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The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: CONLIN
Councilmember

Seattle Municipal Code Chapter
Seattle Municipal Code
begins and to provide for appeal

(5)

Committee Action:

5/22/2001 passed unanimously as amended 2-0
Conlin yes
Licata yes

(5)

5-29-01 Passed As Amended 6-0
(Excused: Compton, DiCastro, Stembunck)

Neighborhoods, Disability & Community Development Committee
T.O. <input checked="" type="checkbox"/>
F.T. <input checked="" type="checkbox"/>

This file is complete and ready for presentation to Full Council. Committee: RC 5/22
(initial/date)

Law Department

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed
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ORDINANCE 120388

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AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code Chapters 15.12, 23.55, 23.69, and 23.84, and adding new sections to Seattle Municipal Code Chapter 23.55 to authorize sign kiosks, to define public signs and to provide for appeals of denials of sign permits.

WHEREAS, the purposes of the Sign Code are to allow signs that invite rather than demand the public's attention, to encourage the use of signs that enhance the visual environment of the city, and to protect the public interest and safety; and

WHEREAS, the Sign Code authorizes signs that are in the public interest, such as on-premises signs; and

WHEREAS, allowing additional messages, including noncommercial messages and off-premises messages, on sign kiosks will promote the public interest by allowing new opportunities for communication within the community where a sign kiosk is located on matters of interest to that community; and

WHEREAS, the impacts of sign kiosk structures and signs on them as traffic hazards and as visual blight will be limited by regulating the size and location of the structures and the messages on them and by regulating the structures' location and lighting; and

WHEREAS, the impact of sign kiosks as visual blight will be limited by regulating the zoning where they may be located and by requiring the structural design to be consistent with principles approved by the Seattle Design Commission; and

WHEREAS, sign kiosks are likely to be effective in promoting community communication because many communities have demonstrated support for them in their neighborhood plans and have made requests for siting sign kiosks in their community;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.12.010 A of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

15.12.010 Conformance to applicable regulations.

A. All signs in public places and their supports shall be reviewed as to structural strength and quality of materials and for conformance to all applicable ordinances by the Director of the Department of Design, Construction and Land Use, except for sign kiosks in public rights-of-way, which shall be reviewed by Seattle Transportation.

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1 provisions of this chapter. The street use permit issued by Seattle Transportation shall serve as
2 the required sign permit.

3 C. Development Standards for Sign Kiosks.

4 1. Design and construction.

5 a. The design of any sign kiosk shall comply with the design principles
6 for sign kiosks approved by the Seattle Design Commission, or shall be reviewed and
7 recommended by the Commission.

8 b. The design of any sign kiosk adjacent to a park, playground or
9 publicly owned community center shall also be reviewed and must be approved by the Seattle
10 Department of Parks and Recreation for aesthetic compatibility with existing signs and the design
11 of the park, playground or community center.

12 c. The design of any sign kiosk in a special review district established in
13 SMC Chapters 23.66, 25.16, 25.20, 25.22, and 25.24 shall also be reviewed and must be
14 approved by the board for that district for compliance with the standards of that district.

15 d. The sign kiosk shall be in sections with maximum dimensions of
16 seven (7) feet high, three (3) feet wide measuring from the centers of the supporting posts on
17 either side of the sections, and six (6) inches deep, with a maximum of 4 sections. No more than
18 two feet of additional height will be allowed for artistic decoration on top of the kiosk, with
19 additional width not to exceed the width of the kiosk structure. The Seattle Design Commission
20 may approve a different style or different dimensions, which shall not exceed the maximum
21 height dimension and the maximum overall size set out above.

22 e. Lights, changing image signs, and message board signs shall not be
23 placed on any part of a sign kiosk that is visible from the street. Flashing signs and chasing signs
24 are prohibited on any part of a kiosk. Any lighting fixtures used within kiosks or used externally
25 to illuminate kiosks shall be fully shielded. The maximum illumination level at the kiosk shall be
26 five (5) foot-candles (fc) maintained at ground level.

27 f. Materials used in constructing sign kiosks shall minimize reflective
28 glare from natural or artificial illumination.

29 g. The design of any kiosk structure shall not be likely to be mistaken for
30 any traffic control device and shall comply with SMC 11.50.500 to .560.

31 h. All sign kiosks shall be designed, constructed and maintained in
32 accordance with SMC chapter 22, section 3204, the Seattle Building Code provisions governing
33 signs.

34 2. Location.

35 a. The location of any sign kiosk shall comply with the location standards
36 set out in the rules of Seattle Transportation, including without limitation rules for line of sight at
37 intersections, compatibility with traffic control signs and other right of way uses, parking and
38 pedestrian safety, and access to adjacent and abutting property.

39 b. The location of any sign kiosk adjacent to a park, playground or
40 publicly owned community center shall also be reviewed and must be approved by the Seattle
41 Department of Parks and Recreation as not conflicting with or distracting from existing signs of
42 the park, playground or community center.

43 c. The location of any sign kiosk in a special review district established in
44 SMC Chapters 23.66, 25.16, 25.20, 25.22, and 25.24 shall also be reviewed by and must be
45 approved by the board for that district for compliance with the standards of that district.

46 d. Sign kiosks shall be located in compliance with SMC 23.55.042 and
47 chapters 23.60.

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1 e. Sign kiosks that are not located in the public right of way shall be
2 located so that they are accessible for posting and reading by the public at all times.

3 3. Dispersion.

4 a. Not more than a total of five (5) sign kiosks are permitted when
5 counting both sides of street within a linear distance of two thousand six hundred four feet (2640
6 feet, 1/2 mile).

7 b. There shall be a minimum distance of three hundred linear feet (300
8 feet) between sign kiosks on the same side of the street; a maximum of two (2) sign kiosks within
9 300 linear feet (300 feet) when counting both sides of the street; and a minimum distance of one
10 hundred radial feet (100 feet) between sign kiosks.

11 D. Standards for Posting Signs on Sign Kiosks.

12 1. All members of the public may post signs on sign kiosks. Each person may
13 post, or have posted on his/her behalf, two signs with noncommercial messages and one sign with
14 a commercial message on each sign kiosk.

15 2. Graffiti is prohibited on sign kiosks.

16 3. All signs posted on sign kiosks shall comply with the following standards:

17 a. The maximum size of any sign shall be 8 1/2 inches by 14 inches.

18 b. Signs shall not be posted in a manner that creates the appearance of a
19 sign larger than 8 1/2 inches by 14 inches.

20 c. The design of any posting shall not be likely to be mistaken for any
21 traffic control device and shall comply with SMC 11.50.500 to .560.

22 4. Signs shall show the date they are posted and shall be removed within thirty
23 (30) days of posting or the day after the event announced, whichever is first. Signs with
24 commercial messages must also include the name of the person posting the sign or causing the
25 sign to be posted.

26 5. The sign posting standards set out in subsections 1, 2, 3 and 4 shall be affixed
27 to the kiosk. These standards are in addition to any standards set out in City ordinances or rules,
28 in policies adopted by City departments and posted on the sign kiosk, and in contracts with the
29 City of Seattle for sign kiosks.

30 6. The sign kiosk permit holder shall clearly designate and maintain one quarter
31 of the total posting area and may designate and maintain up to three-quarters of the total posting
32 area of a sign kiosk for posting only non-commercial signs.

33 7. The City of Seattle may post a map of the area and historical information on
34 any kiosk in addition to the area reserved for noncommercial speech.

35 8. No one may (1) sell, (2) rent, or (3) reserve or transfer for consideration
36 posting space on a sign kiosk. Posting a sign on sign kiosk does not create a transferable right.

37
38 E. Sign Kiosks Previously Erected. The Council finds that the sign kiosks erected before
39 the effective date of this ordinance that are listed on Attachment 2 are consistent with the policies
40 for allowing sign kiosks and reasonably further the objectives of promoting traffic safety,
41 aesthetics, and community communication. As a result, they are lawful signs. All postings on
42 these sign kiosks shall comply with the requirements of this section. Any alteration of these sign
43 kiosks or their location shall comply with the requirements of this section.



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1 C. Maximum total area of sign faces per business establishment shall be one hundred
2 seventy (170) square feet, and the maximum area of any single sign face shall be eighty-five (85)
3 square feet.

4 D. The maximum height of any portion of a sign for a business establishment shall be
5 fifteen feet (15').

6 E. Sign kiosks as provided in Section 23.55.015 are permitted.

7 **Section 9.** Section 23.55.028 subsection E of the Seattle Municipal Code, which Section
8 was last amended by Ordinance 113387, is amended to read as follows:

9 **23.55.028 Signs in NC1 and NC2 zones.**

10 * * *

11 E. Off-premises Signs. Off-premises signs shall not be permitted, except that:

12 1. Each business district may have two (2) identifying ground, pole, wall or
13 projecting signs which may list businesses located in the district. The identifying signs shall not
14 be located in a residential zone, and shall meet the standards of Section 23.55.014, Off-premises
15 signs.

16 2. One (1) residential district identification wall or ground sign per entrance,
17 meeting the standards of Section 23.55.014, shall be permitted.

18 3. When accessory parking is provided on a lot other than the lot where the
19 principal use is located, off-premises directional signs five (5) square feet or less in area
20 identifying the accessory parking shall be permitted. Off-premises directional signs five (5)
21 square feet or less in area shall not be counted in sign size or number limits.

22 4. Sign kiosks as provided in Section 23.55.015 are permitted.

23 * * *

24 **Section 10.** Section 23.55.030 subsection E of the Seattle Municipal Code, which
25 Section was last amended by Ordinance 118302, is amended to read as follows:

26 **SMC 23.55.030 Signs in NC3, C1 and C2 zones.**

27 * * *

28 E. Off-Premises Signs.

29 1. Identifying Signs for Business Districts. Each business district may have up to
30 two (2) identifying ground, pole, wall or projecting signs which may list businesses located in the
31 district. The identifying signs shall not be located in a residential zone, and shall meet the
32 standard of Section 23.55.014, Off-premises signs.

33 2. One (1) residential district identification wall or ground sign per entrance,
34 meeting the standards of Section 23.55.014, shall be permitted.

35 3. When accessory parking is provided on a lot other than the lot where the
36 principal use is located, off-premises directional signs five (5) square feet or less in area
37 identifying the accessory parking shall be permitted.

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1 4. Off-premises directional signs and advertising signs, in addition to those
2 permitted by subsections E1, E2 and E3 of this section, shall be permitted according to Section
3 23.55.014, Off-premises signs.

4 5. Advertising signs are prohibited in Neighborhood Commercial 3 zones and in
5 the Seattle Cascade Mixed (SCM) zone.

6 6. Sign kiosks as provided in Section 23.55.015 are permitted.

7 **Section 11.** Section 23.55.034 subsection E of the Seattle Municipal Code, which
8 Section was last amended by Ordinance 119239, is amended to read as follows:

9 **SMC 23.55.034 Signs in downtown zones.**

10 * * *

11 E. Off-premises Signs.

12 1. When accessory parking is provided on a lot other than the lot where the
13 principal use is located, off-premises directional signs five (5) square feet or less in area
14 identifying the accessory parking shall be permitted.

15 2. Off-premises directional signs and advertising signs, in addition to those
16 permitted by subsection E1, shall be permitted according to Section 23.55.014.

