

**(DRAFT) AGENDA**  
**Regular Meeting – Bremerton Planning Commission**  
**(Subject to PC approval)**  
**September 20, 2016**  
**5:30 P.M.**  
**345 – 6<sup>th</sup> Street**  
**Meeting Chamber – First Floor**

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- I. CALL TO ORDER**
  - II. ROLL CALL (quorum present)**
  - III. APPROVAL OF THE AGENDA**
  - IV. APPROVAL OF MINUTES:**
    - o July 20, 2016 meeting.
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**V. PUBLIC MEETING**

- A. Call to the Public:** Public comments on any item not on tonight’s agenda
  - B. Public Hearing:**
    - 1. Amendments to Bremerton Municipal Sign Code Regulations (BMC 20.52)
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**VI. BUSINESS MEETING**

- A. Chair Report:** Stuart Nethery, Vice Chair
  - B. Director Report:** Andrea Spencer
  - C. Old Business:**
  - D. New Business:**
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**VII. ADJOURNMENT:**

**The next regular meeting of the Planning Commission is October 19, 2016**

**Planning Commission meeting packets are available on-line at**  
<http://www.BremertonWA.gov/AgendaCenter/Planning-Commission-4>

# DRAFT

Subject to September 20, 2016 Approval

## CITY OF BREMERTON

### PLANNING COMMISSION MINUTES OF REGULAR MEETING July 19, 2016

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#### CALL TO ORDER:

**Chair Wofford** called the regular meeting of the Bremerton Planning Commission to order at 5:30 p.m.

#### ROLL CALL

##### Commissioners Present

Chair Wofford  
Vice Chair Nethery  
Commissioner Goodnow  
Commissioner Nerf  
Commissioner Strube  
Commissioner Tift

##### Staff Present

Andrea Spencer, Director, Department of Community Development  
Allison Satter, Senior Planner, Department of Community Development  
Kylie Purves, Assistant City Attorney

*Quorum Certified*

#### APPROVAL OF AGENDA

**COMMISSIONER TIFT MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER GOODNOW SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

#### APPROVAL OF MINUTES

**COMMISSIONER TIFT MOVED TO APPROVE THE MINUTES OF JUNE 21, 2016 AS PRESENTED. COMMISSIONER NERF SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

#### PUBLIC MEETING

**Call to the Public** (public comments on any item not on the agenda)

**Chair Wofford** asked if there were any comments from citizens. Seeing none, he closed the public portion of the meeting.

#### **Workshop: Bremerton Municipal Code (BMC) Sign Regulations (BMC 20.52)**

**Ms. Satter** explained that the City regulates signs based on the types of zoning, which recognizes the neighborhood and street context. The Freeway Corridor and Industrial Zones are located along the high-traffic roadways and larger, freestanding signs are allowed to capture the attention of the faster traffic that goes by. The District Centers, General Commercial and Institutional Zones are areas with moderate traffic that is slower, and the signage allowed is intended to capture the attention of both automobiles and pedestrians. The Neighborhood Commercial Zones have slower traffic and the signs can be smaller in scale to target pedestrians. Residential zones have the most restrictive sign standards.

**Ms. Satter** emphasized that State law requires that the sign code regulations must be content neutral and not based on what a sign says. Because the City's current sign code is based on zoning, rather than content, not a lot of changes are needed to address the legal requirements. However, there are opportunities to improve the code based on recent case law. She reviewed the following proposed changes:

- **BMC 20.42 – Definitions.** Mobile or portable signage is becoming more prevalent in the City and a new definition would be added for “portable signs.”
- **BMC 20.52.040 – Exempt Signs.** While real estate and temporary on-site construction signs would still be allowed as an exempt activity not requiring a permit, the language in this section would be revised to be more generalized and content neutral. “Political signs” would be renamed “noncommercial speech signs.”
- **BMC 20.52.050 – Prohibited Signs.** The current code prohibits moving, flashing and animated signs, but it allows for readerboard signs. Currently, readerboard signs can change copy every 2 seconds. At a previous discussion, the Commission requested that staff provide examples of how other cities address readerboard signs. Based on this information, staff is proposing that the time be changed to every 8 seconds. Ms Satter emphasized that all zones allow for readerboard signs, but they cannot be animated.
- **BMC 20.52.070 – Sign Placement Requirements.** The current code has an exemption for signs erected by the City for a public event. To make the code more content neutral, staff is proposing more general language to read, “temporary banner signs erected by the City are exempt from a permit.”
- **BMC 20.52.085 – Political Signs.** This section also needs to be revised to be more content neutral. “Political signs” would be renamed “noncommercial speech signs.” In addition, the language that requires removal of signs after an event would be eliminated. She clarified that commercial signs would have to follow the provisions for temporary signs or commercial signs. Noncommercial signs would be a separate category with specific size limitations.

