



**ORDINANCE NO. 3052**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE DISPLAY OF BANNERS, AMENDING LMC 21.16.220, LMC 21.16.310 AND LMC 3.104.010, ADDING A NEW SECTION TO CHAPTER 21.16 LMC, AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION**

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WHEREAS, the City of Lynnwood currently allows the display of banners only in conjunction with a special event, and by the issuance of a special event permit; and

WHEREAS, businesses and other entities routinely seek to display a banner for a limited amount of time for purposes not associated with a special event, but City regulations provide no authority or process for the City to allow the display of a banner other than as a request for a special event; and

WHEREAS, the City's special event code, codified as chapter 5.30 LMC, does not provide appropriate regulations for the display of banners not associated with a special event; and

WHEREAS, the review and processing of special event permit applications solely for the purpose of authorizing the display of temporary banners is not procedurally efficient and it is in the public's interest that the City enact regulations more specifically related to the temporary display of banners not associated with a special event; and

WHEREAS, as provided by Chapters 1.35 and 21.20 LMC, the City has established procedures and decisional criteria for proposed text amendments to Title 21 LMC, Zoning, also called the Zoning Code; and

WHEREAS, the process for amending the zoning code includes opportunities for meaningful public participation and input, including public hearings conducted by the Planning Commission and by City Council; and

WHEREAS, on March 30, 2013, the Community Development Director, acting as the SEPA Responsible Official, issued a Determination of Non-Significance (DNS) pursuant to the State Environmental Policy Act (SEPA), and the applicable appeal period concluded without appeal; and

WHEREAS, on September 18, 2012, the proposed amendments to the Comprehensive Plan and the Zoning Code (Title 21 LMC) were submitted to the Department of Commerce in accordance with RCW 36.70A.106 and WAC 365-196-630; and

WHEREAS, on March 30, 2013, notice of the April 25, 2013 public hearing before the Planning Commission was provided in accordance with applicable law, and during the public hearing all persons wishing to be heard were heard; and

WHEREAS, on March 13, 2014, notice of the April 14, 2014 public hearing before the City Council was provided in accordance with applicable law, and during the public hearing all persons wishing to be heard were heard; and

WHEREAS, after considering all testimony and other evidence submitted at or before the public hearings, the City Council has determined that it is in the best interests of the public health, safety and general welfare to approve the amendments to the City's Zoning Code as stated below in this Ordinance;

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

**Section 1.** LMC 21.16.220 is amended to read as follow:

**21.16.220 Prohibited signs.**

The following signs and outdoor advertising devices are prohibited in all zones unless expressly permitted by other sections of this chapter:

- A. Balloons.
- B. Pennants.
- C. Festoons.
- D. Revolving signs and signs with moving parts.
- E. Signs with flashing and blinking lights and signs with lights that go on and off sequentially, except for electronic changing message signs.
- F. Portable readerboard signs.
- G. Off-premises signs, except for those permitted in LMC 21.16.225, 21.16.260, 21.16.270 and 21.16.290.
- H. Portable and temporary signs, except for those permitted in LMC 21.16.225, 21.16.260, 21.16.270, 21.16.290 and 21.16.310.
- I. Signs attached to vehicles that can be seen from the public right-of-way or adjacent property that do not have a current license or are inoperable.

