

ORDINANCE NO. 4890

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 3.12 "SIGN CODE" AND AMENDING SECTIONS 3.12.220 3.12.240 3.12.260 3.12.290 3.12.300, AND 3.12.340 OF THE ELLENSBURG CITY CODE.

WHEREAS, the Ellensburg Comprehensive Plan was initially adopted on December 18, 2017, and last updated December 20, 2021; and

WHEREAS, following adoption of the Comprehensive Plan update in December 2017, City of Ellensburg staff worked to evaluate the City's development regulations and zoning districts to ensure consistency with the requirements of Chapter 36.70A RCW; and

WHEREAS, from 2018 through 2021, City staff held numerous study session and regular meetings with the Planning Commission and City Council, in addition to soliciting public feedback through public workshops and online surveys, for the purpose of discussing proposed amendments to the Land Development Code; and

WHEREAS, the City Council adopted Ordinance No. 4887 on May 16, 2022, which provides for several amendments to the land development code, including reconfiguration of zoning boundaries and modified land use allowances and setback standards, all of which are intended to achieve several of the goals and policies of the comprehensive plan; and

WHEREAS, it was determined through the outreach and adoption process that the Commercial Tourist (C-T) zoning district no longer served the public interest, and would be merged with the Commercial Highway (C-H) zoning district; and

WHEREAS, for the reason that Ordinance No. 4887 eliminates all references to the C-T zoning district within Title 15 Land Development Code, and provides for two new mixed-use zones, it necessitates amendments to Chapter 3.12 Sign Code of the Ellensburg City Code, in order to remove references to the C-T zoning district and reference the new zoning districts; and

WHEREAS, following a duly noticed open record public hearing held during a regularly scheduled Ellensburg City Council Meeting on May 16, 2022, regarding the proposed amendments, the City Council approved the amendments to Chapter 3.12 of the Ellensburg City Code;

NOW, THEREFORE, the City Council of the city of Ellensburg, Washington, do hereby ordain as follows:

Section 1. Section 3.12.220 of the Ellensburg City Code, as last amended by Section 1

of Ordinance 3402, is hereby amended to read as follows:

3.12.220 Projecting signs.

All projecting signs erected or changed after adoption of the ordinance codified in this chapter shall meet the following requirements:

A. Sign area of projecting signs in the ~~C-C, and C-C II, NC-MU, and RC-MU~~ zones shall not exceed 25 square feet on any single sign face. Multifaced signs shall not exceed a maximum of 50 square feet in total sign area.

B. Projecting signs erected or changed in any zone shall maintain a minimum clearance of 14 feet between the lowest portion of the sign and the ground surface immediately below the sign if said area is a public right-of-way and used for vehicular movement or parking. Signs projecting over any public right-of-way shall maintain a minimum nine-foot clearance between the lowest portion of the sign and the public right-of-way below, unless such signs are hung from marquees or awnings, in which case said clearance shall be a minimum of seven and one-half feet.

C. Projecting signs shall not project more than six feet into the public right-of-way in the ~~C-C, and C-C II, NC-MU, and RC-MU~~ zones or 10 feet in any other zoning district in the city.

D. Businesses shall be allowed no more than one projecting sign for their use. For businesses which have building frontage on two different streets, a maximum of one projecting sign may be located on each separate street frontage. [Ord. 3402 §1, 1983.]

Section 2. Section 3.12.240 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3402, is hereby amended to read as follows:

3.12.240 On-premises signs.

All on-premises signs shall adhere to the following conditions:

A. The maximum height for all on-premises signs in all zoning districts ~~C-C, C-C II, R-O, C-H (except for those allowed by conditional use), C-N, I-L, I-H, MHP and MHS zones shall be 35 feet; The maximum height for all on-premises signs in the T-C zone and on-premises freeway-oriented signs allowed by conditional use in the C-H zone shall be 100 feet.~~

B. The maximum sign area of any on-premises sign, unless otherwise provided in this chapter, shall be 300 square feet, with multifaced signs not exceeding a maximum of 600 square feet. [Ord. 3402 §1, 1983.]

