



CITY OF KIRKLAND

PLANNING AND BUILDING DEPARTMENT

123 FIFTH AVENUE, KIRKLAND, WA 98033

425.587.3600 - www.kirklandwa.gov

MEMORANDUM

Date: October 13, 2016

To: Houghton Community Council

From: Dorian Collins, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director
Eric Shields, AICP, Director

Subject: Amendments to the Zoning Code: Content Neutral Sign Regulations – Chapters 5 and 100 (CAM16-00954)

RECOMMENDATION

Staff recommends that the Houghton Community Council approve by motion, Resolution 2016-4 to approve amendments to the Zoning Code to ensure content-neutrality in the regulation of signs.

BACKGROUND DISCUSSION

On October 4, 2016, the Kirkland City Council adopted O-4532, consistent with the recommendations of the Planning Commission and Houghton Community Council. The amendments are included as an exhibit to Ordinance 4532 (Attachment 1).

The Houghton Community Council (HCC) and Planning Commission (PC) held a joint public hearing on September 8, 2016, and both bodies recommended approval of the amendments.

The amendments to the Zoning Code are necessary to ensure that Kirkland's sign regulations remain content-neutral, consistent with the findings of recent court decisions, including Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015). Kirkland must complete amendments to its sign code to ensure compliance with these court decisions by October 31, 2016. This deadline was established by the Washington Cities Insurance Authority (WCIA) as part of an audit.

Attachment 1: Ordinance 4532

CC:
CAM16-00954
Planning Commission
Houghton Community Council
Kirkland Neighborhood Associations
Kirkland Alliance of Neighborhoods
Kirkland Chamber of Commerce

ORDINANCE O-4532

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING CHAPTERS 5 AND 100 OF THE KIRKLAND ZONING CODE REGARDING DEFINITIONS AND REGULATIONS TO ENSURE CONTENT NEUTRALITY IN SIGN REGULATIONS AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM16-00954.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission to amend various sections of
3 Chapters 5 and 100 of the Kirkland Zoning Code, as set forth in the
4 report and recommendation of the Planning Commission dated
5 September 8, 2016 and bearing Kirkland Planning and Building
6 Department File No. CAM16-00954; and
7

8 WHEREAS, prior to making the recommendation, the Kirkland
9 Planning Commission, following notice as required by RCW 36.70A.035,
10 held a public hearing on the amendment proposals on September 8,
11 2016; and
12

13 WHEREAS, pursuant to the State Environmental Policy Act
14 (SEPA), Chapter 43.21c RCW, a SEPA Addendum to Existing
15 Environmental Documents was issued by the responsible official
16 pursuant to WAC 197-11-625 on August 24, 2016; and
17

18 WHEREAS, in a regular public meeting on October 4, 2016, the
19 City Council considered the environmental documents received from the
20 responsible official, together with the report and recommendation of the
21 Planning Commission and a report from staff,
22

23 NOW, THEREFORE, the City Council of the City of Kirkland do
24 ordain as follows:
25

26 Section 1. Chapters 5 and 100 of the Kirkland Zoning Code are
27 amended as set forth in Attachment A attached to this ordinance and
28 incorporated by reference.
29

30 Section 2. If any section, subsection, sentence, clause, phrase,
31 part or portion of this ordinance, including those parts adopted by
32 reference, is for any reason held to be invalid or unconstitutional by any
33 court of competent jurisdiction, such decision shall not affect the validity
34 of the remaining portions of this ordinance.
35

36 Section 3. To the extent the subject matter of this ordinance is
37 subject to the disapproval jurisdiction of the Houghton Community
38 Council, this ordinance shall become effective within the Houghton
39 Community Municipal Corporation only upon approval of the Houghton
40 Community Council or the failure of said Community Council to
41 disapprove this ordinance within 60 days of the date of the passage of
42 this ordinance.

O-4532

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Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this 4th day of October, 2016.

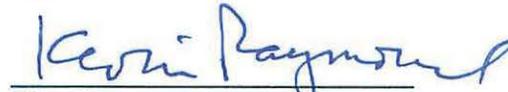
Signed in authentication thereof this 4th day of October, 2016.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

A. Amendments to Chapter 5:***Delete:***

- ~~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 indicating 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.~~

Revise:

- 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
- 100.112 Special Signs
- 100.115 Temporary/Special Signs
- 100.120 Bonds

100.05 User Guide

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 and temporary signs (~~e.g., political, real estate or temporary signs~~). These regulations are contained in KZC 100.112 and 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 by 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 by 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 by through encouraging good design and ~~t~~The proper maintenance of signs; and
6. Reduce potential hazards to motorists and pedestrians by reducing signage or visual 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.
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- donation 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 about the facilities present on the subject property or announcing a restriction on the subject property.
10. One sign per structure, 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.
11. Temporary window signs that are located inside a window and visible from the exterior of a building.

(Ord. 4408 § 1, 2013)

100.20 International Building Code – Compliance

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 temporary signs 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.

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 temporary 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.

(Ord. 3814 § 1, 2001)

100.45 Sign Area Chart

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
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OF
SUBJECT
PROPERTY
IS
LESS
THAN

SIGN
CATEGORIES

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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
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OF
SUBJECT
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⇒

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.

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	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

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

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

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

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

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)

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

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

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

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 100.44535.
 - 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 1, 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

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

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

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 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.

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 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.

(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.

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.

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:

1. Maximum number: One per dwelling unit or property 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:

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

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: No later than 7 days after the final election.

100.115.40 Temporary Signs in Non-Residential Zones

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

1. Maximum number: No limit;

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2. Maximum sign area: Six square feet per sign face;
 3. Permitted location:
 - 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

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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PUBLICATION SUMMARY
OF ORDINANCE O-4532

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING CHAPTERS 5 AND 100 OF THE KIRKLAND ZONING CODE REGARDING DEFINITIONS AND REGULATIONS TO ENSURE CONTENT NEUTRALITY IN SIGN REGULATIONS AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM16-00954.

SECTION 1. Provides amendments related to definitions and development regulations for signs in Chapter 5 and Chapter 100 of the Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code Section 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 5. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 4th day of October, 2016.

I certify that the foregoing is a summary of Ordinance 4532 approved by the Kirkland City Council for summary publication.


City Clerk

RESOLUTION. 2016-4

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING ORDINANCE NO. 4532 ADOPTED BY THE KIRKLAND CITY COUNCIL ON OCTOBER 4, 2016, ADOPTING AMENDMENTS TO THE KIRKLAND ZONING CODE REGARDING DEFINITIONS AND REGULATIONS TO ENSURE CONTENT NEUTRALITY IN SIGN REGULATIONS, (CASE NO. CAM16-00954)

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance No. 4532, adopting the amendments to the Zoning Code.

WHEREAS, pursuant to Ordinance 2001, the subject matter of this ordinance is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon (i) approval by the Houghton Community Council, or (ii) failure of said Community Council to disapprove this ordinance within 60 days of the date of its passage; and

WHEREAS, the pertinent subject matter of this ordinance was reviewed and discussed by the Houghton Community Council at the joint public hearing with the Planning Commission on September 8, 2016; and

WHEREAS, the Houghton Community Council finds that the pertinent subject matter of this ordinance will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation;

NOW, THEREFORE, be it resolved that Ordinance 4532 is hereby approved by the Houghton Community Council and shall be effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this ____ day of _____, 2016.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 2016.

Chair, Houghton Community Council

City Clerk

