs

The following signs or displays are exempted from the ~~regulations under permitting requirements of~~ this chapter, but shall conform to the other requirements set out in this chapter:

1. ~~(1)~~ Historic ~~site markers or~~ plaques, gravestones, and address numbers;
- ~~(2) Signs required by law, including but not limited to:~~
 2. ~~(a)~~ Official or legal notices issued and posted by any public agency or court; or
 - ~~(b)~~ Traffic ~~directional or~~ warning signs;
 3. ~~(3)~~ Traffic control signs established by the Manual on Uniform Traffic Control Devices (MUTCD) or authorized by City of Sammamish Department of Public Works;
 4. Plaques, tablets, or inscriptions ~~indicating the name of a building, date of erection, or other commemorative information,~~ which are an integral part of the building structure or are attached flat to the face of the building, which are non-illuminated, and which do not exceed four square feet in surface area;
 5. ~~(4)~~ Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs ~~providing directions, warnings, or information~~ when established and maintained by a public agency;
 6. ~~(5)~~ ~~State or federal~~ Government flags; and
 - ~~(6) Religious~~ Nonverbal religious symbols; and
 7. ~~(7)~~ The flag attached to a place of a commercial institution, provided no more than one flag is permitted per business premises; and further provided the flag does not exceed 20 square feet in surface area. ~~(Ord. O99-29 § 4)~~ worship.

21A.45.040 ~~Prohibited signs.~~ 

Except as indicated by this chapter, the following signs or displays are prohibited:

- ~~(1) Portable signs including, but not limited to, sandwich/A-frame signs and mobile readerboard signs, and excluding signs permitted under SMC 21A.45.120;~~
- ~~(2) Private signs on utility poles;~~
- ~~(3) Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination may be confused with traffic control signs or signals;~~

~~(4) Signs located in the public right-of-way, except where permitted in this chapter; provided, that in no case shall temporary signs permitted under SMC 21A.45.120 be located within travel lanes or sidewalks, or be attached to traffic control signs, utility or signal poles;~~

~~(5) Posters, pennants, strings of lights, blinking lights, balloons, searchlights, and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in SMC 21A.45.120 as grand opening displays;~~

~~(6) Changing message center signs, where the message changes more frequently than every three minutes; and~~

~~(7) – Billboards. (Ord. O2005-180 § 1; Ord. O99-29 § 1)~~

~~21A.45.050~~ Sign area calculation. Area Calculation

~~(1)~~

- ~~1.~~ Sign area for ~~nonmonument freestanding pole~~ signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.
- ~~2.~~ ~~(2)~~ Sign area for letters or symbols painted or mounted directly on walls or monument signs or on the sloping portion of a roof shall be calculated by measuring the smallest single rectangle that will enclose the combined letters and symbols.
- ~~3.~~ ~~(3)~~ Sign area for signs contained entirely within a cabinet and mounted on a wall, roof, or monument shall be calculated by measuring the entire area of the cabinet. (Ord. O99-29 §-1)

~~21A.45.060~~ General sign requirements. 050 – Permanent Signs

~~(1) All signs, except billboards, community bulletin boards, community identification signs, political signs, real estate signs, and special event signs shall be on-premises signs; provided, that uses located on lots without public street frontage in business and office zones may have one off-premises directional sign of no more than 46 square feet.~~

~~(2) Fuel price signs shall not be included in sign area or number limitations of SMC 21A.45.090 through 21A.45.110, provided such signs do not exceed 20 square feet per street frontage.~~

~~(3) Projecting and awning signs and signs mounted on the sloping portion of roofs shall not be permitted for uses in the residential zones. In other zones, projecting and awning signs and signs mounted on the sloping portion of roofs may be used in lieu of wall signs, provided:~~

- (a) ~~They maintain a minimum clearance of eight feet above finished grade;~~
- (b) ~~They do not project more than six feet perpendicular from the supporting building facade;~~
- (c) ~~They meet the standards of subsection (10) of this section if mounted on the roof of a building; and~~
- (d) ~~They shall not exceed the number or size permitted for wall signs in a zone.~~

~~(4) Changing message center signs and time and temperature signs, which can be wall or freestanding signs, shall not exceed the size permitted for wall or freestanding signs, and shall be permitted only in the NB, CB, and O zones, except that changing message center signs may be permitted in the R zone, subject to the provisions of SMC 21A.45.070. Changing message center signs and time and temperature signs shall not exceed the maximum sign height permitted in the zone.~~

~~(5) Directional signs shall not be included in the sign area or number limitation of SMC 21A.45.080 through 21A.45.110, provided~~The table below outlines the regulations for permanent signs in the City of Sammamish. All permanent signs must be approved through the permitting process. Unless otherwise stated herein, all permanent signs must be on-site. No permanent sign may be placed in the City's right-of-way.

Key

X – Prohibited

N/A – Not Applicable – Sign Type Not Allowed in Zone

	<u>R-Zone</u>	<u>CB-Zone^{1,2}</u>	<u>NB-Zone^{1,2}</u>	<u>Office Zone^{1,2}</u>
	<u>Freestanding Signs³</u>			
<u>Quantity⁴</u>	<u>X</u>	<u>One (1) per street frontage⁵</u>		<u>One (1) per street frontage</u>
<u>Maximum Sign Area</u>	<u>N/A</u>	<u>85 sq ft, + 20 sq ft for each additional business in a multiple tenant structure up to 145 sq ft.</u>	<u>50 sq ft</u>	
<u>Combined Sign Area Limit for Lots with Multiple Freestanding Signs⁶</u>	<u>N/A</u>	<u>250 sq ft</u>	<u>150 sq ft</u>	<u>80 sq ft</u>

	<u>R-Zone</u>	<u>CB-Zone^{1,2}</u>	<u>NB-Zone^{1,2}</u>	<u>Office Zone^{1,2}</u>
<u>Maximum Height</u>	<u>N/A</u>	<u>20 feet</u>	<u>15 feet</u>	
<u>Home Business Signs</u>				
<u>Maximum Sign Area⁷</u>	<u>6 sq ft</u>	<u>N/A</u>		
<u>Permanent Residential Development Identification Signs</u>				
<u>Quantity</u>	<u>One (1)</u>	<u>One (1)⁸</u>		
<u>Maximum Sign Area</u>	<u>32 sq ft</u>	<u>32 sq ft</u>		
<u>Maximum Sign Height</u>	<u>6 ft⁹</u>	<u>N/A</u>		
<u>Projecting or Awning Signs Mounted on the Sloping Portion of Roofs¹⁰</u>				
<u>Quantity¹¹</u>	<u>X</u>	<u>One (1) Allowed in Lieu of Wall Signs</u>		
<u>Maximum Sign Area</u>	<u>N/A</u>	<u>No greater than 15% of building façade</u>	<u>No greater than 10% of building façade</u>	
<u>Minimum Clearance above Finished Grade¹²</u>	<u>N/A</u>	<u>8 ft</u>		
<u>Maximum Projection, Perpendicular from Supporting Building Façade</u>	<u>N/A</u>	<u>6 ft</u>		
<u>Signs on Property with Public Agency Facilities¹³</u>				
<u>Quantity</u>	<u>2 per Facility</u>	<u>X</u>		
<u>Maximum Sign Area</u>	<u>30 sq ft</u>	<u>N/A</u>		
<u>Maximum Height</u>	<u>6 ft</u>	<u>N/A</u>		
<u>Sign on Residentially Zoned Property with Nonresidential Use¹⁴</u>				
<u>Quantity</u>	<u>One (1)</u>	<u>X</u>		
<u>Maximum Sign Area</u>	<u>25 sq ft</u>	<u>N/A</u>		
<u>Maximum Height</u>	<u>6 ft</u>	<u>N/A</u>		
<u>Wall Signs</u> Error! Bookmark not defined.				
<u>Maximum Sign Area¹⁵</u>	<u>N/A¹⁶</u>	<u>15% of building façade</u>	<u>10% of building façade</u>	<u>10% of building façade¹⁷</u>

