



CITY OF KIRKLAND

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MEMORANDUM

To: Houghton Community Council

From: Dorian Collins, AICP, Senior Planner
Eric Shields, AICP, Planning and Building Director

Date: August 15, 2016

Subject: **Amendments to Sign Regulations, Phase I: Content Neutrality, File No. CAM16-00954**

RECOMMENDATION

Review the proposed amendments shown in Attachment 1, and provide direction to staff. Draft Zoning Code amendments will be presented at a joint public hearing with the Planning Commission, tentatively planned for September 8th, 2016.

Following the study sessions with the Planning Commission and Houghton Community Council in August, staff will forward draft amendments to the Washington Cities Insurance Authority (WCIA) for its review. Additional revisions suggested by the WCIA, if any, may be incorporated into proposed amendments to be considered at the public hearing in September.

BACKGROUND DISCUSSION

Kirkland's sign regulations must be evaluated to ensure that they are "content neutral", to comply with recent state and federal court decisions. Following an audit by the Washington Cities Insurance Authority (WCIA), Kirkland was directed to revise its sign regulations in accordance with the US Court of Appeals for the 9th Circuit in a case known as *Blazing Bagels*, which is a business located in Redmond. In the Redmond case, the issue was whether Redmond could prohibit portable signs for one type of business (the bagel shop) while allowing it for others (real estate signs). The court ruled that it could not.

Since that time, the US Supreme Court issued a similar decision about content neutrality in the *Reed v. Town of Gilbert* case. In that case, the Supreme Court held that the provisions of a municipality's sign code that impose more stringent restrictions on signs directing the public to a meeting of a non-profit group than on signs conveying other messages are *content-based regulations of speech* that cannot survive strict scrutiny. In order to survive strict scrutiny, a regulation must be found to be "narrowly tailored to advance a compelling government interest", which regulations are seldom found to

meet. According to an analysis by the Municipal Research and Services Center (MRSC), "if you have to differentiate the type of sign being regulated by reading the sign's content or knowing the sign message's author, then the regulation is probably unconstitutional" (see Attachment 2).

Project Scope

Phase I: Amendments to address content-neutrality

The WCIA has given the City of Kirkland a deadline of October 31, 2016 to complete revisions to regulations that will ensure that they are content-neutral. While this project had been scheduled to be completed earlier this year, competing projects and a high level of development activity have pushed the schedule into the summer and fall. In order to satisfy the WCIA requirements as quickly as possible, the scope for this project is limited to those text changes that are necessary to comply with the requirement for content-neutrality, rather than major policy changes. The tentative review schedule for this phase is:

- Planning Commission Study Session August 11, 2016
- Houghton Community Council Study Session August 22, 2016
- PC/HCC Joint Public Hearing (tentative) September 8, 2016
- City Council Action October/November, 2016
- Houghton Community Council Final Action November, 2016

Phase II: Policy changes to sign regulations – Late Fall, 2016

The City Council has indicated interest in looking at the City's sign regulations more broadly. The Council has not identified its priorities or the types of changes it may wish to consider, so phase II will include study sessions with the Council to determine the scope of amendments to be included in the second phase of this project. Attachment 3 contains a preliminary list of possible policy questions that staff has identified during the current review of the standards in Chapter 100 (Signs).

The issue of how the City should regulate portable "A frame" signs would be included in the second phase of study. At this time, portable signs, other than political, private advertising or off-site real estate signs, are prohibited (Section 100.85). Since these exceptions are based on content, they are not consistent with the recent court decisions. The City's enforcement actions on portable signs (other than for placement/safety) have been suspended until this issue can be addressed in sign regulations which would establish where the signs should (or shouldn't) be allowed. Since the issues surrounding portable signs are of interest to a wide range of citizens, this phase will provide opportunities for discussions about business needs vs. community concerns and objectives. Public involvement will be a key part of the study.

Additional revisions necessary for clarification or "clean up" of the regulations may also be included in the second phase of study.

Phase I: Proposed Zoning Code amendments to address content-neutrality

The proposed amendments to Chapters 5 (Definitions) and 100 (Signs) are those that staff sees as the minimum changes necessary to ensure that Kirkland's Zoning Code is in compliance with the findings of recent court decisions regarding content-neutrality. Since these changes must be made within the next few months, staff suggests that any issues related to *preferences* or *general clean-up* (e.g., number of signs appropriate for a sign type, size of signs, elimination of description of "pole" signs, since they are no longer allowed) or *policy decisions* (e.g., Should portable signs be allowed?, When are Master Sign Plans appropriate?) be included in the subsequent Phase II study which will allow more time for analysis and public involvement.

In the Houghton Community Council's review of the proposed amendments, staff would appreciate direction on the following:

- ***Are the proposed amendments clear or are additional/different changes needed?***
- ***Are there preference, clean-up or policy issues raised within the proposed amendments that should be flagged for inclusion in the Phase II study?***

The proposed amendments (Attachment 1) are summarized below:

A. Elimination of definitions that are content-based (Chapter 5, KZC)

The Definitions Chapter of the Zoning Code includes sections that define many of the sign types included in Chapter 100 (Signs) that are based on content. For example, a "Construction" sign is defined as "A sign identifying parties involved in the construction of a project – size limited to 32 sq. ft. per face during construction".

Under the proposed amendments, these sign types would be incorporated into revised subsections that describe sign types according to conditions, rather than content. The "Construction" sign described above would instead be permitted within the new subsection 100.115.20, "Signs for Properties with Active Construction". The allowances for the number of signs, size and location would not change.

B. Revisions to sign regulations that are content-based (Chapter 100, KZC)

Chapter 100 of the Zoning Code establishes all of the standards and regulations for signs in the city. This Chapter provides the amount of sign area to be granted to businesses, types of permits required, the process to request additional or alternative signage (Master Sign Plan), prohibited signs, sign maintenance requirements and standards related to sign design, size and materials.

Proposed changes to Chapter 100 are shown in Attachment 1. The scope of the amendments, as noted above, are simply those required to achieve content-neutrality at this time. They include:

- Section 100.10: Purpose

Edits to the "Purpose" section of the Chapter 100 sign regulations are intended to clarify that the standards are based on factors such as traffic safety and aesthetics. It is recommended by the Municipal Research Center and others that cities have strong purpose statements that are tied to the regulations in order to be consistent with the findings of the *Reed v. Town of Gilbert* case. The Community Council may also opt to revisit the Purpose statement during the next phase of the study of sign regulations, when policy issues are evaluated and decisions are made that may have implications or provide additional clarity on the purpose of Kirkland's sign regulations.

- Section 100.15: Scope and Exclusions

This section lists types of signs that are not subject to the standards in Chapter 100. Staff proposes that the regulations for several types of temporary signs that are currently included in the chart in Section 100.115 and are proposed to be deleted be relocated to this section,

The proposed amendments shown in Attachment 1 request direction regarding proposed Section 100.15.9.

