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Title: AN ORDINANCE relating to signs and billboards; amending Ordinance 10870, Section 61, and K.C.C.21A.06.105, Ordinance 10870, Section 424, as amended and K.C.C. 21A.20.060, Ordinance 10870, Section 436, as amended, and K.C.C. 21A.20.160 and Ordinance 10870, Section 436, as amended, and K.C.C. 21A.20.160, adding a new section to K.C.C. chapter 21A.06 and adding new sections to K.C.C. chapter 21A.20.

Sponsors: Jane Hague, Larry Phillips, Pete von Reichbauer

Indexes: Signs

Code sections: 21A.06 -, 21A.06.105 - ., 21A.20 -, 21A.20.060 -

Attachments: 1. 2011-0140 Staff Report.doc, 2. 2011-0140 handouts (4-12-11).pdf, 3. 2011-0140-handouts (4-12-11).pdf, 4. 2011-0140 (Digital Billboards) hearing notice.doc, 5. 2011-0140 Staff Report with Attachments.pdf, 6. 2011-0140 Revised Staff Report - billboards.doc, 7. 2011-0140 affidavit of publication.pdf

Date	Ver.	Action By	Action	Result
10/17/2011	2	Metropolitan King County Council	Deferred	
9/26/2011	2	Metropolitan King County Council	Deferred	
9/13/2011	1	Transportation, Economy, and Environment Committee	Recommended Do Pass Substitute	Pass
6/20/2011	1	Metropolitan King County Council	Hearing Held	
6/20/2011	1	Metropolitan King County Council	Re-referred	
6/6/2011	1	Metropolitan King County Council	Hearing Held	
6/6/2011	1	Metropolitan King County Council	Deferred	
4/12/2011	1	Transportation, Economy, and Environment Committee	Passed Out of Committee Without a Recommendation	Pass
3/28/2011	1	Metropolitan King County Council	Introduced and Referred	

Clerk 09/19/2011

AN ORDINANCE relating to signs and billboards; amending Ordinance 10870, Section 61, and K.C.C.21A.06.105, Ordinance 10870, Section 424, as amended and K.C.C. 21A.20.060, Ordinance 10870, Section 436, as amended, and K.C.C. 21A.20.160 and Ordinance 10870, Section 436,

as amended, and K.C.C. 21A.20.160, adding a new section to K.C.C.

chapter 21A.06 and adding new sections to K.C.C. chapter 21A.20.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, Section 61, and K.C.C. 21A.06.105 are each hereby amended to read as follows:

Billboard face: that portion of a billboard, exclusive of its structural support, on which ~~((changeable))~~ advertising copy is displayed, ~~((either by affixing preprinted poster panels or by painting copy on location;))~~ subclassified as follows:

A. Billboard face I -- a billboard face not exceeding a height of ~~((14))~~ fourteen feet or a width of ~~((48))~~ forty-eight feet, and may also include temporary and irregularly shaped extensions subject to the area and duration limitations in K.C.C. chapter 21A.20; and

B. Billboard face II -- a billboard face not exceeding a height of ~~((12))~~ twelve feet or a width of ~~((24))~~ twenty-four feet.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Billboard, digital: a billboard utilizing digital message technology, capable of changing the static message or copy on the sign electronically, that is not to be defined or regulated as a changing message center sign.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.20 a new section to read as follows:

Advertising copy may be displayed on a billboard face either by manually affixing preprinted messages or by the use of digital message technology.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 21A.20 a new section to read as follows:

- A. A digital billboard may be internally or externally illuminated.
- B. A digital billboard shall contain static messages only, which means the messages shall not have animation, movement or the appearance or optical illusion of movement.
- C. Each message on a digital billboard shall not include flashing lighting or lights of varying intensity.
- D. Each message change on a digital billboard shall be completed within one second.
- E. Each message on a digital billboard shall be displayed for a minimum of eight seconds.
- F. A digital billboard shall have a light-sensing device that adjusts the brightness as ambient light conditions change.
- G. A digital billboard shall not operate at brightness levels of more than three-tenths of a foot-candle above ambient light.
- H. Brightness levels on a digital billboard shall be measured using a foot-candle meter at the following distances from the billboard:
 - 1. Billboard face I: two hundred fifty feet; and
 - 2. Billboard face II: one hundred fifty feet.
- I. A digital billboard shall only be allowed in the urban growth area.

