

ORDINANCE NO. 2019-04

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the regulation of signs erected within the City and repealing and replacing Chapter 15.08 of the Bainbridge Island Municipal Code.

WHEREAS, _____; and

WHEREAS, _____.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 15.08 of the Bainbridge Island Municipal Code is hereby repealed in its entirety.

Section 2. A new Chapter 15.08 of the Bainbridge Island Municipal Code is hereby adopted, to read as shown on Exhibit A.

Section 3. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2019.

APPROVED BY THE MAYOR this _____ day of _____, 2019.

Kol Medina, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2019-04

EXHIBIT A
Chapter 15.08
SIGN CODE

Sections:

15.08.010	Purpose.
15.08.020	Definitions.
15.08.030	Permits Required
15.08.040	Permit Fees
15.08.050	Signs not requiring a permit.
15.08.060	Prohibited signs.
15.08.070	Nonconforming signs.
15.08.080	Measurement of sign area.
15.08.090	Height of sign.
15.08.100	General regulations.
15.08.110	Commercial use signs.
15.08.115	Temporary off-site commercial sandwich board signs.
15.08.120	Institutional or public use signs.
15.08.130	Residential use signs.
15.08.140	Temporary Signs
15.08.150	Sign variance.
15.08.160	Enforcement and penalties.

15.08.010 Purpose.

The purpose of this chapter is as follows:

- A. To promote and protect the public welfare, health, and safety.
- B. To encourage the installation of signs which harmonize with building design, natural settings and other geographical characteristics of the locations in which they are erected.
- C. To create a more attractive economic and business climate.
- D. To reduce distractions and obstructions from signs which would adversely affect traffic safety and reduce hazards that may be caused by signs overhanging or projecting over or within public rights-of-way.

15.08.020 Definitions.

- A. "Awning or marquee sign" means a sign attached to a face or shelter, which face or shelter extends (12 inches or more) in a direction perpendicular to the wall of the building and may be supported by posts or the exterior wall of the building or any combination thereof.
- B. "Banneret" means a small banner that is hung vertically from a freestanding support, i.e., curbside bannerets on light standards and bannerets in public squares.
- C. "Banner" means a sign of flexible material designed to be displayed between two supports or against another surface.
- D. "Changeable copy" means changes to the face or copy of changeable copy signs, digital signs, electronic messaging signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.
- E. "Culturally, historically, or architecturally significant sign" means a sign with unique local characteristics that may not fit other defined categories.
- F. "Director" means the City's Director of Planning and Community Development.

G. "Erect" means to build, construct, raise, assemble, create, alter, display, relocate, attach, hang, place, suspend, affix, paint, draw, engrave, carve, cast, or in any other way bring into being or establish, other than to replace changeable copy and other than in the course of normal sign maintenance as described in this chapter.

H. "Facade sign" means any sign which is erected (including painted) on the wall of a building or other structure, whose face is generally parallel to that wall or other structure and whose face does not extend outward more than 12 inches in a direction perpendicular to that wall or other structure.

I. "Facade" means the wall of a building or other structure whose face is generally parallel to that wall or other structure.

J. "Freestanding sign" means a sign supported by one or more permanently affixed uprights, poles, or braces in or on the ground, and not supported by a building.

K. "Grade" (adjacent ground elevation) means the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building. In the case of structures to be built over water or on the shoreline, "grade" shall have the same meaning as "average grade level" as that term is defined in WAC 173-27-030(3).

L. "Neon sign" means a sign illuminated in whole or part by gaseous tubes electrified by a current.

M. "NC" means neighborhood centers.

N. "Portable sign" means a sign that is readily moveable, freestanding, and not permanently affixed to the ground. "Portable signs" include sandwich board signs, signs mounted on weighted bases, and other similar signs. "Portable signs" do not include "temporary signs."

O. "Primary entrance" means the principal or main entrance of a building or structure which is used by the majority of patrons to access the building or structure.

P. "Projecting/hanging sign" means a sign, which is attached to or supported by a wall or suspended from the overhang of a building or other structure.

Q. "Repair" means the reconstruction or renewal of any part of an existing sign for the purpose of its maintenance.

R. "Sandwich board sign" means a sign which consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.

S. "Sign" means any letter, figure, design, symbol, trademark or other device which is intended to attract attention to any activity, service, place, political office, subject, firm, corporation or merchandise, except traffic signs or signals, public or court notices, signs not visible from the public right-of-way or adjacent properties, signs on moving vehicles, newspapers, leaflets or other printed materials intended for individual use or individual distribution to members of the public, government flags, flags and bunting exhibited to commemorate national patriotic holidays.