- Section 100.25: Required Permits

Proposed amendments to this section would refer to other applicable sections and delete references to sign types that are proposed to be deleted in Section 100.115.

- Section 100.30: Sign Type

Proposed amendments would include the removal of content related text. The amendments would also add "projecting" signs as a sign type, as this sign type had been permitted as a temporary sign in the chart in Section 100.115, which is proposed to be deleted. The revisions incorporate all relevant text from Section 100.115.

- Section 100.35: Number of Signs

Proposed amendments to this section would eliminate the content-based description for signs. For example, rather than stating, "Signs identifying a detached dwelling unit" may have one sign, the amendment would state, "Each detached dwelling unit" may have one sign. The revisions also incorporate text related to "marquee" signs and "fuel price" signs that are proposed to be deleted from Section 100.115.

- Section 100.40: Sign Area

Proposed amendments would remove content-based description in a similar manner to that described above for Section 100.35.

- Section 100.85: Prohibited Devices

Proposed amendments would remove content-based text (e.g., “signs of a garish or of a carnival-like nature”), as well as text that specifically exempts certain portable signs but not others. These signs would instead be addressed in specific subsections of Section 100.115, where they are defined by *condition*, rather than *content*. For example, instead of exempting real estate signs, specific provisions for “Signs for Properties for Sale or Rent” are established in a new section, 100.115.10. As noted earlier in this memo, a more in-depth study of portable signs is anticipated to be part of the Phase II study of Kirkland’s sign regulations.

- Section 100.112: Special Signs

Proposed amendments would include a new section, 100.112, to contain sign types that would no longer be included in Section 110.115, which currently combines both “Special Signs” and “Temporary Signs”. Only the “Off-Site Directional” sign type is proposed to be addressed in this section, as the other sign types have been incorporated elsewhere. Note that this sign type is expected to be included in the Phase II study, since it is rarely used, and the standards may merit changes or even deletion.

- Section 100.115: Temporary Signs

Proposed amendments to this section are extensive, as the language used to describe many of the sign types listed as “temporary signs” is not content-neutral. The revisions also include reformatting of the standards from a chart to code subsections.

NEXT STEPS

The proposed amendments were considered at the Planning Commission meeting on August 11th. Based on direction from the Planning Commission and Houghton Community Council, staff will present proposed amendments to the Zoning Code for the consideration of both bodies at a joint public hearing in September.

Attachments:

1. Draft Proposed Amendments to KZC, Chapters 5 and 100
2. MRSC Article: “The Importance of Bringing Your sign Code Up-to-Date” (Oct, 2015)
3. Preliminary Policy Issues for Phase II Review

Phase I - Zoning Code Amendments

Potential Amendments to Make Kirkland Sign Regulations Content Neutral

A. Amendments to Chapter 5 – Remove Content-Related Definitions:

*The following definitions that are content based would be **deleted**:*

- ~~5.10.165 **Construction**: A sign identifying parties involved in the construction of a project – size limited to 32 sq. ft. per face during construction;~~
- ~~5.10.327 **Fuel price**: A sign indicting the price of fuel at a gas station – one sign allowed per abutting right of way, maximum size of 20 sq. ft. per sign face;~~
- ~~5.10.420 **Instructional**: A sign indicating public information such as restrooms and exit ways – maximum size of 2 sq. ft. per face;~~
- ~~5.10.425 **Integral Sign**: A sign on the façade of a building noting the date of and other information about construction –one sign up to six sq. ft. in size allowed per structure;~~
- ~~5.10.585 **Off-site directional**: An off-site sign providing direction to a business or use – maximum size of 64 sq. ft. and 16 sq. ft. per use, must be approved by the Planning Director;~~
- ~~5.10.675 **Political**: A sign advertising a candidate for public office or a ballot proposition – maximum size of six sq. ft. per sign face, not allowed in street medians, must be removed seven days after election;~~
- ~~5.10.690 **Private Advertising**: A sign announcing an event or concern of personal interest to the user, such as “garage sale” or “lost dog” – no maximum number, may be 16 sq. ft. per sign face, may be no closer than 50 feet to another such sign, must be removed at end of use, event or condition;~~
- ~~5.10.700 **Private Notice**: A sign announcing a restriction on a type of action, such as “no trespassing” – maximum size of 2 sq. ft. per face;~~
- ~~5.10.710 **Private Traffic Direction**: Private property sign with information about vehicular movement – no maximum number, maximum size of 4 sq. ft. per sign face;~~
- ~~5.10.760 **Real Estate off-site**: A real estate sign located off the property for sale or rent – size limited to six sq. ft. per face, may have one per block, allowed only while property is for sale or lease;~~
- ~~5.10.765 **Real Estate on-site**: A sign advertising and located on a property for sale or rent- maximum size varies for different uses from 6 sq. ft. to 64 sq. ft. per face, allowed only while property is for sale or lease;~~
- ~~5.10.923 **Temporary commercial**: A non-permanent sign displaying temporary messages – no maximum number or size, must be removed at end of use, event or condition, but no longer than 60 days;~~
- ~~5.10.992 **Window sign**: A sign located inside a window and visible from the exterior of a building.~~

The following definition would be revised to make it content-neutral:

- 5.10.115 **Changing Message Center**: An electronically controlled ~~public service time and temperature~~ sign where copy changes are shown on the same lamp bank.

B. Amendments to Chapter 100 Text – Remove Content-Related Text

Chapter 100 – SIGNS

Sections:

- [100.05](#) User Guide
- [100.10](#) Purpose
- [100.15](#) Scope and Exclusions
- [100.20](#) International Building Code – Compliance Required
- [100.25](#) Required Permits
- [100.30](#) Sign Type
- [100.35](#) Number of Signs
- [100.40](#) Sign Area
- [100.45](#) Sign Area Chart
- [100.50](#) Designated Corridors
- [100.52](#) CBD, JBD and YBD – Certain Signs Prohibited
- [100.55](#) Development Containing Uses in More Than One (1) Sign Category
- [100.60](#) Allocation of Sign Area within a Development with More Than One (1) Use or Tenant
- [100.65](#) Sign Height and Dimensions
- [100.70](#) Special Regulations Regarding Pole Signs
- [100.75](#) Location of Signs
- [100.80](#) Master Sign Plan
- [100.85](#) Prohibited Devices
- [100.90](#) Sign Maintenance and Removal
- [100.95](#) Landscaping Around Ground-Mounted Signs
- [100.100](#) Structural Components – Overall Appearance
- [100.110](#) Illumination Limitations on Electrical Signs
- [100.115](#) Temporary/Special Signs
- [100.120](#) Bonds

100.05 User Guide (No changes proposed to this section in Phase I)

Chapters [15](#) through [56](#) KZC, which contain the use zone charts or development standards tables, assign a sign category to each use in each zone. This category is either A, B, C, D, E, or F. This chapter contains the specific requirements in each sign category. If you do not know what sign category applies to the subject property, you should consult the appropriate use zone chart or development standards table.