Section 3. Section 3.12.260 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3402, is hereby amended to read as follows:

3.12.260 Off-premises signs.

No off-premises signs shall be allowed. ~~All off-premises signs shall adhere to the following conditions:~~

~~A. Off premises signs are prohibited in all zones within the city except the T-C zone. Off premises signs are a conditional use in the T-C zone and the issuance of a sign permit shall adhere to all the requirements of a conditional use as outlined in the city's zoning ordinance.~~

~~B. The maximum area of any one face of an off premises sign in the T-C zone shall be 288 square feet. The total maximum area of all faces of a multifaced off premises sign shall be 576 square feet.~~

~~C. The maximum height of all off premises signs in the T-C zone shall be 35 feet. [Ord. 3402 §1, 1983.]~~

Section 4. Section 3.12.290 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4563, is hereby amended to read as follows:

3.12.290 Electronic signs.

Electronic signs shall conform to the following requirements:

A. Electronic signs shall be allowed as display on any building in any C-C II, C-H, ~~T-C~~, I-L or I-H zoned property in the city subject to the following conditions:

1. No electronic sign shall revolve, emit sound, or be physically animated in any way;
2. No electronic sign shall exceed a total sign face area size of three square feet; and
3. Businesses in the C-C II, C-H, ~~T-C~~, I-L, and I-H zones shall be limited to one electronic sign per street frontage of the business. Buildings with multiple business occupancies, allowed through lease or other arrangements, shall be limited to one electronic sign per street frontage for the multiple-occupancy building.

B. Electronic signs shall be allowed in the public reserve zones and public rights-of-way in the city and on non-public reserve zoned land that is leased for public purposes by a municipal corporation or other agency of the state or federal government subject to the following conditions:

1. Such public reserve land or public rights-of-way must be owned by a municipal corporation or other agency of the state or federal government or such non-public reserve zoned land must be leased for public purposes by a municipal corporation or other agency of the state or federal government;
2. Placement of electronic signage must be pursuant to the specific approval of the city of Ellensburg, state or federal governmental agency;

3. Maximum area of all faces of the electronic display portion of the sign shall not exceed a total of 64 square feet;
4. Maximum number of electronic signs shall be one per street frontage;
5. The display of the sign shall not change more rapidly than once every three seconds. No message shall require more than 10 seconds to be displayed in its entirety;
6. The display shall not appear to flash, undulate, pulse, blink, bounce, contract or expand, or otherwise appear to move toward or away from the viewer;
7. All such electronic signs shall be equipped with ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions;
8. Maximum brightness levels for electronic signs shall not exceed the brightness levels recommended by the manufacturer of the sign; and
9. No electronic sign shall revolve, emit sound, or be physically animated in any way.
10. In addition to conditions in subsections (B)(1) through (9) of this section, the placement of electronic signs on non-public reserve zoned land that is leased for public purposes by a municipal corporation or other agency of the state or federal government shall be subject to the following additional conditions:
 - a. The leased land and the proposed sign location must abut University Way or Canyon Road; and
 - b. The electronic sign shall be removed within 30 days from the date the land is no longer leased by the municipal corporation or other agency of the state or federal government for public uses. [Ord. 4563 § 1, 2010; Ord. 4395, 2004; Ord. 4393, 2004.]

Section 5. Section 3.12.300 of the Ellensburg City Code, as last amended by Ordinance 4395, is hereby amended to read as follows:

3.12.300 Other signs.

A. Roof signs or other building-mounted signs which project above the roof line of the building on which the sign is mounted shall be prohibited in all zones except the C-HT-C zone, where they shall not exceed 35 feet in height from ground level.

B. The total maximum area of any sign advertising or locating a residential apartment use in the ~~PUD~~, R-H, R-L, R-M, or R-O zones shall be eight square feet except as provided for in subsection (C) of this section.

C. The total maximum area of any sign advertising or locating an approved office or professional service use in the R-O ~~or PUD~~ zones shall be 25 square feet; provided, however, the sign area and number of signs advertising a residential apartment, office or professional service use in the R-O zone, when such use is located on a lot of record with frontage on Mountain View Avenue, shall be governed by the same sign requirements that apply to the C-H zone.

D. The total maximum area of any sign advertising or locating a single-family or home occupation use in the ~~PUD~~, R-H, R-S, R-L, R-M, or R-O zones shall be three square feet.