**NEW SECTION. Section 2.** A new section LMC 21.16.255 is added to chapter 21.16 LMC as follows:

### **21.16.255 Banners**

- A. The display of banners, as defined by chapter 21.02 LMC, shall be consistent with the regulations of the Lynnwood Municipal Code.
- B. For special events, the display of banners shall conform to the provisions of chapter 5.30 LMC.
- C. For civic events, the display of banners shall conform to the provisions of LMC 21.16.260.
- D. The display of construction signs shall conform to the provisions of LMC 21.16.280.
- E. For all other types of banners, display shall conform to the provisions of this section.
- F. A banner permit is required for the installation and display of each type of banner authorized by this section. The fee for a banner permit shall be as specified by chapter 3.104 LMC.
- G. Banners shall be securely fastened as specified by the permit. Banners shall be maintained in good condition and shall be free of tears, rips, fading, delamination, detachment, etc. Banners shall not obscure or obstruct safety and fire protection equipment, appliances or signage.
- H. Banner for pre-grand opening event.
  - 1. For the purposes of this section, a “pre-grand opening event” is a one-time occurrence associated with new development or significant building expansion/renovation.
  - 2. A banner for a pre-grand opening event may be authorized in addition to and displayed concurrently with a construction sign.
  - 3. A banner for a pre-grand opening event shall be removed prior to the issuance of a certificate of occupancy or certificate of completion.
  - 4. A banner for a pre-grand opening event shall not be displayed concurrently with a banner for a grand-opening event or a periodic event.
  - 5. A banner for a pre-grand opening event shall conform to the provisions of Table 21.16.255I
- I. Banner for grand-opening event.
  - 1. For the purposes of this section, a “grand-opening event” is a one-time occurrence associated with an event such as issuance of a new business license, business relocation, issuance of a new certificate of occupancy, a change in ownership, significant building expansion or renovation, etc.
  - 2. A banner for a grand-opening event shall not be displayed concurrently with a banner for a pre-grand opening event or a periodic event.
  - 3. In conjunction with a permit for a grand-opening banner, the Community Development Director may also authorize a banner upon an existing freestanding sign cabinet for the purpose of identifying a temporary business or use. The purpose is to allow a temporary business or occupancy to utilize the freestanding sign area associated with that building floor area. Such banner shall be designed to match the size and proportions of the existing freestanding sign area or cabinet, and may be displayed during the time allowed for the grand-opening banner.
- J. Additional provisions for a banner for a pre-grand opening event and grand-opening event are as specified by Table 21.16.255J.

**Table 21.16.255J**

<b>Banner for Pre-Grand Opening Event and Grand Opening Event</b>	<b>Commercial Use</b>	<b>Public, Institutional, or Non-profit Use</b>	<b>Multiple-family Residential Use</b>
<b>1. Pre-grand opening event</b>			
a. One-time banner	Permitted	Permitted	Permitted
b. Maximum duration of banner (consecutive days)	30	30	30
<b>2. Grand-opening event</b>			
a. One-time banner	Permitted	Permitted	Permitted
b. Maximum duration of banner (consecutive days)	45	45	45
3. Maximum number of banners	1 per occupancy's street frontage	1 per occupancy's street frontage	1 per occupancy's street frontage
4. Permitted location (unless otherwise authorized)	On building, at business occupancy	On building	On building
<b>5. Maximum size of banner (based upon floor area of occupancy)</b>			
a. 0 – 15,000 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
b. 15,001 – 30,000 sq. ft.	48 sq. ft.	48 sq. ft.	40 sq. ft.
c. 30,001 – 60,000 sq. ft.	60 sq. ft.	60 sq. ft.	60 sq. ft.
d. Greater than 60,000 sq. ft.	72 sq. ft.	72 sq. ft.	72 sq. ft.
6. Minimum interval between displays (applies to grand-opening banners and all periodic displays)	30	30	-

**K. Banner for periodic event.**

1. For the purposes of this section, a “periodic event”, is a unique occurrence of limited duration that is not a special event as defined by chapter 5.30 LMC. A periodic event may be associated with and limited to a single occupancy, or a group of occupancies.
2. Additional provisions for a banner for a periodic event are as specified by Table 21.16.255K.

**Table 21.16.255K**

<b>Banner For Periodic Event</b>	<b>Commercial Use</b>	<b>Public, Institutional, or Non-Profit Use</b>	<b>Multiple-family Residential Use</b>
1. Periodic event	Permitted	Permitted	-
a. Maximum number of events per calendar year	2	2	-
b. Maximum duration of banner (consecutive days)	30	30	-
2. Maximum size of banner (based upon floor area of occupancy)			
a. 0 – 15,000 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
b. 15,001 – 30,000 sq. ft.	48 sq. ft.	48 sq. ft.	40 sq. ft.
c. 30,001 – 60,000 sq. ft.	60 sq. ft.	60 sq. ft.	60 sq. ft.
d. Greater than 60,000 sq. ft.	72 sq. ft.	72 sq. ft.	72 sq. ft.
3. Maximum number of banners	1 per occupancy's street frontage	1 per occupancy's street frontage	1 per occupancy's street frontage
4. Minimum interval between pre-grand opening event or grand-opening event and periodic event (consecutive days)	30	30	-
5. Minimum interval between periodic events (consecutive days)	30	30	-
6. Permitted location (unless otherwise authorized)	On building, at business occupancy	On building	On building

**Section 3.** LMC 21.16.310 is amended to read as follows:

**21.16.310 Commercial signs.**

This section concerns business signs, and applies in all commercial zones except the planned regional shopping center zone. Only those signs which do not conflict with regulations contained in this and other Lynnwood Municipal Code titles, and which are consistent with the definition of a business sign in LMC 21.02.672, are permitted subject to the following standards. The word "street," as it appears in this section, shall not include I-5, I-405, SR-525 or the Snohomish County PUD right-of-way.

