

ORDINANCE NO. 1603

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the City of Des Moines Sign Code, amending DMMC 18.200.160(7) and 18.200.300(1)(c)(i) as housekeeping measures to incorporate inadvertently omitted language into the Sign Code as enacted by the City Council in Ordinance No. 1572.

WHEREAS, the City Council passed Ordinance No. 1572 on August 8, 2013, which included Council amendments to DMMC 18.42.150(7) [currently DMMC 18.200.160(7)], "*Prohibited signs*", and DMMC 18.42.310(1)(c)(i) [currently 18.200.300(1)(c)(i)], "*Commercial Zones*", and

WHEREAS, on January 30, 2014 the City Council passed Ordinance No. 1591 repealing and replacing Title 18, "*Zoning*", and

WHEREAS, during the repeal and replacement of Title 18 DMMC, Council's amendments to the Sign Code made on August 8, 2013 were inadvertently omitted from Ordinance No. 1591, and

WHEREAS, pursuant to DMMC 18.20.080A, amendment of the Zoning Code (Title 18 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, pursuant to DMMC 18.20.210 amendments to the Zoning Code (Title 18 DMMC) require the City Council to conduct a public hearing to receive public comment regarding this proposal, and

WHEREAS, DMMC 18.30.100(3) requires that the date of the public hearing to consider amendments to Title 18 DMMC be set by motion of the City Council, and

WHEREAS, the City Council set the date for the public hearing by Resolution No. 1267, fixing the public hearing for July 24, 2014 as required, and

WHEREAS, the textual code amendments proposed in this Draft Ordinance were provided to the Washington State Department of Commerce as required by RCW 36.70A.106, and a 15-day expedited review was granted, and

WHEREAS, notice of the public hearing was given to the public in accordance with the law and a public hearing was held on the 24th day of July, 2014 and all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that this Ordinance is a housekeeping measure and incorporates language previously enacted by City Council in Ordinance No. 1572 that was inadvertently omitted in the Title 18 DMMC re-write (Ordinance No. 1591); now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 18.200.160 and section 476 of Ordinance No. 1591 are amended to read as follows:

Prohibited signs. The following signs are prohibited:

- (1) Abandoned signs;
- (2) Signs or sign structures, which by coloring, shape, wording, or location resemble or conflict with official traffic control signs or devices;
- (3) Signs that create a safety hazard for pedestrian, wheelchair, bicycle, or vehicular traffic;
- (4) All flashing signs;
- (5) Signs attached to or placed on a vehicle or trailer parked on public or private property or public right-of-way; provided, however, that this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business or political signs exempted under DMMC 18.200.070(6). Public transit vehicles and taxis are exempt from this provision;

(6) Off-premises signs, except as provided in DMMC 18.200.260; or any one sign for a Des Moines business that is 12 square feet or under;

(7) Any sign affixed to or painted on trees, rocks, or other natural features, or utility poles and the like including advertising signs affixed to or painted on fences; except as provided by DMMC 18.200.110;

(8) Roof signs, except in Pacific Ridge; provided, that signs do not exceed the allowable building height or freestanding signs standards in DMMC 18.200.300(1);

(9) All portable reader board signs;

(10) Strings of pennants, banners, posters, ribbons, streamers, balloons, spinners, searchlights, or other devices of a carnival nature, except as provided in DMMC 18.200.110;

(11) Home occupation signs;

(12) Any sign that is not specifically permitted by this chapter.

Sec. 2. DMMC 18.200.300 and section 490 of Ordinance No. 1591 are amended to read as follows:

Commercial Zones. The following signs are permitted in the Pacific Ridge Commercial Zone, Business Park Zone, and all Commercial Zones abutting Pacific Highway South that are not within the Pacific Ridge neighborhood:

(1) Freestanding signs. For single business properties, multiple-tenant buildings, multiple-building complexes, and shopping centers, freestanding signs are allowed as follows:

(a) Number of freestanding signs.

(i) For building sites with up to 300 feet of street frontage, one sign is allowed.

(ii) For building sites with more than 300 feet of street frontage and having more than one vehicular access, two signs are allowed; provided, that the total allowable sign area is not exceeded and the signs are more than 100 feet apart.

(b) Freestanding sign size.

(i) Each sign allowed shall not exceed 100 square feet in area.

(ii) For properties with less than 80 feet of street frontage, sign area shall not exceed one square foot of sign area for each lineal foot of street frontage.

(c) Freestanding sign height.

(i) For single business properties and multiple business properties, freestanding signs shall not exceed 20 feet in height as measured from median sidewalk grade. The City Manager is authorized to formally waive the maximum sign height when signs must be set back from the arterial because of sloping site conditions provided the City Manager determines that the intent of this section is otherwise met.

(ii) For shopping centers and multi-building complexes freestanding signs shall not exceed 20 feet in height as measured from median sidewalk grade.

(d) Allowed signs, sign area, or sign height may not be transferred from one street frontage to another.

(e) The City Manager or the City Manager's designee may approve monument signs located on a separate parcel of property within a multiple-building complex or shopping center when the following conditions exist.

(i) The multiple-building complex or shopping center appears and functions as one building site; and

(ii) The monument sign appears and functions as an on-premises sign; and

(iii) The approval would not result in additional signs or sign area for the multiple-building complex or shopping center than would otherwise be allowed; and

(iv) All monument and wall signs within the multiple-building complex or shopping center conform to the provisions of this chapter.

(f) Freestanding signs shall not be located on, above, nor project over the public right-of-way.

(2) Wall signs.

(a) Each single business property is permitted a total sign area not to exceed two square feet per lineal foot of street frontage, up to a maximum of 200 square feet or no more than 10 percent of the front wall size, whichever is larger.

(b) Each multiple business property is permitted a total sign area not to exceed 20 square feet plus 40 square feet per licensed business; provided, however, that each business must be guaranteed a minimum of at least 25 square feet signage.

(c) Each multi-building complex and shopping center is permitted a total sign area not to exceed 150 square feet plus 40 square feet per licensed business; provided, however, that each business must be guaranteed a minimum of at least 35 square feet signage.

(d) Except for buildings containing multiple businesses, wall signage shall not extend horizontally a distance greater than 50 percent of the width of the building wall on which it is displayed.

(e) Allowed wall signage is not transferable from one property to another; except within a shopping center or multi-building complex.

(f) Wall signs shall not be placed higher than 35 feet above median sidewalk grade.

(g) Projecting signs may not project further than six feet from the surface of the building. A right-of-way use permit shall be required for signs projecting over the public right-of-way.

(3) Reader board signs and changeable message center signs are permitted as per the requirements established in DMMC 18.200.230.

(4) Gasoline price signs shall not be located in, nor project over, the public right-of-way and shall not be portable. Such signs may be freestanding or attached to canopy columns. The area of the price sign shall not count towards the allowed total wall or freestanding signage.

(5) Temporary signs shall be permitted as provided in DMMC 18.200.110.

Sec. 3. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

Sec. 4. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 24th day of July, 2014 and signed in authentication thereof this 24th day of July, 2014.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: July 29, 2014

Effective Date: August 23, 2014

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1603, Adopted July 24, 2014.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to the City of Des Moines Sign Code, amends DMMC 18.200.160(7) and 18.200.300(1)(c)(i) as housekeeping measures to incorporate inadvertently omitted language into the Sign Code as enacted by the City Council in Ordinance No. 1572.

The full text of the ordinance will be mailed without cost upon request.

Bonnie Wilkins
City Clerk

Published: July 29, 2014