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ORDINANCE NO. 3628

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE EDMONDS COMMUNITY DEVELOPMENT CODE SECTIONS 17.50.040(B); 17.50.070(B); 17.75.010; 17.75.020; 20.50.040(B); 20.50.050(C); 20.50.060(C); 20.60.005; 20.60.025; 20.60.030; 20.60.035; 20.60.045 (B); AND 20.60.080 IN ORDER TO PROVIDE FOR THE CREATION OF THE BD ZONE IN OTHER PROVISIONS OF THE CODE NOW REFERENCING THE BC OR CENTRAL BUSINESS ZONE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council of the City of Edmonds has created a new downtown business district; and

WHEREAS, at various places throughout the Edmonds Community Development Code, there are frequent references to the Central Business District and/or BC or Central Business Zone; and

WHEREAS, the BD zone replaces the BC zone in the Central Business District; and

WHEREAS, these corrections are necessary in order to incorporate the new zone terminology and are without substantive effect, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The Edmonds Community Development Code, Section 17.50.040 Location paragraph (B) All Other Uses is hereby amended to read as follows:

17.50.040 Location.

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B. All other uses. Off street parking shall be located within three hundred (300) feet walking distance of the use for which it is required, except that the only requirement of the location of off street parking required for use in the downtown business area shall be that such parking be located within the downtown business area. If the off street parking is not in the same lot as the use for which it is required, the owner or lessor shall provide an agreement to the City for recording with the County Auditor which specifies:

1. The location, by legal description or survey, of the off street parking and the use for which it is required; and
2. A restriction on the property designated for off street parking specifying that it may not be used for any other purpose unless the parking is no longer required for the use specified in sub section (B)(1) of this section.

Section 2. The Edmonds Community Development Code Section 17.50.070

Downtown business area parking requirements, Section (B) Downtown business area defined is hereby amended to read as follows:

17.50.070 Downtown business area parking requirements.

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B. Downtown business area defined. The downtown business area consists of all land zoned BC, BD or CW and located in the area east of Puget Sound, south of Edmonds Street, west of 7th Avenue, and north of Pine Street. For the purposes of Chapter 17.50 ECDC only, the downtown business area shall include all commercially zoned properties within the specified boundaries.

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Section 3. The Edmonds Community Development Code Section 17.75.010

Outdoor dining - permitted secondary use is hereby amended to read as follows:

17.75.010 Outdoor dining - permitted secondary use.

Limited outdoor seating for outdoor dining is hereby allowed as a permitted secondary use in the BN-Neighborhood Business Zone,

BC-Community Business Zone, BD-Downtown Business Zone, CW-Commercial Waterfront Zone, and CG-General Commercial Zone. Seating shall be limited to an additional 10% of the existing interior seating of the establishment or eight (8) seats, whichever is greater, and shall be located outside of public rights of way. No additional parking stalls shall be required for outdoor dining usage.

Section 4. The Edmonds Community Development Code Section 17.75.020

Primary uses requiring a conditional use permit is hereby amended to read as follows:

17.75.020 Primary uses requiring a conditional use permit.

Outdoor dining shall be a primary use requiring a conditional use permit in the BN-Neighborhood Business Zone, BC-Community Business Zone, BD-Downtown Business Zone, CW-Commercial Waterfront Zone, and CG-General Commercial Zone, for outdoor seating which exceeds 10% of the existing interior seating in the establishment or more than eight (8) seats, whichever is greater. This use shall be established and maintained only in accordance with the terms of the Conditional Use Permit approved by the staff under the staff decision (notice required) process established pursuant to ECDC 20.95.050. At a minimum, the conditions considered for imposition by the staff may include a restriction on operating hours, location of the outdoor seating, and/or buffering of the noise and visual impacts relating to the outdoor dining seating. All seating permitted pursuant to the Conditional Use Permit shall be located outside of public rights of way. If outdoor seating is approved under these provisions, no additional parking stalls shall be required for the outdoor dining.

Section 5. The Edmonds Community Development Code Section 20.50.040(B)

is hereby amended to add a reference to the BD zone to read as follows:

20.50.040 Development standards for monopole I.

...

B. Monopole facilities are permitted in business (BC, BD and BN zones) and certain public and open space sites (i.e., Woodway High School, Edmonds High School and Five Corners Watertank/Fire Station 6) with a conditional use permit.