**A. Freestanding Signs.**

**1. Pole Signs.**

- a. Area. The total allowable sign area for pole signs on individual and multiple business sites that qualify for one pole sign shall be 75 square feet plus one-half foot for each

lineal foot of street frontage over 250 feet. Any one pole sign shall be no more than 150 square feet in area per side.

On business sites which qualify for more than one pole or monument sign, per subsection (B) of this section, the total allowable sign area per street frontage shall be calculated at 75 square feet plus one-half square foot for each lineal foot over 250 feet. No pole sign face shall exceed 155 square feet in area. On business sites with both pole and monument signs, the total area of such signs oriented toward a particular street shall not exceed the maximum sign area based on that street's linear frontage, except on multiple business sites and sites with pole signs at least 50 feet from the street. See subsection (A)(2) of this section for calculation of monument sign area. The allowable sign area shall be computed separately for each street frontage, and only the sign area derived from the street frontage along a street may be oriented toward that street. The allowable sign area for a pole sign located at a corner shall be derived from the one street frontage it is oriented toward. Only one face of a double-faced sign shall be considered in computing its area, providing both sides pertain to the same business.

- i. **Additional Area for Multiple Business Sites.** Multiple business sites shall be allowed an additional 20 square feet of freestanding sign area for each business in excess of one up to a total of 80 square feet of additional pole sign area per multiple business site. Such additional sign area shall not be used to increase the sign area of any business beyond that amount which would be allowed if located in an individual business site of the same size as the multiple business site. Sign structures containing this additional sign area shall be constructed in such a way to be easily modified to reflect changes in the number of tenants on the site. Any multiple business site which is at least 150,000 square feet in lot area and contains at least 10 separate businesses shall be allowed one additional freestanding sign for identification of the site generally. Such signs shall not exceed 160 square feet in area.
  - ii. **Additional Area for Pole Signs at Least 50 Feet from a Street.** For all pole signs located at least 50 feet from a street, sign area may be increased five percent for each 10 feet the sign is from the street, up to a maximum of 200 square feet of total sign area per sign.
- b. **Number of Pole Signs.** Along each public street abutting an individual or multiple business site, that site may have one permanently installed pole sign per the following schedule. However, on corner sites where two pole signs would be spaced less than 250 feet apart as measured in a straight line, only one sign shall be allowed.

<b>Street Frontage per Street Pole</b>	<b>Signs Allowed</b>
1 – 300 feet	1
301 – 600 feet	2
601 – 900 feet	3
901+ feet	4

On sites with less than 300 lineal feet of street frontage on one street or corner sites where two signs would be less than 250 feet apart as measured in a straight line, additional pole signs may be allowed by conditional use permit; provided, that such signs are in keeping with the intent of this title.

Whenever a conditional use permit for additional pole signs is considered, the hearing examiner may require that the height, area, and/or specific dimensions of signs be reduced and/or the setback from property lines be increased.

Sites which qualify for additional pole signs may substitute ground signs for those additional pole signs.

c. Location, Height and Design Criteria for Pole Signs.

i. Location. The setback for pole signs along public streets shall be as provided below:

(A) Pole signs shall be located more than 35 feet from the street right-of-way.

(B) Pole signs shall be located at least 100 feet from adjacent I-5, I-405, and SR-525 boundaries. Pole signs shall be located at least 100 feet from the Snohomish County PUD right-of-way where it is adjacent to I-5. This requirement does not apply to signs located adjacent to freeway on-ramps and off-ramps. Pole signs shall be located at least 10 feet from any side or rear property line and 25 feet from any property line adjacent to a residential zone.