This chapter also contains regulations regarding special signs (e.g., political, real estate or temporary signs). These regulations are contained in KZC [100.115](#).

For properties within jurisdiction of the Shoreline Management Act, see Chapter [83](#) KZC.

(Ord. 4476 § 3, 2015; Ord. 4252 § 1, 2010)

100.10 Purpose

It is the purpose of this chapter to ~~promote~~ balance the public interest and private business needs with the objectives of creating a community that is livable, sustainable and connected. Standards and regulations for Kirkland’s signs are designed to promote public safety and aesthetics in that they:

1. Support the economic well-being of all businesses through providing sufficient means to identify their locations, products and services; ~~Commercial communications that accommodate the need of the business community to convey information to the public;~~ and

2. Protect and enhance ~~The protection and enhancement of~~ the visual character and identity of the community by the thoughtful placement and design of signs; and
3. Eliminate ~~The elimination of~~ clutter and visual distraction through ensuring signs are appropriate in size and relationship to the subject property, street frontage and building size; and
4. Allow sufficient flexibility and incentive for creative and innovative sign designs; and
5. Uphold aesthetic standards of the city through encouraging good design and the proper maintenance of signs; and
6. Reduce potential hazards to motorists and pedestrians by reducing signage or advertising distractions and obstructions that contribute to limited safety and site visibility, and
7. Recognize free speech rights by regulating signs in a content-neutral manner, and
6. Ensure consistency with the goals and policies of the Comprehensive Plan.

100.15 Scope and Exclusions

This chapter applies to all signs erected or altered after the effective date of this code. This chapter does not apply to the following:

1. Traffic signs, directional signs not exceeding four square feet, and signs displaying a public service message installed by a governmental agency ***(Incorporates standards for Private Traffic Direction from 100.115)***.
2. Point-of-purchase advertising displays such as product dispensers.
3. National flags and flags of political subdivisions.
4. Gravestones.
5. Historical site plaques and signs integral to an historic building.
6. Structures or improvements intended for a separate use, such as phone booths, Goodwill containers and newspaper recycling boxes.
7. Building addresses with numbers and letters not more than 10 inches in height.
8. Exterior signs or displays not visible from streets or ways open to the public.
9. Signs not exceeding two square feet per sign face, either providing public information such as but not limited to public restrooms, exit-ways and hours of operation, or announcing a restriction on the subject property, such as but not limited to “no trespassing” or “no dumping” ***(Replaces “instructional” and “private notice” signs from 100.115)***
10. Signs, not exceeding six square feet in area, incorporated into the façade of a building and denoting the date of and other information about construction of the building. No more than one of these signs is allowed per structure. ***(Replaces “integral” signs from 100.115)***
11. Temporary window signs that are located inside a window and visible from the exterior of a building. ***(Replaces “window signs” from 100.115 and incorporates definition)***

#9: This language is not truly content-neutral, but may be acceptable. Would the Commission/Community Council prefer to:

- Retain proposed language or
- Simply exclude all signs less than 2 sq. ft.?

(Ord. 4408 § 1, 2013)

100.20 International Building Code – Compliance Required (No changes proposed to this section in Phase I)

1. General – Each sign erected or altered after the effective date of this code must comply with the provisions of the International Building Code as adopted by the City.
2. Conflict of Provisions – If any provision of this chapter conflicts with the International Building Code, the provision of this chapter will govern.

(Ord. 4320 § 1, 2011)

100.25 Required Permits

1. The following permits must be obtained for signs regulated by this chapter:
 - a. A permit must be obtained from the Fire Department in order to erect or move a sign or alter the structural components of an existing sign.
 - b. A permit must be obtained from the Planning and Building Department in order to display any sign for which a permit is not required by subsection (1)(a) of this section, except where those signs are excluded in Section 100.15 or listed in Section 100.115. for real estate on site (other than for dwelling units), real estate off site, construction, temporary commercial, integral, private notice, instructional, private advertising, window signs, private traffic direction and off site directional signs.

~~Change in the temporary message on a reader board or electronic message center is also excluded from this permit requirement.~~
2. If a proposed use or site plan requires approval through Process I, IIA, or IIB, as described respectively in Chapters [145](#), [150](#), and [152](#) KZC, the Planning Official may require that any sign proposed for that development be approved through the same process if he/she determines that it will provide more coordinated, effective signs.

(Ord. 4491 §§ 3, 4, 2015; Ord. 4286 § 1, 2011; Ord. 3954 § 1, 2004)

100.30 Sign Type

Permitted types of signs for each sign category are listed below:

1. Sign Category A – Wall-mounted and pedestal signs. Electrical signs are not permitted. ~~Commercial messages are not permitted.~~
2. Sign Category B – Wall-mounted, marquee and pedestal signs.
3. Sign Categories C, D and E – Wall-mounted, marquee, pedestal, projecting and monument signs. Projecting signs may not project above the roofline of the structure to which the sign is attached.
4. Sign Category F – Wall-mounted, marquee, pedestal, projecting, monument and pole signs. See also KZC [100.70](#) for special regulations regarding pole signs. Projecting signs may not project above the roofline of the structure to which the sign is attached.

~~See also KZC [100.115](#) for permitted special signs.~~

100.35 Number of Signs

The permitted maximum number of signs for each sign category is listed below. The permitted number applies only to the sign types listed in KZC [100.30](#) and does not apply to the special sign described in KZC [100.115](#).

1. Sign Category A

- a. ~~Signs identifying a Each~~ detached dwelling unit: one (1).
 - b. ~~Signs identifying a Each~~ complex or subdivision: no limitation.
2. Sign Category B – One (1) per right-of-way providing direct vehicular access.
 3. Sign Categories C, D, E and F
 - a. Wall-mounted signs: no limitation.
 - b. Marquee signs: one (1) per business or use per right-of-way; or one per pedestrian entrance, or vehicular entrance. Sign may not exceed four square feet per sign face.
 - c. Projecting signs: One per pedestrian or vehicular entrance. Sign may not exceed four square feet per sign face.
 - c. Pedestal, monument, or pole sign ~~(including center identification signs)~~: One (1) per abutting right-of-way per development; provided that businesses selling fuel for motorized vehicles are allowed one additional sign (Replaces “fuel price” signs from 100.115).

100.40 Sign Area

The maximum permitted sign area for each sign category is listed below. The permitted area applies only to the sign types listed in KZC [100.30](#) and does not apply to the special signs described in KZC [100.115](#).

