

ORDINANCE 1291

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, RELATING TO THE CITY'S ZONING CODE (STANWOOD MUNICIPAL CODE (SMC) TITLE 17) AND THE REGULATION OF SIGNAGE; AMENDING SUBSECTION 17.110.020 AND AMENDING SUBSECTION 17.110.140 OF SMC CHAPTER 17.110.

WHEREAS, the City has established sign regulations and standards SMC Chapter 17.110; and

WHEREAS, a purpose of the sign regulations and standards is to balance the right of individuals to identify their businesses and convey their messages and the right of the public to be protected against the unrestricted proliferation of signs; and

WHEREAS, further purposes of the sign standards are to facilitate the creation of an attractive and harmonious community, and provide for economic development; and

WHEREAS, SMC Chapter 17.110 establishes standards for business signs; and

WHEREAS, SMC Chapter 17.110 establishes standards for legal non-conforming signs; and

WHEREAS, the City Council desires to support local business by providing some flexibility in allowing limited copy changes for existing non conforming signs; and

WHEREAS, sign standards that provide flexible implementation support the economic development objectives of the City;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Subsection 17.110.080(1)(a)(iii) of SMC Chapter 17.110 is amended to read as follows:

17.110.020 Permits required.

(1) Sign Permit. It shall be unlawful for any person to erect, relocate, or structurally alter any sign or other advertising structure considered a sign, as

defined in this code, without first obtaining a sign permit from the community development director. No permit is required for repair, repainting, or maintenance.

(2) Sign Modification Permit. A permit for modification to an existing sign shall be allowed only to:

(a) Replace existing copy sign-letters; and/or

(b) Replace a removable sign face surface with a comparable surface using the same materials and having the same size, thickness, and quality, provided:

(i) ~~The sign has a valid permit issued after October 2000; and~~

(ii) ~~The sign and the proposed modification conform to the current sign code;~~ The proposed modification does not alter the sign cabinet and

(iii) The sign does not advertise a business closed more than 30 days and/or a product no longer available on the premises, consistent with SMC 17.110.050(2); and

(iv) The modification uses existing connection hardware; and

(v) The modification does not require review by the building official for wind load and/or structural components; and

(vi) The modification does not require upgrading of any support or electrical features.

Section 2. Subsection 17.110.080(6) of SMC Chapter 17.110 is amended to read as follows:

a) Any on-site signage that does not conform to this chapter, but was legally in place before the effective date of the provision to which the signage does not conform, shall be considered legal nonconforming signage. Such existing signage may be maintained and/or repaired but at such time as a merchant replaces or modifies the signage, then the signage replaced must conform to the requirements of this code except as provided in SMC17.11.140(b). No temporary signage shall be considered as legal nonconforming signage under this section. "Legally in place" shall mean:

1. Installed prior to the existence of sign regulation within the City.

2. Installed pursuant to a permit issued by the City.

b) Modification of legal non-conforming signage is limited to change of copy, change of sign background associated with a change of copy, or reduction in cabinet size associated with a change of copy.

c) Change of copy or sign background for legal non-conforming signs shall be processed as a modification to a sign permit if the modification meets the criteria in SMC 17.110.020(2) and shall be subject to the sign modification permit fee unless there is alteration of the cabinet, or change in connection hardware or the building official determines that windload must be reviewed. In these instances the modifications shall be processed as provided in SMC 17.110.020(1) subject to a sign permit fee and building permit fee.

d) The non-conforming status of a sign shall not be affected by cleaning or other normal maintenance and repair provided that the original design function, operational capability, and structure of the sign are maintained and the sign is not otherwise enhanced or upgraded except as provided in (b) above.

(2) Nonconforming Billboards and Off-Premises Signs. Any billboard or off-premises sign legally in existence shall be removed, so as to conform with the provisions of this chapter, within six years of said date. (Ord. 1262 § 1, 2010).

Section 3. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 4. Having reviewed all of the record made before the Planning Commission and the record before the City Council, the Findings of Fact and Conclusions attached hereto as Exhibit A are hereby adopted and incorporated by this reference.

Section 5. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council and signed by the Mayor this 10th day of February, 2011.

By: _____



Dianne W. White, Mayor

Attest:

By: 
Melissa A. Collins, City Clerk

Approved as to form:

By: 
Grant K. Weed, City Attorney

FINDINGS OF FACT AND CONCLUSIONS

Findings of Fact:

1. The Planning Commission held a pre-application meeting to consider regulations for non-conforming sign standards and sign modification permits on December 13, 2010.
2. The work program was processed by the Department as file # LZCA 10-11.
3. Consistent with RCW Chapter 43.21C, the SEPA Responsible Official issued a Threshold Determination of Non-Significance December 30, 2010.
4. The Commission held a duly noticed public hearing on January 24, 2011, and recommended amendments to the non-conforming sign provisions of SMC Title 17.
5. The staff report issued January 19, 2011, included review of existing sign code regulations and definitions.
6. At its February 10, 2011 City Council meeting after review of the application, staff report, and Planning Commission recommendation and after consideration of the public testimony submitted at or as part of the public hearing, the City Council held first and second reading of Ordinance No. 1291.
7. Pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed change in zoning text amendments.
8. The decision criteria for amending the Chapter 17 zoning are the following (SMC 17.155.090 (2)):
 - a. *The purpose and desired effect of the proposed zoning code amendment are consistent with the Stanwood Municipal Code.* The proposed zoning text amendments implement and are consistent with the purpose of the sign code standards. The goal of "promoting economic development" is fulfilled allowing businesses to re-use signage.
 - b. *There is a positive relationship to the public health, safety and welfare of the community.* Proposed sign code standards provide reasonable standards that continue to protect public safety for height and clearance, but recognize the value existing signage has for the general welfare of existing businesses.

c. The proposed amendment is consistent with the Stanwood Comprehensive Plan.

EDP 1.2 – Develop incentives for property owners to improve deteriorating facades, signage and the general outside appearance of buildings.

LUP 7.3 – Provide incentives for property owners to facilitate the improvement of deteriorated facades, signage and general outside appearance in the downtown.

The proposed amendments implement these policies by not penalizing businesses with non-conforming signage. Removal of the requirement to bring all non-conforming signage up to code creates an incentive for businesses to re-use and upgrade existing signage (EDP 1.2, LUP 7.3). Allowing limited modifications is expected to stimulate signage improvements in the commercial areas (Policy LUP 7.3).

Conclusions/Decision:

Based upon the entire record in this matter, which is incorporated by reference, the Stanwood City Council adopts the following conclusions and decisions.

1. Amend the non-conforming sign section of the code to allow change of copy, and replacement of the sign face and/or reduction in the size of the cabinet when associated with change of copy for signs that are legally in place.
2. Amend the sign modification permit standards to allow use of this permit if the existing sign has a valid permit and if the proposed modification does not modify the sign cabinet.
3. Add language clarifying the definition of “legally in place”.
4. Modify language requiring replacement signage to meet the current sign code standards to allow an exemption for change of copy and limited changes to sign face and/or reduction of cabinet size.