These limitations do not apply to non-illuminated private traffic direction signs directing traffic movement within a business site, not exceeding four square feet in area for each sign, or traffic directions painted on the surface of a parking lot or driveway.

ii. Height. Pole signs shall comply with the height regulation for monument signs depending on their distance from the street up to a maximum of 25 feet in height above the average ground level at the base of the sign for all commercial zones. Pole signs may be 30 feet high if located within 500 feet of I-5, I-405 or SR-525 boundaries and at least 100 feet from a public street. However, pole signs shall not be higher than 20 feet on property separated from the above freeways by a public street. The height of signs may be further limited by the maximum height for buildings specified in the respective zone. When signs are located on sites within 100 feet of residential-zoned property, illuminated sections of the sign shall not exceed 20 feet in height if visible from those properties.

iii. Design Criteria. Pole signs shall meet the following design criteria and criteria indicated on Figure 3 of this chapter:

(A) The sign exterior shall consist of materials and colors that minimize reflection capabilities and are similar and complementary to those of the primary buildings on the property where the sign is located. The sign and support or base shall be constructed of materials that are easily maintained and maintain their shape, color, texture and appearance over time.

- (B) The design of the sign and base or support shall be similar and complementary with the architecture of the primary buildings on the property where the sign is located.
- (C) The sign base shall be surrounded by a single landscape area that is at least two feet wide between the sign base and raise curb that surrounds and protects the landscape area. The landscape area shall include evergreen plant material and may also include other materials, such as brick pavers or decorative planters.

## 2. Monument Signs.

- a. **Area.** Maximum monument sign area shall be 35 square feet at the minimum setback from the street right-of-way and an additional 2.0 square feet for each one foot back from the minimum setback line measured perpendicular to the street, up to a maximum of 75 square feet per side.
- b. **Number of Monument Signs.** The total number of monument, ground and pole signs on a business site shall not exceed the maximum number of pole signs allowed by subsection (A)(1)(b) of this section.
- c. **Location, Height and Design Criteria for Monument Signs.**

- i. **Location.** The leading edge of monument signs shall be located at least 10 feet from the street right-of-way; at least 10 feet from any side property line and at least 25 feet from any property line adjacent to a residential zone.

Monument signs shall be located at least 100 feet from adjacent I-5, I-405 and SR-525 boundaries. Monument signs shall be located at least 100 feet from the Snohomish County PUD right-of-way where it is adjacent to I-5. This requirement does not apply to signs located adjacent to freeway on-ramps and off-ramps.

Monument signs shall not be located within a triangular area at street intersections or street and driveway intersections formed by two points measuring 20 feet back from the point where the two street right-of-way lines merge or a street right-of-way line and edge of driveway merge and extending a line that connects these two points to complete the triangle. (See Figure 4 of this chapter.)

- ii. **Height.** Monument signs shall be no more than 6.5 feet high at the minimum setback from the street right-of-way and one additional foot in height for each 1.5 feet back in a perpendicular line from the street. The maximum height for monument signs shall be 25 feet for all commercial zones. Monument signs may be 30 feet high if located within 500 feet of I-5, I-405, SR-525 boundaries and at least 100 feet from a public street. However, monument signs shall not be higher than 25 feet on property separated from the above freeways by a public street. When signs are located on sites within 100 feet of residential-zoned property, illuminated sections shall be no more than 20 feet in height if visible from those properties.
- iii. **Design Criteria.** Monument signs shall meet the following design criteria and criteria shown on Figure 5 of this chapter:

- (A) The sign shall be located so it does not interfere with the visibility of drivers, pedestrians, bicyclists riders or others at intersections, driveways, bike lanes, crosswalks, or other places of ingress or egress.
- (B) The sign exterior shall consist of materials and colors that minimize reflection capabilities and are similar and complementary to those of the primary buildings on the property where the sign is located. The sign and support or base shall be constructed of materials that are easily maintained and maintain their shape, color, texture and appearance over time.
- (C) The design of the sign and base or support shall be similar and complementary with the architecture of the primary buildings on the property where the sign is located.
- (D) The sign base shall be surrounded by a single landscape area that is at least two feet wide between the sign base and raise curb that surrounds and protects the landscape area. The landscape area shall include evergreen plant material and may also include other materials, such as brick pavers or decorative planters.

3. **Ground Signs.** The total number of ground, monument and pole signs on a business site shall not exceed the maximum number of pole signs allowed by subsection (A)(1)(b) of this section. However, one additional ground sign may be allowed to identify a business parking area that is not adjacent to the business site where the business is located and one additional ground sign may be allowed to identify an access driveway to a street not adjacent to the business site where the business is located.