1. Sign Category A
 - a. ~~Signs identifying a Each~~ detached dwelling unit: two (2) square feet.
 - b. ~~Signs identifying a Each~~ complex or subdivision: 20 square feet per sign face.
2. Sign Category B – 20 square feet per sign face.
3. Sign Categories C, D, E and F
 - a. Each development is allowed the sign area shown in the chart in KZC [100.45](#); and
 - b. Each individually licensed business within a multi-use complex is allowed 30 square feet; and
 - c. Each multi-use complex containing seven (7) or more uses or businesses is allowed an additional 64 square feet per sign face per pedestal, monument or pole sign or 64 square feet for one (1) wall-mounted sign per abutting right-of-way ~~to be used for center identification signs~~. These signs may not have internally lighted sign fields and must be constructed with materials, colors, shapes, or other architectural features which are the same as the buildings with which the signs are associated.
 - d. Businesses selling fuel for motorized vehicles are allowed an additional 20 square feet per sign face on the additional sign allowed by Section 100.35.3.c. (Compensates for eliminating “fuel price” signs).

(Ord. 3814 § 1, 2001)

100.45 Sign Area Chart (No changes proposed to this section in Phase I)

General – The chart below establishes the sign area allowed by KZC [100.40](#)(3)(a). The sign area is primarily dependent on the linear frontage of the subject property and the sign category of the use. To use this chart, first find the applicable sign category along the top of the chart, then find the linear frontage of the subject property along the left margin of the chart. Where the sign category and the linear frontage meet you will find the maximum sign area for the subject property. Next, review the sign area multipliers listed on the right side of the chart to determine if there are any increases or decreases in the maximum allowable sign area.

TOTAL
LINEAR
FRONTAGE
OF
SUBJECT
PROPERTY
IS
LESS
THAN

SIGN
CATEGORIES

⇒

⇩

1. Find the sign category that applies to your use.
2. Find the linear frontage of the subject property.
3. Where sign category and linear frontage meet you will find the maximum sign size for the subject property.
4. Use the multiplier to the right of the chart to determine if maximum allowable sign area is increased by the factors listed.

| | C | D | E | F |
|----|----|----|----|----|
| 25 | 20 | 26 | 48 | 56 |
| 30 | 20 | 28 | 50 | 59 |
| 35 | 20 | 29 | 52 | 62 |
| 40 | 21 | 31 | 55 | 65 |
| 45 | 21 | 32 | 57 | 68 |
| 50 | 22 | 33 | 59 | 70 |
| 55 | 23 | 34 | 61 | 72 |
| 60 | 23 | 35 | 63 | 74 |

SIGN AREA MULTIPLIERS

TOTAL
LINEAR
FRONTAGE
OF
SUBJECT
PROPERTY
IS
LESS
THAN



SIGN
CATEGORIES

1. Find the sign category that applies to your use.
2. Find the linear frontage of the subject property.
3. Where sign category and linear frontage meet you will find the maximum sign size for the subject property.
4. Use the multiplier to the right of the chart to determine if maximum allowable sign area is increased by the factors listed.



| | C | D | E | F |
|-----|----|----|----|-----|
| 65 | 24 | 36 | 64 | 76 |
| 70 | 25 | 37 | 66 | 78 |
| 75 | 25 | 38 | 68 | 80 |
| 80 | 26 | 39 | 69 | 82 |
| 85 | 26 | 40 | 70 | 84 |
| 90 | 27 | 40 | 72 | 85 |
| 95 | 27 | 41 | 73 | 87 |
| 100 | 28 | 42 | 74 | 88 |
| 105 | 28 | 42 | 76 | 90 |
| 110 | 29 | 43 | 77 | 91 |
| 115 | 29 | 44 | 78 | 92 |
| 120 | 30 | 44 | 79 | 94 |
| 125 | 30 | 45 | 80 | 95 |
| 130 | 30 | 46 | 81 | 96 |
| 135 | 31 | 46 | 82 | 97 |
| 140 | 31 | 47 | 83 | 99 |
| 145 | 32 | 47 | 84 | 100 |
| 150 | 32 | 48 | 85 | 101 |
| 155 | 32 | 48 | 86 | 102 |
| 160 | 33 | 49 | 87 | 103 |
| 165 | 33 | 49 | 88 | 104 |
| 170 | 33 | 50 | 89 | 105 |
| 175 | 34 | 50 | 89 | 106 |
| 180 | 34 | 51 | 90 | 107 |
| 185 | 34 | 51 | 91 | 108 |
| 190 | 34 | 52 | 92 | 109 |
| 195 | 35 | 52 | 93 | 110 |
| 200 | 35 | 53 | 94 | 111 |
| 205 | 35 | 53 | 94 | 112 |

1. Except on a designated corridor, if no signs within the entire development are cabinet signs, then multiply the figure in the chart by 1.25 and multiply the sign area allowed by KZC [100.40\(3\)](#) (b) by 1.25.

2. If all signs within the entire development, other than center identification signs, are building-mounted signs, multiply either the above product or the figure in the chart by 1.25 and multiply the sign area allowed by KZC [100.40\(3\)\(b\)](#) by 1.25.

TOTAL
LINEAR
FRONTAGE
OF
SUBJECT
PROPERTY
IS
LESS
THAN

⇒

SIGN
CATEGORIES

1. Find the sign category that applies to your use.
2. Find the linear frontage of the subject property.
3. Where sign category and linear frontage meet you will find the maximum sign size for the subject property.
4. Use the multiplier to the right of the chart to determine if maximum allowable sign area is increased by the factors listed.

↓

| | C | D | E | F |
|---------------------------|---------------------------|----|-----|-----|
| 210 | 36 | 53 | 95 | 113 |
| 215 | 36 | 54 | 96 | 114 |
| 220 | 36 | 54 | 97 | 115 |
| 225 | 36 | 55 | 97 | 116 |
| 230 | 37 | 55 | 98 | 116 |
| 235 | 37 | 56 | 99 | 117 |
| 240 | 37 | 56 | 99 | 118 |
| 245 | 38 | 56 | 100 | 119 |
| 250 | 38 | 57 | 101 | 120 |
| (Measured in Linear Feet) | (Measured in Square Feet) | | | |

If the linear frontage of the subject property exceeds 250 feet, please refer to Plate 9.

(Ord. 3814 § 1, 2001)

100.50 Designated Corridors (No changes proposed to this section in Phase I)

1. General – KZC [100.45](#) contains limitations on sign area along the following designated corridors:
 - a. Market Street between Central Way and Forbes Creek Drive.
 - b. State Street, between NE 68th Street and 2nd Avenue South.
 - c. Lake Washington Boulevard and Lake Street South between NE 38th Street and 3rd Avenue South.
 - d. Lakeview Drive and NE 60th Street.
2. Electrical Signs Prohibited – Electrical signs shall not be located along designated corridors.

(Ord. 4408 § 1, 2013; Ord. 4333 § 1, 2011)

100.52 CBD, JBD and YBD – Certain Signs Prohibited (No changes proposed to this section in Phase I)

Cabinet signs shall be prohibited in all Central Business District (Chapter [50](#) KZC), Juanita Business District (Chapter [52](#) KZC) and Yarrow Bay Business District zones (Chapter [56](#) KZC).