E. Businesses and all multiple-occupancy buildings in all zones shall be allowed no more than one freestanding sign per street frontage with the maximum of two freestanding signs, with the following exceptions:

1. Businesses in the C-H zone shall be allowed one additional freestanding sign if the property has a minimum of 180 feet of frontage on a single street and is a minimum of one acre in area and another freestanding sign if the business successfully obtains a conditional use from the planning commission for the construction of a freeway-oriented sign.

~~2. Businesses in the T-C zone shall be allowed two freestanding signs per lot plus one additional sign if the property has a minimum of 180 feet of frontage on a single street and is a minimum of one acre in area for a total maximum of three freestanding signs.~~

F. All signs advertising a consumable commodity in any zone shall be limited to advertising the consumable commodity with a maximum of 25 percent of the total sign area. A minimum of 75 percent of the total sign area shall be used to advertise the business which offers the consumable commodity for sale.

G. Individual signs allowed by this chapter shall not be combined in such a way as to create one large sign, which combination sign is larger than the allowable area for any individual sign provided for in this chapter. [Ord. 4395, 2004; Ord. 4307, 2001; Ord. 3402 §1, 1983.]

Section 6. Section 3.12.340 of the Ellensburg City Code, as last amended by Ordinance 4395, is hereby amended to read as follows:

3.12.340 Temporary and special signs.

Temporary and special signs or displays are nonpermanent in nature and are intended for use only for a limited period of time. The category includes any banner, pennant, flag or advertising display constructed of canvas, fabric, wood, plastic, metal or other material. All such temporary or special signs are allowed provided they meet the following respective requirements:

A. Political signs, posters or bills promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election shall not exceed a maximum sign area of 10 square feet in the R-S, R-L, R-M, R-O, and MHP ~~and MHS~~ zones. In all other zones, said

political signs shall conform to the sign area requirements applicable to the type of sign used. Such signs shall be displayed only on private property of consenting property owners. Political signs shall be removed within seven days after the election, except that a candidate who wins a primary election and advances to a general election may continue to display political signs until seven days after the general election. It will be the responsibility of the appropriate campaign manager or candidate for office to remove their political signs within the above time.

B. Construction signs identifying the architects, engineers, contractors, or other individuals or firms involved in the construction of a building must obtain a sign permit and specify the amount of time the sign is to be displayed, which in no event shall extend beyond the time a valid building permit for such activity is in effect. Only one construction sign is allowed per site not to exceed 48 square feet in size in the R-S, R-L, R-M, and R-O zones. In all other zones, said construction signs shall conform to the sign area requirements applicable to the type of sign used.

C. Temporary banners and posters as defined in this chapter shall be allowed for use in any commercial or industrial zone, subject to the following limitations. Each business address shall be limited to the display of no more than seven banners or posters at any one time. The aggregate area of all banners or posters displayed at any one time shall not exceed 250 square feet. For the purposes of this chapter, a business address shall be considered a single building or complex or related buildings housing a single business or multiple businesses. Multiple businesses in one building or a related complex of buildings shall be treated as a single business address. The display of such banners and posters shall take place entirely on private property, shall not cause any sight distance or other public safety problems for motorists, pedestrians, or bicyclists, and shall conform to the height requirements for the zone in which located.

D. Temporary decorations as defined in this chapter shall be allowed for use in any business or industrial zone, subject to the following limitations. Each business address shall be limited to the display of temporary decorations which total surface area of all such temporary decorations shall not exceed a total of 250 square feet at any one time. For the purposes of this chapter, a business address shall be considered a single building or complex of related buildings housing a single business or multiple businesses. Multiple businesses in one building or a related complex of buildings shall be treated as a single business address. The display of such temporary decorations shall take place entirely on private property, shall not cause any sight distance or other public safety problems for motorists, pedestrians, or bicyclists and shall conform to the height requirements for the zone in which located.