Conditions

1. Directional signs for surface parking areas or parking structures located in the R-, CB, NB, and O-Zones shall not be included in the sign area or number limitations stated in this table, provided that they shall not exceed six square feet in surface area and are limited to one for each

entrance or exit ~~to surface parking areas or parking structure.~~

~~(6) Sign Illumination and Glare.~~

~~(a) All signs in the NB, CB, or O zones, and community bulletin boards in the R zone, may be internally illuminated;~~

~~(b) Unless otherwise provided for in subsection (6)(a) of this section, signs in the R zones may only be indirectly illuminated, provided the light source for indirectly illuminated signs shall be no farther away from the sign than the height of the sign;~~

2. (c) Indirectly illuminated Fuel price signs shall not be included in sign area or number limitations referenced in this table, provided such signs do not exceed 20 square feet per street frontage.

~~Changing message center signs and time and temperature signs shall be arranged so that no direct rays of light are projected from such artificial source into residences can be wall or any street right-of-way;~~

~~(d) Electrical requirements for signs shall be governed by Chapter 19.28 RCW freestanding signs, and Chapter 296-46-010 WAC; and~~

~~(e) Signs with an on/off operation shall not exceed the size permitted ~~only in the CB zone.~~~~

~~(7) Maximum height for wall signs shall not extend above the highest exterior for wall or structure upon which the sign is located.~~

~~(8) Maximum height for projecting signs shall not extend above the highest exterior wall upon which the projecting sign is located.~~

~~(9) Maximum height for awning signs shall not extend above the height of the awning upon which the awning sign is located.~~

~~(10) Any sign attached to the sloping surface of a roof shall be installed or erected in such a manner that there are no visible support structures, shall appear to be part of the building itself, and shall not extend above the roof ridge line of the portion of the roof upon which the sign is attached.~~

~~(11) Except as otherwise permitted by this chapter, off-premises directional signs shall not exceed four square feet in sign area.~~

~~(12) Mixed use developments in the NB, CB, or O zones are permitted one permanent residential identification sign not exceeding 32 square feet in addition to the maximum sign area requirements in the zone where the mixed use development is located. (Ord. O2004-153 § 2; Ord. O99-29 § 1)~~

~~21A.45.070 Community bulletin board signs.~~

~~One community bulletin board sign is permitted within the Sammamish Commons Comprehensive Plan designated center with the following limitations:~~

~~(1) Community bulletin board signs may not exceed 32 square feet and are only permitted at City Hall. (Ord. O2004-153 § 3; Ord. O99-29 § 1)~~

~~21A.45.080 Residential zone signs.~~

~~Signs in the R zone are limited as follows:~~

~~(1) Nonresidential Use.~~

~~(a) One sign identifying nonresidential uses on the same residential parcel, not otherwise regulated by this section, not exceeding 25 square feet and not exceeding six feet in height is permitted;~~

~~(b) Schools are permitted one sign per school or school facility entrance, not exceeding 25 square feet and not exceeding six feet in height, which may be located in the setback. Two additional wall signs not exceeding 25 square feet attached directly to the school or school facility are permitted;~~

~~(c) Public agency facilities, including but not limited to civic centers, community centers, public agency offices, and public utility yards, are permitted two signs for each facility. Each sign shall be limited to a sign area of not more than 30 square feet and not exceeding a height of more than six feet for freestanding signs;~~

~~(d) Home occupation and home industry signs are limited to wall signs not exceeding six square feet.~~

~~(2) Residential Use.~~

~~(a) One residential identification sign not exceeding two square feet is permitted; and~~

3. ~~(b) One permanent residential development identification sign not exceeding 32 square feet is permitted per development. The maximum height for the sign shall be six feet. The sign may be freestanding or mounted on a wall, fence, or other structure. (Ord. O2009-249 § 1; Ord. O2005-180 § 1; Ord. O99-29 § 1)signs.~~

~~21A.45.090 Office zone signs.~~

~~Signs in the O zones shall be limited as follows:~~

~~(1) Wall signs are permitted, provided they do not total an area more than 10 percent of the building facade on which they are located and provided they are limited to building facades with street frontage.~~

~~(2) Freestanding Signs:~~

4. ~~(a) One freestanding sign not exceeding 50 square feet is permitted for each street frontage of the lot, provided corner~~Corner lots with a street frontage of less than 100 feet on each street shall be permitted only one freestanding sign;

~~(b) On lots where more than one freestanding sign is permitted, the sign area permitted for individual freestanding signs may be combined; provided the combined sign does not exceed 80 square feet; and~~

~~(c) The maximum height for freestanding signs shall be 15 feet. (Ord. O99-29 § 1)~~

~~21A.45.100 Neighborhood business zone signs.~~

~~Signs in the NB zones shall be limited as follows:~~

~~(1) Wall signs are permitted, provided they do not total an area more than 10 percent of the building facade on which they are located;~~

~~(2) Freestanding Signs:~~

~~(a) One freestanding sign not exceeding 50 square feet is permitted for each street frontage of the lot, provided corner lots with a street frontage of less than 100 feet on each street shall be permitted only one freestanding sign;~~

5. ~~(b) Multiple tenant developments in the CB and NB zone~~ that have more than 300 feet of street frontage on one street may have one additional freestanding sign for each 300 feet of street frontage, or portion thereof. Such signs shall be separated from one another by a minimum of

150 feet, if located on the same street frontage;

6. ~~(c) On lots where more than one freestanding sign is permitted, the sign area permitted for individual freestanding signs may be combined; provided the combined sign does not exceed 150 square feet; and.~~

~~(d) The maximum height for freestanding signs shall be 15 feet. (Ord. 099-29 § 1)~~

7. ~~21A.45.110 Community Home business zone signs may only be wall signs.~~



Signs in the CB zone shall be limited as follows:

~~(1) Wall signs are permitted, provided they do not total an area more than 15 percent of the building facade on which they are located;~~

