

ORDINANCE NO. 2279

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ADOPTION OF PERMANENT PORTABLE SIGN REGULATIONS TO REPLACE THE INTERIM REGULATIONS ADOPTED BY ORDINANCES 2253 AND 2254; AMENDING SECTIONS 20D.160.10-090, 20D.160.10-060, 20A.20.160, AND 20D.160.10-050 OF THE REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE IN ORDER TO PROHIBIT PORTABLE SIGNS EXCEPT AS ALLOWED IN THESE REGULATIONS, TO ESTABLISH REGULATIONS FOR PORTABLE SIGNS, TO DEFINE POLITICAL SIGNS, AND TO PROVIDE FOR FREESTANDING SIGNS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on June 15, 2004, the United States District Court for the Western District of Washington issued its decision in *Ballen, et al., v. City of Redmond, et al.*, Cause No C03-2580, invalidating the City's then-current regulations on portable signs and permanently enjoining the City from enforcing such regulations; and

WHEREAS, the City has appealed the District Court's decision to the Ninth Circuit Court of Appeals and while the appeal is currently pending, no date for hearing has been set and there is no date certain for a ruling; and

WHEREAS, in order that the City have some ability to regulate portable signs until the Ninth Circuit rules on its appeal, the Redmond City Council enacted Ordinances 2253 and 2254 on March 15 and March 22, 2005, imposing interim portable sign regulations and directing that the Planning Commission consider and recommend permanent regulations for consideration by the Council; and

WHEREAS, the interim regulations imposed by Ordinances 22253 and 2254 were originally set to expire on September 15, 2005, but the Council extended the regulations through December 13, 2005 in order to allow more time for consideration of permanent regulations; and Ordinance No. 2279

WHEREAS, the Redmond Planning Commission held a public hearing on proposed permanent sign regulations on October 19, 2005, and considered three alternative proposals: (1) permanent adoption of the interim regulations imposed by Ordinances 2253 and 2254 with minor changes; (2) adoption of a zoning district-based portable sign regulation; and (3) adoption of a portable sign regulation based on the temporary or permanent nature of the activity to which the sign related; and

WHEREAS, after considering the alternatives and all written and oral communication received from the public, the Redmond Planning Commission recommended adoption of a modified version of the interim regulations imposed by Ordinances 2253 and 2254, changing the number of portable signs allowed for each activity from one to two; and

WHEREAS, the Redmond Planning Commission issued a report containing its recommendation on November 16, 2005; and

WHEREAS, the Redmond City Council considered the Planning Commission's recommendation at a study session held on November 21, 2005 and at a regular meeting held on December 6, 2005 and, after deliberation, determined not to adopt the modified alternative recommended by the Planning Commission but to adopt the zoning-based alternative with minor changes, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. **Findings.** The circumstances that prompted the Redmond City Council to enact Ordinances 2253 and 2254 on March 15 and March 22, 2005, respectively, continue to exist. The City Council therefore re-adopts the "Findings and Conclusions of the Redmond City Council in Support of Emergency Interim Sign Ordinances 2253 and 2254" dated

May 3, 2005 as the basis for the regulations hereinafter adopted. The City Council also adopts the following additional findings and conclusions:

FINDINGS

18. Although Redmond is a highly urban environment with frequent intersections, as the Council concluded in Conclusion 2 of its May 3, 2005 Findings and Conclusions, the frequency of intersections is less in lower density residential areas where lower speed streets and cul-de-sacs remain the norm. Such areas also have, by virtue of their lower density, less clutter and more open space.

19. By contrast, higher density residential zones and commercial and industrial zones tend to have more frequent intersections and higher intensity uses that provide lesser amounts of open space and more visual clutter, including the permanent signage already allowed by the Redmond Code.

CONCLUSIONS

13. Because the frequency of intersections is less in lower density residential areas and because speeds are generally lower on such streets, the City Council concludes that the traffic hazards posed by signage in lower density residential zones would be less than in higher density residential zones and in commercial and industrial areas.

14. Similarly, because lower density residential zones have more open space and less visual clutter than higher density residential zones and commercial and industrial zones, the City Council concludes that the aesthetic harm of allowing some additional signage in the lower density residential zones is less than the harm of adding to the visual clutter already present in the higher density residential zones and the commercial and industrial zones.