SECTION 5. Ordinance 10870, Section 424, as amended, and K.C.C. 21A.20.060 are each hereby amended to read as follows:

- A. All signs, except billboards, community bulletin boards, community identification signs, political signs, real estate signs and special event signs, shall be on-premise signs, except that uses located on lots without public street frontage in business, office and industrial zones may have one off-premise directional sign of no more than sixteen square feet.
- B. Fuel price signs shall not be included in sign area or number limitations of K.C.C. 21A.20.090, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do not exceed twenty square feet per street frontage.

C. Except as otherwise provided in K.C.C. 21A.20.115, projecting and awning signs and signs mounted on the sloping portion of roofs shall not be permitted for uses in the Resource and Residential zones. In other zones, projecting and awning signs and signs mounted on the sloping portion of roofs may be used in lieu of wall signs, but only if:

1. They maintain a minimum clearance of eight feet above finished grade;
2. They do not project more than six feet perpendicular from the supporting building facade;
3. They meet the standards of K.C.C. 21A.20.060.J. if mounted on the roof of a building; and
4. They shall not exceed the number or size permitted for wall signs in a zone.

D. Changing message center signs, and time and temperature signs, which can be a wall or freestanding sign, shall not exceed the size permitted for a wall or freestanding sign. Changing message center signs shall be permitted for all uses only in the NB, CB, RB, O and I zones and only for elementary, middle, junior, secondary and high schools and colleges and universities in the RA zone. Changing message center signs and time and temperature signs shall not exceed the maximum sign height permitted in the zone.

E. Directional signs shall not be included in the sign area or number limitation of K.C.C. 21A.20.070, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do not exceed six square feet in surface area and are limited to one for each entrance or exit to surface parking areas or parking structure.

F. Regarding sign illumination (~~and glare~~):

1. Except as otherwise provided in this chapter, all signs may be illuminated;
2. The light source for indirectly illuminated signs shall be no farther away from the sign than the height of the sign;
3. (~~Indirectly and directly~~) Except for digital billboards that comply with the light levels specified in section 4.G. of this ordinance, illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way;
4. Electrical requirements for signs shall be governed by chapter 19.28 RCW and WAC 296-46-910;

and

5. Signs with an on/off operation shall be permitted only in the CB, RB and I zones.

G. Maximum height for wall signs shall not extend above the highest exterior wall or structure upon which the sign is located.

H. Maximum height for projecting signs shall not extend above the highest exterior wall upon which the projecting sign is located.

I. Maximum height for awning signs shall not extend above the height of the awning upon which the awning sign is located.

J. Any sign attached to the sloping surface of a roof shall be installed or erected in such a manner that there are no visible support structures, shall appear to be part of the building itself, and shall not extend above the roof ridge line of the portion of the roof upon which the sign is attached.

K. Except as otherwise permitted by this chapter, off-premise directional signs shall not exceed four square feet in sign area.

L. Mixed use developments in the NB, CB, RB or O zones are permitted one permanent residential identification sign not exceeding thirty-two square feet in addition to the maximum sign area requirements in the zone where the mixed use development is located.

SECTION 6. Section 7 of this ordinance expires December 31, 2012.

SECTION 7. Ordinance 10870, Section 436, as amended, and K.C.C. 21A.20.160 are each hereby amended to read as follows:

A. Except as provided in K.C.C. 21A.20.160.D, billboards ~~((shall not))~~ may be:

1. ~~((a))~~Altered with regard to size, shape, orientation, height~~((;))~~ or location ~~((without the prior issuance of))~~ only with a billboard alteration or relocation permit. ((All such p))Permits ((shall)) for alteration or relocation of a billboard require full compliance with K.C.C. 21A.20.130 through 21A.20.180; and

2. Converted to a digital billboard only with:

a. a digital billboard conversion and use permit. Permits for billboard digital conversion and use require full compliance with this section and sections 4 and 10 of this ordinance; and

b. a fully executed memorandum of understanding between the billboard owner and the department, setting out the terms by which the billboard owner is be required to display emergency information on its digital billboards, including, but not limited to, Amber Alerts, law enforcement bulletins, flood and natural disaster warnings and traffic advisories.