~~(2) Freestanding Signs:~~

~~(a) One freestanding sign not exceeding 85 square feet, plus an additional 20 square feet for each additional business in a multiple tenant structure but not to exceed 145 square feet total, is permitted for each street frontage of the lot, provided corner lots with a street frontage of less than 100 feet on each street shall be permitted only one freestanding sign;~~

~~(b) Multiple tenant developments that have more than 300 feet of street frontage on one street may have one additional freestanding sign for each 300 feet of street frontage, or portion thereof. Such signs shall be separated from one another by a minimum of 150 feet, if located on the same street frontage;~~

~~(c) On lots where more than one freestanding sign is permitted, the sign area permitted for individual freestanding signs may be combined provided the combined sign area does not exceed 250 square feet; and~~

8. ~~(d) The maximum Permanent residential identification signs are only allowed in the NB, CB, and O-Zones as part of a mixed-use development.~~

9. ~~Applicable only to freestanding signs.~~

10. ~~Any sign attached to the sloping surface of a roof shall be installed or erected in such a manner that there are no visible support structures, shall appear to be part of the building itself, and~~

shall not extend above the roof ridge line of the portion of the roof upon which the sign is attached.

11. Maximum height for awning signs shall not extend above the height of the awning upon which the awning sign is located.

12. Maximum height for projecting signs shall not extend above the highest exterior wall upon which the projecting sign is located. ~~freestanding~~

13. See SMC 21A.15.915 for a list of permitted public agencies.

14. Non-residential uses of residential property as outlined in Chapter 21A.20 SMC.

15. Maximum height for wall signs and changing message center signs shall not extend above the highest exterior wall or structure upon which the sign is located.

16. Wall signs are allowed in Residential zones to identify schools, home businesses, and other non-residential uses, subject to the regulations listed below in this table.

17. Only on building facades with street frontage.

21A.45.060 – Illumination of Permanent Signs

The table below outlines the regulations for illumination of permanent signs in the City of Sammamish. Temporary signs, governed by SMC21A.45.070, shall not be illuminated. All permanent signs, including the requested illumination, must be approved through the permitting process. All electrical components for signs shall be 20 feet. (Ord. 099-29 § 1) governed by Chapter 19.28 RCW and Chapter 296-46-910 WAC.

Key

P – Permitted, pursuant to Permit issued by City

X - Prohibited

	<u>R-Zone</u>	<u>CB-Zone</u>	<u>NB-Zone</u>	<u>Office Zone</u>
<u>Internal Illumination¹</u>	<u>X</u>	<u>P</u>		
<u>Indirect Illumination^{1,2}</u>	<u>P</u>			
<u>Signs with an On/Off Operation</u>	<u>X</u>	<u>P</u>		<u>X</u>

1. The light source for indirectly illuminated signs shall be no farther away from the sign than the height of the sign.
2. Indirectly illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way.

21A.45.120-070 – Temporary Signs or displays of limited duration.



The following temporary signs or displays are permitted and except as required by the International Building Code, Chapter ~~16.20~~ 16.20 SMC, Construction Administrative Code, or as otherwise required in this chapter, do not require ~~building~~ permits:

~~(1) Grand Opening Displays.~~

~~(a) Signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights are permitted for a period of up to one month to announce the opening of a new enterprise or the opening of an enterprise under new management; and~~

~~(b) All grand opening displays shall be removed upon the expiration of 30 consecutive days;~~

~~(2) Construction Signs.~~

~~(a) Construction signs identifying architects, engineers, planners, contractors, or other individuals or firms involved with the construction of a building and announcing the character of the building or the purpose for which the building is intended may be displayed;~~

~~(b) One non-illuminated, double-faced sign is permitted for each public street upon which the project fronts;~~

~~(c) No sign shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and~~

~~(d) Construction signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first;~~

~~(3) Political Signs. Political signs are allowed, subject to the following requirements:~~

~~(a) Location.~~

~~(i) Political signs may be displayed on private property with the consent of the property owner;~~

~~(ii) Political signs may be displayed within public easements or streets; provided, that temporary signs shall not be located within the center median of principal, minor, and collector arterials (as defined) or within roundabouts, traffic circles, or islands;~~

~~(iii) Political signs located pursuant to subsection (3)(a)(i) or (ii) of this section shall not obstruct sight distances and shall follow the regulations prescribed by Chapter 14.01 SMC, Public Works Standards Adopted, and by SMC 21A.25.220, Sight distance requirements. Sight distance requirements. No temporary signs shall be located within the center median of principal, minor, and collector arterials or within roundabouts, traffic circles, or islands. Temporary signs shall not be illuminated.~~

~~(b) Specifications.~~

~~(i) Political signs located on private property may have a maximum sign area of up to 32 square feet;~~

~~(ii) Freestanding political~~

1. Non-Commercial Temporary Signs. No permit is required to post a temporary non-commercial sign in the public right-of-way or on private property subject to the following requirements.

	<u>Temporary Sign Type I – Placed in Public Right-of-Way (Non-A-Frame)</u>	<u>Temporary Sign Type II – Placed in Public Right-of-Way (A-Frame)</u>	<u>Temporary Sign Type III Private Property (All Sign Types)¹</u>
<u>Size Limit</u>	<u>4 sq ft</u>	<u>6 sq ft</u>	<u>16 sq ft if located less than 50 feet from a street property line; 32 sq ft if located 50 feet or more from a street property line</u>
<u>Height Limit</u>	<u>3 ft above grade</u>	<u>3.5 ft</u>	<u>8 ft</u>
<u>Duration</u>	<u>180 days</u>	<u>48 hours</u>	<u>180 days</u>

Placement of off-premises temporary signs on private property may be up to eight feet tall;

~~(iii) Political signs located on or within public easements or streets may have a maximum sign area of up to four square feet and may be up to three feet tall above grade;~~

~~(iv) Political signs located within 15 feet of a street corner or driveway, as further identified in Chapter 14.01 SMC, Public Works Standards Adopted, or by SMC 21A.25.220, Sight distance requirements, shall be further limited in sign area and height as necessary to satisfy sight distance limitations;~~

~~(c) Removal:~~

~~(i) Political signs shall be removed within seven days following the election;~~

~~(ii) Property owners shall be responsible for the removal of political signs located on private property;~~

~~(iii) The campaign officer or responsible official shall be responsible for the removal of political signs located on or within public easements or streets;~~

~~(4) Real Estate Signs. All temporary real estate signs may be single or double-faced signs:~~

~~(a) Signs advertising an individual residential unit for sale or rent are allowed without city permits, subject to the following:~~

~~(i) Location:~~

~~(A) One on-site sign per street frontage;~~

~~1. (B) One off-site sign is allowed on private property or city street right-of-way between the effective date the ordinance codified in this section and December 31, 2010, is subject to the following: landowner's authorization.~~

~~(1) The individual residential unit or property for sale or rent is not located adjacent to a public street;~~

~~(2) The off-site sign is located on private property or city street right-Director of-way, adjacent to the intersection of the primary vehicle entrance to the property and closest public street;~~