All ground signs shall be subject to the following criteria:

- a. The sign is located to minimize interference with drivers' or others' visibility in intersection or at place of ingress or egress;
- b. The sign has no moving parts;
- c. The sign consists of materials and colors which minimize reflection capabilities;
- d. The sign components are securely attached to the sign structure and not temporary or removable;
- e. The sign shall not be internally illuminated, except for an individual letter sign or a sign with an opaque sign face background that only allows letters and/or business logos or graphics to be visible at night. Indirect lighting, if used, shall be uncolored, non-blinking, and directed away from traffic;
- f. The sign shall have a solid base that is not less than three-quarters of the width of the sign face;
- g. The sign shall be no more than 25 square feet in area;
- h. The sign shall be located at least five feet from the street right-of-way;
- i. The sign shall be no higher than 3.5 feet above the adjacent sidewalk or street curb;
- j. The sign exterior shall consist of materials and colors that are similar and complementary to those of the primary buildings on the business site. The sign and base shall be constructed of materials that are easily maintained and maintain their shape, color, texture and appearance over time; and

- k. The sign may be permanently attached to retaining walls and fences; however, such walls and fences shall be at least five feet from the street right-of-way.

Such signs may be located closer than five feet from the street right-of-way by conditional use permit, if it is found necessary or desirable in the public interest to locate the sign nearer to the right-of-way, and that it will not interfere with visibility as indicated above.

**B. Building Signs.**

**1. Wall Signs.**

- a. **Area.** The total allowable sign area for each business for signs attached to a building frontage including mural signs shall be 60 square feet, or one square foot for each lineal foot of building frontage, whichever is greater, up to a maximum of 200 square feet. However, wall signs that comply with the Sign Design – Creative/Artistic Elements Guidelines of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), may be allowed up to a 30 percent increase in wall sign area. Businesses may have up to 10 square feet of sign area to place on a directory sign on any facade of the building where they are located, except in no case shall the maximum sign area exceed 15 percent of a building facade considered building frontage. See Figure 2 of this chapter and LMC 21.02.358 to determine building frontage.

On other building facades not considered frontage, the maximum sign area shall be one-half square foot for each lineal foot of building facade or 100 square feet, whichever is smaller. Wall signs on building facades that are oriented toward adjacent property zoned residential shall not be illuminated.

The allowable sign area shall be computed separately for each building facade. Sign area shall not be transferred from one facade to another. Only one face of a double-face sign shall be considered in computing its area, providing both sides pertain to the same business. For purposes of determining sign area, awning signs are part of the sign area allowed for signs attached to buildings.

- b. **Height.** Wall signs shall not extend higher than one foot above the wall to which they are attached.
  - c. **Transfer of Allowed Area from Freestanding Signs to Signs Attached to Buildings.** Freestanding sign area may be applied to signs attached to buildings provided, however, that such area be apportioned equally to all tenants and shall only be transferred to a building frontage. A record of any such transfer must be filed with the planning department. The maximum wall sign area per building facade with transfer shall be 400 square feet or 10 percent of the building frontage area to which the sign is attached, whichever is smaller.
2. **Projecting, Marquee, and Non-rigid Awning Signs.** Projecting signs shall not extend above the wall to which they are attached. Marquee signs shall not extend higher than the wall to which they are attached. Non-rigid awning signs shall not extend higher than the wall to which they are attached.

Projecting and marquee signs and non-rigid awnings shall be at least eight feet above any walkway and 16 feet above any area used by vehicular traffic. However, non-rigid awnings with signs may be placed at the top of garage bay doors unless contact by vehicular traffic is possible. Projecting signs on business sites shall not extend into the public right-of-way or adjacent property. Marquee signs shall not block windows or doorways. The area for projecting, marquee and non-rigid awning signs shall come out of the sign area allocation for the building facade they are attached to. Non-rigid awning signs shall have a maximum dimension of four feet from top to bottom. The sign area for non-rigid awning signs shall be the entire area of any non-rigid awning that projects less than three feet from a building. The sign area for all other non-rigid awning signs shall be the rectangular area around letters and/or graphics displayed on the non-rigid awning. (See Figure 1.) Projecting and marquee signs may be illuminated; however, they shall not be illuminated if oriented toward adjacent residential-zoned property.

3. **Roof Signs.** The planning director may approve the placement of one roof sign per building if it is determined that such a sign is necessary because permitted wall signs cannot be placed so as to be readable from the street closest to the building. Any roof sign approved by the planning director may only be mounted on any building if it complies with the building code or other city regulations. A roof sign shall not be higher than 10 feet above the roof deck and shall be subject to the placement and design criteria described on Figure 6 of this chapter. The area of a roof sign shall come out of the sign area allocation for building facade closest to the sign.

