

ORDINANCE

1
2 AN ORDINANCE relating to regulation of wall signs, amending Sections 23.55.030, 23.55.034,
3 23.55.036, 23.55.042, 23.84A.036, 23.66.160, 23.66.338, 23.90.018, of the Seattle
4 Municipal Code; adding a new section 23.55.017; amending Sections 103 and 3107 of
5 the Seattle Building Code; all to provide standards for on-premises wall signs in
6 commercial, industrial and downtown zones; clarify the definitions of wall signs, on-
7 premises signs, roof signs and combination signs; clarify provisions for on-premises wall
8 signs in Special Review Districts; direct revenue from sign code violations to the
9 Operations Division of the Department of Planning and Development; establish a one
10 year phase-in period before nonconforming wall signs must conform this ordinance; and
11 establish increased penalties for certain violations of Building Code and Land Use Code
12 sign provisions.

13 WHEREAS, the Seattle Municipal Code Chapter 23.55 (“Sign Code”) regulates signs for the
14 purposes set out in SMC 23.55.001; and

15 WHEREAS, the intent of Seattle’s Sign Code is to “protect the public interest and safety,”
16 including reducing driver distraction, and to “encourage the design of signs that attract
17 and invite rather than demand the public’s attention, and to curb the proliferation of
18 signs,” and to “encourage the use of signs that enhance the visual environment of the
19 city,” while providing opportunities for communicating information; and

20 WHEREAS, the Sign Code authorizes signs that are in the public interest, such as on-premises
21 signs;

22 WHEREAS, under the Sign Code, on-premises signs are authorized to carry messages about a
23 business activity, product or service offered on the premises where the sign is located or
24 non-commercial messages; and

25 WHEREAS, the Sign Code prohibits off-premises signs displaying messages about a business
26 activity, product or service not available on the premises where the sign is located,
27 except for a limited number of registered billboards; and

28 WHEREAS, the Seattle Building Code (2009), adopted by Council as Ordinance No. 123384,
utilizes many of the same sign definitions as the Sign Code, which also require
amendment; and

WHEREAS, the views policy established in the Land Use Element of the Comprehensive Plan
seeks to preserve views through land use regulations and design review; and,

WHEREAS, the Comprehensive Plan’s Urban Design Policies for Downtown seek to regulate
signs to “reduce visual clutter,” “enhance the appearance of downtown,” and to “generally

discourage signs not oriented to persons at the street level”;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Findings. The Council makes the legislative findings set out in Attachment A in support of these amendments to the Seattle Municipal Code.

Section 2. Subsection E of Section 23.55.030 of the Seattle Municipal Code, last amended by Ordinance 123392, is amended as follows:

23.55.030 Signs in NC3, C1, C2 and SM zones

E. On-Premises Signs.

3. Maximum Area.

a. NC3 (~~Zones~~) and (~~the~~) SM zones.

1) The maximum area of each face of a pole, ground, roof, projecting or combination sign is 72 square feet plus 2 square feet for each foot of frontage over 36 feet on public rights-of-way, except alleys, to a maximum area of 300 square feet, provided that:

i. The maximum area for signs for multiple business centers, and signs for business establishments located within 100 feet of a state route right-of-way that is not designated in Section 23.55.042 as a landscaped or scenic view section, is 600 square feet; (~~and~~)

ii. The maximum area for pole signs for gas stations that identify the price of motor fuel being offered by numerals of equal size is 96 square feet; (~~-~~)

iii. The maximum area for each wall sign shall not exceed 100 square feet; and

2) There is no maximum area limit for (~~wall,~~) awning, canopy, marquee or under-marquee signs.

1 3. Information displayed. All on-premises wall signs that display a product, good
2 or service shall identify on the sign the name of the business establishment offering the product,
3 good or service and the location on the site where the product, good or service may be
4 purchased. The name of the business establishment and location on site where the product, good
5 or service is sold shall be at least 50 percent of the area of the wall sign. Sign area is measured
6 according to subsection 23.86.004.A.
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11 Section 4. Subsection D of Section 23.55.036 of the Seattle Municipal Code, last
12 amended by Ordinance 120611, is amended as follows:

13 **23.55.036 Signs in IB, IC, IG1 and IG2 zones.**

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15 D. On-premises Signs.

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17 3. Maximum Area. (~~Except as provided in sub-section D5, 1~~) There shall be no
18 maximum area limits for on-premises signs for business establishments, except as follows:

19 a. As set forth in 23.55.036.D.5; and

20 b. Each wall signs shall not exceed 100 square feet in area.