T. "Street frontage" means that portion of any lot or building facing a street or sidewalk and with direct access to that street or sidewalk.

U. "Temporary sign" means any sign that is used temporarily and is not permanently mounted, painted, or otherwise affixed, including any poster, banner, placard, stake sign, or sign not placed in the ground with concrete or other means to provide permanent support, stability, and rot prevention. Temporary signs may only be made of non-durable materials including, but not limited to, paper, corrugated board, flexible or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than 20 oz. fabric, vinyl canvas and vinyl mesh products without plasticizers, and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to permanent sign regulations.

V. "Two-sided" means a sign where only one face is visible from any viewing position.

W. "Window sign" means a sign placed inside a building within 15 feet of the window or on a window and visible from the outside. This term does not include merchandise.

15.08.030 Permits required.

A. No signs, except those described in BIMC 15.08.050, shall be erected without a valid sign permit.

B. Permit application requirements shall be determined by the director and shall include a site plan showing the location of the signs, the position of buildings and landscaped areas, the elevations of the signs, and the configuration and size of the signs.

C. A valid sign permit is required before altering an existing sign or repairing a sign where the repair exceeds 50 percent of the replacement cost.

D. Legally established signs that include changeable copy are exempt from permit requirements for altering the changeable copy.

15.08.040 Permit fees.

Permit fees shall be as established by the city council by resolution.

15.08.050 Signs not requiring a permit.

The following signs shall not require a permit:

A. Signs installed by the City, County, State, or federal governmental agency for the protection of the public health, safety, and general welfare.

B. Temporary signs as allowed under BIMC 15.08.140.

C. Noncommercial signs located on private property with a display area not exceeding three square feet.

D. Culturally, historically, or architecturally significant signs, existing at the time of passage of the ordinance codified in this chapter and officially recognized by the city. Designation of culturally, historically, or architecturally significant signs will be adopted by separate resolution.

E. Any window sign four square feet or less in size; provided, that no single sign or combination of signs shall exceed 25 percent of an individual window area.

F. A single noncommercial sign, not exceeding 24 square feet in area, mounted at a height not exceeding 20 feet above grade, located on "agricultural land" as that term is defined in Chapter 16.26 BIMC.

15.08.060 Prohibited signs.

The following signs are prohibited:

A. Billboards, streamers, pennants, ribbons, spinners, or other similar devices.

B. Flashing signs, roof signs, signs containing moving parts or appearing to move, and signs which sparkle or twinkle in the sunlight.

C. Signs advertising or identifying a business which is defunct.

D. Signs, except for traffic, regulatory, or informational signs, using the words "stop," "caution," or "danger," or incorporating red, amber, or green lights resembling traffic signals, or resembling "stop" or "yield" signs in shape or color.

E. Signs advertising a business not located on the parcel or development containing the business except signs erected by, or with funding from, the City or the State of Washington.

F. Signs mounted on stationary, unlicensed vehicles.

G. Illuminated features, on the exterior of a building, that call attention to the building or product sold within the building.

H. Any window sign(s) exceeding four square feet in area or exceeding 25 percent of an individual window area.

I. Neon signs, except as permitted in BIMC 15.08.100.B.

J. On-premises signs in the natural, conservancy, aquatic conservancy, and aquatic shoreline environments, except for navigation aids and public information.

K. Signs attached or placed on trees, vegetation, or other natural features, except for memorial or species identification labels.

L. Signs on or attached to any utility pole, traffic control device, lamp post, or any other public infrastructure, building, or structure, except bannerets.

M. Any sign placed without the necessary permit or not in accordance with the size, place and manner limitations provided in this chapter.

N. Any sign that:

1. Is structurally, electrically, or otherwise unsafe; or
2. Constitutes a hazard, by design or placement, to public safety and health; or
3. Obstructs free entrance or exit from a door or window that is required to be in place by this code or the City; or

O. Portable signs, except for portable signs owned and placed by a public agency and sandwich board signs allowed under BIMC 15.08.110.E or BIMC 15.08.115.

P. Signs placed on sidewalks, driveways, or other improved areas designed for vehicular, bicycle, wheelchair, or pedestrian use, except as conditioned in a right-of-way use permit issued by the City.