17 3. Advertising signs are prohibited in Downtown Mixed Residential/Residential
18 (DMR/R) zones.

19 4. Sign kiosks as provided in Section 23.55.015 are allowed in downtown zones.

20 **Section 12.** Section 23.55.036 subsection E of the Seattle Municipal Code, which
21 Section was last amended by Ordinance 119391, is amended to read as follows:

22 **SMC 23.55.036 Signs in IB, IC, IG1 and IG2 zones.**

23 * * *

24 E. Off-premises Signs.

25 1. Identifying Signs for Business Districts. Each business district may have up to
26 two (2) identifying ground, pole, wall, or projecting signs which may list businesses located in the
27 district. The identifying signs shall not be located in a residential zone, and shall meet the
28 standard of Section 23.55.014, Off-premises signs.

29 2. When accessory parking is provided on a lot other than the lot where the
30 principal use is located, off-premises directional signs five (5) square feet or less in area
31 identifying the accessory parking shall be permitted.

32 3. Off-premises directional signs and advertising signs in addition to those
33 permitted by subsections E1, E2, and E3 shall be permitted according to Section 23.55.014, Off-
34 premises signs.

35 4. Sign kiosks as provided in Section 23.55.015 are permitted.

36 * * *



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Section 13. A new section 23.55.050 is added to chapter SMC 23.55 of the Seattle Municipal Code as follows:

Part 3 Appeals

23.55.050 Appeals to Municipal Court. If a person asserts a noncommercial speech right protected by the First Amendment of the United States Constitution and/or Article I, Sections 3, 4, and 5 of the Washington Constitution, and is aggrieved by an action of the City in denying or enforcing a permit or in removing a sign, and time be of the essence, the person may petition the presiding judge of the Seattle Municipal Court for a prompt review thereof. The matter shall be granted priority as a case involving constitutional liberties and shall be heard in the manner provided by the Municipal Court by rule, and the decision of the Municipal Court shall be final subject only to judicial review.

Section 14. Section 23.69.021 subsection E of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

23.69.021 Signs in Major Institution Overlay Districts.

E. Off-premises signs shall not be permitted((,)), except for sign kiosks.

Section 15. Section 23.84.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 119839, is amended to add two new sections:

"Sign kiosk" means a small freestanding sign structure visible to the public used for posting small signs.

"Sign, public" means a sign in the right of way that is at least partially funded by public funds and is intended to carry messages of interest to the public.

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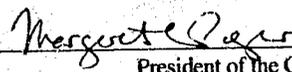
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Section 16. Not later than 15 months after the effective date of this ordinance the Department of Neighborhoods, Seattle Transportation, and the Department of Design, Construction and Land Use, with the assistance of Council legislative staff and the City Attorney, shall prepare a report to the Council on the impact and effectiveness of sign kiosks during the first 12 months of this ordinance.

Section 17. The several provisions of this ordinance are declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances. The Council intends to maintain the Sign Code in order to continue to promote the purposes for which it was adopted, and if the amendments in this ordinance render the Sign Code invalid in any respect, then the Council intends the Sign Code to remain in effect as if this ordinance had not been adopted.

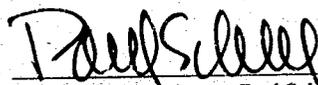
Section 18. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 29th day of May, 2001, and signed by me in open session in authentication of its passage this 29th day of May, 2001.



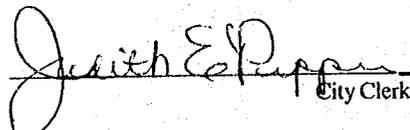
Margaret Cooper
President of the City Council

Approved by me this 4th day of JUNE, 2001.



Paul Schell, Mayor

Filed by me this 5th day of June, 2001.



Judith Ed Pappas
City Clerk

(SEAL)

Attachment 1 Legislative Findings
Attachment 2 Sign Kiosks Previously Erected



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Attachment 1

FINDINGS OF FACT

The City Council of the City of Seattle makes the following Findings of Fact with respect to the proposed ordinance amending SMC Chapter 23.55, the Sign Code, to authorize sign kiosks:

1. The Council considered the Report of the Community Kiosk Task Force, the Memorandum from the Council Members Richard Conlin and Nick Licata to Rick Krochalis, Director of the Department of Design Land Use and Construction dated March 23, 2001, the Director's Report to Council for this ordinance, the SEPA report for this ordinance, the proposed SeaTran Director's Rule for sign kiosks, the recommendation of the Design Commission for sign kiosks, the letter from Jerry Wachtel, President, The Veridian Group, dated May 19, 2001 reviewing the amendments to the Sign Code and the Director's Rule, and the public comment in writing and by public testimony on the proposed ordinance and Director's Rule.
2. The purposes for regulating signs continues to be to encourage the use of signs that enhance the visual environment of the City, to protect the public interest and safety, in particular with respect to traffic hazards, to allow signs that invite rather than demand the public's attention, and to promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings.
3. Allowing the posting of noncommercial messages and off-premises messages will promote the public interest by allowing new opportunities for communication within the community. Public comment and the findings of the Kiosk Task Force Report show that the community formerly heavily used utility poles and that the public wants to have that opportunity replaced. Public comment and the Report also document that the community uses existing kiosks. Public comment shows that a wide variety of people desires to post messages in the community such as the Seattle Police Guild, the First Free Methodist Church, Machinists Local 79, the Rainier Club, RMax Realtors, Sealth High School, Washington Mutual Savings, in addition to community councils and individuals. Many comments were received that there are not enough kiosks available. In addition, seventy five percent (28 out of 37) of the community plans submitted to the City specified an interest in sign kiosks in their neighborhoods and many communities have contacted the City's Department of Neighborhoods about applying for neighborhood matching funds for kiosks. Providing opportunities for community communication is an important public purpose, and allowing kiosks is likely to provide opportunities for this type of communication. Allowing kiosks will be in the public interest, if regulated to be consistent with the City's other purposes for regulating signs: promoting safety and community aesthetics.

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4. The kiosks will provide the opportunity for both noncommercial communication, such as meetings, lost pets and advocacy, and commercial communication, such as garage sales, bake sales, music events, and cultural activities. By requiring reservation of some space exclusively for noncommercial messages and allowing the sponsor to reserve even more space for noncommercial messages, the ordinance offers appropriate opportunity for noncommercial speech. This balance addresses the concerns expressed that the kiosks will not allow enough opportunity of one kind of speech or another. In addition the regulations provide an opportunity for many people to display their messages by limiting the number of messages one person may display at a time, without favoring one type of noncommercial message over another, or one speaker over another.

5. Concern was expressed that the City should completely be responsible for the sign kiosks, while others believe that the community should completely control them. The proposed regulations strike a balance between City control and citizen control. They allow citizens to propose where the kiosks may be located, how they should be designed, and the amount of space exclusively reserved for noncommercial speech, while the City regulates the kiosks for safety and compatibility with the neighborhood and regulates the signs posted on them for safety.

6. The regulations address the public safety by regulating where the kiosk can be located, the size of the kiosk, the dispersion of the kiosks, the lighting on the kiosks, the size of the signs posted on the kiosk and certain aspects of the appearance of the signs. The expert retained to evaluate driver distraction has determined that the regulations result in signs that are no more distracting than the on-premises signs currently allowed by the City to promote business vitality, while being less distracting than standard billboards.

7. The regulations address neighborhood aesthetics by regulating the zones where kiosks may be located, the size of kiosks and providing design guidance.

8. Citizen concern about the regulations and the time to obtain review is balanced by the need to protect the public safety and visual environment, consistent with the City's purposes for regulating signs.

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ATTACHMENT 2: EXISTING KIOSK LOCATIONS

- 1) 5th & Pine
- 2) 5th & Pike
- 3) 5th & Union
- 4) 5th & University
- 5) 5th & Seneca
- 6) Beacon Avenue S. & S. Ferdinand Street (center median)
- 7) Beacon Avenue S. & S. Graham Street: (center median)
- 8) Beacon Avenue S. & S. Cloverdale Street: (center median)
- 9) 4900 Rainier Avenue South & South Ferdinand Street
- 10) 4851 Rainier Avenue South & South Edmonds Street
- 11) 3401 Fremont Avenue North & North 34th Street
- 12) 3414 Fremont Avenue North & North 35th Street
- 13) 3419 Fremont Avenue North & North 36th Street
- 14) 2313 4th Avenue
- 15) 1601 Harvard Avenue and 700 East Pine Street
- 16) Eastlake Dreamboat W. side of Eastlake, N. of Lynn St)
- 17) 5440 Sand Point Way
- 18) 317 East Pine Street
- 19) 1100 East Pike Street
- 20) Franklin Avenue at Roanoke
- 21) Franklin Avenue at Louisa
- 22) East Harrison Street & 400 Broadway East
- 23) 102 Lakeside Avenue South/100 East Yesler Way

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City of Seattle

Paul Schell, Mayor

Department of Design, Construction and Land Use
R. F. Krochalis, Director

MEMORANDUM

TO: Council President, Margaret Pageler
Via Margaret Klockars, Law Department

FROM: Rick Krochalis, Director

DATE: May 03, 2001

SUBJECT: Community Sign Kiosk Ordinance

Transmittal

With this memorandum we are transmitting for City Council consideration proposed legislation amending the Land Use Code to allow community sign kiosks.

Background

In 1994, the Council passed an ordinance that prohibited the posting of handbills, signs or posters on any City-owned structure, including utility poles. The ordinance, commonly known as "the poster ban," was passed in response to concerns for the safety of the utility workers who maintained the poles, as well as concern for the inordinate amount of litter caused by overposting on the poles. Communities and neighborhoods lobbied the City for public kiosks and bulletin boards as a means to increase communication among community members, as well as with the public at large. In 1998, the Community Kiosks Task Force was formed to advise the Seattle City Council and the Mayor on policy and funding options for providing public kiosks in Seattle.

The Community Kiosk Task Force took into consideration that 28 out of 37 neighborhood plans specified an interest in providing kiosks in their neighborhoods, and that many communities have specifically requested kiosks to be sited in their neighborhoods.

Based on these and other considerations, the Community Kiosk Task Force recommended to the Council and Mayor that kiosks be allowed. The Council, in Resolution #30095, directed DCLU and other departments to amend the Sign Code so that kiosks could be provided and to create a kiosks program.

City of Seattle, Department of Design, Construction and Land Use
700 Fifth Avenue, Suite 2000, Seattle, WA 98104-5070

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SIGN CODE AMENDMENTS TO ALLOW COMMUNITY SIGN KIOSKS

DIRECTOR'S REPORT AND RECOMMENDATION

INTRODUCTION

The Department of Design, Construction and Land Use (DCLU) is proposing to amend the Land Use Code to allow sign kiosks ('kiosk.'). The purpose of the kiosks is to allow communities the opportunity to communicate information of interest within the community.

The purposes of the Sign Code are to allow signs that promote certain public goals, including promoting local business vitality, and to encourage the use of signs that enhance the visual environment of the city and that do not impair traffic safety.

Within the community where these kiosks are used, both commercial speech and non-commercial speech are likely to be of interest to the community. Therefore, both types of speech would be allowed on kiosks.