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Section 6. The Edmonds Community Development Section 20.50.050(C)

Development standards for monopole II, paragraph C, is hereby amended to add a reference to the BD zone to read as follows:

20.50.050 Development standards for monopole II.

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C. Monopole facilities are not permitted in residential (RS and RM) zones, business (BC, BD and BN) zones, commercial waterfront (CW) zone, open space (OS) zone, public (P) zones, except where expressly provided for in this chapter.

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Section 7. The Edmonds Community Development Code Section 20.50.060

Development standards for lattice towers, (C) is hereby amended to read as follows:

20.50.060 Development standards for lattice towers.

...

C. Monopole II facilities are not permitted in residential (RS and RM) zones, business (BN, BD and BC) zones, commercial waterfront (CW) zone, open space (OS) zone and public (P) zones, except where expressly provided for in this chapter.

Section 8. The Edmonds Community Development Code Section 20.60.005

Definitions to amend the definition of “premises”, to read as follows:

20.60.005 Definitions.

For purposes of this chapter, the following definitions shall apply:

A. “Attached sign” is any sign attached or affixed to a building. Attached signs include wall signs, projecting signs, and window signs.

B “Campaign sign” is a temporary sign displaying a message relating to a candidate, political party, or issue that is registered or certified for an upcoming election.

C. “Commercial sign” is a sign displayed for the purpose of identifying a commercial use, or advertising a service, product, business or venture that is offered for trade or sale.

D. “Construction sign” is any permanent or temporary sign displayed on premises where any physical excavation, construction, demolition, rehabilitation, structural alteration or related work is currently occurring, pursuant to a valid building permit.

E. “Fixed sign” is any sign attached or affixed to the ground or any structure in such a manner so as to provide for continuous display for an extended or indeterminable period of time. Fixed signs include, but are not limited to, freestanding signs and wall signs.

F. “Freestanding sign” is any sign that is not attached or affixed to a building.

G. “Governmental sign” is a sign that is necessary to protect the public health and safety. Governmental signs include traffic signs, directional and informational signs for public health and safety facilities, and warning or hazard signs.

H. “Group sign” is a sign or signs on one sign structure serving two or more businesses sharing a parking facility.

I. “Identification structure” is a structure intended to attract the attention of the public to a site, without the use of words or symbols identifying the business. Examples include fountains, sculptures, awnings, and totem poles.

J. “Marquee sign” is any sign attached or made part of a building marquee. A marquee sign is a form of projecting sign.

K. “Noncommercial sign” is a sign that is intended to display a religious, charitable, cultural, governmental, informational, political, educational, or artistic message, that is not primarily associated with a good, product, or service offered for sale or trade. Noncommercial signs include signs advertising incidental and temporary commercial activities conducted by churches and nonprofit businesses, clubs, groups, associations, or organizations.

L “Off-premises sign” is any sign that advertises or relates to a good, product, service, event, or meeting that is offered, sold, traded, provided, or conducted at some location or premises other than that upon which the sign is posted or displayed. Off-premises

signs include all signs posted or displayed in the public right of way.

M. “On-premises sign” is any sign that advertises or relates to a good, product, service, event, or meeting that is lawfully permitted to be offered, sold, traded, provided, or conducted at the location or premises upon which the sign is posted or displayed. On-premises signs also include signs not related to any particular location or premises, such as signs displaying religious, charitable, cultural, governmental, informational, political, educational, or artistic messages that are intentionally displayed by the owner of the property or premises upon which the sign is displayed.

N. “Permanent sign” is a fixed or portable sign intended for continuous or intermittent display for periods exceeding 60 days in any calendar year.

O. “Portable sign” is any sign that is readily capable of being moved or removed, whether attached or affixed to the ground or any structure that is typically intended for temporary display. Portable signs include, but are not limited to:

1. Signs designed and constructed with a chassis or support with or without wheels;
2. Menu and “sandwich” board signs;
3. A” and “T” frame signs;
4. Wooden, metal, or plastic “stake” or “yard” signs;
5. Posters or banners affixed to windows, railings, overhangs, trees, hedges, or other structures or vegetation;
6. Signs mounted upon vehicles parked and visible from the public right of way, except signs identifying the related business when the vehicle is being used in the normal day to day operation of the business, and except for signs advertising for sale the vehicle upon which the sign is mounted;
7. Searchlights;
8. Inflatables.

P. “Premises” is the actual physical area of the lot upon which a sign is posted and displayed, except within the boundaries of the BC or BD zone in the downtown activity center as defined in the Comprehensive Plan where “premises” shall include any portion of the public sidewalk which fronts upon the lot.