15.08.070 Nonconforming signs.

A. A nonconforming sign lawfully existing prior to July 26, 1993, may remain and be used subject to the provisions of subsections B and C of this section.

B. A nonconforming sign cannot be enlarged, reworted, redesigned, or altered in any way except to conform to this chapter. If the cost to repair a nonconforming sign exceeds 50 percent of its replacement cost, the sign shall not be repaired except to conform to this chapter.

C. A sign replacing a nonconforming sign shall conform to this chapter.

15.08.080 Measurement of sign area.

Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the sign surface. For freestanding signs, support structures (providing that they are not signs) extending up to one foot above the signs shall not be included in the calculation of the sign area. For signs which are a molded, cast, carved, or otherwise integral part of a solid concrete, masonry, wood, or composite wall, foundation, fence, or entry structure, the sign area shall be measured within a continuous perimeter enclosing the extreme limits of the lettering and/or image.

15.08.090 Height of sign.

A. The height of any sign shall be measured from the grade adjacent to the sign.

B. The height of signs located within a marina shall not exceed 15 feet above the ordinary high water mark.

C. Awning structures on which sign images are attached shall be subject to regulation under the Uniform Building Code as adopted in Chapter 15.04 BIMC.

15.08.100 General regulations.

A. Signs within the Shoreline Master Program Jurisdiction.

1. Sign permits shall be submitted for review and approval at the time of shoreline permit submittal.
2. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.
3. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or as approved as part of a water-dependent use.
4. Signs which impair visual access in view corridors are prohibited.
5. Governmental signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations at all points of access. Signs shall also indicate all limitations on use of such areas including use of fire, alcohol, jet skis, and other recreational equipment, as well as requirements regarding pets.

B. Illumination Standards.

1. Signs, except for facade or awning signs, shall only be illuminated externally by light sources shielded so that the lamp is not visible from adjacent properties, the public right-of-way or watercourses. Sign lighting shall conform to BIMC 18.15.040.
2. Lights illuminating a sign shall project illumination toward the face of the sign.
3. Signs shall not flash, rotate, or have motorized parts or exposed electrical wires.
4. Signs shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m. unless the premises on which they are located is open for business.
5. Up to three neon signs are allowed in commercial zones for each business; provided, that they do not exceed four square feet for any individual sign. Total signage of all types shall not exceed 25 percent of an individual window area. For each retail business that has window area in excess of 100 square feet, an additional four square feet of neon sign area is allowed. Neon signs are allowed only on properties zoned for commercial uses, shall not be visible from the shoreline, and shall not flash.
6. One commercial use sign for theaters, including film or performing arts buildings that were constructed prior to November 10, 1999, may be internally illuminated and may include external unshielded neon lights.
7. Facade signs may be internally illuminated if:
 - a. The background does not emit light;
 - b. The background constitutes a minimum of 80 percent of the sign area; and
 - c. The illumination source is shielded.

C. Placement Standards.

1. Signs, including banners and temporary signs, shall not be mounted on roofs, extend above the roof line, or be located more than 20 feet above the grade except for retail businesses with a second-floor exterior entrance.
2. Signs projecting from a building shall not be less than eight feet above grade, unless permitted by the city through an administrative variance procedure.

3. Freestanding signs shall not exceed five feet in height except in the Business/Industrial and NC zones and except as regulated by BIMC 15.08.120.B. Supporting structures (providing that they are not signs) for freestanding signs may extend one foot higher than the height limit for freestanding signs. In the Business/Industrial and NC zones, freestanding signs shall not exceed eight feet in height.

D. Freestanding signs shall be located within a landscaped area that is twice the area of the sign area, and the plantings or the landscaped area shall be located so as to shield illumination sources.

E. All signs visible from Highway 305 must be in conformance with the standards of the Scenic Vistas Act (Chapter 47.42 RCW and Chapter 468-66 WAC) that is incorporated herein by this reference as well as the related Washington State Department of Transportation (“WSDOT”) rules, regulations, and noncompliance penalties; provided, that all signs within the city shall also be subject to any additional restrictions as provided in this chapter. In the case of conflict between the requirements of the Scenic Vistas Act and this chapter, the more restrictive requirement shall apply.

15.08.110 Commercial use signs.

In addition to the general regulations of this chapter, the following regulations shall apply to all commercial use signs.