Although these kiosks may have some traffic safety impacts, these impacts can be ameliorated by limiting the size of the structures and of the messages on them and by regulating the structures' location and lighting. Any contribution to visual blight created by the kiosks can be ameliorated by regulating the zoning where they may be located, by requiring the structural design to be consistent with guidelines approved by the Design Commission and by regulating the size and location of signs on the kiosk.

Therefore, allowing kiosks is consistent with the Sign Code by promoting a legitimate public purpose of enhancing community communication and by regulating their impacts on traffic safety or on the visual environment.

BACKGROUND

In 1994, the Seattle City Council passed an ordinance which prohibited the posting of handbills, signs or posters on any City-owned structure, including utility poles. The ordinance, commonly known as "the poster ban," was passed in response to concerns for the safety of the utility workers who maintained the poles, as well as concern about for the inordinate amount of litter caused by overposting on the poles. Communities and neighborhoods lobbied the City for public kiosks and bulletin boards as a means to increase communication among community members, as well as with the public at large. In 1998, the Community Kiosks Task Force was formed to advise the Seattle City Council and the Mayor on policy and funding options for providing public kiosks in Seattle.

The Community Kiosk Task Force considered the facts that 28 out of 37 neighborhood plans specified an interest in providing kiosks in their neighborhoods, and that many communities have made requests for siting kiosks.

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Based on these and other considerations, the Community Kiosk Task Force recommended to the Council and Mayor that kiosks be allowed. The Council, in Resolution #30095, directed DCLU and other departments to amend the Sign Code so that kiosks could be provided and to create a kiosks program.

ANALYSIS

The proposed Land Use Code amendment addresses kiosks. The ordinance makes the following changes to the Code, each of which will be addressed in this analysis.

- Adding a new purpose for sign regulation, that is, to provide opportunities for communicating information of community interest
- Identifying signs on kiosks as an exception to the general ban on new off-premise advertising signs
- Permitting sign kiosks in all zones except for residential zones
- Identifying SeaTran as the department responsible for issuing sign permits for kiosks in the public right of way, in addition to its responsibility to issue street use permits for them
- Establishing development standards for sign kiosks
- Establishing standards for posting signs on sign kiosks
- Adding definitions of 'sign kiosk' and 'public sign' to the Code
- Addressing existing kiosks that do not have sign permits
- Clarifying appeal provisions for denial of sign permits affecting noncommercial speech

In addition, the ordinance requires a report to the Council on the effects of the amendment after one year.

Adding a new purpose to the sign code: to allow communication of information that is of interest to local communities.

The kiosks are envisioned to provide information of interest to the community, including the same information that was previously seen on telephone poles, such as public meetings, lost pets, yard sales, rock concerts, and local charity functions. Kiosks may also be used to provide information about goods and services provided by businesses. The Community Kiosk Task Force considered testimony provided by neighborhood residents and businesses, and determined that this type of information would be of interest to the community where the kiosk is located.

This is a new purpose for sign regulation in the City of Seattle. Revising the regulations to allow this purpose is consistent with the current purposes of the Sign Code, by regulating the size, number, location and design of kiosks and the signs posted on them.

Signs on kiosks are an exception to the general ban on signs.

The City bans all signs because they can contribute to traffic hazards and visual blight. The City makes some exceptions to advance other purposes, such as allowing on-premise business signs to promote local business vitality. The City also allows noncommercial speech on all signs.

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The Sign Code does not make an exception for new off-premises signs, because the City's interest in promoting traffic safety and the visual environment of neighborhoods and the City is more important. Some of the signs that were typically posted on telephone poles before the poster ban ordinance was adopted were noncommercial speech, and some would be classified as off-premise signs, because they offer a good or service that is not available on the premises where the sign is located (the telephone pole). Therefore, in order to allow these new off-premise signs on kiosks, the Code amendment creates an exception to the general ban on new off-premises signs. The basis for this new exception to the general ban on advertising signs is the importance of providing an accessible forum for communicating information of interest to the community.

Because any type of sign may contribute to traffic hazards and/or to visual blight, the amendment regulates kiosks and the signs on them to ameliorate these impacts.

(a) Traffic safety findings

Kiosks will be located so that they are not likely to contribute to traffic safety risks. This determination is based on Seattle Transportation regulations and on advice from DCLU's driver distraction expert.

Seattle Transportation is responsible for maintaining streets and sidewalks. SeaTran's regulations for allowing activities in the public right of way are contained in Title 15 of the City's adopted ordinances. The proposed ordinance amends Title 15 and Title 23 of the Land Use Code to identify the conditions under which a street use permit can be granted for a kiosk. These conditions include structural standards and location criteria, including compatibility with traffic control signs and other right-of-way uses, consideration of parking and pedestrian safety, and non-interference with access to adjacent property and with the line of sight at intersections. These regulations and a new SeaTran Director's Rule to regulate the location of kiosks will apply to all kiosks on both public and private property.

DCLU contracted with a driver distraction expert, Gerald Wachtel/Veridian Group, to report on the potential traffic distractions posed by the kiosks. Mr. Wachtel reported that the kiosks and signs on them, as regulated would not pose additional hazards as compared to other signs. This opinion considered the SeaTran locational provisions, the kiosk size and lighting/glare provisions, the dispersion of the kiosks, and the regulation of the signs posted.

Based on the standards in the ordinance, the locational criteria developed by Seattle Transportation, and the review by Gerald Wachtel, this report concludes that the kiosks will be generally structurally safe and the regulations will ameliorate any impact on traffic safety.

(b) Aesthetic findings

Signs are generally considered to contribute to the degradation of visual aspects of the planned environment. However, the contribution to visual degradation is mitigated under the regulations



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set out in the ordinance, particularly the design regulations and the zoning and dispersion regulations (discussed in the next section).

A prototype of the kiosks was developed. The City's Design Commission reviewed the prototype and made several recommendations for revision of the kiosk prototype. Based on this, Design Commission staff and Council staff worked together to develop design guidelines (attached) for kiosks. Modified plans for the kiosks were presented to the Design Commission and were approved. Any application for kiosks will be required to either meet these guidelines or receive a recommendation from the Design Commission with respect to an alternative design.

Kiosks proposed to be located in special review districts (such as in Pioneer Square or the International District review districts) must be approved by the board for that district. This is consistent with DCLU's practice for any structure proposed to be built within a district. This review will promote consistency with the special character of that district.

Kiosks will be permitted in all zones except for residential zones

In general, the Land Use Code considers off-premises signs to be inconsistent with all zones and considers on-premises signs to be consistent with the character of those zones that allow commercial development, including commercial, downtown and industrial zone. Residential zones do not allow commercial development and therefore do not generally allow on-premises signs. Consistent with the policy for on-premises signs, the ordinance allows kiosks to be located in all commercial, downtown and industrial zones. This report does not recommend allowing kiosks in residential zones or within 50 feet of any residential lot, preserving the distinction between commercial and residential zones. The only exception is where the kiosk is adjacent to a park in a residential area. In that situation the park is a gathering place for people, and the regulations require that the design and location of the kiosk be compatible with the park. This balances the purpose of promoting community communication with the residential zoning.

With more experience with a kiosk program, it is possible that the code could be broadened to allow kiosks in residential zones. Therefore, as part of implementation of the ordinance, an interdepartmental team of representatives from DCLU, DON, Parks, Office of Education and SeaTran will monitor the demand for and use of kiosks for one year following adoption of the ordinance. (The interdepartmental team will report to Council about the possibility of expanding kiosks in residential zones based on documented information from communities requesting kiosks in residential areas.)

Public school grounds, community centers, and one acre parks or playgrounds are generally located in residential zones. Under the current code, off-premises signs are not allowed within 500 feet of any park, playground, community center or within 50 feet of public school grounds. The purpose of this restriction is to minimize impacts on the character of the park, playground or community center.

The Seattle Parks and Recreation Department oversees parks, playgrounds and community centers within the City. That department concurs with the recommendation in this report that Council allow kiosks adjacent to parks, playgrounds and community centers, in order to provide

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the community with desirable and effective locations for kiosks, conditional on the Seattle Parks and Recreation Department's review of the kiosk for compatibility with existing signs and the design of the playground, park or community center. Review by the Seattle Parks and Recreation Department of the proposed kiosk will also help mitigate any impact the kiosks may have on the visual environment.

At this time, the Seattle School District does not wish to pursue allowing kiosks to be located near schools. Therefore, the current prohibition of commercial signs within 50 feet of public school grounds is maintained in the ordinance. The possibility of expanding the program to allow kiosks near schools will also be reported on to Council within one year.

Identifying SeaTran as the department responsible for reviewing an application for a sign permit as part of a street use permit, which is necessary for kiosks in the public right of way

SeaTran oversees use of the public right-of-way and grants street use permits for objects that are placed within the right of way, including signs. Many kiosks will be located in the public right-of-way, and the amendment identifies SeaTran as the appropriate department to consider an application for a sign permit as well as a street use permit for a kiosk in the right-of-way. SeaTran will issue both a right-of-way permit and a sign permit.

Other kiosks may be located outside the public right-of-way. DCLU will be responsible for issuing a sign permit for these kiosks, subject to the relevant safety standards set out in the ordinance and the SeaTran Director's Rule. DCLU and SeaTran will provide technical assistance to each other to review permit applications with respect to right-of-way standards, structural safety standards, and sign permit standards.

Establishing development standards for sign kiosks

Development standards for signs help mitigate any impact that the signs may have on traffic safety and the visual environment.

(a) Size

Kiosks are limited to a maximum height, width, depth and surface area. Restricting kiosks by size mitigates their impact on traffic safety. These maximum dimensions were considered by DCLU's driver distraction expert as a basis for his advice that the kiosks will not unduly increase traffic hazards.

Size limitations also provide appropriate clearance around the kiosks for pedestrians and other users of the sidewalk.

These size limitations were considered by the Design Commission in its evaluation of the prototype kiosks. Larger kiosks could be considered out of scale with the surrounding urban context of buildings and street furniture.

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(b) Design

The design of the kiosks mitigates their impact on traffic safety and the visual environment. The Design Commission approved a set of guidelines for kiosks. These guidelines are intended to foster kiosks that are of human scale and that can serve as attractive street furniture compatible with the various environments in which the kiosks may be located.

Applicants for a kiosk permit are required to design their kiosk to comply with the Design Commission's guidelines or, alternatively, apply to the Design Commission for a recommendation of approval of a different design.

Wherever the kiosk is located in a special review district or adjacent to a park, playground or community center, the appropriate special review district or the Seattle Parks Department will review the kiosk design for compatibility with the special land use character of review districts and parks, playgrounds and community centers.

Certain aspects of the design of the kiosks are important for traffic safety. Many kiosks will be in the right of way or near the right of way and visible to drivers. The kiosks are prohibited from having certain lights facing the traffic, and flashing signs and chasing signs are prohibited.

Similarly, materials used in constructing kiosks shall minimize glare from natural or artificial illumination. The purpose of this restriction is also to promote traffic safety.

Signs are currently prohibited from mimicking traffic control devices, such as stop signs, for traffic safety. The design of a kiosk structure (and the signs posted on the kiosk) must also meet this requirement.