15. For the reasons set forth in Conclusions 13 and 14, the City Council concludes that a portable sign regulation based on zoning districts and which allows more portable signage in lower density residential zones than in the commercial and industrial areas and the higher density residential areas where permanent signage for most uses is already allowed, is a reasonable approach to alleviating the City's aesthetic and traffic safety concerns while recognizing the needs of its residents and businesses for signage.

Section 2. Prohibited Signs. Subsection 20D.160-10-090(3) of the Redmond

Municipal Code and Community Development Guide is hereby amended to read as follows:

20D.160.10-090 Prohibited Signs.

The following signs are prohibited:

....

- (3) Portable signs. Portable signs not meeting the requirements of RCDG 20D.160.10-060 are prohibited. This prohibition includes, but is not limited to, portable reader boards, signs on trailers, banners, and sandwich boards.

....

Section 3. Permitted Temporary Signs. Section 20D.160.10-060 of the Redmond Municipal Code and Community Development Guide is hereby amended to read as follows:

20D.160.10-060 Permitted Temporary Signs.

Temporary signs, exempt from RCDG 20D.160.10-050 unless otherwise provided, are permitted in any zoning district subject to the following requirements:

- (1) Portable commercial, real estate and construction signs. Portable signs advertising construction project sites, business locations, and the sale or lease of commercial or residential premises are permitted only as follows:
 - (a) Number. The number of portable commercial, real estate, and construction signs allowed shall be as follows, provided, that nothing herein shall be construed as authorizing the display of signs otherwise prohibited under applicable provisions of this code, including but not limited to home occupation signs:
 - (i) For any business, real estate unit or construction site located in the UR, CC, RC, NC, GC, OV, BP, MP, or I zoning districts, no more than one (1) portable commercial, real estate or construction sign shall be allowed for each business location, construction project site, or real estate unit offered for sale or lease.
 - (ii) For any business, real estate unit or construction site located in the RA-5, R-1, R-2, R-3, R-4, R-5, R-6, R-8, R-12 or R1N zoning districts, no more than three (3) portable commercial, real estate or construction portable signs shall be allowed

for each business location, construction project site, or real estate unit offered for sale or lease.

- (iii) For any business, real estate unit, or construction site located in the R-18, R-20, or R-30 zoning districts, no more than one (1) portable commercial, real estate or construction portable sign shall be allowed for each business location, construction project site, or real estate unit offered for sale or lease. PROVIDED, that a maximum of one portable sign shall be allowed for any multi-unit residential apartment or condominium complex notwithstanding the number of rental or dwelling units therein currently available for sale or lease.
- (b) Size. Commercial, real estate and construction portable signs shall not exceed six square feet per sign face, and no such sign shall contain more than two sign faces. Commercial, real estate and construction portable signs shall not exceed six feet in height, measured from the pre-existing ground level to the top of the sign.
- (c) Location. No commercial, real estate or construction portable sign shall be located within vehicle lanes, bikeways, trails, sidewalks or median strips. No commercial, real estate or construction portable sign shall block driveways or be affixed to utility poles, fences, trees or traffic signs. No commercial, real estate, or construction portable sign shall be strung between trees.
- (d) Festoons prohibited. The use of balloons, festoons, flags, pennants, lights or any other attached display on a commercial, real estate or construction portable sign is prohibited.
- (e) Animation prohibited. No commercial, real estate or construction portable sign shall be displayed while being rotated, waved, or otherwise in motion.
- (g) Duration. Commercial portable signs may be displayed only during the hours when the commercial establishment to which they relate is

open for business. Real estate portable signs may be displayed only during the hours when the real estate to which they relate is the subject of an open house or when a complex manager is available to show the unit. Construction portable signs may be displayed only during the hours in which construction activity is permitted on the premises under RCDG 20D.100.10-050.

- (2) Major Land Use Action Notice. Where required by RCDG Title 20F public notice signs which describe proposed major land use actions and public hearing dates are permitted. The sign or signs shall comply with the standards contained in RCDG Title 20F.
- (3) Political Signs.
 - (a) On-Premises Signs. On-premises political signs located at the headquarters of a political party, candidate for public elective office, or a public issue decided by ballot are permitted. All on-premises political signs shall comply with the dimensional and locational requirements of the sign district in which located.
 - (b) Off-Premises Signs.
 - (i) Location. Permits for political signs are not required. Political signs may not be placed on private property without the permission of the property owner. In parking strips and public rights-of-way where the placement of a political sign may be fairly attributed to a neighboring property owner, permission of that owner must first be obtained prior to placement. Political signs may not be located so as to impede driver vision or represent an obstruction or hazard to vehicular or pedestrian traffic. On public property not part of the public right-of-way, relevant City departments may designate an area or areas for the placement of political signs in order to ensure that placement will not interfere with the intended use of that land.