A. Facade Signs.

1. The total aggregate area of all facade signs on each wall shall not exceed 128 square feet.
2. Buildings may have one facade sign with a maximum area of 36 square feet for each tenant. If the building has street frontage on two or more streets, has access from an alley or parking area to the side or behind the building, or has retail uses on a second floor, a facade sign for each tenant is allowed; provided, that no additional sign shall exceed 20 square feet in area, face the same street, alley, or parking area or be on the same floor as another facade sign.
3. Facade signs shall be located less than 20 feet above grade except for retail businesses with a second-floor exterior entrance.
4. A single directory, combining the name of the commercial complex and the individual names of businesses located within, is allowed provided no other facade sign on the building shall exceed 20 square feet in area except for retail businesses with a second-floor exterior entrance may have a facade sign up to 36 square feet. The maximum sign area for this directory is 48 square feet.
5. A single facade sign for a commercial complex is allowed at the primary entrance instead of a directory, provided no other facade sign for building tenants shall exceed 20 square feet in area except for retail businesses with a second floor exterior entrance may have a facade sign up to 36 square feet. The maximum area for this commercial complex sign is 36 square feet.
6. There may be up to three facade sign(s) per tenant in the High School Road commercial zone located more than 200 feet from the edge of any public right-of-way. No additional sign shall exceed 20 square feet in area, face the same street, alley or parking area or be on the same floor as another facade sign.

B. Freestanding Signs.

1. No more than one freestanding sign shall be allowed per tenant. The sign shall not exceed 20 square feet on any single face or 40 square feet on two faces. No more than two freestanding signs, regardless of the number of tenants, shall be allowed on any property.
2. A freestanding identification sign, for a commercial complex, with or without the individual names of businesses located therein, with a maximum sign area of 40 square feet on any single face and a total surface area of 60 square feet if two sided may be erected facing each street frontage. No individual tenant freestanding signs may be erected on such a property that contains this freestanding identification sign.

3. In the Business/Industrial zone, freestanding identification signs may be located on adjacent Business/Industrial zoned properties if the signs contain directional information to assist in locating the businesses listed and permission is obtained from the owner of the property where the sign is located. The maximum sign area shall be 36 square feet. The sign shall not be counted toward the maximum number of freestanding signs allowed.

C. An awning or marquee sign, not exceeding 20 square feet in area per commercial tenant, is allowed instead of a facade sign. The lowest point of the awning or marquee is at least eight feet above the sidewalk, and the awning shall have a dark background if illuminated from behind.

D. Projecting/Hanging Signs.

1. A business may have one projecting sign, located at least eight feet above grade, with a maximum area of five square feet for each side. The fixture used to suspend the hanging sign must be included in the permit design and approved by the designated officials, but shall not be included in the total size of the sign.
2. Signs for theaters, including film or performing arts buildings, shall not exceed 80 square feet on a single face and 140 square feet on multiple faces and shall be located at least 100 feet from any property zoned single-family.

E. Sandwich Board Signs.

1. One nonilluminated sandwich board sign per business is allowed, with each face not exceeding six square feet in area, shall be allowed per business.
2. Sandwich board signs shall be a minimum of thirty (30) inches high and a maximum of forty-eight (48) inches high.
3. Sandwich board signs shall be located on real property where the business is located. Sandwich board signs may only be placed on other property, including sidewalks, driveways, required landscaping, or improved areas designed for pedestrian or vehicular use, as allowed under BIMC 15.08.115.

15.08.115 Temporary off-site commercial sandwich board signs.

In addition to the regulations of this chapter, the following regulations shall apply to all temporary off-site commercial sandwich board signs.

A. Temporary off-site commercial sandwich board signs, either the same sign or different sign, may be displayed for a maximum of 36 days within a 12-month period. Temporary off-site commercial signs located on private property must obtain the permission of the property owner. Temporary off-site commercial signs may be posted within public right-of-way only if the sign does not interfere with sight distances and does not create a vehicular, cyclist, wheelchair, or pedestrian traffic obstruction or hazard, and permission to place the sign in the right-of-way has been obtained from the abutting property owner. Contact information for the owner of the temporary off-site commercial sign (i.e., name and telephone number) must be included on all temporary off-site commercial sandwich board signs.

B. All temporary off-site commercial sandwich board signs relating to a specific meeting, event, or occurrence shall be removed immediately following the conclusion of the meeting, event, or occurrence to which they relate.