~~(3) When more than three off-site real estate signs are proposed for a location, the fourth proposed sign owner shall install and make available to other licensed real estate agents a frame to accommodate multiple signs;~~

~~(4) Off-site real estate signage displayed on private property shall be with the consent of the property owner; and~~

~~(5) Signs located in the city street right-of-way shall be located outside of the improved portion of the right-of-way (behind the sidewalk, roadway shoulder, drainage ditch, etc., whichever is furthest from the traveled roadway), and may be removed by the city if determined to be a hazard or if the placement is otherwise in conflict with the public use of the right-of-way;~~

~~(C) All signs located on a street corner or driveway shall conform with Chapter 14.01 SMC, Public Works Standards Adopted, and SMC 21A.25.220, Sight distance requirements.~~

~~(ii) Specifications.~~

~~(A) On-site signs shall not exceed eight square feet in area;~~

~~(B) On-site signs shall not exceed six feet in height;~~

~~(C) Individual off-site signs shall not exceed an area of four square feet;~~

~~(D) Frames installed to hold multiple real estate signs shall not exceed a height of six feet;~~

~~(E) Off-site signs located on a frame shall be designed to allow for a minimum of six signs to be hung, in a stacked fashion;~~

~~(F) Real estate offices or individual realtors that are advertising the sale or lease of more than one property at a corner shall be limited to one sign; and~~

~~(G) Off-site signs located on a frame shall individually not exceed a height of one and a half feet, a width of two feet, and an area of three square feet.~~

~~(iii) Removal.~~

~~(A) Signs shall be removed within five days after closing of the sale, lease or rental of the property.~~

~~(b) Portable off-premises residential directional signs announcing directions to an open house at a specified residence that is offered for sale or rent shall not exceed six square feet in area for each sign, and shall not exceed 42 inches in height. Such signs shall be permitted only when the agent or seller is in attendance at the property for sale or rent and may be located on the right-of-way outside of vehicular and bicycle lanes.~~

~~(c) On-site commercial (nonresidential) or industrial property for sale or rent signs shall be limited to one sign per street frontage, and shall not exceed 32 square feet in area. The sign shall not exceed 12 feet in height. The sign shall be removed within five days after closing of the sale, lease or rental of the property. A building permit is required and shall be issued for a one-year period. The permit is renewable for one-year increments up to a maximum of three years.~~

~~(d) On-site residential development for sale or rent signs shall be limited to one sign per development. The sign shall not exceed 32 square feet in area, and shall not exceed 12 feet in height. A building permit is required and shall be issued for a one-year period. The permit is renewable annually for up to a maximum of three years.~~

~~(e) Off-site directional signs for residential developments shall be limited to six signs. Each sign shall not exceed 16 square feet in area, and shall include only the name of and directions to the residential development. The sign(s) shall be placed a maximum of two road miles from the nearest residential development entrance. No two signs for one residential development shall be located closer than 500 feet from one another on the same street. A single building permit is required for all signs and shall be issued for a one-year period. The permit number and the permit expiration date must be clearly displayed on the face of each sign. The permit is renewable for one-year increments up to a maximum of three years; provided, that extensions will only be granted if the sign permit applicant has complied with the applicable regulations.~~

~~(f) Residential on-premises informational signs shall be limited to one sign per feature, including but not limited to signs for information centers, model homes, parking areas or announcing features such as parks, playgrounds, or trails. Each sign shall not exceed 16 square feet in area, and shall not exceed six feet in height;~~

~~(5) Community Event Signs. Community event signs are allowed, subject to the following requirements:~~

~~(a) Location.~~

~~(i) Community event signs may be displayed on private property with the consent of the property owner.~~

~~(ii) Community event signs may be displayed within public easements or streets; provided, that:~~

~~(A) Signs shall be A-frame signs as specified in subsection (5)(b) of this section; and~~

~~(B) Signs shall not be located within the center median of principal, minor, and collector arterials (as defined) or within roundabouts, traffic circles or islands.~~

~~(iii) Community event signs located pursuant to subsection (5)(a)(i) or (ii) of this section shall not obstruct sight distances as prescribed by Chapter 14.01 SMC, Public Works Standards Adopted, or by SMC 21A.25.220, Sight distance requirements.~~

~~(iv) The director Development or their designee, in consultation with the City engineer, and following review of applicable state and City codes, may approve placement of temporary sign placement non-commercial signs in the public right-of-way on hardscape areas (i.e., concrete pads or other sidewalk areas not used for pedestrian travel); ~~provided, that sign location does not conflict with subsection (5)(a)(i) or (ii) of this section.~~~~

~~(b) Specifications.~~

2. (i) Community event signs on private Temporary Commercial Displays

Signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights are permitted for a period of up to 30 consecutive days once each calendar year at businesses located in Sammamish in the CB, NB, or O-Zones.

3. Signs located on property may have a maximum with active construction

a) One non-illuminated, double-faced sign area of is permitted for each public street upon which the project fronts;

b) No sign shall exceed 32 square feet; in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and

~~(ii) Community event signs on public easements or streets shall be "A-frame" signs that shall not exceed six square feet in area for each sign, and shall not exceed 42 inches in height;~~

~~(iii) Community event signs located within 15 feet of a street corner or driveway, as further identified in Chapter 14.01 SMC, Public Works Standards Adopted, or by SMC 21A.25.220, Sight distance requirements, shall be further limited in sign area and height as necessary to satisfy sight distance limitations; and~~

~~(iv) Community event signs shall be stationary and shall not be illuminated.~~

~~(c) Removal.~~

c) (i) Community event signs shall Signs must be removed within seven days following by the end date of first occupancy of the community fair, festival, or event; provided, that premises or one year after placement of the signs shall not be displayed for sign, whichever occurs first.

4. Signs Associated with Properties for Sale or Rent

<u>Signs Located On Property with Individual Unit for Sale or Rent</u>	
<u>Sign Quantity</u>	<u>One (1) per public street frontage</u>
<u>Permitted Location</u>	<u>Public street frontage</u>
<u>Permitted Duration</u>	<u>Signs shall be removed within five days after closing of the sale, lease or rental of the property.</u>
<u>Maximum Size Area</u>	<u>8 sq ft</u>
<u>Maximum Height</u>	<u>6 ft</u>
<u>Signs Located Off-Site of Property with Individual Unit for Sale or Rent¹</u>	
<u>Sign Quantity</u>	<u>One (1)²</u>
<u>Permitted Location</u>	<u>Public right-of-way adjacent to the intersection of the primary vehicle entrance to the property and closest public street.</u>
<u>Permitted Duration</u>	<u>Signs shall be removed within five days after closing of the sale, lease or rental of the property.</u>
<u>Maximum Size Area</u>	<u>4 sq ft</u>
<u>Signs on Property with commercial or industrial property for sale or rent</u>	
<u>Sign Quantity</u>	<u>One (1)</u>
<u>Permitted Location</u>	<u>Public street frontage</u>
<u>Maximum Size Area</u>	<u>32 sq ft</u>
<u>Maximum Height</u>	<u>12 ft</u>
<u>Signs on Newly Constructed Residential developments for sale</u>	
<u>Sign Quantity</u>	<u>One (1)</u>
<u>Permitted Location</u>	<u>Public street frontage</u>
<u>Maximum Size Area</u>	<u>32 sq ft</u>
<u>Maximum Height</u>	<u>12 ft</u>
<u>Directional Signs Located Off-site Of Newly Constructed Residential developments for sale</u>	
<u>Sign Quantity</u>	<u>Two (2)</u>
<u>Permitted Location</u>	<u>Private property (with permission); public right-of-way</u>
<u>Maximum Sign Area</u>	<u>16 sq ft</u>