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22 6. Information displayed. All on-premises wall signs that display a product, good
23 or service shall identify on the sign the name of the business establishment offering the product,
24 good or service and the location on the site where the product, good or service may be
25 purchased. The name of the business establishment and location on site where the product, good
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1 or service is sold shall be at least 50 percent of the area of the wall sign. Sign area is measured
2 according to subsection 23.86.004.A.

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6 Section 5. Subsection 23.55.042 of the Seattle Municipal Code, last amended by
7 Ordinance 119239, is amended as follows:

8 **23.55.042 Off-premises and business signs adjacent to certain public highways((+))**

9 * * *

10 C. Business Signs Permitted on Type A Landscaped and Scenic View Sections. The
11 following business signs shall be permitted outright on Type I landscaped and scenic view
12 sections:

13 1. Stationary, nonflashing business signs on the face of a structure, the total area
14 of which shall not exceed ~~((ten (10)))~~ 10 percent of the face of the structure or ~~((two hundred~~
15 ~~fifty (250)))~~ square feet, whichever is less except for stationary, nonflashing business wall
16 signs, which shall not exceed 100 square feet in area;

17 2. Stationary, nonflashing freestanding business signs, of which the total area
18 visible from any place on the traveled way of the landscaped and/or scenic view section does not
19 exceed ~~((seventy five (75)))~~ 75 square feet, and not exceeding ~~((thirty (30)))~~ 30 feet in height
20 including structures and component parts as measured from the grade immediately below the
21 sign;

22 3. Real estate "for sale" or "for rent" signs, provided the total area of all such
23 signs on any lot shall not exceed ~~((fifty (50)))~~ 50 square feet;

24 4. Stationary, nonflashing business signs for gas stations, the area of a single face
25 of which shall not exceed ~~((one hundred fifty (150)))~~ 100 square feet and the total combined area
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1 of which shall not exceed (~~two hundred fifty (250))~~ 250 square feet, which may be apportioned
2 among freestanding business signs not exceeding (~~thirty (30))~~ 30 feet in height and business
3 signs on the face of a structure.

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6 Section 6. Subsection 23.84A.036 of the Seattle Municipal Code, last amended by
7 Ordinance 123378, is amended as follows:

8 **23.84A.036 "S"**

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10 "Sign, combination" means any sign incorporating any combination of the features of
11 (~~freestanding~~) projecting(~~(-)~~) and roof signs. The individual requirements of roof(~~(-)~~) or
12 projecting (~~and pole~~) signs shall be applied for combination signs incorporating any or all of
13 the requirements specified in this Code.

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15 "Sign, on-premises" means a sign or sign device used solely by a business establishment
16 on the lot where the sign is located that displays either (1) commercial messages that are strictly
17 applicable only to a use of the premises on which it is located, including signs or sign devices
18 indicating the business transacted(~~(-)~~); principal services rendered, goods sold or produced on the
19 premises(~~(-)~~); name of the business(~~(-)~~) and name of the person, firm or corporation occupying
20 the premises; or (2) noncommercial messages. This definition shall not include signs located
21 within a structure except those signs oriented so as to be visible through a window. On-premises
22 signs do not include signs that bring in rental income to the property where the sign is located.
23 Signs that bring in rental income to the property where the sign is located shall be considered
24 off-premises signs.

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1 "Sign, roof" means a sign erected upon ~~((or above))~~ and attached to a roof or parapet of a
2 building or structure and the sign is principally supported by its connection to the roof of a
3 building or structure.

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5 "Sign, wall" means any sign attached to and supported by a wall of a structure, or
6 projected on or onto a wall of a building or structure or suspended from the roof of a building or
7 structure, with the exposed face of the sign on a plane approximately parallel to the plane of the
8 wall, or any sign painted directly on a building facade.

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10 Section 7. Subsection C of Section 23.66.160 of the Seattle Municipal Code, last
11 amended by Ordinance 123589, is amended as follows:

12 **23.66.160 Signs**

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14 C. In determining the appropriateness of signs, including flags and banners used as signs
15 as defined in Section 23.84A.036, the Preservation Board shall consider the following:

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17 2. Maximum area for ~~((W))~~ wall signs. Wall signs painted on or affixed to a
18 building shall not exceed ~~((ten percent of the total area of the facade or 240))~~ 100 square feet ~~((;~~
19 ~~whichever is less)).~~ Area of original building finish visible within the exterior dimensions of the
20 sign (e.g., unpainted brick) shall not be considered when computing the sign's area.