(c) Location

This ordinance amends Title 15, governing standards for objects in the right of way so that the requirements in the Sign Code will be applicable as well. SeaTran will enforce these standards with respect to kiosks. Special review district boards and the Seattle Parks and Recreation Department will review locations of kiosks in special review districts and near parks, playgrounds and community centers for safety and visual conflicts with other signs.

Certain public highways are designated scenic routes by the State of Washington or the City, and off-premises signs and certain business signs are not allowed on these routes because they detract from their scenic character. The ordinance states that kiosks must comply with the locational restrictions of the existing code.

Some kiosks may be located outside the public right of way and on private property. Since the purpose for making an exception to allow kiosks is to provide an opportunity for community communication, a kiosk placed on private property must be accessible for posting and reading by the public at all times.

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(d) Dispersion

The current code sets dispersion standards for off-premise signs in order to minimize visual blight and distraction. Proposed kiosks must meet these same standards for the same purpose.

Establishing standards for posting signs on sign kiosks

Posting standards for signs on kiosks will help mitigate their impact on traffic safety, minimize the possibility of visual blight, and optimize opportunities for the local community to post signs on kiosks, thus fulfilling the purpose of the sign kiosk amendment.

Signs on kiosks shall not exceed 8.5 inches by 14 inches. At this maximum size, the signs are not likely to be a distraction to drivers. No more than one sign per person may be posted on each kiosk. This provides opportunities for expression by all members of the public. In addition, signs cannot be placed on the kiosk to form the appearance of a larger sign, which could be more distracting to drivers.

Each sign must include the date it was posted, and the sign shall be removed within 15 days of posting or the day after the event announced, whichever is first. This promotes posting timely messages of interest to the community, discourages placement of permanent advertising on the kiosk, and allows many speakers to participate.

Commercial signs and noncommercial signs can be posted on a kiosk. Kiosk permit owners are required to designate up to one-quarter of the total posting area for non-commercial speech, and may designate up to one-third of the posting area for posting only non-commercial signs. This provides an opportunity for a percentage of the signs posted on the kiosk to be non-commercial messages, which have been identified as needing more community visibility. The ordinance also makes it unlawful to sell posting space on a kiosk, thereby converting it to a marketable commodity.

Adding definitions of 'sign kiosk' and 'public sign' to the Code

Sign kiosk is defined in the definition section of the Land Use Code to mean 'a small freestanding sign structure visible to the public used for posting small signs.' This definition conveys the Council's intent that these new types of off-premise advertising will be limited to small structures and small signs, clearly distinguishing sign kiosks from larger commercial billboards.

The ordinance also adds a definition of 'public sign.' Review of signs under the State Environmental Policy Act is normally required for off-premises signs. However, public signs are exempt from SEPA review. This definition clarifies that signs that are located within the public right-of-way, are at least partially publicly funded, and intended to carry messages of interest to the public are exempt from SEPA review. SEPA review has been carried out for the amendment to which this Director's Report pertains. A kiosk that does not meet all of these criteria will require SEPA review.

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Clarifying appeal provisions for denial of sign permits

The ordinance makes a technical change providing a quick means of appeal in those cases where a non-commercial sign permit has been denied or enforced against. In those cases, the ordinance provides that the Seattle Municipal Court will promptly review an appeal of the denied permit, thus protecting the appellant's constitutional rights.

Existing kiosks without sign permits

Some kiosks already exist, and the Executive recommends that these existing kiosks be allowed to continue, because they have been reviewed with respect to design and location and are currently providing an opportunity for communities to communicate, thus fulfilling the purposes of the ordinance. Many of the kiosks were constructed with DON funds, in a process that demonstrated community support for the project. This community support and the use of the kiosks strongly suggests that the community wanted to provide more opportunities for communication through kiosks (which is consistent with the City's purpose for allowing them) and that these kiosks are compatible with the visual environment of that community. Almost all of the kiosks are within the public right-of-way and either received a SeaTran permit or a DCLU land use and building permit as part of a property improvement. Authorization through these permits demonstrates that the kiosks do not unduly contribute to traffic safety risks or pose structural safety risks, as those concerns are part of SeaTran and DCLU's regular review. Several existing kiosks are Seattle Arts Commission artworks that include spaces for posting. The Arts Commission's review suggests that these kiosks are well-designed and received appropriate review with respect to visual impact. In addition, the Design Commission has reviewed the existing kiosks and found them generally in compliance with the design principles. Therefore, the Executive recommends that any noncompliance with the standards set out in this ordinance be waived because these kiosks are providing the opportunity for community communication. If any of the kiosks are relocated, all of the provisions of this ordinance and the SeaTran Director's Rule will apply.

SUMMARY OF RECOMMENDATIONS

The effect of these proposed amendments is to allow sign kiosks that are consistent with the purpose of providing communities with opportunities to communicate information of interest to that community. The ordinance includes safeguards that mitigate the City's concerns about signs contributing to traffic safety and visual blight. The Executive will report to Council after a year on a potential expansion of the kiosk program to include residential zones.

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SEPA Environmental Review Determination

The Director of DCLU has determined that the proposed amendments are not likely to have a significant adverse environmental impact, and has issued a Determination of Non-Significance. (DNS – no Environmental Impact Statement required.)

Public Hearing Scheduled

A public hearing on the proposed legislation is scheduled before the Council's Neighborhoods, Sustainability and Community Development Committee and Culture, Art and Parks Committee on Tuesday, May 15, 2001, at 6 p.m. in the Council's chambers.

Non-Financial Legislation

The proposed legislation will not have a substantial impact on City resources, as permit fees will cover the costs of administration

If you have any questions about the proposed legislation, please contact Kristian Kofoed by email at kristian.kofoed@ci.seattle.wa.us or by phone at (206) 233-7191.

Attachments

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ORDINANCE

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code Chapters 15.12, 23.55, 23.69, and 23.84, and adding new sections to Seattle Municipal Code Chapter 23.55 to authorize sign kiosks, to define public signs and to provide for appeals of denials of sign permits.

WHEREAS, the purposes of the Sign Code are to allow signs that invite rather than demand the public's attention, to encourage the use of signs that enhance the visual environment of the city, and to protect the public interest and safety; and

WHEREAS, the Sign Code authorizes signs that are in the public interest, such as on-premises signs; and

WHEREAS, allowing additional messages, including noncommercial messages and off-premises messages, on sign kiosks will promote the public interest by allowing new opportunities for communication within the community where a sign kiosk is located on matters of interest to that community; and

WHEREAS, the impacts of sign kiosk structures and signs on them as traffic hazards and as visual blight will be limited by regulating the size and location of the structures and the messages on them and by regulating the structures' location and lighting; and

WHEREAS, the impact of sign kiosks as visual blight will be limited by regulating the zoning where they may be located and by requiring the structural design to be consistent with principles approved by the Seattle Design Commission; and

WHEREAS, sign kiosks are likely to be effective in promoting community communication because many communities have demonstrated support for them in their neighborhood plans and have made requests for siting sign kiosks in their community;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.12.010 A of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

15.12.010 Conformance to applicable regulations.

A. All signs in public places and their supports shall be reviewed as to structural strength and quality of materials and for conformance to all applicable ordinances by the Director of the Department of Design, Construction and Land Use, except for sign kiosks in public rights-of-way, which shall be reviewed by Seattle Transportation.

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Section 2. Findings. The Council makes the legislative findings set out in Attachment 1 in support of this amendment to the Sign Code.

Section 3. Section 23.55.001 of the Seattle Municipal Code, which Section was last amended by Ordinance 112830, is amended to read as follows:

23.55.001 Intent.

The intent of the standards in this chapter is:

- A. To encourage the design of signs that attract and invite rather than demand the public's attention, and to curb the proliferation of signs;
- B. To encourage the use of signs that enhance the visual environment of the city;
- C. To promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings;
- D. To protect the public interest and safety; ~~((and))~~
- E. To protect the right of business to identify its premises and advertise its products through the use of signs without undue hindrance or obstruction; and
- F. To provide opportunities for communicating information of community interest.

Section 4. Section 23.55.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 116780, is amended to read as follows:

23.55.014 Off-premises signs.

H. The provisions of this section do not apply to sign kiosks.

Section 5. A new section, 23.55.015, is added to the Seattle Municipal Code to read as follows:

23.55.015 Sign Kiosks and Community Bulletin Boards

- A. Sign kiosks. Sign kiosks are permitted in all zones, except single family residential zones and multifamily residential zones, provided that a sign kiosk may abut a park or playground at least one acre in size, or publicly owned community center in all zones. Sign kiosks are not permitted within fifty (50) feet of a single family residential zone or multifamily residential zone.
- B. Sign kiosks in the public right of way. Sign kiosks that are located in the public right of way must obtain a street use permit from Seattle Transportation and are subject to the requirements, conditions and procedures set out in SMC Chapter 15. Seattle Transportation shall review an application for a sign kiosk in the public right of way for compliance with the provisions of this chapter. The street use permit issued by Seattle Transportation shall serve as the required sign permit.
- C. Development Standards for Sign Kiosks.

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1. Design and construction.

a. The design of any sign kiosk shall comply with the design principles for sign kiosks approved by the Seattle Design Commission, or shall be reviewed and recommended by the Commission.

b. The design of any sign kiosk adjacent to a park, playground or publicly owned community center shall also be reviewed and must be approved by the Seattle Department of Parks and Recreation for aesthetic compatibility with existing signs and the design of the park, playground or community center.

c. The design of any sign kiosk in a special review district established in SMC Chapters 23.66, 25.16, 25.20, 25.22, and 25.24 shall also be reviewed and must be approved by the board for that district for compliance with the standards of that district.

d. The sign kiosk shall be in sections with maximum dimensions of seven (7) feet high, three (3) feet wide measuring from the centers of the supporting posts on either side of the sections, and six (6) inches deep, with a maximum of 4 sections. The Seattle Design Commission may approve a different style or different dimensions, which shall not exceed the maximum total size set out above.

e. Lights, changing image signs, message board signs, and video signs shall not be placed on any part of a sign kiosk that is visible from the street. Flashing signs and chasing signs are prohibited on any part of a kiosk. Any lighting fixtures used within kiosks or used externally to illuminate kiosks shall be fully shielded. The maximum illumination level at the kiosk shall be five (5) foot-candles (fc) maintained at ground level.

f. Materials used in constructing sign kiosks shall minimize reflective glare from natural or artificial illumination.

g. The design of any kiosk structure shall not be likely to be mistaken for any traffic control device and shall comply with SMC 11.50.500 to .560.

h. All sign kiosks shall be designed, constructed and maintained in accordance with SMC chapter 22, section 3204, the Seattle Building Code provisions governing signs.

2. Location.

a. The location of any sign kiosk shall comply with the location standards set out in the rules of Seattle Transportation, including without limitation rules for line of sight at intersections, compatibility with traffic control signs and other right of way uses, parking and pedestrian safety, and access to adjacent and abutting property.

b. The location of any sign kiosk adjacent to a park, playground or publicly owned community center shall also be reviewed and must be approved by the Seattle Department of Parks and Recreation as not conflicting with or distracting from existing signs of the park, playground or community center.

c. The location of any sign kiosk in a special review district established in SMC chapters 23.66, 25.16, 25.20, 25.22, and 25.24 shall also be reviewed by and must be approved by the board for that district for compliance with the standards of that district.

d. Sign kiosks shall be located in compliance with SMC 23.55.042 and chapters 23.60.

e. Sign kiosks that are not located in the public right of way shall be located so that they are accessible for posting and reading by the public at all times.