When roof signs are located on sites which have street frontage within 100 feet of residential-zoned property, illuminated sections shall not exceed 20 feet in height from the ground if visible from those properties.

- C. **Incidental Signs.** Incidental signs, each not more than four square feet in area per side, do not require a sign permit and may be in excess of the allowable sign area providing they are attached to a building below the roof line, or if placed in the ground, are no more than three feet above grade, and at least five feet from the street right-of-way. No more than four such signs per business shall be located on a business site. Incidental signs less than three square feet in area shall not be counted as one of the four allowable signs or as part of the allowable sign area.
- D. **Electronic Changing Message Signs.** No sign shall have blinking or flashing lights; provided, however, electronically changing message signs shall be allowed. These signs shall not change displays or images at a rate less than one every five seconds except for signs which provide alternate messages only as to times and temperature, which may change at a rate of not less than one message every two seconds. All such signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness.
- E. **Internal Information Signs.** Signs intended to be seen by the public within a business site, oriented away from the street and not readable from the public right-of-way and adjacent property shall not be regulated as signs. Such signs shall include but are not limited to internal directory signs, certain incidental signs and menu boards.
- F. **Portable Business Signs.** Portable signs shall only be allowed within eight feet of any building where a business is located. There is no limitation on the number of such signs.

However, these signs shall not be placed in the ground, on walkways, in parking areas, drive aisles, or anywhere that might block visibility or create a safety hazard.

- G. Special Event Signs. Signs for special events as defined by chapter 5.30 LMC shall conform to the provisions of that chapter. Signs for temporary activities or occurrences not regulated as a special event shall conform to the provisions of this chapter.
- H. Searchlights. Searchlights shall only be permitted if they meet the following criteria:
  - 1. That the duration of time for display of the searchlight shall not be more than 10 days;
  - 2. That no permit for display of a searchlight shall have been approved for the same applicant during the six-month period prior to the most recent application;
  - 3. That the searchlight be so located as to minimize interference of driver visibility at intersections or at points of ingress and egress;
  - 4. That the searchlight be located 35 or more feet from the right-of-way; and directed away from traffic on nearby streets;
  - 5. The intensity and color of light and the duration of its operation shall not constitute a nuisance as defined in LMC 10.08.200; and
  - 6. That a fee as shown in Chapter 3.104 LMC shall be paid in connection with any such permit.
- I. Real Estate Signs. Signs advertising the sale, lease or rental of commercially zoned property on which the sign is located shall require a temporary sign permit. Such signs shall not be permitted unless a property, building(s) and/or tenant space(s) is for sale, lease or rent. Each such sign shall not exceed 24 square feet in area, and if freestanding, shall be set back at least six feet from the street right-of-way. Such signs shall not be placed where they can obstruct driver, bicyclist or pedestrian visibility. There shall be no more than one such sign per street corner or one per street frontage, whichever is less. Such signs shall be no more than 6.5 feet in height, shall not be illuminated and shall be removed once the property and/or buildings being advertised are sold, leased or rented. In addition, any such nonconforming sign shall require a permit and be made conforming by October 9, 2000.
- J. Construction Signs. Construction signs for commercially zoned property shall comply with the regulations of LMC 21.16.280.
- K. Signs in Restricted Business Zone. Signs shall comply with the following:
  - 1. No roof signs shall be allowed;
  - 2. No freestanding signs shall be allowed, except ground signs in accordance with the regulations of this section; and
  - 3. Building signs shall comply with the regulations of this section. All building signs shall be non-internally illuminated, except for individual letter signs and signs with opaque sign face backgrounds that only allow letters and/or business logos or graphics to be visible at night. Signs on buildings facades oriented toward nearby residential zones shall not be illuminated.
- L. Signs in the East 196th PCD Overlay.
  - 1. Signs.
    - a. Objectives.
      - i. Signs shall be of high quality. It is recognized that individual businesses must be properly identified, but it is also recognized that signs should be the minimum necessary to provide such identification. Excessively large signs are recognized

as being inconsistent with the existing character of the area and will be discouraged. While freestanding signs of high quality may be allowed for area identification, emphasis shall be placed upon use of building face signs where they will function as effectively as a freestanding sign. Where possible, signs shall be coordinated in scale and materials with those currently used on adjacent sites within the district.