(Ord. 4333 § 1, 2011; Ord. 3814 § 1, 2001)

100.55 Development Containing Uses in More Than One (1) Sign Category (No changes proposed to this section in Phase I)

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 If a subject property contains a mix of commercial and residential uses, the residential uses must comply with Sign Category A and the commercial uses must comply with the sign category assigned to the commercial uses that predominate on the subject property. Within mixed use projects, residential uses may have electrical signs (except on designated corridors) only if the electrical signs are attached to areas of the building associated with the commercial uses.

In all other cases, if the subject property contains uses assigned to different sign categories, the signs for the entire development must comply with the sign category assigned to the uses that predominate on the subject property.

(Ord. 4193 § 1, 2009)

100.60 Allocation of Sign Area within a Development with More Than One (1) Use or Tenant (No changes proposed to this section in Phase I)

.....
 The owner(s) of a development with more than one (1) use or tenant must submit to the City a letter allocating the allowable sign area for the development to the various uses or leasable area in the development or to sign (s) which identify the development. The owner(s) must agree in the letter to include the specified sign allocation in all leases, rental agreements, condominium by-laws and similar documents.

100.65 Sign Height and Dimensions (No changes proposed to this section in Phase I)

.....
 The permitted height of signs for each type of sign is listed below:

1. Wall-Mounted and Marquee Signs:

Shall not project above the roofline of the building, parapet or similar architecture feature to which they are attached.

2. Under Marquee Signs:

Shall not extend further from a building facade than the marquee or canopy to which they are attached.

3. Pedestal Signs:

- a. Shall not exceed five (5) feet above average ground elevation.
- b. Must conform to the dimensional standards shown on Plate [12](#).

4. Monument Signs:

- a. Shall not exceed 12 feet above average ground elevation.
- b. Must conform to the dimensional standards shown on Plate [13](#).

5. Pole Signs:

- a. Shall not exceed 20 feet above average ground elevation.
- b. Must conform to the dimensional standards shown on Plate [13A](#).

See KZC [100.70](#) for special regulations regarding pole signs.

(Ord. 4408 § 1, 2013)

100.70 Special Regulations Regarding Pole Signs (No changes proposed to this section in Phase I)

Pole signs are permitted only in Sign Category F. They must be approved using Process I, described in Chapter [145 KZC](#). However, prior to issuing a decision, the Planning Director may consult with the Planning Commission. The City may grant a request for a pole sign and may grant increased sign area and height if:

1. It is necessary to identify a use that is oriented toward and primarily intended to serve motorists on the interstate system; and
2. It will not be out of scale or character with signs for nearby uses; and
3. It will not focus attention away from existing signs oriented to the interstate motorist and create a demand for increased height for other signs; and
4. It will not create a traffic hazard.

100.75 Location of Signs (No changes proposed to this section in Phase I)

1. General

- a. Except as allowed under subsection (2) of this section, all signs must be located on the same lot or property as the use, building, or event with which the sign is associated.
- b. All signs shall be located outside those areas required in KZC [115.135](#) to be kept clear of all sight obstructions.

2. Exceptions – The provisions of subsection (1) of this section do not apply as follows:

- a. The provisions of subsection (1)(a) of this section do not apply to the signs regulated under KZC [100.115](#).
- b. Wall-mounted and marquee signs may extend into a right-of-way abutting the subject property only upon approval of the Department of Public Works.
- c. Monument and pole signs must be set back at least five (5) feet from all property lines, except in zones that have no setbacks.
- d. The owners of two (2) or more properties that adjoin or are separated only by a private roadway may propose a joint sign package to the City. The City will review and decide upon the proposal by the Planning Director. The City will approve the joint sign package if it will provide more coordinated, effective and efficient signs. In determining the total allowable size for all of the signs in the joint sign package, the City will use the total area of signs that would be allowed for all of the participating properties if they were not proposing a joint sign package. The decision of the Planning Director in approving or denying a joint sign package may be appealed using the appeal provision, as applicable, of Process I, KZC [145.60](#) through [145.110](#).

100.80 Master Sign Plan (No changes proposed to this section in Phase I)

1. General – This section provides a mechanism under which special consideration can be given to signs which use a master sign plan to encourage the integration of signs into the framework of the building or buildings on the subject property. The City may allow deviations from the requirements of this chapter consistent with the criteria listed in subsection (4) of this section. At an applicant's request, this section may also be used to review proposed changes to sign plans which were initially approved as part of a previously approved PUD or CUP under prior zoning ordinances or through Process IIA or IIB under this code (Ordinance

2740, as amended).

2. Required Review Process – An application for a master sign plan under this section will be reviewed and decided upon by the Planning Director. However, prior to issuing a decision, the Planning Director may consult with the Planning Commission.
3. Required Information – As part of any application for a master sign plan under this section, the applicant shall submit the following information:
 - a. A narrative describing how the proposal is consistent with the criteria listed in subsection (4) of this section.
 - b. A colored rendering of the proposed signs in relation to development in the area and on the subject property.
4. Criteria – The City may approve a proposed master sign plan if:
 - a. The proposal manifests exceptional effort toward creating visual harmony between the sign, buildings, and other components of the subject property through the use of a consistent design theme. The elements which create visual harmony may include but are not limited to color, materials, location, and/or type of sign(s) proposed.
 - b. The proposed deviations are the minimum necessary to create readable signs from the rights-of-way providing direct vehicular access based on traffic speeds and patterns in the area of the subject property.
 - c. The signs are in character and orientation with planned and existing uses in the area of the subject property.
5. Minor Modifications – The Planning Official may grant a minor modification to the approved master sign plan in writing if:
 - a. The change does not increase the sign area of the subject property approved in the original master sign plan.
 - b. The change maintains visual harmony with those elements specifically identified in the original master sign plan as integral to the design theme of the subject property (for example; location(s), color(s), material (s), or type(s)).
6. Appeals – The decision of the Planning Director in approving or denying a master sign plan under subsection (2) of this section and modifications granted by the Planning Official under subsection (5) of this section may be appealed using the appeal provision, as applicable, of Process I, KZC [145.60](#) through [145.110](#).

100.85 Prohibited Devices

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1. General – Except as specifically allowed under subsection (2) of this section, the following devices and facilities are specifically prohibited:
 - a. Pennants, banners, streamers and private flags except as permitted under KZC [100.115](#).
 - b. Strings of lights, flashing lights, colored lights, advertising search lights, and flares.
 - c. Twirlers, propellers, and wind-activated devices.