**Commissioner Goodnow** asked if there would still be a limit on the length of time a noncommercial speech sign could stay up. **Ms. Satter** said staff is not proposing a time limitation. She explained that case law makes it clear that limiting the length of time can be problematic if it is based on the type of noncommercial sign. However, the time could be limited similar to how temporary signs are regulated (60 days up, 90 days down). **Commissioner Goodnow** voiced concern that temporary signs could use the noncommercial speech sign code provision to avoid the time limitation. **Ms. Satter** responded that commercial speech signs would not qualify. **Commissioner Goodnow** noted that the only way to determine if a sign is commercial or noncommercial is to read it, which means that the code would still be content based. **Ms. Satter** recognized this could be a problem and it would likely be determined based on the use of the site. **Commissioner Goodnow** suggested that the provisions related to noncommercial speech signs could be moved to the section on temporary signs.

- **BMC 20.52.090 – General Signs.** A provision was added to this section to address illumination. Currently, the code is silent, other than language in a different section of the code that prohibits light from protruding beyond the property line, and the idea of signage is to get the message beyond the property line. The language talks about what is undue brightness and includes a provision for nighttime adjustments.
- **BMC 20.52.100 – Commercial District Signs.** Staff is proposing that “shopping center” signs be renamed “large multiple occupant development” signs. In addition, the “co-op” sign provisions were reworked. The intent of the co-op sign provisions is to allow properties along Wheaton and Kitsap Way that do not have street frontage an opportunity for signage, while still limiting the number of signs on the roadway. To incentivize the concept, staff is proposing that 15-foot-tall signs would still be allowed along Kitsap and Wheaton Way, but consolidated signage would be allowed additional square footage (up to 100 square feet). In addition, a provision was added to allow a property three parcels back from the street to consolidate on the fronting sign, and the sign could be up to 125 square feet. In exchange, the properties would transfer their development rights of their property to the parcel where the sign would be installed, but directional signs and wall signs on the buildings would still be allowed. The intent of

the provision is to encourage the removal of multiple signage and reduce the visual clutter on Wheaton and Kitsap Way. It also provides opportunity for businesses to advertise on busy street frontages.

**Commissioner Nerf** asked if the increase in square footage for sign consolidation would be per business. **Ms. Satter** explained that all properties on Kitsap Way and Wheaton Way get an automatic sign height of 15 feet, which is consistent with Kitsap County. However, as currently written, the provision only applies to co-op signs. Staff believes it is appropriate to allow 15-foot signs on all properties along Kitsap Way and Wheaton Way, and the additional square footage would serve as an incentive for businesses to consolidate signage. For example, the fronting parcel would get 60 square feet of sign area, and adding a second sign for an adjacent property would increase the sign area to a total of 100 square feet (not 100 square feet per business). Adding signs for additional properties would increase the sign area up to a maximum of 125 square feet.

While he can see the back businesses having an interest in getting advertising on the street, **Commissioner Nerf** asked what the incentive might be for street-front businesses to want to consolidate. **Ms. Satter** noted that a larger sign would be allowed. She explained that there would have to be a formal agreement recorded as a Notice to Title, and it would be up to the fronting property owner to decide how he/she wants to lease their space.

**Ms. Satter** said staff reviewed the width of the typical parcel along Wheaton and Kitsap Ways to determine which parcels may be good candidates for participation in the co-op signage program. Based on this review, staff is recommending that a parcel width of 75 feet would be more appropriate than the current 100-feet. Many of the properties were slightly less than 100 feet wide. In addition, the co-op sign provision was expanded to include parcels within a certain distance rather than limiting the option to adjacent properties only.

