

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2350

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, RELATING TO REGULATION OF SIGNAGE; BY REPEALING SNOHOMISH MUNICIPAL CODE SECTIONS 14.254.100 AND 14.245.110, BY ADDING A NEW SNOHOMISH MUNICIPAL CODE SECTION 14.245.015, APPLICABILITY AND INTERPRETATIONS, AND BY AMENDING SNOHOMISH MUNICIPAL CODE SECTIONS 14.245.010, 14.245.020, 14.245.030, 14.245.050, 14.245.060, 14.245.065, 14.245.075, 14.245.080, 14.245.085, 14.245.115, AND 14.245.130; ADOPTING A NEW SMC 14.15.020 ENTITLED “AMENDMENT PROCEDURES”; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, The City has the authority under common law and Title 35A Revised Code of Washington (RCW) to adopt regulations related to zoning and land uses and the processing of land use development permits; and

WHEREAS, the City has adopted a Land Use Development Code under Title 14 of the Snohomish Municipal Code (“Development Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City which includes regulations on signage for safety and aesthetic reasons; and

WHEREAS, pursuant to the State Environmental Policy Act, the City of Snohomish, as the designated lead agency for review of the proposed amendment, issued a Determination of Non Significance on Aug. 8, 2018 pursuant to WAC 197-11-340(2).; and

WHEREAS, on August 6, 2018 the proposed amendments contained herein were transmitted to the State Department of Commerce as required by RCW 36.70A.106; and

WHEREAS, on September 5, 2018, following notice as required by law, the Planning Commission held a duly-noticed public hearing to receive staff and citizen input concerning the proposed code amendments and all persons who wished to be heard on the matter were heard; and

WHEREAS, the Planning Commission adopted Findings of Facts & Conclusions and recommended City Council approval of the proposed code amendments which are attached hereto as Exhibit A and incorporated by this reference; and

WHEREAS, on October 2, 2018, following notice as required by law, the City Council held a duly-noticed public hearing to receive staff and citizen input and to consider the recommendation of the Planning Commission, and all persons who wished to be heard on the matter were heard; and

WHEREAS, the City Council has determined that it is in the public interest to update the City’s signage regulations to be consistent with the U.S. Supreme Court case Reed vs Town of Gilbert and to clarify language to improve enforceability and administration of the regulations.

NOW THEREFORE, the City Council of the City of Snohomish, Washington, do ordain as follows:

Adoption of Recitals as Findings. The City Council hereby adopts each of the recital paragraphs above as findings and hereby incorporates them by reference as though fully stated herein.

Section 1. Adoption of Planning Commission Findings. The Planning Commission findings as set forth in “Exhibit A” are hereby adopted and incorporated by reference, including but not limited to the findings that the Development Code regulations and amendments adopted by this Ordinance are:

- a. Internally consistent with the City of Snohomish Comprehensive Plan;
- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of Snohomish residents.

Section 2. SMC 14.245.100 and SMC 14.15.110 repealed. SMC 14.15.100, entitled “Grand Opening and Special Event Signs”, and SMC 14.245.110 entitled “Political Signs”, are each hereby repealed in their entirety.

Section 3. New Section SMC 14.245.015 adopted. A new SMC 14.245.015 entitled “Applicability and Interpretations” is hereby adopted to read as set forth in attached “Exhibit B” which is hereby incorporated herein by this reference as though fully contained herein.

Section 4. SMC 14.245.010 amended. SMC 14.245.010 entitled “Purpose and Intent” is hereby amended to read as set forth in attached “Exhibit C” which is hereby incorporated herein by this reference as though fully contained herein.

Section 5. SMC 14.245.020 amended. SMC 14.245.020 entitled “Definitions” is hereby amended to read as set forth in attached “Exhibit D” which is hereby incorporated herein by this reference as though fully contained herein.

Section 6. SMC 14.245.030 amended. SMC 14.245.030 entitled “Sign Permit Required” is hereby amended to read as set forth in attached “Exhibit E” which is hereby incorporated herein by this reference as though fully contained herein.

Section 7. SMC 14.245.040 amended. SMC 14.245.040 entitled “Sign Permit Fees” is hereby amended to read as set forth in attached “Exhibit F” which is hereby incorporated herein by this reference as though fully contained herein.

Section 8. SMC 14.245.050 amended. SMC 14.245.050 entitled “Signs Exempt from Permit Regulation” is hereby amended to read as set forth in attached “Exhibit G” which is hereby incorporated herein by this reference as though fully contained herein.

Section 9. SMC 14.245.065 amended. SMC 14.245.065 entitled “Freestanding Signs” is hereby amended to read as set forth in attached “Exhibit H” which is hereby incorporated herein by this reference as though fully contained herein.