- d. Balloons.
 - e. ~~Signs of a garish or of a carnival-like nature.~~
 - f. Any sign that rotates, turns or moves by electrical or mechanical means except barber poles.
 - g. Projecting and under marquee signs, except as permitted by KZC [100.44635](#).
 - h. Any sign attached to or placed on a vehicle or trailer parked on public or private property. The prohibition of this subsection does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business.
 - i. Any portable outdoor sign, except ~~political, private advertising, or off-site real estate signs~~ as regulated by KZC [100.115](#).
 - j. Any sign with the shape and colors of a traffic sign.
 - k. Any sign which constitutes a traffic hazard including but not limited to signs containing words such as "stop," "look," "danger."
2. Exceptions – The provisions of subsections (1)(a) through (k) of this section do not apply to the following:
- a. Holiday decorations ~~appropriately displayed.~~
 - b. The use of devices described in subsection (1) of this section for no more than seven (7) days to announce the grand opening of a business or use.
 - ~~c. The use of devices described in subsection (1) of this section if approved on a temporary basis using Process I, described in Chapter 145 KZC, if this will not be detrimental to any nearby neighborhood or use.~~
 - d. Thematic flags, banners or pennants that are complementary to and normally associated with the character of a specific location.
 - e. Changing message centers.

(Ord. 3814 § 1, 2001)

100.90 Sign Maintenance and Removal (No changes proposed to this section in Phase I)

1. Maintenance – All signs must be kept in a safe manner at all times. Damaged or deteriorated signs must be repaired within 30 days of notification by the City. The area surrounding groundmounted signs must be kept free of litter and debris at all times.
2. Removal – Unless otherwise specified in this code, the applicant or property owner must remove all nonconforming signs within 14 days and all conforming signs within 90 days of the date of the closure or discontinuance of the business, use or event with which the signs were associated.

100.95 Landscaping Around Ground-Mounted Signs (No changes proposed to this section in Phase I)

An area around the base of each ground-mounted sign equal to the sign area must be landscaped to improve the overall appearance of the sign and to reduce the risk of automobiles hitting the sign or supports of the sign. This landscaping must include vegetation and may include other materials and components such as brick or concrete bases, planter boxes, pole covers, or decorative framing.

100.100 Structural Components – Overall Appearance (No changes proposed to this section in Phase I)

To the maximum extent possible, signs should be constructed and installed so that angle irons, guywires, braces, and other structural elements are not visible. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or woods.

100.110 Illumination Limitations on Electrical Signs (No changes proposed to this section in Phase I)

No sign may contain or utilize any of the following:

1. Any exposed incandescent lamp with a wattage in excess of 25 watts.
2. Any exposed incandescent lamp with an internal or external reflector.
3. Any continuous or sequential flashing operation.
4. Except for changing message centers, any incandescent lamp inside internally lighted signs.
5. External light sources directed towards or shining on vehicular or pedestrian traffic or on a street.
6. Internally lighted signs using 800 milliamp ballasts if the lamps are spaced closer than 12 inches on center.
7. Internally lighted signs using 425 milliamp ballasts if the lamps are spaced closer than six (6) inches on center.

100.115 Temporary/Special Signs

A. The chart below establishes regulations that apply to numerous signs of a temporary or special nature or purpose. These signs shall be permitted in addition to the signs permitted in Sign Categories A through F, and shall be subject to the requirements set forth in the following chart. Except as specifically stated in the chart, the signs in the chart are not subject to the regulations of KZC [100.30](#) through [100.75](#) and KZC [100.95](#).

Note: this chart would be deleted as part of Phase I amendments, with sign types reformatted in subsections (see below: 100.112.10 and 100.115.10-100.115.50).

No temporary or special signs shall be posted or placed upon public property; provided that, certain temporary signs may be posted or placed within certain portions of a public street right-of-way as identified by the chart below.

| TYPE OF SIGN | MAXIMUM NUMBER OF SIGNS | MAXIMUM SIGN AREA | PERMITTED LOCATION | PERMITTED DURATION OF DISPLAY |
|-----------------------|---|--|--|--|
| Real Estate, On-site | For each dwelling unit, use or development: 1 per broker per abutting right-of-way. | Dwelling units: 6 sq. ft. per sign face. Other uses or developments: 32 sq. ft. per sign face – not to exceed 64 sq. ft. per property for sale or rent. | Subject property. | Must remove when property is sold or rented. |
| Real Estate, Off-Site | 1 per block per property for sale or rent. | 6 sq. ft. per sign face. | Private property/public right-of-way. ⁽³⁾ | Must remove when property is sold or rented. |

| | | | | |
|--|---|--|---|---|
| Construction | 1 per abutting right-of-way. | 32 sq. ft. per sign face. | Subject property. | Shall not be displayed prior to issuance of a building permit. Must be removed prior to issuance of a certificate of occupancy. |
| Temporary Commercial | No maximum. | No maximum. | Subject property. Must remove after being entirely attached to a building face or fence. | being displayed 60 days or at end of use, event or condition, whichever comes first. |
| Integral | 1 per structure. | 6 sq. ft. per sign face. | Subject property. | No limitation. |
| Private Notice and Instructional | No maximum. | 2 sq. ft. per sign face. | Subject property. | No limitation. |
| Private Advertising | No maximum. | 16 sq. ft. per sign face. | No closer than .50 ft. from another sign advertising the same use, event or condition. | Must remove at end of use, event or condition. |
| Private Traffic Direction | No maximum. | 4 sq. ft. per sign face. | Subject property. | No limitation. |
| Off-site Directional ⁽¹⁾ | 1. | 16 sq. ft. per use, not to exceed 64 sq. ft. | Private property/public right-of-way. ⁽³⁾ | Determined on case-by-case basis. |
| Political right-of-way. ⁽³⁾ | No maximum. | 6 sq. ft. per sign face. | Private property/public | No later than 7 days after the final election. |
| Projecting and Under Marquee | 1 per pedestrian or vehicular entrance. | 4 sq. ft. per sign face. | Subject property right-of-way abutting subject property. For uses subject to Sign Categories C, D, E and F only. Shall not project above roofline of structure to which sign is attached. | No limitation. |
| Fuel Price ⁽²⁾ | 1 per abutting right-of-way. | 20 sq. ft. per sign face. | Subject property. | No limitation. |
| Window Sign | No maximum. | No limitation. | Subject property. | No limitation |

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- (1) Must be approved by the Planning Director. Shall only be approved if there is a demonstrated need for an off-site sign because of poor visibility or traffic patterns. All uses in an area wanting a permanent off-site directional sign must use one (1) sign. The applicant must show that the proposed sign can accommodate all uses in the area that may reasonably need to be listed on the sign. The decision of the Planning Director in approving or denying an off-site directional sign may be appealed using the appeal provision, as applicable, of Process I, KZC [145.60](#) through [145.110](#).
- (2) Fuel price signs are also subject to KZC [100.95](#).
- (3) Signs which are permitted to be placed within a public street right-of-way shall be located between the curb and the abutting private property, or where no curb exists, between the edge of the paved travel lane or paved shoulder and the abutting private property, but in no case on a sidewalk or driveway.
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B. All temporary or special signs which are in violation of any provision of this section, shall be brought into conformance upon ten day's written notice of violation to the responsible party by the Planning Official, pursuant to the notice provisions of KZC [170.35](#). If the responsible party fails to remove or correct the sign violation within seven (7) calendar days after being served with notice of the violation, the Planning Official shall have the authority to remove the violative sign(s), and to assess the charges for such removal against the responsible party. For the purposes of this section, the "responsible party" shall be the owner or operator of the subject property upon which the sign violation occurs; provided that, in the case of off-site directional signs, the "responsible party" shall be the applicant(s) for the off-site directional sign; and provided further that, in the case of political signs, the responsible party shall be the political candidate and/or the manager of the political campaign promoted by the violative sign(s).