3. Dispersion.

a. Not more than a total of five (5) sign kiosks are permitted when counting both sides of street within a linear distance of two thousand six hundred four feet (2640 feet, 1/2 mile).

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b. There shall be a minimum distance of three hundred linear feet (300 feet) between sign kiosks on the same side of the street; a maximum of two (2) sign kiosks within 300 linear feet (300 feet) when counting both sides of the street; and a minimum distance of one hundred radial feet (100 feet) between sign kiosks.

D. Standards for Posting Signs on Sign Kiosks.

1. All members of the public may post signs on sign kiosks.
2. No one may (1) sell, (2) rent, or (3) reserve or transfer for consideration posting space on a sign kiosk. Posting a sign on sign kiosk does not create a transferable right.
3. Signs on the sign kiosk may be noncommercial messages or commercial messages. Graffiti is prohibited on sign kiosks. The sign kiosk permit holder shall designate one quarter of the total posting area and may designate up to one third of the total posting area of a sign kiosk for posting only non-commercial signs.
4. In addition to any standards set out in City ordinances or rules, in policies adopted by City departments and posted on the sign kiosk, and in contracts with the City of Seattle for sign kiosks, all signs and displays posted on sign kiosks shall comply with the following standards:
 - a. The maximum size of any sign shall be 8 ½ inches by 14 inches.
 - b. Each person may post, or have posted on his/her behalf, one sign on each sign kiosk. Signs with commercial messages must include the name of the person posting the sign or causing the sign to be posted.
 - c. Signs shall not be posted in a manner that creates the appearance of a sign larger than 8 ½ inches by 14 inches.
 - d. Signs shall show the date they are posted and shall be removed within fifteen (15) days of posting or the day after the event announced, whichever is first.
 - e. The design of any posting shall not be likely to be mistaken for any traffic control device and shall comply with SMC 11.50.500 to .560.
5. The sign posting standards set out in subsections 1, 2, 3 and 4 shall be affixed to the kiosk.
6. The City of Seattle may post a map of the area and historical information on any kiosk.

E. Sign Kiosks Previously Erected. The Council finds that the sign kiosks erected before the effective date of this ordinance that are listed on Attachment 2 are consistent with the policies for allowing sign kiosks and reasonably further the objectives of promoting traffic safety, aesthetics, and community communication. As a result, they are lawful signs. All postings on these sign kiosks shall comply with the requirements of this section. Any alteration of these sign kiosks or their location shall comply with the requirements of this section.

Section 6. Section 23.55.020 subsection G of the Seattle Municipal Code, which Section was last amended by Ordinance 11830, is amended to read as follows:

SMC 23.55.020 **Signs in single-family zones.**

* * *

G. Off-premises signs shall not be permitted, except that:

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1. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted;
2. One (1) residential district identification wall or ground sign per entrance meeting the standards of Section 23.55.014 shall be permitted;
3. Sign kiosks are not permitted, except when the sign kiosk abuts a park or playground at least one acre in size, or publicly owned community center and complies with Section 23.55.015.

Section 7. Section 23.55.022 subsection I of the Seattle Municipal Code, which Section was last amended by Ordinance 113464, is amended to read as follows:

SMC 23.55.022 Signs in multi-family zones.

* * *

- I. Off-premises signs shall not be permitted, except that:
1. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted;
 2. One (1) residential district identification, wall or ground sign per entrance meeting the standards of Section 23.55.014 shall be permitted;
 3. Sign kiosks are not permitted, except when the sign kiosk abuts a park or playground at least one acre in size, or publicly owned community center and complies with Section 23.55.015.

Section 8. Section 23.55.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 113387, is amended to read as follows:

SMC 23.55.024 Signs in residential commercial (RC) zones.

- A. The standards of this section shall apply only to signs for business establishments permitted on the ground floor or below in RC zones. The standards for multi-family zones, Section 23.55.022 shall apply to all other signs in RC zones.
- B. Ground-floor business establishments may have one (1) electric or nonilluminated wall sign per street frontage, located on the commercial portion of the structure.
- C. Maximum total area of sign faces per business establishment shall be one hundred seventy (170) square feet, and the maximum area of any single sign face shall be eighty-five (85) square feet.
- D. The maximum height of any portion of a sign for a business establishment shall be fifteen feet (15').
- E. Sign kiosks as provided in Section 23.55.015 are permitted.

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Section 9. Section 23.55.028 subsection E of the Seattle Municipal Code, which Section was last amended by Ordinance 113387, is amended to read as follows:

23.55.028 Signs in NC1 and NC2 zones.

E. Off-premises Signs. Off-premises signs shall not be permitted, except that:

1. Each business district may have two (2) identifying ground, pole, wall or projecting signs which may list businesses located in the district. The identifying signs shall not be located in a residential zone, and shall meet the standards of Section 23.55.014, Off-premises signs.

2. One (1) residential district identification wall or ground sign per entrance, meeting the standards of Section 23.55.014, shall be permitted.

3. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted. Off-premises directional signs five (5) square feet or less in area shall not be counted in sign size or number limits.

4. Sign kiosks as provided in Section 23.55.015 are permitted.

Section 10. Section 23.55.030 subsection E of the Seattle Municipal Code, which Section was last amended by Ordinance 118302, is amended to read as follows:

SMC 23.55.030 Signs in NC3, C1 and C2 zones.

E. Off-Premises Signs.

1. Identifying Signs for Business Districts. Each business district may have up to two (2) identifying ground, pole, wall or projecting signs which may list businesses located in the district. The identifying signs shall not be located in a residential zone, and shall meet the standard of Section 23.55.014, Off-premises signs.

2. One (1) residential district identification wall or ground sign per entrance, meeting the standards of Section 23.55.014, shall be permitted.

3. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted.

4. Off-premises directional signs and advertising signs, in addition to those permitted by subsections E1, E2 and E3 of this section, shall be permitted according to Section 23.55.014, Off-premises signs.

5. Advertising signs are prohibited in Neighborhood Commercial 3 zones and in the Seattle Cascade Mixed (SCM) zone.

6. Sign kiosks as provided in Section 23.55.015 are permitted.

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1 enforcing a permit or in removing a sign, and time be of the essence, the person may petition the
2 presiding judge of the Seattle Municipal Court for a prompt review thereof. The matter shall be
3 granted priority as a case involving constitutional liberties and shall be heard in the manner
4 provided by the Municipal Court by rule, and the decision of the Municipal Court shall be final
5 subject only to judicial review.

6 **Section 14.** Section 23.69.021 subsection E of the Seattle Municipal Code, which
7 Section was last amended by Ordinance 118362, is amended as follows:

8 **23.69.021 Signs in Major Institution Overlay Districts.**

9 * * *

10 E. Off-premises signs shall not be permitted((.)), except for sign kiosks.

11
12 **Section 15.** Section 23.84.036 of the Seattle Municipal Code which Section was last
13 amended by Ordinance 119839, is amended to add two new sections:

14 "Sign kiosk" means a small freestanding sign structure visible to the public used for posting small
15 signs.

16 "Sign, public" means a sign in the right of way that is at least partially funded by public funds and
17 is intended to carry messages of interest to the public.

18 **Section 16.** Not later than 15 months after the effective date of this ordinance the
19 Department of Neighborhoods, Seattle Transportation, and the Department of Design,
20 Construction and Land Use, with the assistance of Council legislative staff and the City Attorney,
21 shall prepare a report to the Council on the impact and effectiveness of sign kiosks during the first
22 12 months of this ordinance.

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Section 17. The several provisions of this ordinance are declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances. The Council intends to maintain the Sign Code in order to continue to promote the purposes for which it was adopted, and if the amendments in this ordinance render the Sign Code invalid in any respect, then the Council intends the Sign Code to remain in effect as if this ordinance had not been adopted.

Section 18. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2001, and signed by me
in open session in authentication of its passage this ____ day of _____, 2001.

President of the City Council

Approved by me this ____ day of _____, 2001.

Paul Schell, Mayor

Filed by me this ____ day of _____, 2001.

City Clerk

(SEAL)

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ORDINANCE

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code Chapters 15.12, 23.55, 23.69, and 23.84, and adding new sections to Seattle Municipal Code Chapter 23.55 to authorize sign kiosks, to define public signs and to provide for appeals of denials of sign permits.

WHEREAS, the purposes of the Sign Code are to allow signs that invite rather than demand the public's attention, to encourage the use of signs that enhance the visual environment of the city, and to protect the public interest and safety; and

WHEREAS, the Sign Code authorizes signs that are in the public interest, such as on-premises signs; and

WHEREAS, allowing additional messages, including noncommercial messages and off-premises messages, on sign kiosks will promote the public interest by allowing new opportunities for communication within the community where a sign kiosk is located on matters of interest to that community; and

WHEREAS, the impacts of sign kiosk structures and signs on them as traffic hazards and as visual blight will be limited by regulating the size and location of the structures and the messages on them and by regulating the structures' location and lighting; and

WHEREAS, the impact of sign kiosks as visual blight will be limited by regulating the zoning where they may be located and by requiring the structural design to be consistent with principles approved by the Seattle Design Commission; and

WHEREAS, sign kiosks are likely to be effective in promoting community communication because many communities have demonstrated support for them in their neighborhood plans and have made requests for siting sign kiosks in their community;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.12.010 A of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

15.12.010 Conformance to applicable regulations.

A. All signs in public places and their supports shall be reviewed as to structural strength and quality of materials and for conformance to all applicable ordinances by the Director of the Department of Design, Construction and Land Use, except for sign kiosks in public rights-of-way, which shall be reviewed by Seattle Transportation.

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Section 2. Findings. The Council makes the legislative findings set out in Attachment 1 in support of this amendment to the Sign Code.

Section 3. Section 23.55.001 of the Seattle Municipal Code, which Section was last amended by Ordinance 112830, is amended to read as follows:

23.55.001 Intent.

The intent of the standards in this chapter is:

- A. To encourage the design of signs that attract and invite rather than demand the public's attention, and to curb the proliferation of signs;
- B. To encourage the use of signs that enhance the visual environment of the city;
- C. To promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings;
- D. To protect the public interest and safety; ~~((and))~~
- E. To protect the right of business to identify its premises and advertise its products through the use of signs without undue hindrance or obstruction; and
- F. To provide opportunities for communicating information of community interest.

Section 4. Section 23.55.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 116780, is amended to read as follows:

23.55.014 Off-premises signs.

H. The provisions of this section do not apply to sign kiosks, except subsection A5, prohibiting advertising signs within 500 feet from any public school grounds.