Q. “Projecting sign” is any sign attached or affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of such building or wall.

R. “Real estate sign” is a sign displaying a message relating to the sale or rent of real property.

S. “Sign” is any structure, device of fixture that is visible from a public place that incorporates graphics, symbols, or written copy for the purposes of conveying a particular message to public observers, including wall graphics or identification structures.

T. “Sign area” is the maximum actual area of a sign that is visible from any single point of observation from any public vantage point. Supporting structures which are part of a sign display shall be included in the calculation of the sign area.

U. “Temporary sign” is an allowed portable sign intended for short-term display, not to exceed 60 calendar days in any calendar year.

V. “Wall graphic” is a wall sign in which color and form, and without the use of words, is a part of the overall design on the building(s) in which the business is located. A wall graphic may be painted or applied (not to exceed one-half inch in thickness) to a building as a part of its overall color and design, but may not be internally lighted. Internally lighted assemblies, including those which project from the wall of the structure, or which are located on any accessory structure on the site, shall be considered wall signs and comply with the requirements of this chapter.

W. “Wall sign” is a sign that is attached or affixed to a wall and that is parallel to and not projecting more than 12 inches at any angle from such wall. “Wall signs” include signs that are painted directly upon a wall.

X. “Window sign” is a sign that is attached or affixed to a window, or a sign displayed within 24 inches of the inside of a window in such a manner as to be visible from any public place.

Section 9. The Edmonds Community Development Code Section 20.60.025

Total Maximum permanent sign area, (A) Business and Commercial Zone Districts is hereby

amended to read as follows:

20.60.025 Total maximum permanent sign area.

A. Business and Commercial Zone Districts (BN, BC, BD, CW and CG).

1. The maximum total permanent sign area for allowed or permitted uses in the BN, BC, BD and CW zone shall be one square foot of sign area for each lineal foot of wall containing the main public entrance to the primary building or structure located upon a separate legal lot.

2. The maximum total permanent sign area for allowed or permitted uses in the CG zone shall be one square foot of sign area for each lineal foot of building frontage along a public street and/or along a side of the building containing the primary public entrance to a maximum of 200 square feet. The allowable sign area shall be computed separately for each qualifying building frontage, and only the sign area derived from that frontage may be oriented along that frontage. Sign areas for wall-mounted signs may not be accumulated to yield a total allowable sign area greater than that permitted upon such frontage, except that businesses choosing not to erect a freestanding sign may use up to 50 percent of their allowable freestanding sign area for additional attached sign area. Use of the additional area shall be subject to the review of the architectural design board.

3. The maximum total permanent sign area may be divided between wall, projecting, and freestanding signs, in accordance with regulations and maximum sign area and height for each type of sign, as provided in ECDC 20.60.030 through 20.60.050. Window signs meeting the requirements of ECDC 20.60.035 do not count against the total permanent sign area permitted.

4. The maximum number of permitted permanent signs is three per site, or one per physically enclosed business space on commercial sites with multiple business tenants, whichever is greater. The total sign area of all signs permitted on-site must also comply with the maximum total permanent sign area specified in this chapter.

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Section 10. The Edmonds Community Development Code, Section 20.60.030

Wall signs - Maximum area and height is hereby amended to read as follows:

20.60.030 Wall signs -Maximum area and height.

A. The maximum area of wall sign shall be as follows:

Zone	Maximum Area of Sign
RS, RM	4 square feet
BN, BC, BD, CW, CG	1 square foot per lineal foot of attached wall

B. The maximum height of any attached sign shall be as follows:

Zone	Maximum Height of Sign
RS, RM	6 feet
BN, BC, BD, CW, CG	14 feet or the height of the face of the building on which the sign is located, consistent with ECDC 20.60.020(A)

Section 11. The Edmonds Community Development Code Section 20.60.035

Window signs - Maximum area is hereby amended to read as follows:

20.60.035 Window signs - Maximum area.

A. The maximum area of any window sign shall be as follows:

Zone	Maximum Area of Sign
RS, RM	4 square feet
BN, BC, BD, CW, CG	1 square foot per each lineal foot of window frontage

Section 12. The Edmonds Community Development Code Section 20.60.040

Projecting signs - Maximum area and height restrictions is hereby amended to read as follows:

A. The maximum area of any projecting sign shall be as follows:

Zone	Maximum Area of Sign
RS, RM	Not permitted
BN, BC, BD, CW	16 square feet
CG	32 square feet

B. The maximum height of any projecting sign shall be as follows:

Zone	Maximum Height of Sign
RS, RM	Not permitted
BN, BC, BD, CW, CG	14 feet

C. The bottom of the sign area of projecting signs shall be at least eight feet in height and at least 11 feet in height if it projects over a vehicle traveled right-of-way. The sign area of a marquee sign may not exceed two feet in vertical dimension.