21 ***

22 4. When determining the appropriate size of a sign the Board and the Director of
23 Neighborhoods shall also consider the function of the sign and the character and scale of
24 buildings in the immediate vicinity, the character and scale of the building for which the sign is
25 proposed, the proposed location of the sign on the building's exterior, and the total number and
26 size of signs proposed or existing on the building. After evaluating these additional factors under

1 subsection 23.66.160.C.4, the Board and the Director of Neighborhoods may determine that the
2 appropriate size of a wall sign is less than 100 square feet in area.

3 5. Information.

4 a. Information displayed on the valance of awnings, canopies or marquees
5 shall be limited to identification of the name or address of the building or of an establishment
6 located in the building.

7 b. All on-premises wall signs that display a product, good or service shall
8 identify on the sign the name of the business establishment offering the product, good or service
9 and the location on the site where the product, good or service may be purchased. The name of
10 the business establishment and location on site where the product, good or service is sold shall be
11 at least 50 percent of the area of the wall sign. Sign area is measured according to Subsection
12 23.86.004.A.

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16 Section 8. Section 23.66.338 of the Seattle Municipal Code, last amended by Ordinance
17 123589, is amended as follows:

18 **23.66.338 Signs**

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20 C. Message.

21 1. Except as otherwise provided in this Section 23.66.338, signs are limited to:

22 a. Business signs that identify the-name of the establishment, its street
23 address, and/or-the primary business or service provided or signs with a noncommercial
24 message; (~~and~~) or
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1 b. Business signs displaying a product-name, if (a) the sign is incidental to
2 other signs on the-premises and (b) the establishment or use on the premises is the sole
3 distributor of the product in the District.

4 2. Except as provided in subsection 23.66.338.C.1, advertising related to
5 businesses or services not provided on the premises or products not manufactured on the site is
6 prohibited.

7 3. Information displayed. All on-premises wall signs that display a product, good
8 or service shall identify on the sign the name of the business establishment offering the product,
9 good or service and the location on the site where the product, good or service may be
10 purchased. The name of the business establishment and location on site where the product, good
11 or service is sold shall be at least 50 percent of the area of the wall sign. Sign area is measured
12 according to Subsection 23.86.004.A.

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16 D. Permitted Signs.

17 1. The types of signs that may be approved are banners and flags, projecting and
18 non - projecting signs integrated into the building facade, marquee, awning and window signs.

19 2. Banners and flags bearing emblems, symbols or messages are permitted and
20 are subject to periodic review to ensure that their appearance is maintained and that they comply
21 with the requirements of this Code.

22 3. Signs with messages displaying only time or temperature, or both, are allowed
23 to change display if, in addition to complying with the standards set out in this Section
24 23.66.338, the message does not flash, display a message for less than ten seconds at a time, or
25 use a video display method.

1 Development's Operations Division, after 10 percent of the gross receipts are paid to Parks as
2 required by Article XI, section 3 of the Charter.

3 Section 10. Subsection 103.5 of the Seattle Building Code (2009), which section was
4 last amended by Ordinance 123384, is amended as follows:

5 **103.5 Civil penalties.** Except for violations of subsection 3107.4.1 of the Seattle
6 Building Code, which is addressed in subsection 103.5.1 of this code, any ((Any)) person
7 violating or failing to comply with the provisions of this code shall be subject to a cumulative
8 civil penalty in an amount not to exceed \$500 per day for each violation, from the date the
9 violation occurs or begins until compliance is achieved. In cases where the building official has
10 issued a notice of violation, the violation will be deemed to begin, for purposes of determining
11 the number of days of violation, on the date compliance is required by the notice of violation.

12 Section 11. A new subsection 103.5.1 of the Seattle Building Code is added as follows:

13 **103.5.1 Civil penalties for certain violations of Section 3107.4.1.** Any person violating
14 or failing to comply with the definition at subsection 3107.4.1 of this code shall be subject to a
15 cumulative penalty in an amount not to exceed \$1,000 per day for each violation, from the date
16 the violation occurs or begins until compliance is achieved. In cases where the building official
17 has issued a notice of violation, the violation will be deemed to begin, for purposes of
18 determining the number of days of violation, on the date compliance is required by the notice of
19 violation. A subfund shall be established in the City's General Fund to receive revenue from
20 penalties under subsection 103.5.1, which shall annually be directed to the Department of
21 Planning and Development's Operations Division, after 10 percent of the gross receipts are paid
22 to Parks as required by Article XI, section 3 of the Charter.