Section 5. A new section, 23.55.015, is added to the Seattle Municipal Code to read as follows:

23.55.015 Sign Kiosks and Community Bulletin Boards

- A. Sign kiosks. Sign kiosks are permitted in all zones, except single family residential zones and multifamily residential zones, provided that a sign kiosk may abut a park or playground at least one acre in size, or publicly owned community center in all zones. Sign kiosks are not permitted within fifty (50) feet of a single family residential zone or multifamily residential zone.
- B. Sign kiosks in the public right of way. Sign kiosks that are located in the public right of way must obtain a street use permit from Seattle Transportation and are subject to the requirements, conditions and procedures set out in SMC Chapter 15. Seattle Transportation shall review an application for a sign kiosk in the public right of way for compliance with the



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1 provisions of this chapter. The street use permit issued by Seattle Transportation shall serve as
2 the required sign permit.

3 C. Development Standards for Sign Kiosks.

4 1. Design and construction.

5 a. The design of any sign kiosk shall comply with the design principles
6 for sign kiosks approved by the Seattle Design Commission, or shall be reviewed and
7 recommended by the Commission.

8 b. The design of any sign kiosk adjacent to a park, playground or
9 publicly owned community center shall also be reviewed and must be approved by the Seattle
10 Department of Parks and Recreation for aesthetic compatibility with existing signs and the design
11 of the park, playground or community center.

12 c. The design of any sign kiosk in a special review district established in
13 SMC Chapters 23.66, 25.16, 25.20, 25.22, and 25.24 shall also be reviewed and must be
14 approved by the board for that district for compliance with the standards of that district.

15 d. The sign kiosk shall be in sections with maximum dimensions of
16 seven (7) feet high, three (3) feet wide measuring from the centers of the supporting posts on
17 either side of the sections, and six (6) inches deep, with a maximum of 4 sections. The Seattle
18 Design Commission may approve a different style or different dimensions, which shall not
19 exceed the maximum dimension set out above.

20 e. Lights, changing image signs, and message board signs shall not be
21 placed on any part of a sign kiosk that is visible from the street. Flashing signs and chasing signs
22 are prohibited on any part of a kiosk. Any lighting fixtures used within kiosks or used externally
23 to illuminate kiosks shall be fully shielded. The maximum illumination level at the kiosk shall be
24 five (5) foot-candles (fc) maintained at ground level.

25 f. Materials used in constructing sign kiosks shall minimize reflective
26 glare from natural or artificial illumination.

27 g. The design of any kiosk structure shall not be likely to be mistaken for
28 any traffic control device and shall comply with SMC 11.50.500 to .560.

29 h. All sign kiosks shall be designed, constructed and maintained in
30 accordance with SMC chapter 22, section 3204, the Seattle Building Code provisions governing
31 signs.

32 2. Location.

33 a. The location of any sign kiosk shall comply with the location standards
34 set out in the rules of Seattle Transportation, including without limitation rules for line of sight at
35 intersections, compatibility with traffic control signs and other right of way uses, parking and
36 pedestrian safety, and access to adjacent and abutting property.

37 b. The location of any sign kiosk adjacent to a park, playground or
38 publicly owned community center shall also be reviewed and must be approved by the Seattle
39 Department of Parks and Recreation as not conflicting with or distracting from existing signs of
40 the park, playground or community center.

41 c. The location of any sign kiosk in a special review district established in
42 SMC Chapters 23.66, 25.16, 25.20, 25.22, and 25.24 shall also be reviewed by and must be
43 approved by the board for that district for compliance with the standards of that district.

44 d. Sign kiosks shall be located in compliance with SMC 23.55.042 and
45 chapters 23.60.

46 e. Sign kiosks that are not located in the public right of way shall be
47 located so that they are accessible for posting and reading by the public at all times.

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3. Dispersion.

a. Not more than a total of five (5) sign kiosks are permitted when counting both sides of street within a linear distance of two thousand six hundred four feet (2640 feet, 1/2 mile).

b. There shall be a minimum distance of three hundred linear feet (300 feet) between sign kiosks on the same side of the street; a maximum of two (2) sign kiosks within 300 linear feet (300 feet) when counting both sides of the street; and a minimum distance of one hundred radial feet (100 feet) between sign kiosks.

D. Standards for Posting Signs on Sign Kiosks.

1. All members of the public may post signs on sign kiosks. Each person may post, or have posted on his/her behalf, two signs with noncommercial messages and one sign with a commercial message on each sign kiosk.

2. Graffiti is prohibited on sign kiosks.

3. All signs posted on sign kiosks shall comply with the following standards:

a. The maximum size of any sign shall be 8 1/2 inches by 14 inches.

b. Signs shall not be posted in a manner that creates the appearance of a sign larger than 8 1/2 inches by 14 inches.

c. The design of any posting shall not be likely to be mistaken for any traffic control device and shall comply with SMC 11.50.500 to .560.

4. Signs shall show the date they are posted and shall be removed within thirty (30) days of posting or the day after the event announced, whichever is first. Signs with commercial messages must also include the name of the person posting the sign or causing the sign to be posted.

5. The sign posting standards set out in subsections 1, 2, 3 and 4 shall be affixed to the kiosk. These standards are in addition to any standards set out in City ordinances or rules, in policies adopted by City departments and posted on the sign kiosk, and in contracts with the City of Seattle for sign kiosks.

6. The sign kiosk permit holder shall clearly designate and maintain one quarter of the total posting area and may designate and maintain up to three-quarters of the total posting area of a sign kiosk for posting only non-commercial signs.

7. The City of Seattle may post a map of the area and historical information on any kiosk in addition to the area reserved for noncommercial speech.

8. No one may (1) sell, (2) rent, or (3) reserve or transfer for consideration posting space on a sign kiosk. Posting a sign on sign kiosk does not create a transferable right.

E. Sign Kiosks Previously Erected. The Council finds that the sign kiosks erected before the effective date of this ordinance that are listed on Attachment 2 are consistent with the policies for allowing sign kiosks and reasonably further the objectives of promoting traffic safety, aesthetics, and community communication. As a result, they are lawful signs. All postings on these sign kiosks shall comply with the requirements of this section. Any alteration of these sign kiosks or their location shall comply with the requirements of this section.

Section 6. Section 23.55.020 subsection G of the Seattle Municipal Code, which Section was last amended by Ordinance 112830, is amended to read as follows:

SMC 23.55.020 Signs in single-family zones.



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G. Off-premises signs shall not be permitted, except that:

1. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted;
2. One (1) residential district identification wall or ground sign per entrance meeting the standards of Section 23.55.014 shall be permitted;
3. Sign kiosks are not permitted, except when the sign kiosk abuts a park or playground at least one acre in size, or publicly owned community center and complies with Section 23.55.015.

Section 7. Section 23.55.022 subsection I of the Seattle Municipal Code, which Section was last amended by Ordinance 113464, is amended to read as follows:

SMC 23.55.022 Signs in multi-family zones.

I. Off-premises signs shall not be permitted, except that:

1. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted;
2. One (1) residential district identification, wall or ground sign per entrance meeting the standards of Section 23.55.014 shall be permitted;
3. Sign kiosks are not permitted, except when the sign kiosk abuts a park or playground at least one acre in size, or publicly owned community center and complies with Section 23.55.015.

Section 8. Section 23.55.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 113387, is amended to read as follows:

SMC 23.55.024 Signs in residential commercial (RC) zones.

- A. The standards of this section shall apply only to signs for business establishments permitted on the ground floor or below in RC zones. The standards for multi-family zones, Section 23.55.022 shall apply to all other signs in RC zones.
- B. Ground-floor business establishments may have one (1) electric or nonilluminated wall sign per street frontage, located on the commercial portion of the structure.
- C. Maximum total area of sign faces per business establishment shall be one hundred seventy (170) square feet, and the maximum area of any single sign face shall be eighty-five (85) square feet.
- D. The maximum height of any portion of a sign for a business establishment shall be fifteen feet (15').
- E. Sign kiosks as provided in Section 23.55.015 are permitted.

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1 4, and 5 of the Washington Constitution, and is aggrieved by an action of the City in denying or
2 enforcing a permit or in removing a sign, and time be of the essence, the person may petition the
3 presiding judge of the Seattle Municipal Court for a prompt review thereof. The matter shall be
4 granted priority as a case involving constitutional liberties and shall be heard in the manner
5 provided by the Municipal Court by rule, and the decision of the Municipal Court shall be final
6 subject only to judicial review.

7 **Section 14.** Section 23.69.021 subsection E of the Seattle Municipal Code, which
8 Section was last amended by Ordinance 118362, is amended as follows:

9
10 **23.69.021 Signs in Major Institution Overlay Districts.**

11 * * *

12 E. Off-premises signs shall not be permitted((.)), except for sign kiosks.

13 **Section 15.** Section 23.84.036 of the Seattle Municipal Code, which Section was last
14 amended by Ordinance 119839, is amended to add two new sections:

15 "Sign kiosk" means a small freestanding sign structure visible to the public used for posting small
16 signs.

17 "Sign, public" means a sign in the right of way that is at least partially funded by public funds and
18 is intended to carry messages of interest to the public.

19 **Section 16.** Not later than 15 months after the effective date of this ordinance the
20 Department of Neighborhoods, Seattle Transportation, and the Department of Design,
21 Construction and Land Use, with the assistance of Council legislative staff and the City Attorney,
22 shall prepare a report to the Council on the impact and effectiveness of sign kiosks during the first
23 12 months of this ordinance.

24 **Section 17.** The several provisions of this ordinance are declared to be separate and
25 severable, and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of
26 this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not
27 affect the validity of the remainder of this ordinance or the validity of its application to other
28 persons or circumstances. The Council intends to maintain the Sign Code in order to continue to
29 promote the purposes for which it was adopted, and if the amendments in this ordinance render
30 the Sign Code invalid in any respect, then the Council intends the Sign Code to remain in effect
31 as if this ordinance had not been adopted.

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Section 18. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2001, and signed by me in open session in authentication of its passage this _____ day of _____, 2001.

President of the City Council

Approved by me this _____ day of _____, 2001.

Paul Schell, Mayor

Filed by me this _____ day of _____, 2001.

City Clerk

(SEAL)

Attachment 1 Legislative Findings
Attachment 2 Sign Kiosks Previously Erected

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STATE OF WASHINGTON - KING COUNTY

--SS.

132207
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:120388/ORD IN FULL

was published on

06/11/01

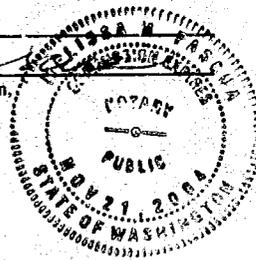
J. Stedman

Subscribed and sworn to before me on

06/11/01

Melissa M. Pa...
Notary public for the State of Washington
residing in Seattle

Affidavit of Publication



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State of Washington, King County

City of Seattle

ORDINANCE 120388

AN ORDINANCE relating to lead use and zoning, amending Seattle Municipal Code Chapters 15.12, 23.55, 23.63, and 23.64, and adding new sections to Seattle Municipal Code Chapter 23.65 to authorize sign kiosks; to define public signs and to provide for appeals of denials of sign permits.