- (ii) Size/Spacing. Political signs shall not exceed six square feet in size. No political sign may exceed six feet in height, measured from the pre-existing ground level to the top of the sign.
- (iii) Removal of Election Signs. Off-premises political signs shall be removed within seven days of the date of the election to which the sign pertains. Failure to remove political signs within the time limit provided shall constitute a violation of this code and shall be punishable as such. In the event that City personnel are required to remove signs from public rights-of-way after expiration of the time limit for removal, all costs associated with such removal shall be the responsibility of the candidate or campaign organization for whom the sign was posted and shall be collected in addition to any other penalty applicable to failure to remove the sign.
- (iv) Public Works Projects. The Public Works Department may remove signs from public rights-of-way in order to conduct periodic maintenance activities. Signs removed for this purpose may be picked up at the City's Maintenance and Operations Center and returned to their prior location if still within the removal deadline. The Public Works Department may permanently remove political signs from public rights-of-way for the purpose of carrying out major public works projects. Political signs removed for this purpose will be held and made available for pick up at the City's Maintenance and Operations Center until 14 days following the next occurring election.
- (v) Removal of Signs in Disrepair. The Public Works Department may remove any sign which is in a state of disrepair from the public right-of-way or public property at any time. For purposes of this subsection, a sign is in a state of disrepair if it is ripped, torn, broken, faded, obliterated, obscured, dilapidated, blown down, knocked over or in

any other state in which its message has ceased to be readable or legible.

- (vi) Notification. Persons interested in locating off-premises political signs within the City shall first notify the City Clerk of their intent to do so and obtain a copy of the City's political sign regulations.
- (4) Temporary Window Signs. Temporary window signs shall not be included in the sign area for each facade, provided that such signs do not exceed the smaller of a total of 50 square feet or 10 percent of the window area.
- (5) Signs on Kiosks. Temporary signs on kiosks are permitted but the signs shall not exceed four square feet in area.
- (6) Temporary Uses and Secondary Uses of Schools, Churches, or Community Buildings. Temporary signs relating directly to allowed temporary uses under these regulations and secondary uses of schools, churches, or community buildings may be permitted for a period not to exceed the operation of the use. The signs need not be processed through the Design Review Board and are subject to the following requirements:
 - (a) Signs must be portable in nature.
 - (b) No more than one on-premises sign and one off-premises sign shall be permitted per temporary use, except by virtue of having been in consistent operation prior to the existence of this chapter, and due to the fact numerous individual operators participate in the operation, the open air crafts and farmer's market, commonly known as the Saturday Market, shall be allowed two on-premises signs in addition to one off-premises sign.
 - (c) No sign shall exceed six square feet per sign face.
 - (d) Maximum sign height shall be six feet measured from the pre-existing ground level to the top of the sign.
 - (e) Signs shall not be portable readerboard types, electrical or neon. Only indirect lighting is allowed.

- (f) Sandwich board or "A" board signs may be used in compliance with this subsection, Temporary Uses and Secondary Uses of Schools, Churches, or Community Buildings, provided they are used only during the days the temporary or secondary use occurs and are removed after the use ceases for each day.
- (g) Signs shall be secured with an approved tie down.
- (h) Signs shall be approved by the Planning Director before they are used. If a temporary use permit is required, this review shall take place as part of the temporary use application decision.

Section 4. **Political Sign Defined.** The definition of "political sign" set forth in Section 20A.20.160 of the Redmond Municipal Code and Community Development Guide is hereby amended to read as follows:

20A.20.160 "P" Definitions.

Political Sign.

....

A sign which exclusively and solely advertises a candidate or candidate's public elective office, a political party, or promotes a position on a public, social, or ballot issue.

Section 5. **Freestanding Signs.** Section 20D.160.10-050 of the Redmond Municipal Code and Community Development Guide is hereby amended to read as follows:

20D.160.10-050 Sign Requirements per Zoning District.

The chart entitled "Sign Requirements per Zoning Districts" establishes sign type, area, height and location requirements for the various zoning districts and is incorporated as a part of this section.