- b. Regulations. Signs shall be subject to the following:
- i. No more than one freestanding sign per business site per street frontage;
  - ii. Sign area, location, height and design shall comply with the regulations of this section;
  - iii. Signs shall comply with the illumination regulations of this chapter;
  - iv. New pole or monument signs shall require a special use permit; however, new ground signs and building signs shall not require a special use permit;
  - v. Modification of existing signs that are part of a previously approved special use permit shall be subject to the regulations of LMC 1.35.180.

M. Sign Variances. Requests to relax standards of this section shall be processed as variances and shall meet all the criteria for granting of variances, unless otherwise provided for. In considering any application for a variance to relax the required setback for pole or monument signs, the hearing examiner shall take into account the following factors and all others in the public interest in determining whether special circumstances exist which warrant a variance:

1. The extent to which vegetation and/or topography of the subject and/or adjacent properties would obscure a pole sign at the required setback on the subject property; provided, that removal of the obstructing vegetation and/or topography is beyond the control of the owner of the subject property or contrary to city policies or ordinances.
2. The size of the subject property as it relates to possible locations for the proposed sign.
3. The extent to which nearby existing pole or monument signs located at less than the required setback would obscure a pole sign at the required setback on the subject property.
4. The extent to which visibility of the proposed sign might be enhanced by mounting the sign lower or higher (but not exceeding the required height limit) than nearby obstructions, rather than by reducing the required setback.
5. The width, alignment, and extent of improvement of the right-of-way toward which the proposed sign would be oriented, insofar as this determines the angle at which the sign would be viewed by the traveling public.

If the hearing examiner determines that a variance to relax a pole or monument sign setback is warranted, the examiner may require periodic review of any reduction granted and/or provisions for eventual relocation to the required setback if existing and anticipated future conditions so indicate. If provisions for relocation appear appropriate, the examiner may require installation of wiring and a foundation at the required setback concurrent with erection of the sign at a lesser setback and a bond or other suitable guarantee of relocation.

Section 4: Table 3.104.010, Title 16: Building, Electrical and Grading Fees – Commercial and Multifamily Plumbing and Mechanical Fees, is amended as provided by Exhibit A to this Ordinance.

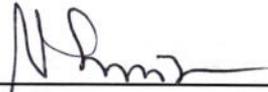
Section 5: Effective Date of Amendment and Adoption. This ordinance shall become effective five days following passage and publication of this ordinance.

Section 6: Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 7: Summary Publication. Publication of this ordinance shall be by summary publication consisting of the ordinance title.

PASSED this 14<sup>th</sup> day of April, 2014, and signed in authentication of its passage this 21 day of April, 2014.

APPROVED:



Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines Jr., Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 04/10/2014  
PASSED BY THE CITY COUNCIL: 04/14/2014  
PUBLISHED: 04/18/2014  
EFFECTIVE DATE: 04/23/2014  
ORDINANCE NUMBER: 3052

File Name: Banner Code Amendment  
File Number: 2013CAM0002

### Exhibit A

<b>Title 16: Building, Electrical and Grading Fees – Commercial and Multifamily Plumbing and Mechanical Fees</b>		
<b>Building permits</b>		
Total valuation equal to:		
\$0 – \$1,000	up to \$1,000	53.00
\$1,001 – \$2,000	first \$1,000, plus	53.00
	for each additional \$100.00 or fraction thereof, up to and including \$2,000	4.00
\$2,001 – \$25,000	first \$2,000, plus	93.00
	for each additional \$1,000 or fraction thereof, up to and including \$25,000	17.00
\$25,000.01 – \$50,000	first \$25,000, plus	484.00
	for each additional \$1,000 or fraction thereof, up to and including \$50,000	12.00
\$50,000.01 – \$100,000	first \$50,000, plus	784.00
	for each additional \$1,000 or fraction thereof, up to and including \$100,000	8.00
\$100,001 – \$500,000	first \$100,000, plus	1,184.00
	for each additional \$1,000 or fraction thereof, up to and including \$500,000	7.00
\$500,001 – \$1,000,000	first \$500,000, plus	3,984.00
	for each additional \$1,000 or fraction thereof, up to and including \$1,000,000	6.00
\$1,000,001 – \$5,000,000	first \$1,000,000, plus	6,984.00
	for each additional \$1,000 or fraction thereof, up to and including \$5,000,000	4.00
\$5,000,001 and up	first \$5,000,000, plus	22,984.00
	for each additional \$1,000	3.00
<b>Building permits – Other inspections and fees</b>		
Demolition, commercial/multifamily	10% of the value of the demolition	
Demolition, single-family	primary building	180.00