WHEREAS, the purposes of the Sign Code are to allow signs that invite rather than demand the public's attention, to encourage the use of signs that enhance the visual environment of the city, and to protect the public interest and safety; and

WHEREAS, the Sign Code authorizes signs that are in the public interest, such as neighborhood signs; and

WHEREAS, allowing additional messages, including noncommercial messages and off-premise messages, on sign kiosks will promote the public interest by allowing new opportunities for communication within the community where a sign kiosk is located on matters of interest to that community; and

WHEREAS, the impacts of sign kiosk structures and signs on them as traffic hazards and as visual blight will be limited by regulating the size and location of the structures and the messages on them and by regulating the structures' location and lighting; and

WHEREAS, the impact of sign kiosks as visual blight will be limited by regulating the zoning where they may be located and by requiring the structural design to be consistent with principles approved by the Seattle Design Commission; and

WHEREAS, sign kiosks are likely to be effective in providing community consultation because many communities have demonstrated support for them in their neighborhood plans and have made requests for siting sign kiosks in their community;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.12.010 A of the Seattle Municipal Code, which Section was last amended by Ordinance 112400, is amended as follows:

15.12.010. Conformance to applicable regulations.

A. All signs in public places and their supports shall be reviewed as to structural strength and quality of materials and conform to all applicable ordinances by the Director of the Department of Design, Construction and Land Use, except for sign kiosks in public right-of-way, which shall be reviewed by Seattle Transportation.

SECTION 2. Findings. The Council makes the legislative findings set out in Attachment 1 in support of this amendment to the Sign Code.

SECTION 3. Section 23.55.001 of the Seattle Municipal Code, which Section was last amended by Ordinance 112300, is amended to read as follows:

23.55.001 INTENT.

The intent of the standards in this chapter is:

A. To encourage the design of signs that attract and invite rather than demand the public's attention, and to curb the proliferation of signs;

B. To encourage the use of signs that enhance the visual environment of the city;

C. To promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings;

D. To protect the public interest and safety; (am2)

E. To protect the right of business to identify its premises and advertise its products through the use of signs without undue hindrance or obstruction; and

F. To provide opportunities for communicating information of community interest.

SECTION 4. Section 23.55.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 112700, is amended to read as follows:

23.55.014 OFF-PREMISE SIGNS.

H. The provisions of this section do not apply to sign kiosks, except subsection F, located within 500 feet from any public school grounds.

SECTION 5. A new section, 23.55.015, is added to the Seattle Municipal Code to read as follows:

23.55.015 SIGN KIOSKS AND COMMUNITY BULLETIN BOARDS.

A. Sign kiosks. Sign kiosks are permitted in all zones, except single family residential zones and multifamily residential zones, provided that a sign kiosk may not be located on a park or playground at least one acre in size, or publicly owned community center in all zones. Sign kiosks are not permitted within fifty (50) feet of a single family residential zone or multifamily residential zone.

B. Sign kiosks in the public right of way. Sign kiosks that are located in the public right of way must obtain a street use permit from Seattle Transportation and are subject to the requirements, conditions and procedures set out in SMO Chapter 15. Seattle Transportation shall review an application for a sign kiosk in the public right of way for compliance with the provisions of this chapter. The street use permit issued by Seattle Transportation shall serve as the required sign permit.

C. Development Standards for Sign Kiosks.

1. Design and construction.

a. The design of any sign kiosk shall comply with the design standards for sign kiosks approved by the Seattle Design Commission, or shall be reviewed and recommended by the Commission.

b. The design of any sign kiosk adjacent to a park, playground or publicly owned community center shall also be reviewed and must be approved by the Seattle Department of Parks and Recreation for aesthetic compatibility with existing signs and the theme of the park, playground or community center.

c. The design of any sign kiosk in a special review district established in SMC Chapters 23.55.25.10, 23.50.25.22 and 23.54 shall also be reviewed and must be approved by the board for that district for compliance with the standards of that district.

d. The sign kiosk shall be in sections with maximum dimensions of seven (7) feet high, three (3) feet wide measuring from the centers of its supporting posts on either side of the section, and six (6) inches deep, with a maximum of 4 sections. No more than two feet of additional height will be allowed for artistic decoration on top of the kiosk, with additional width not to exceed the width of the kiosk structure. The Seattle Design Commission may approve a different style or different dimensions, which shall not exceed the maximum height dimension and the maximum overall site set out above.

e. Lights, changing image signs, and message board signs shall not be placed on any part of a sign kiosk that is visible from the street. Flashing signs and changing signs are prohibited on any part of a kiosk. Any lighting fixtures used within kiosks or used externally to illuminate kiosks shall be fully shielded. The maximum illumination level at the kiosk shall be five (5) foot-candles (f) maintained at ground level.

f. Materials used in constructing sign kiosks shall minimize reflective glare from natural or artificial illumination.

g. The design of any kiosk structure shall not be likely to be mistaken for any traffic control device and shall comply with SMC 11.40.020 to 020.

h. All sign kiosks shall be designed, constructed and maintained in accordance with SMC chapter 22, section 3204, the Seattle Building Code provisions governing signs.

2. Location.

a. The location of any sign kiosk shall comply with the location standards set out in the rules of Seattle Transportation, including without limitation rules for line of sight at intersections, compatibility with traffic control signs and other right of way uses, parking and pedestrian safety, and access to adjacent and abutting property.

b. The location of any sign kiosk adjacent to a park, playground or publicly owned community center shall also be reviewed and must be approved by the Seattle Department of Parks and Recreation as not conflicting with or distracting from existing signs of the park, playground or community center.

c. The location of any sign kiosk in a special review district established in SMC Chapters 23.55, 23.10, 23.20, 23.22 and 23.24 shall also be reviewed and must be approved by the board for that district for compliance with the standards of that district.

d. Sign kiosks shall be located in compliance with SMC 23.55.042 and chapter 23.60.

e. Sign kiosks that are not located in the public right of way shall be located so that they are accessible for posting and reading by the public at all times.

3. Dispersion.

a. Not more than a total of five (5) sign kiosks are permitted when counting both sides of street within a linear distance of one thousand six hundred four feet (1604 feet, 1/2 mile).

b. There shall be a minimum distance of three hundred linear feet (300 feet) between sign kiosks on the same side of the street; a maximum of two (2) sign kiosks within 300 linear feet (300 feet) when counting both sides of the street; and a minimum distance of one hundred radial feet (100 feet) between sign kiosks.

D. Standards for Posting Signs on Sign Kiosks.

1. All members of the public may post signs on sign kiosks. Each person may post, or have posted on his/her behalf, two signs with noncommercial messages and one sign with a commercial message on each sign kiosk.

2. Graffiti is prohibited on sign kiosks.

3. All signs posted on sign kiosks shall comply with the following standards:

a. The maximum size of any sign shall be 8 1/2 inches by 14 inches.

b. Signs shall not be posted in a manner that creates the appearance of a sign larger than 8 1/2 inches by 14 inches.

c. The design of any posting shall not be likely to be mistaken for any traffic control device and shall comply with SMC 11.40.020 to 020.

4. Signs shall show the date they were posted and shall be removed within thirty (30) days of posting the day after the event announced, whichever is first. Signs with commercial messages must also include the name of the person posting the sign or causing the sign to be posted.

5. The sign posting standards set out in subsections 1, 2, 3 and 4 shall be applied to the kiosk. These standards are in addition to any standards set out in City ordinances or rules, in policies adopted by City departments and posted on the sign kiosk, and in contracts with the City of Seattle for sign kiosks.

6. The sign kiosk permit holder shall clearly designate and maintain one quarter of the total posting area and may designate and maintain up to three-quarters of the total posting area of a sign kiosk for posting only non-commercial signs.

7. The City of Seattle may post a map of the area and historical information on any kiosk in addition to the area reserved for noncommercial speech.

8. No one may (1) sell, (2) rent, or (3) reserve or transfer for consideration posting space on a sign kiosk. Posting a sign on a sign kiosk does not create a transferable right.

E. Sign Kiosks Previously Erected. The Council finds that the sign kiosks erected before the effective date of this ordinance that are listed on Attachment 2 are consistent with the policies for allowing sign kiosks and reasonably further the city's goals of promoting traffic safety, aesthetics, and community communication. As a result, they are lawful. All postings on these sign kiosks shall comply with the requirements of this section. Any alterations to these sign kiosks or their location shall comply with the requirements of this section.

SECTION 6. The Seattle Municipal Code which Section was last amended by Ordinance 112830, is amended to read as follows:

SMC 23.55.020 SIGNS IN SINGLE-FAMILY ZONES.

G. Off-premises signs shall not be permitted, except that:

1. When necessary parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted.

2. One (1) residential district identification wall or ground sign per entrance, meeting the standards of Section 23.55.014, shall be permitted.

3. When necessary parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area shall not be counted in sign area or number limits.

4. Sign kiosks as provided in Section 23.55.016 are permitted.

SECTION 7. The Seattle Municipal Code, which Section was last amended by Ordinance 112837, is amended to read as follows:

23.55.028 SIGNS IN NC1 AND NC2 ZONES.

E. Off-premises Signs. Off-premises signs shall not be permitted, except that:

1. Each business district may have two (2) identifying ground, pole, wall or projecting signs which may list businesses located in the district. The identifying signs shall not be located in a residential zone, and shall meet the standards of Section 23.55.014, Off-premises signs.

2. One (1) residential district identification wall or ground sign per entrance, meeting the standards of Section 23.55.014, shall be permitted.

3. When necessary parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area shall not be counted in sign area or number limits.

4. Sign kiosks as provided in Section 23.55.016 are permitted.

SECTION 10. Section 23.55.030 subsection F of the Seattle Municipal Code, which Section was last amended by Ordinance 118302, is amended to read as follows:

SMC 23.55.030 SIGNS IN NCA, C1 AND C2 ZONES.

E. Off-Premises Signs.

1. Identifying Signs for Business Districts. Each business district may have up to two (2) identifying ground, pole, wall or projecting signs which may list businesses located in the district. The identifying signs shall not be located in a residential zone, and shall meet the standards of Section 23.55.014, Off-premises signs.

2. One (1) residential district identification wall or ground sign per entrance, meeting the standards of Section 23.55.014, shall be permitted.

3. When necessary parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted.

4. Off-premises directional signs and advertising signs, in addition to those permitted by subsections E1, E2 and E3 of this section, shall be permitted according to Section 23.55.014, Off-premises signs.

5. Advertising signs are prohibited in Neighborhood Commercial 3 zones and in the Seattle Cascade Mixed (C3M) zone.

6. Sign kiosks as provided in Section 23.55.016 are permitted.

SECTION 11. Section 23.55.034 subsection F of the Seattle Municipal Code, which Section was last amended by Ordinance 119239, is amended to read as follows:

SMC 23.55.034 SIGNS IN DOWNTOWN ZONES.

E. Off-premises Signs.

1. When necessary parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted.

2. Off-premises directional signs and advertising signs, in addition to those permitted by subsection E1, shall be permitted according to Section 23.55.014.

3. Advertising signs are prohibited in Downtown Mixed Residential/Residential and Downtown zones.

4. Sign kiosks as provided in Section 23.55.016 are permitted.

SECTION 12. Section 23.55.038 subsection E of the Seattle Municipal Code, which Section was last amended by Ordinance 119391, is amended to read as follows:

SMC 23.55.038 SIGNS IN ID, IC, IGI AND I02 ZONES.

E. Off-premises Signs.

1. Identifying Signs for Business Districts. Each business district may have up to two (2) identifying ground, pole, wall or projecting signs which may list businesses located in the district. The identifying signs shall not be located in a residential zone, and shall meet the standards of Section 23.55.014, Off-premises signs.