1. Only allowed for properties with a unit for sale or rent that is not located adjacent to a public street.

2. When more than three off-site real estate signs are proposed for a location, the fourth proposed sign owner shall install and make available to other licensed real estate agents a

~~frame, designed to allow for a minimum of six signs to be hung in a stacked fashion, to accommodate multiple signs; Frames installed to hold multiple real estate signs shall not exceed a height of six feet. Off-site signs located on a frame shall individually not exceed a height of one and a half feet, a width of two feet, and an area of three square feet. a total of 21 calendar days; and~~

~~(ii) Sign removal shall be the responsibility of the event sponsor;~~

~~5. (6) Community Banners Sign. Community banners are allowed subject to the following provisions:~~

- ~~a) (a) Community banners shall only be located on public banner poles erected by the City for that use;~~
- ~~b) (b) Letters on the sign shall not be less than 12 inches in height except for lettering associated with sponsor logos;~~
- ~~c) (c) Banners shall not be illuminated or have any attention-getting lights; and~~
- ~~d) (d) Sponsor logos shall be limited to the name and corporate symbol of the sponsor.~~

~~(7) Fundraising Sign. Fundraising~~

21A.45.080 – Prohibited Signs

Portable signs ~~are allowed subject to the following provisions:~~

~~(a) Location.~~

~~(i) Fundraising signs may only be located on private property as follows:~~

~~(A) On any property zoned office (O), community business (CB), neighborhood business (NB), and Town Center A (TC-A); or~~

~~(B) On property with a residential zoning designation (R), where such property abuts a principal, minor, or collector arterial.~~

~~(ii) No more than one fundraising sign may be located on any one property;~~

~~(iii) Any fundraising sign authorized located on a street corner or driveway shall conform to Chapter 14.01 SMC, Public Works Standards, and SMC 21A.25.220, Sight distance requirements; and~~

~~(iv) All signs shall be located on private property with the written permission of the property owner.~~

~~(b) Specifications. Fundraising signs may be attached to a wall or be freestanding signs subject to the following design specifications:~~

~~(i) Fundraising signs located on property zoned O, CB, NB, and TC-A shall be including, but not limited to a maximum area of 32 square feet;~~

~~(ii) Fundraising, sandwich/A-frame signs located on property zoned residential (R):~~

~~(A) Shall be limited to a maximum area of 16 square feet if located less than 50 feet from a street property line; and~~

~~(B) Shall be limited to a maximum area of 32 square feet if located 50 feet or more from a street property line;~~

~~(iii) Signs shall not be illuminated;~~

~~(iv) Freestanding mobile readerboard signs shall not exceed a height of eight feet;~~

~~(v) All, and excluding signs shall be constructed of a solid opaque material; and~~

~~(vi) Freestanding signs shall be located outside of required zoning setbacks.~~

~~(c) Removal.~~

- ~~1. (i) A permit is required and shall be issued for a six-month period. The permit number and the permit expiration date must be clearly displayed on the face of each sign. The permit may be renewed upon payment of the required fee and subject to further review and approval permitted under the requirements of this section; SMC 21A.45.070;~~

Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination may be confused with traffic control signs or signals;~~(ii) Removal of the~~

~~fundraising sign is the responsibility of the property owner and/or applicant. (Ord. O2011-305 § 1 (Att. A); Ord. O2009-258 § 1 (Att. A); Ord. O2009-249 § 1; O2005-180 § 1; Ord. O99-29 § 1)~~

~~Article II. Electronic Reader Board Pilot Program~~

~~21A.45.130 Pilot program established – Applicability.~~



~~2. A pilot program is hereby established to allow high schools~~

~~Signs located on the east side of 228th Avenue, between the intersections of SE 13th Way and 228th Avenue SE and NE 8th Street and 228th Avenue NE, to install one freestanding electronic reader board sign as provided in the public right-of-way, except where permitted in this article. (Ord. O2009-266 § 1)~~

~~21A.45.140 Definition of electronic reader board sign.~~



~~For the purposes of this article, “electronic reader board sign” means an electronically controlled sign chapter; provided, that contains in no case shall temporary text messages that can be changed from time to time. (Ord. O2009-266 § 2)~~

~~21A.45.150 Location of electronic reader board signs.~~



~~Any electronic reader board sign located on a street corner or driveway shall conform with Chapter 14.01 permitted under SMC, Public Works Standards Adopted, and SMC 21A.25.220, Sight distance requirements. (Ord. O2009-266 § 3)~~

~~21A.45.160 Specifications of electronic reader board signs.~~



~~Electronic reader board signs authorized by this article may be attached to the school wall or be freestanding signs, subject to the following design specifications:~~

- ~~(1) All signs shall be limited to an area of 32 square feet;~~
- ~~(2) Freestanding signs shall not exceed a height of 10 feet;~~
- ~~(3) Signs shall be designed to prevent light and glare from being visible to adjacent residential properties;~~
- ~~(4) Signs shall automatically dim during hours of darkness;~~
- ~~(5) Signs shall be turned off between the hours of 10:00 p.m. and 6:00 a.m. except during emergencies;~~
- ~~(6) Signs shall not contain moving graphics, text, or video;~~
- ~~(7) Sign messages shall not change more than once every 60 seconds;~~
- ~~(8) The interval between successive messages shall be zero seconds;~~

~~(9) Message sequencing is prohibited;~~

~~(10) Telephone numbers, website addresses, and instructions are prohibited;~~

~~(11) Letter height on the signs shall be between 10 and 24 inches;~~

~~(12) Freestanding signs shall 21A.45.070 be located within 50 feet of the school entrance on 228th Avenue;~~

~~(13) Sign messages shall be limited to providing school-related information, announcing or promoting a school or community fair, festival, event, or in the case of emergencies, emergency information; and~~

~~(14) If the City public works department determines that a sign constitutes a health and safety hazard, additional conditions may be imposed to address the hazard(s). (Ord. O2009-266 § 4)~~

21A.45.170 Pilot program monitoring.



