

ATTACHMENT F

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NOS. 2469 §1, 2375 §5 AND §8, 2303 §3 AND §5, AND 2409 §1, AS CODIFIED IN TUKWILA MUNICIPAL CODE TITLE 19, "SIGN AND VISUAL COMMUNICATION CODE," AT VARIOUS SECTIONS, TO INCORPORATE A VARIETY OF HOUSEKEEPING CODE AMENDMENTS; REPEALING ORDINANCE NO. 2303 §7; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the U.S. Supreme Court's recent ruling in Reed v. Town of Gilbert held that content-based sign regulations, such as different regulations for varying types of non-commercial speech signs, are unconstitutional; and

WHEREAS, the City Council desires to amend the Sign Code to comply with Reed v. Town of Gilbert; and

WHEREAS, the City desires to clarify language in the current Sign Code regarding incentive signage; and

WHEREAS, the City Council desires to provide the Director flexibility to provide sign permit extensions longer than 30 days; and

WHEREAS, the City Council desires to provide additional signage flexibility for multi-tenant buildings that do not qualify for the Master Sign Program by allowing one additional building-mounted sign; and

WHEREAS, the City Council wishes to increase the size of a fuel canopy sign from 5 square feet to 10 square feet; and

WHEREAS, on _____, the City's State Environmental Policy Act (SEPA) Responsible Official issued a Determination of Non-Significance on the proposed amendments; and

WHEREAS, on _____, the City was informed by the Washington State Department of Commerce that it had met the Growth Management Act notice requirements under RCW 36.70A.106; and

WHEREAS, on _____, the Tukwila Planning Commission, following adequate public notice, held a public hearing to receive testimony concerning amending the Tukwila Municipal Code and at that meeting adopted a motion recommending the proposed changes; and

WHEREAS, on _____, the Tukwila City Council, following adequate public notice, held a public hearing to receive testimony concerning the recommendations of the Planning Commission;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Ordinance Nos. 2469 §1, 2375 §5 and 2303 §3, as codified at Tukwila Municipal Code (TMC) Section 19.12.030, are hereby amended to read as follows:

19.12.030 Exceptions – Sign Permits Not Required

The following shall not require issuance of permits by the City. The exception is only from the need to obtain a permit and shall not be construed as relief from compliance with other requirements of this title. The provisions of this section shall be narrowly construed so as to effectuate the purposes of this title, as enumerated in TMC Section 19.04.020.

1. Repainting of an existing sign when there is no other alteration. This exception shall not be interpreted to allow the changing of copy or face changes on an existing sign.

2. Refacing, panel change or copy change on existing conforming, monument signs that have valid Tukwila sign permits as permitted by TMC Sections 19.20.030 (B)(7), 19.20.040 (6), or 19.32.075.

~~3. Temporary signs and decorations customary for holidays, such as Independence Day and Thanksgiving, erected on private property. Signs may only contain non-commercial speech.~~

~~43.~~ Temporary window signs, subject to the limitations of TMC Section 19.24.080.

~~54.~~ Traffic signs and/or markings installed by the City of Tukwila, King County or Washington State Department of Transportation for the purpose of regulating, warning or directing traffic. Signs may be installed within the right-of-way or on private property, with the permission of the property owner. All signs installed under this exception shall meet the requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways, current edition, published by the U.S. Department of Transportation.

~~65.~~ Signs typically installed on utilities and wireless communication facilities denoting danger or other safety information, including emergency contact information.

~~7. Political campaign signs, subject to the limitations of TMC Section 19.24.090.~~

~~8. Temporary signs installed at City parks. All signs shall be approved by the Tukwila Director of Parks and Recreation and shall meet the requirements of this code.~~

~~96.~~ Land use notice boards per TMC Section 18.104.110.

~~107.~~ Text or graphics on umbrellas located in outdoor seating or plaza areas.

~~118.~~ Up to four directional signs per premises where there is a need to direct vehicular traffic. Freestanding signs may be up to three feet in height and two square feet per face or a total of four square feet for all faces. Flush-mounted building signs may be up to three square feet in size.