2. When necessary parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted.

3. Off-premises directional signs and advertising signs, in addition to those permitted by subsections E1, E2, and E3 of this section, shall be permitted according to Section 23.55.014, Off-premises signs.

4. Sign kiosks as provided in Section 23.55.016 are permitted.

SECTION 13. A new section 23.55.050 is added to chapter SMC 23.55 of the Seattle Municipal Code as follows:

PART 3 APPEALS

23.55.050 Appeals to Municipal Court. If a person asserts a noncommercial speech right protected by the First Amendment of the United States Constitution and/or Article I, Sections 3, 4, and 6 of the Washington Constitution, and is aggrieved by an action of the City in denying or enforcing a permit or in removing a sign, and time by the essence, the person may petition the presiding judge of the Seattle Municipal Court for a prompt review thereof. The matter shall be granted priority as a case involving constitutional rights and shall be heard in the manner provided by the Municipal Court by rule, and the decision of the Municipal Court shall be final subject only to judicial review.

SECTION 14. Section 23.69.021 subsection F of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended to read as follows:

23.69.021 SIGNS IN MAJOR INDUSTRIAL OVERLAY DISTRICTS.

E. Off-premises signs shall not be permitted, except for sign kiosks.

SECTION 15. Section 23.64.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 119839, is amended to add two new sections:

"Sign kiosk" means a small freestanding sign structure visible to the public used for posting small signs.

"Sign, public" means a sign in the public

(Ses) JUDITH E. PIPPIN, City Clerk
 Publication ordered by JUDITH PIPPIN, City Clerk.
 (Date of official publication in Daily Journal of Commerce, Seattle, June 11, 2001)
 6/11/2001 07:01

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2. Location.
a. The location of any sign shall comply with the local standards set out in the rules of Seattle Transportation, including without limitation rules for lines of sight at intersections, compatibility with traffic control signs and other right of way, parking and pedestrian safety, and access to adjacent and abutting property.
b. The location of any sign adjacent to a park, playground or publicly owned community center shall also be reviewed and must be approved by the Seattle Department of Public Works as not conflicting with or distracting from existing signs of the park, playground or community center.
c. The location of any sign in a special review district established in SMC Chapters 23.56, 23.16, 23.20, 23.22 and 23.31 shall also be reviewed and must be approved by the board for that district for compliance with the standards of that district.
d. Sign kiosks shall be located in compliance with SMC 23.55.022 and chapter 23.60.

3. Dispersion.
a. Not more than a total of five (5) sign kiosks are permitted when counting both sides of streets within a linear distance of two thousand six hundred four feet (2640 feet, 1/2 mile).

b. There shall be a minimum distance of three hundred linear feet (300 feet) between sign kiosks on the same side of the street; a maximum of two (2) sign kiosks within 300 linear feet (300 feet) when counting both sides of the street; and a minimum distance of one hundred radial feet (100 feet) between sign kiosks.

D. Standards for Posting Signs on Sign Kiosks.
1. All members of the public may post signs on sign kiosks. Each person may post or have posted on his/her behalf, two signs with noncommercial messages on each sign kiosk.

2. Offsets is prohibited on sign kiosks.
a. The maximum size of any sign shall be 8 1/2 inches by 14 inches.

b. Signs shall not be posted in a manner that creates the appearance of a sign larger than 8 1/2 inches by 14 inches.

c. The design of any posting shall not be likely to be mistaken for any traffic control device and shall comply with SMC 11.60.000 to 11.60.050.

d. Signs shall show the date they are posted and shall be removed within thirty (30) days of posting or the day after the event announced, whichever is first. Signs with commercial messages must also include the name of the person posting the sign or causing the sign to be posted.

e. The sign posting standards set out in subsections 1, 2, 3, and 4 shall be subject to any standards set out in City ordinances or rules, in policies adopted by City departments and posted on the sign kiosk, and in contracts with the City of Seattle for sign kiosks.

6. The sign kiosk permit holder shall clearly designate and maintain one quarter of the total posting area and may designate and maintain up to three quarters of the total posting area of a sign kiosk for post-only non-commercial signs.

7. The City of Seattle may post a map of the area and historical information on any kiosk in addition to the area reserved for noncommercial signs.

8. No one may (1) sell, (2) rent, or (3) reserve or transfer for nonresidential post only space on a sign kiosk. Posting a sign on sign kiosk does not create a transferable right.

9. Sign Kiosks Previously Erected. The Council finds that the sign kiosks erected before the effective date of this ordinance that are listed on Attachment 2 are consistent with the policies for allowing sign kiosks and reasonably further the objective of promoting traffic safety, aesthetics, and community communication. As a result, they are lawful signs. All postings on these sign kiosks shall comply with the requirements of this section.

SECTION 6. Section 23.55.020 subsection C of the Seattle Municipal Code, which Section was last amended by Ordinance 118930, is amended to read as follows:

SMC 23.55.020 SIGNS IN SINGLE-FAMILY ZONES

G. Off-premise signs shall not be permitted, except that:

1. When necessary parking is provided on a lot other than the lot where the principal use is located, off-premise directional signs five (5) square feet or less in area identifying the necessary parking shall be permitted.
2. One (1) residential district identification wall or ground sign per entrance meeting the standards of Section 23.55.014 shall be permitted.

3. Sign kiosks are not permitted, except when the sign kiosk is in a park or playground or at least one acre in size or publicly owned community center and complies with Section 23.55.010.

SECTION 7. Section 23.55.022 subsection I of the Seattle Municipal Code, which Section was last amended by Ordinance 118948, is amended to read as follows:

SMC 23.55.022 SIGNS IN MULTI-FAMILY ZONES

I. Off-premise signs shall not be permitted, except that:

1. When necessary parking is provided on a lot other than the lot where the principal use is located, off-premise directional signs five (5) square feet or less in area identifying the necessary parking shall be permitted.
2. One (1) residential district identification wall or ground sign per entrance meeting the standards of Section 23.55.014 shall be permitted.

3. Sign kiosks are not permitted, except when the sign kiosk is in a park or playground or at least one acre in size, or publicly owned community center and complies with Section 23.55.010.

SECTION 8. Section 23.55.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 118939, is amended to read as follows:

SMC 23.55.024 SIGNS IN RESIDENTIAL COMMERCIAL (RC) ZONES

A. The standards of this section shall apply only to signs for business establishments permitted on the ground floor or below in RC zones. The standards for multi-

8. Off-Premises Signs

1. Identifying Signs for Business Districts. Every business district may have up to two (2) identifying ground, pole, wall or projecting signs which may be businesses located in the district. The identifying signs shall meet the standard of Section 23.55.014.

2. One (1) residential district identification wall or ground sign per entrance meeting the standards of Section 23.55.014, shall be permitted.

3. When necessary parking is provided on a lot other than the lot where the principal use is located, off-premise directional signs five (5) square feet or less in area identifying the necessary parking shall be permitted.

4. Off-premise directional signs and advertising signs, in addition to those permitted by subsections E2, E2 and E3 of this section, shall be permitted according to Section 23.55.014, Off-premise signs.

5. Advertising signs are prohibited in Neighborhood Commercial zones and in the Seattle General Mixed (GM) zones.

SMC 23.55.034 SIGNS IN DOWNTOWN ZONES

1. When necessary parking is provided on a lot other than the lot where the principal use is located, off-premise directional signs five (5) square feet or less in area identifying the necessary parking shall be permitted.

2. Off-premise directional signs and advertising signs, in addition to those permitted by subsection E, shall be permitted according to Section 23.55.014.

3. Advertising signs are prohibited in Downtown Mixed Residential (DMR) zones.

SMC 23.55.036 SIGNS IN IB, IC, 101 AND 102 ZONES

1. Identifying Signs for Business Districts. Every business district may have up to two (2) identifying ground, pole, wall or projecting signs which may be businesses located in the district. The identifying signs shall meet the standard of Section 23.55.014, Off-premise signs.

2. When necessary parking is provided on a lot other than the lot where the principal use is located, off-premise directional signs five (5) square feet or less in area identifying the necessary parking shall be permitted.

3. Off-premise directional signs and advertising signs, in addition to those permitted by subsections E1, E2, and E3 shall be permitted according to Section 23.55.014, Off-premise signs.

SMC 23.55.038 SIGNS IN SECTION 13

1. Identifying Signs for Business Districts. Every business district may have up to two (2) identifying ground, pole, wall or projecting signs which may be businesses located in the district. The identifying signs shall meet the standard of Section 23.55.014, Off-premise signs.

2. When necessary parking is provided on a lot other than the lot where the principal use is located, off-premise directional signs five (5) square feet or less in area identifying the necessary parking shall be permitted.

3. Off-premise directional signs and advertising signs, in addition to those permitted by subsections E1, E2, and E3 shall be permitted according to Section 23.55.014, Off-premise signs.

PART 3 APPEALS

23.55.030 Appeals to Municipal Court. If a person asserts a noncommercial speech right protected by the First Amendment of the United States Constitution under Article I, Sections 2, 4, and 5 of the Washington Constitution, and is aggrieved by an action of the City in denying or ordering a permit or removing a sign, and time be of the essence, the person may file a petition for review of the decision of the Seattle Municipal Council for a permit review. The matter shall be granted priority as a case involving constitutional liberties and shall be heard before the manager presiding by the Municipal Court by rule, and the decision of the Municipal Court shall be final and subject only to judicial review.

SECTION 14. Section 23.69.021 subsection B of the Seattle Municipal Code, which Section was last amended by Ordinance 118942, is amended as follows:

23.69.021 SIGNS IN MAJOR INSTITUTION OVERLAY DISTRICTS

E. Off-premise signs shall not be permitted, except for sign kiosks.

SECTION 15. Section 23.84.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 119633, is amended to add two new sections:

"Sign kiosk" means a small freestanding sign structure visible to the public used for posting advertisements.

"Sign" public means a sign in the right of way that is at least partially funded by public money and is intended to carry messages of interest to the public.

SECTION 16. Not later than 15 months after the effective date of this ordinance, the Department of Neighborhoods, Seattle Transportation and Land Use, with the assistance of Council legislative staff and the City Attorney, shall prepare a report to the Council on the impact and effectiveness of sign kiosks during the first 12 months of this ordinance.

SECTION 17. The several provisions of this ordinance are declared to be severable, and the invalidity of any clause, sentence, paragraph, subsection, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances. The Council intends to maintain the Sign Code in effect to continue to promote the purposes for which it was adopted, and if the amendments in this ordinance render the Sign Code invalid in any respect, then the Council intends the Sign Code to remain in effect as if this ordinance had not been adopted.

SECTION 18. This ordinance shall take effect and be in force thirty (30) days after its approval by the Mayor, but it not approved and returned by the Mayor within ten (10) days after presentation, it shall have the effect provided by Municipal Code Section 1.04.020.

Passed by the City Council the 29th day of May, 2001, and signed by me in open and public session in certification of its passage this 29th day of May, 2001.

MARGARET FAZLER, President of the City Council. Approved by me this 4th day of June, 2001. PAUL CHELLI, Mayor. Filed by me this 5th day of June, 2001.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.