23 Section 12. Subsection 3107.3 of the Seattle Building Code (2009), which section was
24 last amended by Ordinance 123384, is amended as follows:

25 **3107.3 Definitions.** For the purposes of this chapter, certain terms shall be defined as
26 follows:

1 ***

2 **ON-PREMISE SIGN.** A sign or sign device used solely by a business establishment on
3 the lot where the sign is located which displays either (1) commercial messages which are
4 strictly applicable only to a use of the premises on which it is located, including signs or sign
5 devices indicating the business transacted((,)); principal services rendered, goods sold or
6 produced on the premises((,)); name of the business, and name of the person, firm or corporation
7 occupying the premises; or (2) noncommercial messages. This definition shall not include signs
8 located within a structure except those signs oriented so as to be visible through a window. On-
9 premise signs do not include signs that bring in rental income to the property on the lot where the
10 sign is located. Signs that bring in rental income to the property where the sign is located shall be
11 considered off-premises signs.

12 ***

13 **ROOF SIGN.** A sign erected upon and attached to ((~~or above~~)) a roof or parapet of a
14 building or structure and the sign is principally supported by connection to the roof of a building
15 or structure.

16 ***

17 **WALL SIGN.** Any sign attached to and supported by a wall of a building or structure,
18 or projected on or onto a wall of a building or structure or suspended from the roof of a building
19 or structure, with the exposed face of the sign on a plane approximately parallel to the plane of
20 the wall, or any sign painted directly on a building facade.

21 ***

22 Section 13. A new Section of 23.55.017 is added to the Seattle Municipal Code, as
23 follows:

24 **23.55.017 Nonconforming on-premises wall signs**

25 A. Nonconforming signs. All nonconforming on-premise wall signs shall be made to
26 conform to the provisions of this ordinance or be removed within one year of the effective date
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1 of this ordinance. Any nonconforming sign shall not be enlarged or expanded. It shall be
2 unlawful for the property owner, tenant and/or person responsible for the nonconforming on-
3 premise wall sign to fail to comply with any provision of this ordinance.

4 B. Notice. At least 60 days before the termination of the period of time allowed for
5 removal of nonconforming signs, the Director will cause to be mailed to the business
6 establishment where a nonconforming sign is located notice of the existence of such sign and the
7 time within which the sign must be made to conform or be removed. The mailing of such notice
8 shall constitute a convenience to the owner only and the failure to give such notice or to receive
9 such notice shall in no way impair the enforcement of this ordinance. It shall be unlawful for
10 the owner or lessee of such sign or the owner or operator of the premises upon which such sign is
11 located to fail to conform or remove such sign within 60 days of notification.

12 C. Tracking nonconforming signs. The Department of Planning and Development will
13 track all nonconforming on-premises wall signs, whether such signs are used for on-premises or
14 non-commercial purposes.

15 Section 14. Report. Not later than 12 months after the effective date of this ordinance
16 the Department of Planning and Development shall prepare a report to the Council on the
17 outcomes of this legislation.

18 Section 15. Severability clause. The provisions of this ordinance are declared to be
19 separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or
20 all appeal periods having run, finds any provision of this ordinance to be invalid or
21 unenforceable as to any person or circumstance, such offending provision shall, if feasible, be
22 deemed to be modified to be within the limits of enforceability or validity. However, if the
23 offending provision cannot be so modified, it shall be null and void with respect to the particular
24 person or circumstance and all other provisions of this ordinance in all other respects, and the
25 offending provision with respect to all other persons and all other circumstances shall remain
26 valid and enforceable. The intent of the City Council is to maintain the validity of the Sign
27

1 Code, and should any provision of this ordinance be found invalid, it is the intent of the City
2 Council that the Sign Code be in force and effect as if that provision of this ordinance had not
3 been enacted.

4 Section 16. This ordinance shall take effect and be in force 30 days after its approval by
5 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
6 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

7 Passed by the City Council the ____ day of _____, 2011, and
8 signed by me in open session in authentication of its passage this
9 ____ day of _____, 2011.

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President _____ of the City Council

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14 Approved by me this ____ day of _____, 2011.

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Michael McGinn, Mayor

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19 Filed by me this ____ day of _____, 2011.

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21

22 City Clerk

23 (Seal)

24

25 Attachment A- Findings of Fact

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