	accessory building or structure	90.00
Inspection, minimum for occupancy change		162.00
Inspection, minimum site	including adult family homes	162.00
Inspection, miscellaneous/other		110.00
Inspection, overtime – Weekday call back	hourly, two-hour minimum charge*	110.00
Inspection, overtime – Weekend/holiday	hourly, four-hour minimum charge*	110.00
Inspection, reinspection	work concealed without inspection or work not ready at the time of inspection will be charged a reinspection fee	91.00
Investigation, stop work orders	amount equal to permit fee	
Plan review	fee, applies to all permits requiring review, unless listed below	65% of building permit fee
	fee, applies to commercial/multifamily plumbing and mechanical permits requiring review	40% of plumbing/mechanical fees
	hourly, additional review required for changes, additions or revisions to approved plans, minimum one hour*	110.00
	overtime review, hourly, minimum one hour*	110.00
Processing fee	for all permits not requiring plan review	36.00
<a href="#">Banner permit</a>	<a href="#">per occupancy</a>	<a href="#">36.00</a>
Solar system, commercial	fee based on building permit valuation table	
Solar system, single-family	permit fee	200.00
	plan review fee (65%)	130.00

\*Or the total hourly cost incurred by the city, whichever is greatest. The actual cost shall include wages, benefits, overhead, supervision, supplies and equipment of the employees involved.



On the, 14th day of April, 2014 the City Council of the City of Lynnwood, Washington, passed Ordinance 3052. A summary of the content of these ordinances, consisting of the title, provides as follows:

**ORDINANCE 3052**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE DISPLAY OF BANNERS, AMENDING LMC 21.16.220, LMC 21.16.310 AND LMC 3.104.010, ADDING A NEW SECTION TO CHAPTER 21.16 LMC, AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION

The full text of this ordinance will be mailed upon request.

DATED this 18th day of April, 2014.



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Lorenzo Hines Jr., Finance Director



**LYNNWOOD**  
WASHINGTON

## **CERTIFICATE**

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3052 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE 3052**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE DISPLAY OF BANNERS, AMENDING LMC 21.16.220, LMC 21.16.310 AND LMC 3.104.010, ADDING A NEW SECTION TO CHAPTER 21.16 LMC, AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION

That said ordinance was passed by the Council on April 14, 2014 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on April 18, 2014.

  
\_\_\_\_\_  
Lorenzo Hines, Jr., City Clerk of the  
City of Lynnwood, Washington

Affidavit of Publication

STATE OF WASHINGTON }  
COUNTY OF SNOHOMISH } ss

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice is a true copy of City Ordinances - Ordinances 3052, 3053, 3054 556593

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

1 issue(s), such publication commencing on 04/18/2014 and ending on 04/18/2014 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$ 56.68.

*Karen E. Zeman*

Subscribed and sworn before me on this

18 day of April, 2014.

*Susan L. Stoltz*

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

City of Lynnwood - LEGAL ADS EDH127890 - PO: ORD 3052-3054

ORDERED BY: DEBBIE KARBER

\* SUSAN L. STOLTZ \*  
STATE OF WASHINGTON  
NOTARY --♦-- PUBLIC  
My Commission Expires 12-20-2017

LYNNWOOD WASHINGTON

On the, 14th day of April, 2014 the City Council of the City of Lynnwood, Washington, passed the following ordinances: 3052, 3053 and 3054. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE 3052  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE DISPLAY OF BANNERS, AMENDING LMC 21.16.220, LMC 21.16.310 AND LMC 3.104.010, ADDING A NEW SECTION TO CHAPTER 21.16 LMC, AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION

ORDINANCE 3053  
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR THE 2013 ROAD OVERLAY AND REBUILD PROGRAM ON 44TH AVENUE W BETWEEN THE 102ND PLACE SW AND 172ND STREET SW; AND SUPERSEDING ORDINANCES 2979 AND 3020; AND AUTHORIZING EXPENDITURES IN PROJECT FUND 311; AND AUTHORIZING FUNDING TRANSFERS, ALLOCATIONS AND REIMBURSEMENTS FROM GRANT FUNDS, FUND 150 AND REET FUNDS 330 AND 331; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE 3054  
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING ESTABLISHED FEES AND CHARGES FOR THE 2013-2014 BIENNIUM AND REPEALING CURRENT FEES AND CHARGES; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.  
DATED this 18th day of April, 2014.  
Lorenzo Hines Jr., Finance Director  
Published: April 18, 2014.