Section 10. SMC 14.245.075 amended. SMC 14.245.075 entitled “A-board Signs” is hereby amended to read as set forth in attached “Exhibit I” which is hereby incorporated herein by this reference as though fully contained herein.

Section 11. SMC 14.245.080 amended. SMC 14.245.080 entitled “Prohibited Signs” is hereby amended to read as set forth in attached “Exhibit J” which is hereby incorporated herein by this reference as though fully contained herein.

Section 12. SMC 14.245.085 amended. SMC 14.245.085 entitled “Electronic Change Message Signs” is hereby amended to read as set forth in attached “Exhibit K” which is hereby incorporated herein by this reference as though fully contained herein.

Section 13. SMC 14.245.090 amended. SMC 14.245.090 entitled “Illumination of Signs” is hereby amended to read as set forth in attached “Exhibit L” which is hereby incorporated herein by this reference as though fully contained herein.

Section 14. SMC 14.245.115 amended. SMC 14.245.115 entitled “Signs in Residential Land Use Designations” is hereby amended to read as set forth in attached “Exhibit M” which is hereby incorporated herein by this reference as though fully contained herein.

Section 15. SMC 14.245.130 amended. SMC 14.245.130 entitled “Nonconforming Signs” is hereby amended to read as set forth in attached “Exhibit N” which is hereby incorporated herein by this reference as though fully contained herein.

Section 16. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Effective Date. This ordinance shall be effective five days after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 2nd day of October, 2018.

CITY OF SNOHOMISH

By John T. Kartak
John T. Kartak, Mayor

ATTEST:

By Pat Adams
Pat Adams, City Clerk

Approved as to form:

By Grant Weed
Grant Weed, City Attorney

Date of Publication: 10-6-18
Effective Date: 10-11-18

EXHIBIT A

Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed amendments to Chapter 14.245 Snohomish Municipal Code, Sign Regulations regarding updating the code to be consistent with the U.S. Supreme Court Decision in the 2015 case Reed v Town of Gilbert and to improve the code's clarity, the Planning Commission of the City of Snohomish makes the following Findings of Fact:

1. The City has the authority under RCW Title 35A to adopt regulations related to land use development.
2. The City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code ("Development Code") to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City. Chapter 14.245 Snohomish Municipal Code contains the City's sign regulations.
3. Pursuant to SMC 14.15.070 and RCW 36.70A.106, on Aug. 6, 2018, the city notified the Washington State Department of Commerce of the City's intent to amend the Land Use Development Code to update the City's signage regulations found in Chapter 14.245 SMC.
4. Pursuant to the State Environmental Policy Act, the City of Snohomish, as the designated lead agency for review of the proposed amendment, issued a Determination of Non Significance on Aug. 8, 2018 pursuant to WAC 197-11-340(2). That determination was not appealed as stands as issued.
5. A Notice of Planning Commission Public hearing consistent with Snohomish Municipal Code requirements was published on Aug. 18, 2018.
6. Currently, Chapter 14.245 Snohomish Municipal Code provides for some regulations on allowed signage that are not content neutral, especially regarding political signs and grand opening/special event signs. As such, the code is not consistent with the U.S. Supreme Court Case Reed vs. Town of Gilbert. Other parts of the chapter contain regulations that are unclear and/or difficult to enforce.
7. The following Comprehensive Plan goal supports the proposed code amendment:
PD 17.4: Exterior lighting. In primarily residential areas, exterior lighting and sign illumination should be limited to avoid light and glare impacts to residential uses.
8. On Sept. 5, 2018 the City of Snohomish Planning Commission held a public hearing to consider the proposal to amend SMC 14.245, Sign Regulations to make it consistent with the U.S. Supreme Court decision in the 2015 case Reed v Town of Gilbert and also to improve the clarity of the code. After hearing a staff presentation on the proposed ordinance, asking questions, and receiving public testimony, the public hearing was closed and the Commission deliberated before making its recommendation to the City Council that the proposed code amendments be approved.

Based on the foregoing Findings of Fact, the Snohomish Planning Commission hereby makes the following conclusions:

1. The proposed code amendment will implement and be consistent with the goals and policies of the City of Snohomish Comprehensive Plan.
2. The proposed code amendment is consistent with the Washington State Growth Management Act.
3. The proposed code amendment is consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW).
4. The proposed code amendments will protect the public health, safety, and general welfare.
5. The proposed code amendment protects the City's economic base and avoids the creation of urban blight by regulating signs in a manner that recognizes free speech rights.
6. The proposed code amendments improve the clarity and enforceability of the City's sign regulations.