C. All temporary off-site commercial sandwich board signs shall meet the size requirements of BIMC 15.08.110.E.

D. The owner of a temporary off-site commercial sandwich board sign shall regularly inspect the sign to ensure that the sign has not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired by the owner so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

E. Temporary off-site commercial sandwich board signs are exempt from BIMC 15.08.060.E.

F. For temporary off-site commercial sandwich board signs, a permit in accordance with BIMC 15.08.030 and identifying the dates the signs will be displayed shall be obtained for each 12-month period.

15.08.120 Institutional or public use signs.

In addition to the general regulations of this chapter, public institutions or public entities:

A. May have a single sign, either facade-mounted or a freestanding identification sign, visible from each street frontage;

B. May have one additional freestanding identification sign at the principal entrance not to exceed a maximum height of six feet. The maximum sign area of any face shall be no greater than 40 square feet;

15.08.130 Residential use signs.

In addition to the general regulations of this chapter, the following regulations shall apply to all residential use signs.

A. Residential developments may have a single freestanding sign with a maximum sign area of 10 square feet.

B. Home occupations, legally established, may have an identification sign as allowed in BIMC 18.09.030.I.13.

C. Multifamily residential developments may have a directory sign, with a maximum sign area of 20 square feet, at one vehicular entrance on each street frontage.

15.08.140 Temporary Signs.

A. No permit required. No sign permit is required for temporary signs.

B. Removal. Temporary signs shall be removed if the sign is in need of repair, is worn, dilapidated, or creates a public nuisance.

C. Materials. See the definition of “temporary sign” in BIMC 15.08.020.

D. City Property (excluding City right-of-way). Temporary signs on City-owned property are allowed only in conjunction with an approved special event permit issued under Chapter 12.06 BIMC and must be removed upon the conclusion of the parade, procession, or other assembly occurring on City-owned property.

E. City Right-of-Way. Temporary signs located within City right-of-way must comply with the following requirements:

1. Location. Allowed only between the property line and the back of the nearest curb, or where no curb exists, between the property line and the nearest edge of the roadway.
2. Type. Only temporary signs on stakes that can be manually pushed or hammered into the ground are allowed, except that the City may allow other signs in the City right-of-way through the issuance of a right-of-way use permit.
3. Size and height. Temporary signs located within the City right-of-way shall not exceed four (4) square feet, and three (3) feet in height.
4. Dilapidated or Nuisance signs. Any temporary sign in the right-of-way that is dilapidated or a nuisance, shall be removed by the person responsible for placement of the sign.
5. Banners. Banners on or over City right-of way require permitting through a right-of-way use permit and are limited to a two (2) week period.

F. Residential zones. Temporary signs may be placed on property residentially zoned in accordance with the requirements of this section and the following:

1. Window signs. Limited to no more than one temporary window sign per residential unit, not to exceed four (4) square feet. Shall not exceed twenty-five (25) percent of an individual window area.

2. Size and height. Temporary signs located within residential zones shall not exceed four (4) square feet in size and three (3) feet in height.
3. Construction signs. One sign per construction site not to exceed twelve (12) square feet in area located on the parcel being improved. Sign must be in conjunction with an approved building permit. The sign shall be removed within thirty (30) days of the occupancy of the structure.

G. Non-residential zones: Temporary signs are allowed on non-residentially zoned property in accordance with the requirements of this section and the following:

1. Window signs. Limited to twenty-five (25) percent of the window area. No single sign shall exceed four (4) square feet in area.
2. Size and height. Temporary signs located within non-residential zones shall not exceed four (4) square feet in size and three (3) feet in height.
3. Construction signs. One sign per construction site not to exceed twelve (12) square feet in area located on the parcel being improved. Sign must be in conjunction with an approved building permit. The sign shall be removed within thirty (30) days of the occupancy of the structure.

15.08.150 Sign variance.

A. A variance is the mechanism by which the city may grant relief from the provisions of this chapter where practical difficulty renders compliance with the provisions of this chapter an unnecessary hardship and where the hardship is a result of the physical characteristics of the subject property.

B. The variance procedure shall be administrative and determined by the director.

15.08.160 Enforcement and penalties.

A. Enforcement of this chapter and the imposition of penalties for violations of this chapter shall be as provided for in Chapter 1.26 BIMC.

B. The city may remove and dispose of signs that it determines are a threat to public safety and recover costs from the owner of the property on which the sign is located or the sign owner. Within 10 days of removal of a sign, and upon payment of the costs of removal, the owner may recover a sign.