~~129.~~ The following exceptions are specific to properties developed with residential uses in residential zones:

a. Each residential property shall be permitted one 1.5-square-foot, building-mounted plaque; and

b. Each residential property shall be permitted ~~one~~ two 6-square-foot ~~banner or rigid signs that is~~ are temporary in nature; ~~and.~~

~~c. Temporary incidental signs may be displayed with no restrictions from sunset on a Friday (or the day preceding a designated holiday) until sunset on the following Sunday (or the Monday following a Sunday if the Monday is a designated holiday). No individual sign may exceed six square feet in size. It is intended that this subsection shall apply to garage sale and real estate "open house" signs, however content of the sign is not restricted.~~

~~1310.~~ Display of up to three flags, each on individual flag poles, per premise. Content of the flags is not regulated.

~~1411.~~ Banners within the City's right-of-way, located on City-owned light poles, City-owned street light signal poles, or hanging above the right-of-way when approved by the Director of Public Works or designee.

Section 2. Ordinance No. 2303 §3, as codified at TMC Section 19.12.150, is hereby amended to read as follows:

19.12.150 Sign Permit Expiration for Permanent Signs

Sign permits are valid for 180 days from the date of issuance. The applicant must request a final inspection or submit a request for extension to the City prior to the permit expiration date or the permit will expire. The Director may grant ~~an~~ one extension ~~of not more than 30 days~~ if the request is submitted prior to permit expiration.

Section 3. Ordinance Nos. 2409 §1, 2375 §8 and 2303 §5, as codified at TMC Section 19.20.050, subparagraph A, are hereby amended to read as follows:

19.20.050 Permanent Building-Mounted Signs in Commercial/Industrial Zones

A. Flush-Mounted Building Signs (Wall Signs).

1. Each separate tenant suite with an exterior public entrance is permitted to have one flush-mounted building sign per exterior public entrance. Additionally, each multi-tenant premise with one or more buildings totaling 25,000 square feet or more, but that does not qualify for the Master Sign Program and has gone through design review, is allowed one additional flush-mounted building sign of up to 50 square feet for the complex in addition to individual tenant signs. In the MIC/H zone no more than one flush-mounted wall sign shall be permitted per cardinal direction; regardless of the location of public entrances.

2. Buildings where multiple tenants share a common entrance may have one flush-mounted building sign per exterior public entrance.

3. Wall signs may only be placed within the section of exposed building face that qualifies for the placement of the building-mounted sign.

4. The area of the wall sign shall be a percentage of the area of exposed building face where the sign is proposed to be displayed, as calculated per Table 2.

5. Wall signs may not extend above the top of the parapet or eave of the roof of the wall on which they are located.

Table 2 – Allowable Message Area for Permanent Wall Signs in Commercial and Industrial Zones

Area (LxH) of Exposed Building Face (EBF) in Square Feet	Permitted Sign Area
0 - 500	EBF x .05 or 20 square feet
501 - 1,500	(EBF-500) x .04 + 25 square feet
1,501 - 3,000	(EBF-1,500) x .03 + 65 square feet
3,001 - 5,000	(EBF-3,000) x .02 + 110 square feet
Over 5,000 (except for buildings within the MIC/H District)	150 square feet maximum size permitted
The additional sign allowances below shall only apply to buildings located on properties within the MIC/H District.	
5,001 - 20,000	(EBF-5,000) x .015 + 150 square feet
20,001 - 50,000	(EBF-20,000) x .015 + 375 square feet
50,001 - 80,000	(EBF-50,000) x .015 + 825 square feet
80,001 - 100,000	(EBF-80,000) x .01 + 1,275 square feet
Over 100,000	1,500 square feet maximum size permitted

(1) Any flush-mounted (wall) sign affixed to a building certified as LEED by the GBCI shall be permitted an area increase of .5 percent of the permitted sign area from Table 2.

(2) A fuel canopy, as defined in this title, is permitted to install one flush-mounted building sign (wall sign) on each separate elevation of the fuel canopy structure. The area of the sign shall not exceed ~~five-10~~ square feet or one-third the area of the surface to which the sign is attached (whichever is less); illumination of the sign is permitted.