Date: 7 SEPT 2018

By: 
Hank Eskridge, Planning Commission Chair

EXHIBIT B

14.245.015 Applicability and Interpretations.

- A. This Chapter applies to all signs as defined in Section 14.245.020 - Definitions and Chapter 14.100 SMC - Definitions within the City which are functionally visible from any public street, sidewalk or place, regardless of the type or nature.
- B. Signs not specifically allowed in this chapter are prohibited.
- C. This Chapter is not intended to, and shall not be interpreted to, restrict speech on the basis of its content, viewpoint, or message. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. To the extent that any provision of this Chapter is ambiguous, the term shall be interpreted not to regulate speech on the basis of the content of the message.

EXHIBIT C

14.245.010 Intent and Purpose.

- A. The intent of this Chapter is to:
1. Protect the City's economic base and to encourage business owners to advertise their businesses, products, and/or services to potential customers in an effective and appropriate manner that helps the businesses to thrive; and
 2. Promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements; and
 3. Protect and enhance the City's historic and residential character; and
 4. Improve traffic safety by minimizing the distracting effect of signage which can cause visual confusion between advertising and traffic-control signs; and
 5. Avoid the creation of urban blight, destruction of natural beauty, and loss of property values that can result from unregulated signage.
- B. The purpose of this Chapter is to regulate the number, size, location, height, illumination, character, and other pertinent features of signs, in order to:
1. Provide adequate identification and advertising for business and access to advertising signage in a manner that will promote fair economic competition and at the same time protect the public health, safety, and welfare in the City.
 2. Promote and accomplish the goals, policies and objectives of the City's Comprehensive Plan and Zoning Code;
 3. Provide minimum standards in order to safeguard life, health, property and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of sign and sign structures;
 4. Recognize free speech rights by regulating signs in a content-neutral manner;
 5. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
 6. Protect the character of the Historic Business District with sign regulations that address the uniqueness of the District;
 7. Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
 8. Provide consistent sign design standards;
 9. Provide an improved visual environment for the citizens of and visitors to the City; and
 10. Adopt clear, understandable regulations which enable the fair and consistent enforcement of this Chapter.

EXHIBIT D

14.245.020 Definitions.

- A. “Balloon Sign“ means an inflated sign that is attached to the ground or some other anchor and is not a free-floating conveyance.
- B. “Banner” means a sign made of flexible material typically attached to a building or strung between two support structures. Banners are a type of temporary sign.
- C. “Building sign “means any sign that is painted on, or attached directly to or supported by, an exterior building wall, including façade signs, awning signs, canopy signs, and marquees, but excluding window signs.
- D. “City” means the City of Snohomish.
- E. “Color, lightness” means the degree to which a color appears to emit or reflect light. Lightness ranges from black (dark) to white (light). Sometimes referred to as “brightness” or “value.” Lightness is one of the three standard measures of color appearance.
- F. Directional sign. A sign designed to guide or direct pedestrian or vehicular traffic to an area, place, or convenience and may include incidental graphics such as trade names and trademarks.
- G. Electronic changing message sign. An electronically activated sign whose message content, either in whole or in part, may be changed by means of electronic or digital programming.
- H. Freestanding sign. A sign standing directly upon the ground and being detached from any building or similar structure.
- I. “Effectively visible” means a sign whose content is comprehensible from the public rights-of-way. Effectively visible is solely a function of size of sign copy/linear distance and line of sight.
- J. “Incidental sign” means a sign, emblem, or decal designed to inform the public of facilities or services available on the premises, and may include but not be limited to signs designating:
 - 1. Restrooms;
 - 2. Hours of operation;
 - 3. Acceptable credit cards;
 - 4. Property ownership or management;
 - 5. Phone booths; and
 - 6. Recycling containers.
- K. “Monument sign” means a ground-based freestanding sign which is constructed or connected directly on or to a sign support consisting of a permanent solid base material foundation which is constructed with the material comprising the sign area having the same composition as the base or support of the sign.

- L. “Off-site highway sign” means an off-site sign located along, and oriented to, SR-9 and/or US-2 for the purpose of identifying, and providing travel information to, one or more Snohomish businesses not otherwise visible from the highway(s).
- M. “Off-site sign. A sign advertising, identifying, or relating to an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which such sign is located, e.g., billboards.
- N. “Permanent sign” means a sign constructed of weather resistant material and intended for permanent use and that does not otherwise meet the definition of “temporary sign.” Wall mounted sign holders designed for insertion of signs and posters shall be considered permanent signage and subject to all standards of this chapter.
- O. “Portable Sign” means a freestanding sign, which is capable of being moved by one person and is not permanently affixed to the ground, a structure, or a building. Portable signs are a type of “temporary sign”.
- P. “Portable readerboard sign” means a portable sign supported by feet or wheels, with changeable letters and generally internally illuminated.
- Q. “Sign” means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, logos, trademarks, or written copy intended to identify any place, subject, person, firm, business establishment, product, goods, service, point of sale, or event.