- ~~3. The department of community development shall monitor the effect of any sign installed pursuant to the provisions of this pilot program. Such monitoring may include tracking any increase in travel lanes or sidewalks, or be attached to traffic incidents, citizen comments or complaints, and any other information related to the viability of long-term authorization of the electronic signs. (Ord. O2009-266 § 5) control signs, utility or signal poles;~~
- ~~4. Posters, pennants, strings of lights, blinking lights, balloons, searchlights, and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in SMC 21A.45.070 as temporary commercial displays;~~
5. Changing message center signs, where the message changes more frequently than every three minutes; and
6. Billboards.

21A.45.180 Duration of pilot program. **Conforming Signs**



090 – Legal Non-

The duration of the pilot program shall be five years from

1. Any sign located within the effective city limits on the date of adoption of the ordinance codified in this article title, or as otherwise may be established by City council. Electronic reader board signs constructed located in compliance an area annexed to the city thereafter, which does not conform with the provisions of this article code, shall be considered legally established, a legal nonconforming signs subject to sign and is permitted, provided it also meets the following requirements:

- a) The sign was covered by a permit on the date of adoption of the ordinance codified in this title if one was required under applicable law; or
- b) If no permit was required under applicable law for the sign in question, the sign was in all respects compliant with applicable law on the date of adoption of the ordinance codified in this title.

2. Loss of Legal Nonconforming Status.

Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this code. Repair and maintenance are allowable, but may require a permit if structural components require repair or replacement.

21A.45.100 – Variance

1. A sign variance is categorized as a Type 1 land use application and shall be subject to the requirements of SMC 21A.110.030. Variances from the terms of this chapter may be granted by Director of Community Development upon proper application. Variances may be granted when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict interpretation of the regulations of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.
2. The variance shall not constitute a grant of special privilege inconsistent with a limitation upon uses of other properties in the vicinity and zone in which such property is situated.
3. For signs placed within the right-of-way, a right-of-way permit is required.

21A.45.110 – Enforcement

1. Compliance with other applicable codes. All signs erected or altered under this chapter must comply with all applicable federal, state and local regulations relating to signs, including without limitation the provisions of the International Building Code as adopted in SMC 16.05.010 by the city. If any provision of this Code is found to be in conflict with any provision of any zoning, building, fire, safety or health ordinance or code of the city, the provision which establishes the higher standard shall prevail.
2. Sign maintenance. All permanent and temporary signs must be kept in good repair and in a safe manner at all times. The sign owner must repair damaged or deteriorated signs within 30 days of notification by the city. The area surrounding freestanding signs must be kept free of litter and debris at all times.
3. Inspection. Code enforcement officers are authorized to inspect any sign covered by this chapter for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of Chapter ~~21A.70 SMC. (Ord. O2009-266 § 6)~~ this Code. Such inspections shall be carried out during business hours, unless an emergency exists.

21A.15 – Definitions

4. Abatement. In addition to the abatement authority provided by proceedings under SMC 21A.115.030, the City or its agents may summarily remove any sign placed on a right-of-way or public property in violation of the terms of this chapter under the following circumstances:

a) When a sign is determined by the City Engineer or Director of Community Development to present an immediate threat to the safety, health, and welfare of the public;

b) When a sign is illegally placed within the public right-of-way, within a landscape median, landscape island, traffic circle, attached to a utility pole or city traffic sign, upon public sidewalks or roadway, or on any public building or structure when such facilities are located on public property or within public right-of-way;

c) When a sign is determined by the City to be abandoned; provided, that the city must first provide fourteen days’ notice to the underlying property owner or business owner that the sign is deemed abandoned;

d) Disposal of Signs. When a sign has been removed by the City as authorized by this section, the City shall take the following actions:

a. The city shall hold a sign for at least seven days. After seven days the city may dispose of the sign without prior notice to the sign owner. The City shall not be responsible for damage or loss during removal or storage of any signs in violation of this code. Sign owners wishing to reacquire possession of removed signs prior to their disposal shall pay an impoundment fee pursuant to SMC 23.100.010.

b. For signs with a fair market value exceeding five hundred dollars, the City shall provide notice by mail to the following:

i. Sign Owner. If the mailing address can be determined by the City after reasonable efforts in investigation. “Reasonable efforts” shall include investigation efforts that take no longer than one-half hour of staff time.

ii. Underlying Property Owner. If the address of the sign owner cannot be reasonably ascertained, the City shall mail the notice to the underlying real property owner, as identified in the records of the King County Assessor’s Office.

23.100.010 Assessment schedule.

<u>Code Enforcement Penalties:</u>	
<u>Infraction</u>	<u>up to \$500</u>
<u>Stop Work Order</u>	<u>up to \$500</u>

<u>Noncompliance:</u>	
<u>1 – 15 days</u>	<u>\$100 up to \$250 per day</u>
<u>16 – 31 days</u>	<u>\$250 up to \$500 per day</u>
<u>31+ days</u>	<u>\$500 up to \$1,000 per day (up to \$50,000 maximum)</u>
<u>Environmental Damage/Critical Areas Violations:</u>	
<u>Up to \$25,000 plus the cost of restoration.</u>	
<u>Unlawful Tree Removal or Damage:</u>	
<u>\$1,500 per inch of diameter at breast height of tree removed or damaged.</u>	
<u>\$25 fee per sign illegally placed on public property or in the City’s right-of-way.</u>	

Chapter 21A.15
TECHNICAL TERMS AND LAND USE DEFINITIONS

21A.15.467 Flag.

“Flag” means a fabric sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one (1) end.

21A.15.468 Flag, government.

“Flag, government” means Any flag or badge or insignia of the United States, State of Washington, King County, City of Sammamish, or official historic plaque of any governmental jurisdiction or agency.

21A.15.1085 Sign.

“Sign” means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods, or service. (Ord. O2003-132 § 10)

21A.15.1090 Sign, awning. 

“Sign, awning” means a sign painted on or attached directly to and supported by an awning. An awning may be constructed of rigid or nonrigid materials and may be retractable or nonretractable. (Ord. O2003-132 § 10)

21A2A.15.1095 Sign, changing message center. 

“Sign, changing message center” means an electrically controlled sign that contains advertising messages that changes at intervals of three minutes or greater. (Ord. O2003-132 § 10)

21A.15.1096 Sign, community banner. 

“Sign, community banner” means a temporary sign, located on City banner poles, which advertises an event that would provide civic, cultural, educational, philanthropic, or service opportunities hosted or promoted by the City or a community group that is not-for-profit or nonprofit and nonpolitical with an IRS designation of Section 501(c) or (d). (Ord. O2005-180 § 1)

21A2A.15.11001097 Sign, community bulletin board-commercial. 

~~“Sign, community bulletin board” means a permanent sign which may contain either electronic or permanent graphics, symbols, or words that is used to notify the public of community events and public services, and which contains no commercial advertising. (Ord. O2004-153 § 1; Ord. Sign, Commercial. A sign erected for a business transaction or advertising the exchange of goods and services.~~

~~O2003-132 § 10)~~

~~21A.15.1101 Sign, community event.~~

~~“Sign, community event” means a temporary sign announcing or promoting a nonprofit or not-for-profit sponsored community fair, festival, event (community events include but are not limited to regularly scheduled events or meetings by churches, homeowners’ associations and other community groups). (Ord. O2005-180 § 1)~~

21A.15.1105 Sign, directional.