B.1. There shall be no time limit on the eligibility to convert, alter or relocate inventoried billboards(~~;~~ ~~however, i~~)).

2. Individual conversion, alteration and relocation permits shall expire if the approved modifications are not completed within one year of permit issuance. Any project not completed within this period shall be placed in a holding category until a new permit is issued by ~~((King County))~~ the department, and no further work on the subject billboard shall occur until a new permit is issued.

C. Relocation of inventoried billboards shall also require the issuance of a demolition permit for the removal of the existing billboard. Billboard demolitions shall be completed within ninety days of permit issuance and ~~((prior to))~~ before installation of the relocated billboard.

D. Ordinary and necessary repairs that do not change the size, shape, orientation, height, or location of an inventoried billboard shall not require conversion or alteration permits. Billboard copy replacement on a nondigital billboard may occur at any time and is exempt from the requirement for alteration permits, ~~((but only if))~~ as follows:

1. New Type II billboard faces ~~((do))~~ shall not exceed the size of previously inventoried faces~~((, or))~~; and

2. New Type I billboard faces may only exceed the size of the previously inventoried face with temporary cut-out extensions if the billboard is otherwise conforming, and if the extensions do not exceed a total of one hundred twenty five square feet. Any extension shall be removed with the next change of billboard

copy.

E. Single Type I billboard faces may be replaced with two side-by-side Type II billboard faces, and likewise two side-by-side Type II billboard faces may be replaced with a single Type I billboard face, provided each resulting billboard face complies with the location and height standards of K.C.C. 21A.20.130.

F. Any location or orientation alteration of billboards conforming to K.C.C. 21A.20.130 through 21A.20.180 or conversion to a digital billboard shall be accompanied by the alteration or relocation of an equal number of billboards under the control of the same applicant that do not fully conform to ~~((these provisions))~~ K.C.C. 21A.20.130 through 21A.20.180, if any nonconforming billboards exist. ~~((Whenever))~~ If the applicant has more than one nonconforming billboard ~~((exists))~~ under ~~((a single))~~ the applicant's ownership, ~~((they))~~ the nonconforming billboards shall be made conforming in the following order:

1. Billboards deemed nonconforming pursuant to K.C.C. 21A.20.170;
2. Billboards located in zones that do not allow billboards;
3. Billboards located in billboard free areas;
4. Billboards located in the CB zone district; and
5. Any other nonconforming billboard.

G. A billboard shall not be relocated into the Kirkland Finn Hill/Juanita/Kingsgate Annexation Area, as shown on the map in Attachment A to Ordinance 17029. In accordance with this chapter, a billboard currently located within the city of Kirkland Annexation Area may be relocated to another location with that annexation area.

SECTION 8. Section 9 of this ordinance takes effect December 31, 2012.

SECTION 9. Ordinance 10870, Section 436, as amended, and K.C.C. 21A.20.160 are each hereby amended to read as follows:

A. Except as provided in K.C.C. 21A.20.160, billboards ~~((shall not))~~ may be:

1. ~~((a))~~ Altered with regard to size, shape, orientation, height~~((;))~~ or location ~~((without the prior~~

issuance of) only with a billboard alteration or relocation permit. ~~((All such p))~~ Permits ~~((shall))~~ for alteration or relocation of a billboard require full compliance with K.C.C. 21A.20.130 ~~((-))~~ through 21A.20.180; and

2. Converted to a digital billboard only with:

a. a digital billboard conversion and use permit. Permits for billboard digital conversion and use require full compliance with this section and sections 4 and 10 of this ordinance; and

b. a fully executed memorandum of understanding between the billboard owner and the department, setting out the terms by which the billboard owner is be required to display emergency information on its digital billboards, including, but not limited to, Amber Alerts, law enforcement bulletins, flood and natural disaster warnings and traffic advisories.

B.1. There shall be no time limit on the eligibility to convert, alter or relocate inventoried billboards ~~((; however, i))~~.