A sign also includes balloons attached to sign structures, products, streamers, spinners, pennants, flags, inflatables or similar devices intended to attract attention to a site or business, as well as architectural or structural forms, illuminated panels, spandrels, awnings and other structural or architectural features not common to classic vernacular or non-corporate regional architecture and that are intended to convey a brand, message or otherwise advertise a location or product, whether or not such features include text or graphics and whether or not they serve other practical purposes such as lighting, covering or enclosure of persons or products. A sign includes any device which streams, televises or otherwise conveys electronic visual messages, pictures, videos or images, with or without sound or odors. Refer to Section 14.245.080 for a list of prohibited signs.

- R. “Temporary sign” means any sign intended to be displayed for a limited period of time only that is not permanently mounted, painted, or otherwise affixed. Temporary signs may only be constructed of non-durable materials, including but not limited to, cloth, canvas, plastic, vinyl, light fabric, cardboard, wall board, flexible, bendable or foldable plastics, or other light materials, with or without a frame.
- S. “Tenant” means a business, governmental, or non-profit entity which occupies a building or other real property within the City.
- T. “Window sign” means any sign located inside or on, affixed to, or located within the frame of a window of a building intended to be seen in, on or through through window and is visible from the exterior of the window.
- U. “Video board” means a device such as a television, computer monitor, flat panel display, plasma screen, or similar video electronic medium used as signage.

EXHIBIT E

14.245.030 Sign Permit Required.

- A. Except as otherwise permitted by this chapter, no sign shall be installed, erected, altered, or relocated without applying for and receiving a sign permit issued by the Planning Director.
- B. No sign permit shall be required for cleaning or other normal maintenance and repair of a sign, or for changes to tenant or business names on multi-tenant signs outside of the Historical District; provided that the original design, function and structure, and size of the sign are maintained and that they remain in compliance with this chapter.

EXHIBIT F

14.245.040 Sign Permit Fees.

- A. A fee will be required for the processing of all sign permit applications other than those determined to be exempt under SMC 14.245.060. The fee will be as set forth in the fee schedule adopted by resolution of the City Council.
- ~~B. If a building permit is required, the fee for such a permit shall be the amount set forth in the fee schedule adopted by resolution of the City Council.~~

EXHIBIT G

14.245.060 Signs Exempt from Permit Requirements.

The following types of signs or activities relating to signs ~~on private property in all land use designations~~ are exempt from the permitting requirements of this Chapter:

- A. Non-visible signs. Signs that are not functionally effective:
 - 1. Beyond the boundaries of the lot or parcel upon which they are located, or
 - 2. From any public right-of-way, sidewalk, or place, regardless of type.
- B. Non-illuminated signs of two (2) square feet in area, or less, except in the Historic District.
- C. Window signs. Any temporary sign taped or otherwise affixed to the inside of a window, in such a manner as to be easily removed.
- D. Governmental signs. Signs installed by the City, County, or a federal or State governmental agency for the protection of the public health, safety and general welfare, including, but not limited to, the following:
 - 1. Emergency and warning signs necessary for public safety or civil defense;
 - 2. Traffic and/or wayfinding signs erected and maintained by an authorized public agency;
 - 3. Signs required to be displayed by law;
 - 4. Signs showing the location of public facilities; and
 - 5. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety and general welfare;
- E. Memorial signs or tablets and names of buildings and dates of erection of ten (10) square feet or less, when cut into any masonry surface or inlaid so as to be a part of the building. Certain historic and architectural features. Historical plaques erected and maintained by non-profit organizations, memorials, building cornerstones, and date-constructed stones, provided that none of these exceed four (4) square feet in area;
- F. Occupant signs in residential districts, the content of which is limited to the name of the occupant and/or the address of the premises.
- G. Signs required or specifically authorized for public purposes by any law, statute, or ordinance.
- H. Religious symbols.
- I. Flags bearing the official emblem of a nation, state, municipality, educational institution, or non-commercial organization.
- J. Identification signs for parking lots, not advertising premises or products and having an area of three (3) square feet or less.