“Sign, directional” means a sign designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience, and may include incidental graphics such as trade names and trademarks. (Ord. O2003-132 § 10)

21A.15.1110 Sign, freestanding.

“Sign, freestanding” means a permanent sign ~~standing~~fixed directly ~~up onto~~ the ground or having one or more supports ~~standing~~fixed directly ~~up onto~~ the ground, and being detached from any building or fence. (Ord. O2003-132 § 10)

21A.15.1115 Sign, fuel price.

“Sign, fuel price” means a sign utilized to advertise the price of gasoline and/or diesel fuel. (Ord. O2003-132 § 10)

~~21A.15.1117 Sign, fundraising.~~

~~“Sign, fundraising” is a sign that is erected by a nonprofit organization for the purposes of raising money to support a cause or purpose promoted by the nonprofit or not-for-profit organization. (Ord. O2011-305 § 1 (Att. A))~~

21A.15.1120 Sign, incidental.

“Sign, incidental” means a sign, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include but not be limited to signs designating:

- (1) Restrooms;
- (2) Hours of operation;
- (3) Acceptable credit cards;
- (4) Property ownership or management;
- (5) Phone booths; and
- (6) Recycling containers. (Ord. O2003-132 § 10)

21A.15.1125 Sign, indirectly illuminated. 

“Sign, indirectly illuminated” means a sign that is illuminated entirely from an external artificial source. (Ord. O2003-132 § 10)

21A.15.1130 Sign, monument. 

“Sign, monument” means a freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground. (Ord. O2003-132 § 10)

21A.15.1131 Sign, non-commercial. 

“Sign, non-commercial” means any sign that is not a commercial sign. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit entities or groups..

21A.15.1135 Sign, off-premises directional. 

“Sign, off-premises directional” means a sign that contains no advertising of a commercial nature that is used to direct pedestrian or vehicular traffic circulation to a facility, service, or business located on other premises within 660 feet of the sign. (Ord. O2003-132 § 10)

21A.15.1140 Sign, on-premises. 

“Sign, on-premises” means a sign that displays a message that is incidental to and directly associated with the use of the property on which it is located. (Ord. O2003-132 § 10)

21A.15.1144 Sign, permanent 

“Sign, permanent” Any sign which is intended to be lasting and is constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is permanently affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the ordinance.

21A.15.1145 Sign, permanent residential development identification. 

“Sign, permanent residential development identification” means a permanent sign identifying the residential development upon which the sign is located. (Ord. O2003-132 § 10)

~~21A.15.1148~~ **21A.15.1146 Sign, political pole.** 

~~“Political sign” means a sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot. (Ord. O2005-180 § 1)~~

“Sign, pole” means a freestanding sign having one or more supports standing directly upon the ground, and being detached from any building or fence.

21A.15.1150 Sign, portable. 

“Sign, portable” means a sign that is capable of being moved and is not permanently affixed to the ground, a structure, or building. (Ord. O2003-132 § 10)

21A.15.1155 Sign, projecting. 

“Sign, projecting” means any sign that is attached to and supported by the exterior wall of a building with the exposed face of the sign on a plane perpendicular to the wall of the building, projecting more than one foot from the wall of a building and vertical to the ground. (Ord. O2003-132 § 10)

~~21A.15.1160 Sign, time and temperature temporary.~~ 

~~“Sign, time and temperature” means any sign, banner, pennant, or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials. Any sign not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.~~

21A.15.1160 Sign, time and temperature. 

“Sign, time and temperature” means an electrically controlled sign that contains messages for date, time, and temperature, which changes at intervals of one minute or less. (Ord. O2003-132 § 10)

21A.15.1165 Sign, wall. 

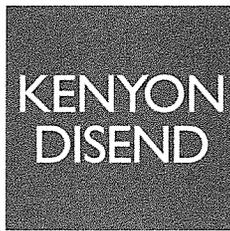
“Sign, wall” means any sign painted on, or attached directly to and supported by, a building or structure, with the exposed face of the sign on a plane parallel to the portion of the building or structure to which it is attached, projecting no more than one foot from the building or structure, including window signs that are permanently attached. (Ord. O2003-132 § 10)

21A.15.1166 Sign, window. 

“Sign, window” means any sign applied to or mounted on a window.

21A.15.1250 Street frontage. 

“Street frontage” means any portion of a lot or combination of lots that directly abut a public right-of-way. (Ord. O2003-132 § 10)



MEMORANDUM

TO: David Goodman; City of Sammamish Planning Commission
FROM: Charlotte A. Archer, Kenyon Disend PLLC *CAA*
DATE: February 14, 2017
RE: Regulation of Banners

I. ISSUE PRESENTED AND SHORT ANSWER

The City has requested an analysis of the legal issues surrounding the City's Community Banner program, in the context of traditional free speech jurisprudence and the recent decision issued by the U.S. Supreme Court in Reed v. Town of Gilbert, AZ, which changed the landscape for municipal regulations of speech regarding regulations governing signage on public and private property. The answer to the City's query depends upon which legal doctrine the Court applies to the City's program. The Courts are divided as to whether banner programs (and comparable programs of various formats) constitute traditional or limited public fora, or government speech.

II. BACKGROUND ON BANNER PROGRAM

The City hosts a "Community Banner" program which allows certain entities to post banners that span 228th Avenue Southeast at certain places for a short period. SMC 21A.45.120(6) states, in pertinent part:

(6) Community Banners Sign. Community banners are allowed subject to the following provisions:

(a) Community banners shall only be located on public banner poles erected by the City for that use;

(b) Letters on the sign shall not be less than 12 inches in height except for lettering associated with sponsor logos;

(c) Banners shall not be illuminated or have any attention-getting lights; and

(d) Sponsor logos shall be limited to the name and corporate symbol of the sponsor.

III. AUTHORITY AND ANALYSIS

A. Traditional Public Fora, Limited Public Fora and Nonpublic Forum.

Jurisprudence from the U.S. Supreme Court recognizes the right of a citizen to engage in expressive activity on public property, but the Court has divided public property into three categories: traditional public forums, limited public forums, and nonpublic forums. *See Cornelius v. NAACP Leg. Def. Fund*, 473 U.S. 788 (1985).

Traditional public fora are those places which, “by long tradition or by government fiat, have been devoted to assembly and debate.” *Perry Educ. Ass’n v. Perry Educators’ Ass’n*, 460 U.S. 37, 45 (1983). Public streets and parks fall into this category. *See Hague v. CIO*, 307 U. S. 496 (1939).

A limited public forum, or a designated public forum, is “created by government designation of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects.” *Perry Education Assn.*, 460 U. S. at 46, n. 7.