E. Real estate signs which advertise for sale, lease, or open house information for any lot or property in the city shall be located on said property for the time such sale or lease is offered. In the R-S, R-L, R-M, R-O, MHP, ~~MHS~~, and C-N zones, such real estate signs shall not exceed eight square feet in total sign area. If said real estate signs overhang public rights-of-way, they shall be subject to the provisions of ECC 3.12.220(B). In the NC-MU, RC-MU, C-C, C-C II, C-H, ~~T-C~~, I-L, and I-H zones, such real estate signs shall not exceed 48 square feet in total sign area.

F. Banners which advertise civic activities such as the Ellensburg Rodeo and Kittitas County Fair and other activities which may from time to time be approved by the city council may be supported on those steel strain poles in two locations in the public right-of-way which were constructed for that specific purpose. One set of strain poles is authorized on Cascade Way at 3,600 feet southeasterly from the P.T. of the off-ramp of the WC line with Cascade Way as shown on sheet 22 of State of Washington Highway Maps, West Side Canal to Bull Road, and one set is authorized on Canyon Road at 1,430 feet northwesterly from the intersection of the off-ramp of the EG line with Canyon Road as shown on sheet 19 of State of Washington Highway Maps, West Side Canal to Bull Road.

G. A-frame signs as defined in this chapter shall be allowed for use in any commercial or industrial zone, subject to the following limitations. For the C-H, ~~T-C~~, C-N, I-L, and I-H zones, each business address shall be allowed for the use of a maximum of one A-frame sign at any one time. For the purposes of this chapter, a business address shall be considered a single building or complex of related buildings housing a single business or multiple businesses. Multiple businesses in one building or complex of related buildings shall be treated as a single business address. Each A-frame sign displayed in the NC-MU, RC-MU, C-H, ~~T-C~~, C-N, I-L and I-H zones shall not exceed a total sign area of 32 square feet on one side and 64 square feet total sign area on all faces and shall be placed a minimum of two feet behind the inside edge of an existing curb if no sidewalk is present. If no sidewalk or curb is present, the A-frame sign shall be placed a minimum of eight feet behind the edge or road pavement. Further, such A-frame sign shall not cause any sight distance or other public safety problems for motorists, pedestrians, or bicyclists.

For the ~~C-C₁ and C-C II~~, NC-MU, and RC-MU zones, each business shall be allowed the use of a maximum of one sidewalk sign at any one time. For the purposes of this chapter, in the ~~C-C₁ and C-C II~~, NC-MU, and RC-MU zones each business which has been issued a separate city business license shall be entitled to the use of one sidewalk sign at any one time. Each sidewalk sign displayed in the ~~C-C₁ and C-C II~~, NC-MU, and RC-MU zones shall not exceed a height of three feet and a width/length of two feet and shall be adequately anchored against movement or overturning due to wind. Such signs shall not cause a hazard or impediment to pedestrians, vehicles, or bicyclists.

H. All signs placed on vehicles, trailers, or portable supports which are parked or located for the primary purpose of displaying said signs are prohibited. This does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.

I. Welcome banners, pennants, signs, windsocks, flower baskets, or other displays connoting a welcome from the city of Ellensburg to visitors of the city may, upon prior approval of the council of the city of Ellensburg, be displayed over or on publicly owned land or rights-of-way at a minimum clearance of at least 20 feet for a renewable period of one year, said right to display being subject to the annual review and approval of the council. [Ord. 4395, 2004; Ord. 3582 § 1, 1987; Ord. 3402 §1, 1983.]

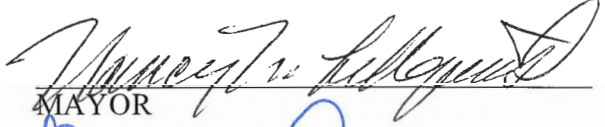
Section 7. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 8. Corrections. Upon the approval of the City Attorney, the City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 9. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval, and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 6th day of June, 2022.

ATTEST:


MAYOR

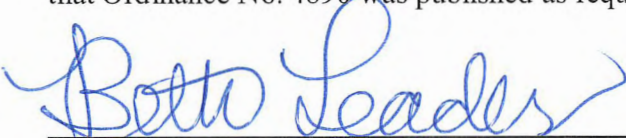

City Clerk

Approved as to form:


CITY ATTORNEY

Publish: 6-9-2022

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4890 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4890 was published as required by law.


BETH LEADER