2. Individual conversion, alteration and relocation permits shall expire if the approved modifications are not completed within one year of permit issuance. Any project not completed within this period shall be placed in a holding category until a new permit is issued by ~~((King County))~~ the department, and no further work on the subject billboard shall occur until a new permit is issued.

C. Relocation of inventoried billboards shall also require the issuance of a demolition permit for the removal of the existing billboard. Billboard demolitions shall be completed within ~~((90))~~ ninety days of permit issuance and ~~((prior to))~~ before installation of the relocated billboard.

D. Ordinary and necessary repairs ~~((which))~~ that do not change the size, shape, orientation, height, or location of an inventoried billboard shall not require conversion or alteration permits. Billboard copy replacement on a nondigital billboard may occur at any time and is exempt from the requirement for alteration permits, ~~((provided))~~ as follows:

1. New Type II billboard faces ~~((do))~~ shall not exceed the size of previously inventoried faces ~~((-or))~~; and

2. New Type I billboard faces may only exceed the size of the previously inventoried face with temporary cut-out extensions if the billboard is otherwise conforming, and if the extensions do not exceed a total of ~~((125))~~ one hundred twenty five square feet. Any extension shall be removed with the next change of billboard copy.

E. Single Type I billboard faces may be replaced with two side-by-side Type II billboard faces, and likewise two side-by-side Type II billboard faces may be replaced with a single Type I billboard face, provided each resulting billboard face complies with the location and height standards of K.C.C. 21A.20.130.

F. Any location or orientation alteration of billboards conforming to the provisions of K.C.C. 21A.20.130 ~~((-))~~ through 21A.20.180 or conversion to a digital billboard shall be accompanied by the alteration or relocation of an equal number of billboards under the control of the same applicant ~~((which))~~ that do not fully conform to ~~((these provisions))~~ K.C.C. 21A.20.130 through 21A.20.180, if any nonconforming billboards exist. ~~((Whenever))~~ If the applicant has more than one nonconforming billboard ~~((exists))~~ under ~~((a single))~~ the applicant's ownership, ((they)) the nonconforming billboards shall be made conforming in the following order:

1. Billboards deemed nonconforming pursuant to K.C.C. 21A.20.170;
2. Billboards located in zones ~~((which))~~ that do not allow billboards;
3. Billboards located in billboard free areas;
4. Billboards located in the CB zone district; and
5. Any other nonconforming billboard.

NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 21A.20 a new section to read as follows:

A. The department shall not issue a conversion and use permit for a digital billboard, required by K.C.C. 21A.20.160, until the applicant files with the department a fully executed memorandum of understanding between the billboard owner and the department, setting out the terms by which the billboard owner will display emergency information on the digital billboard. To satisfy this section, only one

memorandum of understanding per billboard owner shall be required. For any modification to the memorandum of understanding to be effective, it must be in writing, acknowledged by both parties and filed with the department.

B. The memorandum of understanding shall include, but is not limited to:

1. Protocols that specify when the billboard owner must preempt its regular advertising and display emergency information, the duration and frequency that emergency messages must be displayed and the period of time within which the message must intermittently displayed;

2. Specifications for transmitting the emergency information to the billboard owner for display; and

3. Acknowledgement that a digital billboard conversion and use permit may not be issued until the memorandum of agreement has been accepted by the council by motion.

C. The department, in consultation with King County sheriff's office, Washington State Patrol, King County Flood District, King County fire districts, emergency response agencies and the billboard owner, shall develop the protocols and specifications required by this section.

D. Before a conversion and use permit application for a digital billboard, required by K.C.C. 21A.20.160, to be located in a designated potential annexation area of a city, or cities in the case of an acknowledged overlapping potential annexation area, may be deemed complete, the applicant must file with the department a fully executed memorandum of understanding between the billboard owner and that city, or cities in the case of an acknowledged overlapping potential annexation area, setting out the terms under which the billboard will be located and used. This subsection D. expires January 1, 2015.

NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 21A.20 a new section to read as follows:

Before a digital billboard conversion and use permit may be issued, the terms of the applicable memorandum of understanding required by section 10.A. of this ordinance must be accepted by the council by motion.