A nonpublic forum is traditionally identified by clear evidence of a contrary intent by government to create a public forum; *i.e.*, when the nature of the property is inconsistent with expressive activity. *See Jones v. North Carolina Prisoners’ Labor Union*, 433 U. S. 119 (1977). For example, the courts have held that the following are nonpublic forums: the airspace above a City; a School District’s internal mail system; a military installation; and jailhouse grounds. *See Ctr. for Bio-Ethical Reform, Inc. v. City & Cty. of Honolulu*, 345 F. Supp. 2d 1123, 1131 (D. Haw. 2004), *aff’d*, 448 F.3d 1101 (9th Cir. 2006); *Perry Education Assn.*, 460 U. S. at 46; *Greer v. Spock*, 424 U. S. 828 (1976); *Adderley v. Florida*, 385 U. S. 39 (1966).

Whether a municipal banner program falls into one of these three categories is a fact-intensive query. Public streets are traditional public fora, while at least one court has held that the airspace above a city is a nonpublic forum. In contrast, a nonpublic forum that is opened to public speech with limitations on speakers – such as a public university that provides a forum exclusively for students of that university – constitutes a limited public forum.

B. Governing Principles for the Regulation of Speech in Traditional Public Fora.

A municipality may not place a time, place and manner restriction on public speech in a traditional public forum absent a compelling reason. *See Morse v. Frederick*, 551 U.S. 393, 403 (2007). In the “traditional public forum,” primarily the streets and parks, the “strict scrutiny” test

applies: no content-based restrictions on speech are allowed unless necessary to serve a compelling state interest and narrowly tailored to that end. *See Perry Education Assn.*, 460 U. S. at 46.

The regulations of speech in the traditional public forum must be content-neutral, and apply uniformly regardless of the speaker. For example, the U.S. Supreme Court held that the First Amendment required Ohio to permit the KKK to display a cross in the statehouse square. *See Capital Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 777 (1995). Similarly, cities may not prohibit speech activities in a traditional forum that are not endorsed by the public agency, including political protests. *Id.* at 770. Notably, however, traditional public forum rights are not without limits for groups with a track record of law breaking. *See Thomas v. Chi. Park Dist.*, 534 U.S. 316 (2002) (holding that Park District could deny permit to Hempfest based on past violations of park regulations).

C. Governing Principles for the Regulation of Speech in Limited Public Fora.

The government may set reasonable content limitations on the types of speakers and subject matter allowed, so long as the limits are viewpoint neutral, when regulating speech in a limited or designated public forum. *Christian Legal Soc. Chapter of the Univ. of California, Hastings Coll. of the Law v. Martinez*, 561 U.S. 661, (2010); *Pleasant Grove City v. Summum*, 555 U.S. 460, 470 (2009).

While this test appears to give the government flexibility to tailor public programs involving private speech, the Courts have dramatically curtailed that flexibility when reviewing policies pertaining to limited fora. This issue has arisen primarily in the contexts of advertising on the sides of municipality owned buses and in meeting room use policies. The Courts have rejected Cities' attempts to use "content" restrictions to screen out public controversy, hate groups, advocates of discrimination, and religious practices, and attempts at carving out sectarian religious speech.¹ In contrast, the Courts have uniformly permitted cities to exclude commercial speech.

For example, the Court invalidated a public school's decision to exclude a Christian children's club from meeting after hours at the school, based on its religious nature of the proposed meeting. *See Good News Club v. Milford Central School*, 533 U.S. 98 (2001). The Court held that the school had opened its limited public forum to activities serving a variety of purposes, including events "pertaining to the welfare of the community," and had interpreted its policy to permit discussions of subjects such as "the development of character and morals from a religious perspective," but excluded the club on the ground that its activities, which included learning Bible verses, the relation of Bible stories to the members' lives, and prayer, were "the equivalent of religious instruction itself." In short, speech discussing otherwise permissible subjects cannot be

¹ *See Boy Scouts of Am. v. Dale*, 530 U.S. 640 (2000) (invalidating school board's termination of the Boy Scouts' use of school meeting rooms, based on the board's dislike of the Scouts' intolerance of homosexuality); *Cuffley v. Mickes*, 208 F.3d 702 (8th Cir. 2000), *cert. denied sub nom.* 534 U.S. 903 (2001) (rejecting Missouri's attempt to exclude the Ku Klux Klan from participation in the Adopt-a-Highway Program); *Hopper v. City of Pasco*, 241 F.3d 1067, 1080 (9th Cir. 2001) (court found city hall art gallery a designated forum, then struck down restriction on "no controversial art" based on unconstitutionality of "censorship by public opinion."); *Rosenberger v. Rector & Visitors of University of Virginia*, 515 U.S. 819, 828 (1995) (invalidating university's denial of funding to paper that published news from an evangelical perspective, where university had policy to fund student newspapers).

excluded from a limited public forum on the ground that the subject is discussed from a religious viewpoint.

To determine if a restriction is reasonable, the Court will examine whether the restrictions imposed leave open alternative channels of communication. If not, then the restriction is not reasonable. Similarly, while a City is entitled to establish a specific purpose for the banner program and limit its use to that purpose, that City bears a significant burden in justifying that purpose. *See Edwards v. District of Columbia*, 755 F.3d 996 (D.C. Cir. 2014). The government must demonstrate, through evidence and not speculation and conjecture, that “the harms it recites are real,” and that the restrictions it places on the purpose of the program “will in fact alleviate them to a material degree.” *Id.*

D. Issues Pertaining to Government Speech.

A government entity has a right to speak for itself; in so doing, it is entitled to say what it wishes, and to select the views that it wants to express. This is commonly understood as the “government speech doctrine” and thereunder a government entity may exercise the same freedom to express its views, even when it receives assistance from private sources (including funding) for the purposes of delivering a government-controlled message. If a government is deemed to be promoting its own message, the message is not restricted by either the reasonableness standard or the viewpoint neutrality requirement discussed above. Government speech often involves the selection, and coopting, of private speech, such as selecting among applicants for a community art display, or promoting certain viewpoints by placing hyperlinks on the City’s website to certain organizations.

The following are examples of government speech:

- City choosing which privately funded monuments (including a statute of the Ten Commandments) to place in the city park. *See Summum*, 555 U.S. at 470.
- Government expressing substantive policy on abortion by funding only those clinics which agreed not to counsel patients on abortion. *See Rust v. Sullivan*, 500 U.S. 573 (1991).
- Government allocating federal arts funding on the basis of “artistic merit” can incorporate values, such as decency, as part of its evaluations. *See Under National Endowment of the Arts v. Finlay*, 524 U.S. 569 (1998).
- The Town creating a website to convey information about the Town to its citizens and chose certain hyperlinks to place on that website to certain events and organizations. *See Sutcliffe v. Epping Sch. Dist.*, 584 F.3d 314, 331 (1st Cir. 2009)

To show government speech, a municipality must show that it has actively screened each potential private speaker and allowed only those which the administrators conclude further program goals. *See Gentala v. City of Tucson*, 244 F.3d 1065, 1068-70 (9th Cir. 2001).