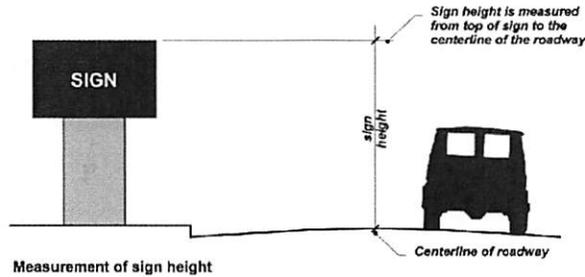
- K. Incidental signs.
- L. Changes to the face or copy of changeable copy signs, digital signs, electronic messaging signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.
- M. The normal repair and maintenance of conforming or legal nonconforming signs.
- N. Interior signs. Signs or displays located entirely inside of a building and located at least three (3) feet away from transparent doors and windows.
- O. Vehicle with signs. Any sign on a vehicle, unless such vehicle is parked or stationed near an activity for the primary purpose of attracting public attention to such activity. However, any such vehicle or mobile unit that is regularly parked in any prominently visible location for the primary purpose of attracting public attention to the sign shall not be allowed.
- P. Bench signs. Any outdoor bench or furniture with any signs or plaques one square foot or less in area.
- Q. Privately-maintained traffic control signs in a subdivision with private roads or signs in a parking lot.

EXHIBIT H

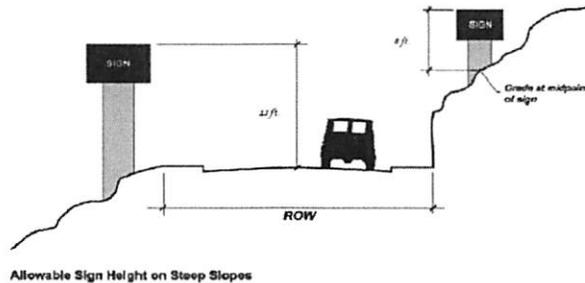
14.245.065 Freestanding Signs.

Freestanding signs shall comply with the following regulations:

- A. The maximum allowable sign height is indicated in the “Freestanding signs table” below. In those instances where the roadway is depressed below or elevated above the adjacent property, adjustments in the allowed maximum height may be allowed by the City Planner in accordance with this section.



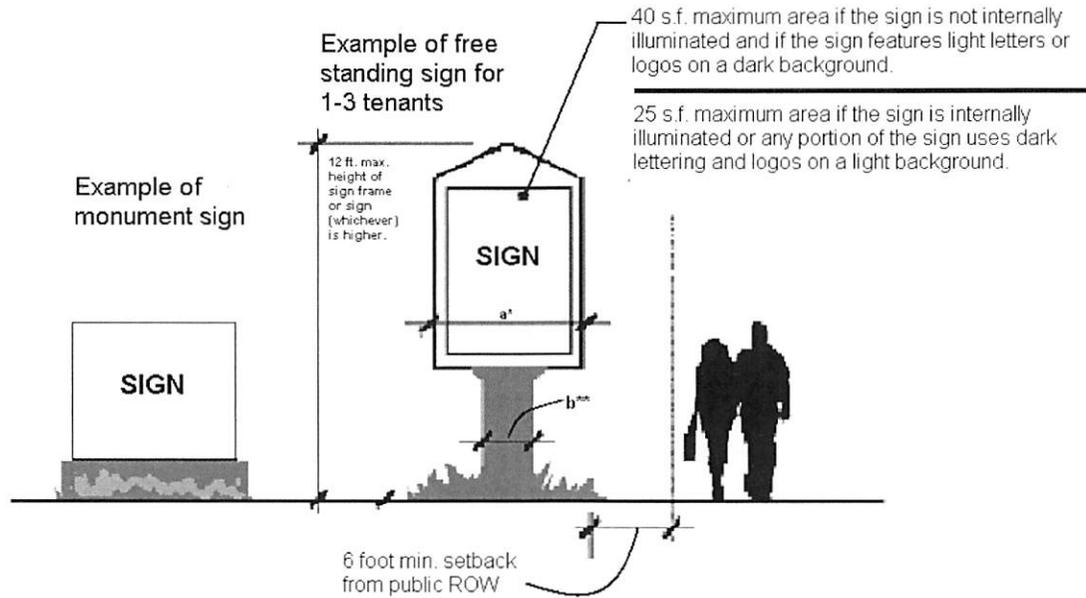
- 1. The maximum height of a freestanding sign is measured from the elevation of the centerline of the adjacent roadway to the top of the frame or sign structure, whichever is tallest. Refer to the “Freestanding signs table” below and the illustration above.
- 2. If the side slope of the property perpendicular to the street right-of-way is so steep that it does not allow the construction of a 6’ tall sign within the maximum allowable height limit, the City Planner may allow the sign to extend 8’ above the grade. Refer to the “Freestanding signs table” and the illustration below.