Section 4. Ordinance Nos. 2409 §1, 2375 §8 and 2303 §5, as codified at TMC Section 19.20.050, subparagraph F.4., are hereby amended to read as follows:

19.20.050 Permanent Building-Mounted Signs in Commercial/Industrial Zones

F. Pedestrian Oriented Building-Mounted Signs.

4. *Incentive Signage.* The allowable area of the sign allowed under this provision is 50 percent of that calculated in Table 2, "Allowable Message Area for Permanent Wall Signs in Commercial and Industrial Zones." Businesses may be permitted additional flush-mounted building signage on walls fronting their tenant spaces that do not qualify for the signage described in TMC Section 19.20.050.A, under the following circumstances:

a. The business or use may not have any other building-mounted signage oriented in the same direction as the incentive sign.

b. Architectural interest must be provided through at least one of the following methods:

1) At least 50 percent of the wall area between the height of two and seven feet must be transparent with either an unobstructed view into the business or use, or a display window with a depth of at least three feet.

2) Architectural detailing consistent with the building design using changes in color, materials, texture and variations in the wall plane.

3) Artwork such as mosaic, mural or sculptural relief over at least 50 percent of the wall surface.

4) One or more trellises covering at least 50 percent of the wall area between the height of two and seven feet, planted with climbing vines and other plant materials in a planting bed at least two feet in width and provided with permanent irrigation.

~~5) The allowable area of the sign is 50 percent of that calculated in "Table 2 — Allowable Message Area for Permanent Wall Signs in Commercial and Industrial Zones."~~

Section 5. Ordinance No. 2303 §7, as codified in TMC Section 19.24.070, "Portable Signs," is hereby amended to read as follows:

19.24.070 Portable Signs

A. In order to facilitate the orderly movement of automobile traffic and pedestrians, portable signs may be used for limited duration with special permission from the City. The use of portable signs is limited to special events such as the holiday shopping

season at the Westfield Southcenter Mall, events by the City's Parks and Recreation Department and/or events at Fort Dent Park.

B. The City may approve the use of portable signs for special events if all of the following conditions are met:

1. The portable signs are being used strictly to assist motorists and/or pedestrians in navigating City streets and/or commercial properties. The portable signs are not intended to be used for advertising or as a means to circumvent the intent of this code.

2. The placement of the portable signs will not impact public safety.

3. The use of the portable signs is part of a larger motorist and/or pedestrian management plan.

4. The anticipated traffic for the event represents a 50 percent increase above the ordinary traffic for the site that will be hosting the event.

5. The special permit shall be valid for up to 30 days. Portable signs shall be removed within 24 hours following the conclusion of the event.

6. The signs can be safely displayed and placed.

~~C. Real estate directional signs do not qualify for a special portable sign permit.~~

Section 6. Repealer. Ordinance No. 2303 §7, as codified at TMC Section 19.24.090, "Political Campaign Signs," is hereby repealed.

~~19.24.090 Political Campaign Signs~~

~~A. Political campaign signs do not require sign permits.~~

~~B. Candidate signs may only be installed for candidates who either have publicly declared their intent to run for office or have filed with King County to seek office.~~

~~C. Initiative signage may be displayed for any initiative in which there is an ongoing drive to collect signatures to place the initiative on a ballot or if the initiative has been filed with the Washington Secretary of State's Office or County Auditor's Office. All signs must be removed within 14 days following the election.~~

~~D. All political campaign signage shall be removed within 14 days following the general election. If a run-off election for a candidate or initiative is required, the signs may remain until 14 days following the run-off election.~~

~~E. Campaign signs may be placed in the landscaped area or parking strip of a property in which the adjacent property owner controls and maintains the area. No political campaign sign shall be erected on private property without the permission of the property owner or his/her agent.~~

~~F. Campaign signs are in addition to any sign permitted under TMC Section 19.24.030, "Temporary Signs in Residential Areas."~~

~~G. Campaign signs may not be located on real property owned and/or controlled by the City of Tukwila.~~

~~H. Campaign signs may not be located within street medians or in right-of-way areas not maintained by an adjacent property owner.~~

Section 7. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 8. 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.

Section 9. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2016.

ATTEST/AUTHENTICATED:

Christy O’Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Rachel B. Turpin, City Attorney

Filed with the City Clerk: _____
Passed by the City Council: _____
Published: _____
Effective Date: _____
Ordinance Number: _____