C. Notwithstanding the other provisions of this section, the Planning Official may remove without notice any temporary or special sign which is in violation of any provision of this chapter and is located in the public right-of-way or on public property, and may assess the costs of removal of such signs against the responsible party.

(Ord. 4408 § 1, 2013; Ord. 4286 § 1, 2011; Ord. 3814 § 1, 2001)

100.112 Special Signs

100.112.10 Off-Site Directional:

1. Maximum number: One.
 2. Maximum sign area: Sixteen square feet per use, not to exceed 64 sq. ft.
 3. Permitted location: Private property/public right of way. Signs which are permitted to be placed within a public street right-of-way shall be located between the curb and the abutting private property, or where no curb exists, between the edge of the paved travel lane or paved shoulder and the abutting private property, but in no case on a sidewalk or driveway.
- (Relocated from Temporary Signs, 100.115).***

100.115 Temporary/~~Special~~ Signs

Temporary signs are those intended and designed to be displayed for a limited period of time. They must be made of cloth, paper, cardboard or similar lightweight material and must be installed to be easily removed. They may not be lighted. Signs which are permitted to be placed within a public street right-of-way shall be located between the curb and the abutting private property, or where no curb exists, between the edge of the paved travel lane or paved shoulder and the abutting private property, but in no case on a sidewalk or driveway.

100.115.10 Signs for Properties for Sale or Rent: *(Replaces “real estate” signs)*

1. Maximum number: One per dwelling unit or property unit for sale or rent;
2. Maximum sign area:
 - a. Detached dwelling units: six square feet per sign face;
 - b. Other uses: 32 square feet per sign face;
3. Permitted location: On the property for sale or rent;
4. Duration: Must remove after the property is sold or rented.
5. Off-site signs: In addition to the provisions above, during any time when a property is open for public viewing, additional off site signs may be displayed subject to the following:
 - a. Maximum Number: One sign per block within ¼ mile of the property for sale or rent;
 - b. Maximum sign area: 6 square feet per sign face;
 - c. Permitted Location: Except for areas required to be kept clear of sight obstructions by section 115.135 of this code:
 - i. On private property, with the consent of the property owner, or
 - ii. In public rights of way, other than paved vehicular travel lanes, paved parking areas, sidewalks or pedestrian paths, driveway aprons and center medians.

100.115.20 Signs for Properties with Active Construction: *(Replaces “construction” signs)*

1. Maximum number: One per right of way abutting the property;
2. Maximum sign area: 32 square feet per sign face;
3. Permitted location: On the property actively under construction.

100.115.30 Signs Displayed Prior to, During and After Elections *(Replaces “political” signs)*

1. Maximum number: No limit;
2. Maximum sign area: Six square feet per sign face;
3. Permitted location:
 - a. On private property with the consent of the property owner; and
 - b. In public rights of way, other than paved vehicular travel lanes, paved parking areas, sidewalks or pedestrian paths, driveway aprons and center medians;
4. Permitted duration: Between 30 days prior to and 7 days after an election (or before voting begins and ends?).

100.115.40 Temporary Signs in Non-Residential Zones *(Replaces “temporary commercial” signs)*

1. Maximum number: No limit;
2. Maximum sign area: No maximum;
3. Permitted location: Property in a nonresidential zone on which the business is located, attached to the face of a building, a wall or fence;
4. Permitted duration: During the use, event or condition advertised on the sign, but not more than 60 days.

100.115.50 Signs Associated with Temporary Events *(Replaces “private advertising” signs)*

1. Maximum number: No limit;
2. Maximum sign area: Six square feet per sign face;
3. Permitted location:

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- a. On the property with which the sign is associated; and
 - b. In public rights of way, other than paved vehicular travel lanes, paved parking areas, driveway aprons and center medians. Signs placed on sidewalks must be located outside of the path of pedestrian travel, leaving a travel width of at least five feet;
4. Permitted duration: Between two days prior to and four hours after the event.

100.120 Bonds (No changes proposed to this section in Phase I)

The City may require a bond under Chapter [175](#) KZC to ensure compliance with any aspect of this chapter.

The Kirkland Zoning Code is current through Ordinance 4514, passed April 19, 2016.
 Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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The Importance of Bringing Your Sign Code Up-to-Date

October 29, 2015 by [Steve Butler](#)
 Category: [Sign Control](#)



The U.S. Supreme Court's decision in *Reed v. Town of Gilbert* is a major case with far-reaching impacts on local government. While the *Reed* case addressed regulation of temporary directional signs, its ramifications go beyond just that one category of sign regulation. The potential impacts of this case may also extend beyond the regulation of signs. With that said, this post will focus just on sign codes.

Summary of Major Findings

from the *Reed* Case

Content neutrality is not a new issue for sign regulations. Before the *Reed* case, however, the U.S. Supreme Court and other courts would consider the *intent* of a sign regulation and strike down “content-based” regulations only when the courts determined they were “adopted to suppress speech with which the government disagreed.” With *Reed*, the new standard is that any law or regulation of speech that is based on the content of the speech is presumptively unconstitutional and subject to “strict scrutiny,” which is the most rigorous standard for First Amendment review. Strict scrutiny requires a challenged regulation to be “narrowly tailored to serve a compelling governmental interest,” with legal experts stating that such scrutiny is almost always fatal to the regulation in question. See the MRSC blog post, [US Supreme Court Issues Significant Sign Code Decision](#), for a more detailed summary of the *Reed* case.

The primary takeaways of the *Reed* case are that local sign regulations must be content-neutral *and* that a sign code will be subject to “strict scrutiny” judicial review if it applies different standards based on:

- a sign's content (i.e., what is written or portrayed on the sign);
- the purpose of the sign; or
- who is putting up the sign.

In other words, if you have to differentiate the type of sign being regulated by reading the sign's content or knowing the sign message's author, then the regulation is probably unconstitutional. Before *Reed*, most regulations, if challenged, would have been subject to a “lesser” scrutiny test.