- B. A freestanding sign may have two faces. If the two faces are located in such relationship to each other that both cannot be viewed from any point at the same time, only one face will be counted in totaling the number of signs or sign area.
- C. The maximum allowable sign face area, excluding the frame and mounting, shall be as set forth in the following “Freestanding signs table” and as illustrated below:

Freestanding signs table

# tenants OR acreage (not both)	Square foot area of allowable text on sign	Sign height limit	Sign width limit
1-3 tenants	<p>40 square feet if sign face is not internally illuminated and uses light lettering and logos on dark back ground</p> <p>25 square feet if the sign face is internally illuminated or does not use light lettering and logos on a dark background</p>	12'	5'
4-7 tenants	<p>60 square feet if sign face is not internally illuminated and uses light lettering and logos on dark back ground</p> <p>40 square feet if the sign face is internally illuminated or does not use dark lettering and logos on a light background</p>	12'	6'
8+ tenants	<p>75 square feet if sign face is not internally illuminated and uses light lettering and logos on dark back ground</p> <p>50 square feet if the sign face is internally illuminated or does not use dark lettering and logos on a light background</p>	15'	8'
7 acres or more	<p>125 square feet if sign face is not internally illuminated or uses light lettering and logos on dark back ground AND is a non-internally illuminated monument sign with design elements related to the principal structures on site identifying the name of the development</p> <p>75 square feet if the sign face is internally illuminated or does not use light lettering and logos on a dark background</p> <p>In both of the above situations one additional monument sign may be installed with a maximum sign height of 5 feet above the ground and a maximum sign width of 8 feet. Said monument sign shall include design elements consistent with the principal structures on the site and shall relate to the entire site rather than an individual tenant.</p> <p>For commercial developments 30 acres or more in size, a second 18-foot-high freestanding sign may be installed in lieu of the 5-foot-monument sign where: 1) the commercial development has more than one driveway along that street frontage; and 2) two freestanding signs are separated by a minimum of 500 feet.</p>	18'	--



** "b" must be at least 1/3 "a" or be architecturally treated to reflect the sign frame or on-site buildings.

- D. In the “Freestanding signs table” above, “light” and “dark” refer to the amount of light reflected by a color. A dark color reflects less light than a light color. The City Planner shall have the authority to interpret the lightness of lettering/logos and other graphics relative to the lightness of the sign background.
- E. Sign base. Freestanding signs must have a substantial base with a length of at least one third the maximum length of the sign at its maximum cross-section as illustrated above.
- F. Location.
1. Any portion of a freestanding sign must maintain a six-foot minimum setback from the public right-of-way and a five-foot minimum setback from any property line.
 2. Freestanding signs shall meet the sight distance requirements of the City of Snohomish Public Works Standards.
- G. Number per site and minimum spacing.
1. One freestanding sign per site is allowed, except that a business with frontage on a City street and a State highway, where the building is not visible from the highway, may have an additional freestanding sign facing the highway, provided that the sign shall not exceed 18 feet in height as measured from pre-existing grade or finished grade of the sign location and shall not exceed 50 square feet in area.
 2. Sites fronting on two streets may have one freestanding sign per street, provided that these signs are at least 150 feet apart as measured along the property lines.
- H. Landscaping.
- A defined landscaped area shall be provided at least two (2) feet around the base of the freestanding sign to make the base of the sign and any ground-based lighting more attractive and deter vehicles, shopping carts, and people from contacting the base of the sign. The landscaping shall consist of a combination of ground cover materials and low growing shrubs.

I. Architectural embellishment.

An additional allowance of two feet in sign height and width is permitted for architectural embellishment, which shall not include any logo, writing, or other form of business identification or advertisement.

EXHIBIT I

14.245.075 Temporary Signs.

The following regulations shall apply to all temporary signs:

A. Types of Temporary Signs.

1. Portable signs.
2. Banners.
3. Construction site signs.

B. General Regulations for All Temporary Signs.

1. Only temporary signs as described in this section are allowed, and except as required by the International Building Code, or as otherwise required in this chapter, do not require building permits or sign permits.
2. Temporary signs shall not be:
 - a. Illuminated;
 - b. Inflated;
 - c. Animated or moving or have moving parts.
3. Balloons, festoon flags, pennants, lights or any other display shall not be attached to any temporary sign.
4. No landscaping, other than holes in sod for sign posts, may be damaged or modified to accommodate a temporary sign.
5. Temporary signs shall not be placed on any streetlight, crosswalk, curb, curbstone, lamppost, street sign, utility pole, hydrant, tree or shrub.
6. Temporary signs shall not block the sight distances pursuant to SMC 14.210.160 or create a safety hazard as determined by the City Engineer or his/her designee.
7. The signs allowed in this section are in addition to any other signs allowed in this chapter.
8. Signs that do not comply with the provisions of this section are subject to removal and disposal.
9. Window signs are not regulated as temporary signs.