Section 13. The Edmonds Community Development Code Section 20.60.045

Freestanding signs - Regulations (B) Maximum area and (D) Maximum height is hereby amended to read as follows:

20.60.045 Freestanding signs - Regulations.

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B. **Maximum Area.** The maximum area of a freestanding sign shall be as follows:

Zone	Maximum Area of Sign
RS, RM	10 square feet (subdivision, PRD, multifamily) 4 square feet (individual residence sign)
BN	24 square feet (single) 48 square feet (group)
BC, BD	32 square feet (single) 48 square feet (group)
CW	32 square feet (single) 48 square feet (group)
CG	Sign area shall be governed by subsection C of this section

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D. **Maximum Height.** The maximum sign height of freestanding signs shall be as follows:

Zone	Maximum Height of Sign
RS, RM	6 feet
BN, BC, BD, CW	14 feet
CG	25 feet

Section 14. The Edmonds Community Development Code Section 20.60.080

Temporary signs (A) On-Premises Temporary Signs is hereby amended to read as follows:

20.60.080 Temporary signs.

A. **On-Premises Temporary Signs.** On-premises temporary signs are permitted in residential and commercial zones, in addition to any allowed or permitted permanent signage, subject to the following restrictions and standards:

1. **Residential Zones (RS, RM)**

a. Only portable, freestanding or attached signs may be used as temporary signage.

b. Commercial on-premises temporary signage is not permitted, except for real estate signs as defined by ECDC 20.60.065.

c. Maximum number is one attached of freestanding sign.

2. Commercial Zones (BN, BC, BD, CW, CG)

a. Only portable, freestanding or attached signs may be used for temporary signage; provided, that “sandwich board” or “A” frame portable signs shall only be permitted in the BC, BD, and CW zones.

b. Maximum duration of display is 60 days in any calendar year for the cumulative posting of all temporary commercial signage upon each commercial location or premises.

c. Maximum number of temporary signs is one freestanding sign per property street frontage; and one attached sign per building.

3. The total maximum area of on-premises temporary signage shall be as follows:

Zone	Maximum Area of Temporary Sign
RS, RM	6 square feet
BN, BC, BD, CW	20 square feet
CG	30 square feet

4. The total maximum area for each allowed on-premises temporary sign shall be as follows

Zone	Maximum Area of Temporary Sign
RS, RM	6 square feet (freestanding and attached)
BN, BC, BD, CW	6 square feet (freestanding) 20 square feet (attached)
CG	6 square feet (freestanding) 30 square feet (attached)

5. The maximum height of any allowed on-premises temporary sign shall be as follows:

Zone	Maximum Height of Sign
RS, RM	6 feet (freestanding and attached)
BN, BC, BD, CW, CG	3 feet (freestanding) 14 feet (attached)

6. In no case shall temporary signage be posted, located, or displayed in violation of the regulations for permanent signs set forth in ECDC 20.60.020 through 20.60.050.

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Section 15. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK: 02/16/2007
 PASSED BY THE CITY COUNCIL: 02/20/2007
 PUBLISHED: 02/25/2007
 EFFECTIVE DATE: 03/02/2007
 ORDINANCE NO. 3628

SUMMARY OF ORDINANCE NO. 3628

of the City of Edmonds, Washington

On the 20th day of February, 2007, the City Council of the City of Edmonds, passed Ordinance No. 3628. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE EDMONDS COMMUNITY DEVELOPMENT CODE SECTIONS 17.50.040(B); 17.50.070(B); 17.75.010; 17.75.020; 20.50.040(B); 20.50.050(C); 20.50.060(C); 20.60.005; 20.60.025; 20.60.030; 20.60.035; 20.60.045 (B); and 20.60.080 IN ORDER TO PROVIDE FOR THE CREATION OF THE BD ZONE IN OTHER PROVISIONS OF THE CODE NOW REFERENCING THE BC OR CENTRAL BUSINESS ZONE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 21st day of February, 2007.

CITY CLERK, SANDRA S. CHASE