Signs	Zoning Districts				
	GC; CB; CC-3; CC-4; CC-5; GDD, ODD, DD; Convenience Commercial Cluster	CC-1; CC-2; NC; MP; I; BP; OV R-20; R-30	Nonresidential in A; UR; RA-5; R-1 - R-18; CC-6	Single- Family Residential in A; UR; RA-5; R-1 - R-18; CC-6	Multi- Family Residential in A; UR; RA-5; R-1 - R-18; CC-6
Number of Signs					
Maximum Number of Freestanding or Projecting Signs per Street Frontage per Establishment*	1	1	1	1**	1**
Freestanding Signs					
Minimum Setback (feet)	5	5	10	6	6
Maximum Height (feet)	A height equal to the sign setback up to 10 feet	A height equal to the sign setback up to 10 feet	10	6	6
Maximum Size per Sign Face (square feet)	The smaller of 1% of the average gross floor area or 1 sq. ft. per 4 feet of street frontage where the sign is to be placed up to a maximum of 75 sq. ft.; but in any event, 25 sq. ft. is permitted	The smaller of 1% of the average gross floor area of 1 sq. ft. per 4 feet of street frontage where the sign is to be placed up to a maximum of 50 sq. ft.; but in any event, 25 sq. ft. is permitted.	25	6	32
Maximum Number of Sign Faces	4	4	2	2	2
Wall Signs					
Maximum Area (square feet)	The larger of 15% of the façade to which attached or 60 sq. ft. up to a maximum of 300 sq. ft.	The larger of 30 sq. ft. or 15% of the façade to which the sign is attached up to a maximum of 100 sq. ft.	60		
Maximum Height (feet)	Top of the wall or façade to which attached	Top of the wall or façade to which attached	20		
Projecting Signs					
Maximum Area per Sign Face (sq. ft.)	15	15	25		
Maximum Area Total All Sign Faces (sq. ft.)	30	30	50		
Maximum Height (feet)	Top of the wall or façade to which attached	Top of the wall or façade to which attached	20		
Note: Individual businesses in multiple building complexes not permitted to have freestanding signs.					

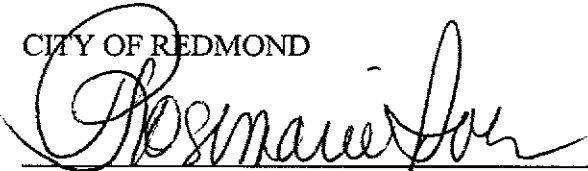
* For single-family residential sites, an establishment shall be comprised of an individual single-family lot. For multi-family residential sites, an establishment shall be comprised of a multiple-family complex.

** Allowed only for premises devoted entirely to residential uses. Signs must relate solely to on-premises activity, including but not limited to sales of the underlying premises. No permit shall be required for such signs. Nothing herein shall be construed as authorizing the display of signs otherwise prohibited under applicable provisions of this code, including but not limited to home occupation signs.

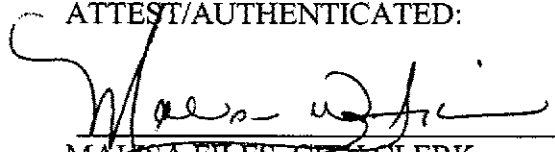
Section 6. Severability. If any section, sentence, clause, or phrase of this ordinance, or any provision the Redmond Municipal Code and Community Development Guide adopted or amended hereby, should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance or any Redmond Municipal Code or Community Development Guide provision adopted or amended hereby.

Section 7. Effective Date. This ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect five days after passage and publication of an approved summary thereof consisting of the title.

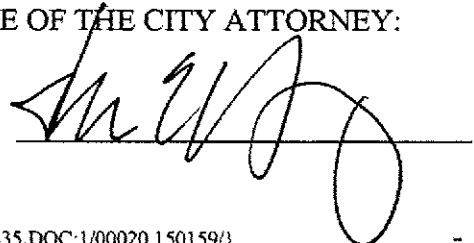
CITY OF REDMOND


ROSEMARIE IVES, MAYOR

ATTEST/AUTHENTICATED:


MALISA FILES, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	December 2, 2005
PASSED BY THE CITY COUNCIL:	December 6, 2005
SIGNED BY THE MAYOR:	December 6, 2005
PUBLISHED:	December 9, 2005
EFFECTIVE DATE:	December 14, 2005
ORDINANCE NO.:	<u>2279</u>