C. Portable Signs

1. Except as noted below, portable signs are prohibited within the Historic Business District Land Use Designation Area because of their negative impact on the area's historic character. A city-sponsored wayfinding sign program for the area has been established to serve the same purpose as A-board and sandwich board signs. However, portable signs are allowed on Second Street and Avenue D as those streets are on the edge of the District and portable signs located there will have minimal impact on the area's historic character.
2. Portable signs shall not exceed six (6) square feet in area or exceed dimensions of 24" in width and 36" in height. Feather signs or feather flags which exceed these maximum dimensions are prohibited.

3. The top of portable signs shall not be more than 48” above the ground as measured from the existing ground level to the top of the sign.
4. A sign permit shall not be required for portable signs.
5. Portable signs may be located on public right-of-way; however, they shall be located so as not to create a safety hazard to pedestrians or motorists.

D. Banners

1. Banners shall be attached to a building or fence or strung between two support structures. They shall not be:
 - a. Strung between trees; or
 - b. Placed on the roof of a building.
2. Banners shall not exceed 45 square feet in area.
3. The height of banners shall not exceed the height of the building or fence to which they are attached. If the banners are strung between two support structures the maximum height shall not exceed fifteen (15) feet, as measure from the existing ground level to the top of the banner.
4. A maximum of one (1) banner shall be allowed on a parcel.
5. A sign permit shall be required before displaying a banner.
6. Banners may be displayed for not more than thirty (30) days in a calendar year.

E. Construction Site Signs

1. Construction site signs shall not exceed 32 square feet in area.
2. Construction site signs shall only be allowed on sites where an active development permit has been issued.
3. A maximum of two (2) construction site signs may be allowed on a single construction site.
4. Construction site signs shall be removed from a site no later than the date of issuance of the first occupancy permit for the site or two years after placement of the signs, whichever occurs first.

EXHIBIT J

14.245.080 Prohibited Signs.

The following signs are prohibited:

- A. Signs, or sign structures, which by coloring, working, or location, resemble or conflict with traffic-control signs or devices.
- B. Signs that create a safety hazard for pedestrians or vehicular traffic.
- C. All signs that rotate, move, glare, flash, change, reflect, or blink, or appear to do any of those things, including search lights, except as otherwise provided in this chapter.
- D. All inflatable advertising or attention getting devices, including balloon signs of all sizes.
- E. Any signs located on public right-of-way without evidence of specific approval by the City, except as otherwise provided in this chapter.
- F. Signs with changeable letters and numbers with the exception of gas price signs at service stations, with the exception of 35% of sign area for signs outside the Historic Business District Land Use Designation Area, and with the exception of electronic changing message signs as provided in this chapter.
- G. Off-site signs, except for off-site highway signs as provided by SMC 14.245.082 and signs which advertise community events and meet the following criteria:
 - 1. Are not displayed for longer than two (2) weeks.
 - 2. Are not located in City right-of-way or are permitted by a City right-of-way use permit.
 - 3. Are allowed by the property owner.
- H. Private signs attached to municipal sign and signal poles.
- I. Portable signs in the Historic Business land use designation area pursuant to Section 14.245.075, except portable signs are allowed in the Historic Business land use designation area if located on Second Street or Avenue D.
- J. Electronic changing message signs in the Historic District pursuant to Section 14.245.085.
- K. Erection of Signs or Structures. It is unlawful to use, place, or erect any sign board, sign, billboard, bulletin board, post, pole, or device of any kind for advertising in any park; or to attach any notice, bill, poster, sign, wire, rod, or card to any tree, shrub, railing, post, or structure within any park; or to place or erect in any park a structure of any kind.

EXHIBIT K

14.245.085 Electronic Changing Message Signs.

The following provisions shall apply to electronic changing message signs:

- A. Electronic changing message signs are prohibited in the Historic District because they are inconsistent with the historic character of the district.
- B. Only one electronic changing message sign shall be allowed per development.
- C. Electronic changing message signs shall only be allowed within the Commercial and Business Park Land Use Designation Areas.
- D. The maximum height for the electronic portion of an electronic changing message sign shall be ten feet.
- E. The maximum sign area for an electronic changing message sign, which is freestanding or wall mounted, shall be no greater than thirty-five percent of the maximum total allowable sign area.
- F. All electronic changing message signs shall be constructed as an integral part of a permanent sign constructed on site. Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign.
- G. A maximum of two colors shall be used for each electronic message displayed on an electronic changing message sign. The text of the message shall be a single color while the background color shall be a different darker color.
- H. The occupant's name and address shall be provided in non-electronic format.
- I. The display shall be limited to numbers, letters, standard punctuation, and symbols. Video boards shall be prohibited.
- J. Displays or messages on electronic readerboards shall not change more frequently than once every five seconds with a three (3) second maximum transition time between messages.