With the *Reed* decision, you can still regulate noncommercial signs in a content-neutral “time, place, or manner” approach, using such factors as:

- Location, such as commercial vs. residential locations or zoning districts (for example, highway commercial, downtown commercial, and single-family residential);
- Size and height;
- Type of structure (for example, freestanding signs, monument signs, permanent façade signs, banner signs, and inflatable roof signs);
- Use of materials;
- Maximum number;
- Lighted vs. unlighted signage;
- Fixed message signs vs. signs with changing messages (electronic or otherwise);
- Moving parts;
- Portability (for example, A-frame or sandwich board signs).

Less clear are restrictions on signs advertising a one-time event or regulations differentiating between on-premise vs. off-premise signs (even though those two types of signs are included on a list in Supreme Court Justice Alito’s list of “rules” for effective regulations that are not content-based, set out in his concurring opinion in *Reed*), since such restrictions could be viewed as counter to *Reed*’s generalized rule that, “if you have to read what a sign says to determine whether it complies with the sign code, then the sign code is impermissibly content-based.”

There is also the open question of whether the *Reed* case pertains only to noncommercial signs, with a lesser constitutional standard being applied to commercial sign regulations (see the [recent MRSC blog post](#) for more details about this issue).

What Can Local Governments Do to Regulate Signs?

All is not lost. Local government can still regulate signs, albeit with a narrower, more content-neutral focus than they may have applied in the past.

With the *Reed* case raising many issues about local sign regulations, the following is a partial list of how cities, counties, and towns might be able to deal with some specific sign situations:

- **Signs on public property:** Since *Reed* indicates that a local government can regulate a sign’s location, then it would appear permissible to prohibit or restrict signs on public property. If you enact limitations, however, you will need to treat all signs equally, based on such factors as size and location. So, for example, if you allow political campaign signs on public property, you would need to allow other types of temporary signs on public property also.
- **Public safety signs:** It is permissible – and necessary – for cities, towns, and counties to exempt these signs (such as speed limit and stop signs) from regulation under sign codes and to allow their placement in the ROW, where other signs are not allowed.
- **A-frame/sandwich board signs on public sidewalks** (usually commercial signs related to an activity): Local action on portable signs, such as A-frames, depends upon one’s reading of the *Reed* case. If it applies only to noncommercial signs, then your existing regulations for such signs would only be reviewed under the “lesser scrutiny” constitutional test and may not need to be changed. On the other hand, if *Reed* is deemed to extend to

commercial speech, then a local government may need to decide whether to either prohibit them altogether or allow all such signs, subject to numerical and locational limits (based on local needs and preferences).

- **Political signs:** Regulating political signs will prove to be a particularly sticky issue. Local regulations will not be able to differentiate political signs from other types of temporary noncommercial signs in a content-neutral manner. As such, the common post-election durational limitation on election campaign signs will have to go. Again, it appears that local governments may apply size, numerical, locational, and other limits to such signs, although that may not be a popular approach to some people.
- **Attention-getting device/inflatable signs:** If you want to regulate such signs, add them as a specific type of sign and develop standards for them, based on their structural characteristics. Examples include large rooftop balloon signs and air-activated graphics signs (e.g., inflatable “waving man” signs).

Helpful Tips

While not meant to be comprehensive in scope, the following list contains tips that we recommend you consider when reviewing and updating your sign regulations:

1. Review your sign code to identify any content-based standards and amend them to eliminate any standards based on content (which is the primary point being discussed in this article).
2. Do not enforce any existing content-based sign regulations.
3. Have a strong purpose statement (based on such factors as traffic safety and aesthetics) and link it closely to your sign regulations.
4. Have the adopting ordinance cite specific factual studies and analyses that relate to your sign code’s purpose and intent (you can either prepare your own study, or rely on one done by another entity if its findings are pertinent to your jurisdiction).
5. Revise your sign definitions to ensure they are not based on content. One example would be to define “temporary signs” based on **material** (since they are usually made of cardboard or wood, rather than metal and heavy plastic) and **size** (since they are usually much smaller than a permanent sign).
6. Add a severability clause (for example, “If one or more sections of this sign code are found to be invalid, the remaining sections stand on their own and are still valid”), either in the adopting ordinance or the code itself.
7. Add a substitution clause to avoid claims of favoritism towards signs with commercial or noncommercial messages (one example is “Whenever a commercial message is allowed to be displayed, then a noncommercial message will be automatically allowed as well”).
8. Avoid having exemptions in your sign code, because they are usually not content-neutral (common examples are exemptions for “grand openings” or “special events”).
9. Work closely with your municipal or prosecuting attorney!

Even though it raises a lot of unanswered questions, the *Reed* case makes it clear that local governments need to review their sign codes and update them in response to a changing legal landscape. It is important for Washington cities, counties, and towns to heed that advice, and embark upon the significant work of regulating signs in a manner that both meets local expectations and passes constitutional muster.

Good Reference Materials

Phase II
Zoning Code Amendments to Chapter 100 (Signs)
Preliminary Potential Policy Issues for Consideration

- **100.15:** Should the size of “directional” signs be limited?
- **100.30:** Should allowances for “pole” signs be deleted since this type of sign is no longer allowed?
- **100.30/Design Standards:** Should modifications to design standards for monument signs be considered to allow greater flexibility?
- **100.35:** Are there concerns or ideas about the number of signs allowed (may consider allowing more pedestal and monument signs for longer frontages)
- **100.40:** Should sign area formula be adjusted to reduce the penalty for long frontages?
- **100.50:** Should electronic signs continue to be prohibited on designated corridors? Should additional corridors be added?
- **100.52:** Should sign cabinets continue to be prohibited in CBD, JBD and YBD business districts? Should they also be prohibited in other districts? Are there other types of signs that should be prohibited?
- **100.60:** Is the allocation of sign area in developments with more than one tenant still appropriate?
- **100.65:** Are the sign height restrictions and design standards for wall-mounted, pedestal and monument signs appropriate? Should pole signs be prohibited everywhere or allowed in more places?
- **100.70:** Should these restrictions for pole signs be eliminated if pole signs are not allowed?
- **100.75:** Should pedestal and monument sign setbacks from rights of way be reduced or eliminated?
- **100.80:** Are there adjustments to sign regulations that would allow more businesses to avoid having to apply for a Master Sign Plan?
- **100.85:** 1) Are the prohibited devices still appropriate? 2) Should section allowing an exemption for “Thematic flags, banners or pennants that are complementary to and normally associated with the character of a specific location” be revised?
- **100.112.10:** Should the regulations for “Off-site-directional” signs be revised or deleted? Do requirements for content neutrality render this sign type illegal?

- **100.115:** 1) Should portable signs be allowed (regulations would likely be in "Temporary Signs" section) 2) Should provisions for signs "associated with a residence" or signs "in residential zones" be established? Should we allow a sign type such as this that would provide for general signs, perhaps expressing a viewpoint, to be allowed and/or regulated in residential zones? This would accommodate residents who may wish to post signs outside of the timeframe related to elections (allowed in 100.115.30).