EXHIBIT L

14.245.090 Illumination of Signs.

- A. Light directed on, or internal to, any sign shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas. Light shall not shine or reflect on, or into, residential structures.
- B. No sign shall have blinking, flashing, or fluttering lights, or other illumination devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance or illusion of writing or printing, except those showing date, time, and temperature, exclusively. However, within the Historic Business Land Use Designation Area, this provision shall not apply to signs which are approved consistent with the procedures set forth in Chapter 14.225 SMC. Further, nothing contained in this chapter shall be construed as preventing the use of lights or decorations relating to religious and patriotic festivities.

EXHIBIT M

14.245.115 Signs Allowed in Residential Land Use Designations.

A. Signs in residential land use designations shall be allowed as set forth in the following table:

	Place of worship, school, and public land uses		Other non-residential land uses
	Sites under 1 acre	Sites 1 acre and greater	
Freestanding signs			
Maximum sign area	12 sq. ft.	24 sq. ft.	12 sq. ft.
Maximum sign height	5'	8'	5'
Maximum number of signs	One per frontage with 150' separation	One per frontage with 150' separation	One per frontage 150' separation
Minimum setback from internal property line	10'	10'	10'
Minimum setback from right-of-way	6'	6'	6'
Changeable messages	Yes	Yes	No
Building signs			
Maximum sign area	12 sq. ft.	20 sq. ft. or 5% of one street-facing façade up to 60 sq. ft.	12 sq. ft.
Maximum number of signs	One per frontage	One per frontage	One per frontage
Changeable messages	Up to 80% of allowable sign area	Up to 40% of allowable sign area	No
General			
External illumination and halo lighting	Yes ¹	Yes ¹	Yes ¹
Internal illumination	No	Yes ^{1,2}	No
Electronic signs	No	No	No

	Place of worship, school, and public land uses		Other non-residential land uses
	Sites under 1 acre	Sites 1 acre and greater	
A-board signs	No, except as allowed for special events	No, except as allowed for special events	No
Signs identifying occupants of individual dwelling, bed & breakfast or home occupation			One freestanding or building sign not to exceed 2 sq. ft.

1. Signs, where allowed to be illuminated, shall not be illuminated between ten p.m. and six a.m.
2. Subject to the following:
 - a. Sign shall be no closer than 50 feet from an internal property line and 20 feet from right-of-way;
 - b. Either background or foreground type and images shall be opaque; and
 - c. No light source shall be visible, including neon and bare bulbs.

EXHIBIT N

14.245.130 Nonconforming Signs.

- A. A sign legally in existence at the effective date of this chapter that does not comply with the provisions of this chapter shall be deemed nonconforming and may continue to exist. For the purpose of this section, "legally in existence" shall mean:
1. Installed prior to the existence of sign regulation within the City; or
 2. Installed subject to a permit issued by Snohomish County prior to annexation into the City of Snohomish; or
 3. Installed pursuant to a permit issued by the City of Snohomish or pursuant to an exemption from permit requirements.
- B. Modification of a sign legally in existence on the effective date of this chapter that does not comply with the provisions of this chapter may only occur as follows:
1. As part of an action to bring the entire sign more into compliance with the sign regulations in effect at the time of the modification; or
 2. Replacement of the sign face/ cabinet.
- C. The non-conforming status of a sign shall not be affected by cleaning or other normal maintenance and repair including changes to tenant or business names on multi-tenant signs, provided that the original design function, operational capability, and structure of the sign are maintained and the sign is not otherwise enhanced or upgraded.
- D. Abatement.
1. Signs located within the street rights-of-way that are not in compliance with this chapter and are not legally nonconforming pursuant to SMC 14.245.130(A) shall be abated in the following manner:
 - a. The property owner or business owner responsible for the sign will be contacted by certified mail from the City Building Official and/or City Planner, informed of the observed violation, and given a copy of the sign ordinance. The mailed notice will specify a reasonable time period within which the sign must be removed. If the City confirms that the sign has not been removed after the specified time period has passed, City crews will remove and impound the sign. The business or property owner will be charged one hundred dollars (\$100) per sign to recover the sign.
 - b. No notice or hearing will be required to remove signs from the street rights-of-way where the sign is determined to be an immediate danger to public health, safety, or welfare, or interferes with maintenance of the right-of-way. Such determination shall be made in the sole discretion of the City Engineer.
 2. Signs located on private property, which are not in compliance with this chapter and are not legally nonconforming pursuant to SMC 14.245.130(A), shall be abated as provided in SMC Chapter 14.85.

- E. Subject to compliance with all other provisions of this chapter, permits may be issued for new signs on property containing one or more nonconforming signs.
- F. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such a decision or preemption shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.