- **BMC 20.52.110 – Auto Dealership Signs.** Since the use of auto dealerships is only allowed within the Freeway Corridor zone, Staff is proposing that this section be removed. However, the amendment would offset the potential impacts to businesses within the Freeway Corridor Zone by increasing the maximum size of the sign from 100 square feet to 150 square feet. This is consistent with the permitting of signage for auto dealerships as their businesses are typically three or less franchise, which would allow a maximum of 150 square feet. As proposed, Figure 20.52(a) would be revised to increase the maximum sign area for freestanding signs in the Freeway Corridor Zone to a maximum of 150 square feet. Staff reviewed all of the sign applications that have come to the City since 2005 for auto dealerships, and none have requested more than 3 signs and none have requested to utilize more than the maximum 150 square feet.
- **BMC 20.52.120 – Residential District Signs.** Staff is proposing to remove “multiple-family development” signs and revise this portion of the code to be more content neutral. The revision treats all residential development (subdivision or apartment complex) the same. As proposed, all residential development would be allowed up to 50 square feet for an identification sign, and individual properties would be allowed up to two square feet of signage. Every residential property would also be allowed to have a temporary sign of up to 32 square feet.

**Commissioner Nerf** asked how the residential signs would be measured. **Ms. Satter** answered that the sign area calculation would not include the pillars on which the sign is attached. She referred to another section of the code, which addresses sign measurement. Currently, sign area is calculated by measuring around the words/message. The intent is to incentivize architectural appendages because they look nice.

- **SMC 20.52.180 – Nonconforming Signs.** The current nonconforming sign code provisions were last updated in 2014 and are working well. However, staff is recommending that the language be modified to make on-premise and off-premise signs consistent. As currently written, if a business does more than \$50,000 of remodel work, on-premise signs must be brought into compliance with the code. As proposed, the same provision would also now apply to off-premise signs. In addition, a provision was added to address incidents that are beyond the owner and/or tenant’s control.
- **BMC Figure 20.52(a) – Zone Specific Size and Design Requirements.** The figure was revised to consolidate where appropriate. Staff also added a reference to the Puget Sound Industrial Center – Bremerton (PSIC-B) consistent with the Subarea Plan. Footnote 3 was revised to allow all commercial signs along Wheaton and Kitsap

Way to increase their sign height to 15 feet. Previously the provision was only applicable to co-op signs. As revised, it would apply to all businesses that have direct access to Wheaton or Kitsap Way. Footnote 4 was added to state that co-op signage would be allowed an increase in sign area.

**Ms. Satter** encouraged the Commissioners to consider public testimony and provide direction to staff to prepare for the upcoming public hearing on September 20<sup>th</sup>. She announced that, at the Commission's request, an on-going Zoning Code Amendment website ([www.ci.bremerton.wa](http://www.ci.bremerton.wa) or [www.bremerton.wa.gov](http://www.bremerton.wa.gov)) was created to allow the public access to the proposed amendments.

No one in the audience indicated a desire to comment during this portion of the meeting.

**Vice Chair Nethery** asked why staff is recommending removal of the time provision for noncommercial speech signs. **Ms. Purves** explained that one of the problems is that, currently, the length of time a sign can be up depends on the type of sign. For example, political signs must be removed 14 days after an election. The concern is that the restriction is content based. The Supreme Court has cautioned against codes that appear to place more value on one type of noncommercial message over another.

**Commissioner Goodnow** asked if the City can establish a time limit on noncommercial speech signs that are placed in the rights-of-way. **Director Spencer** said the zoning code is not intended to regulate the public rights-of-way. There are separate right-way standards in the Public Works Provisions in the BMC. The sign code provisions in BMC 20.52 apply only to signs displayed on private property. **Ms. Purves** said the intent is to avoid regulating the content of signs on private properties, including noncommercial signs allowed in residential districts.

**Commissioner Tift** noted that the hillside at the intersection of 11<sup>th</sup> Street and Kitsap Way is a popular site for political signs and is part of the City's right-of-way. He asked if the City or candidate removes the signs from this area following an election. **Ms. Satter** answered that the Public Works Department removes signage within the public rights-of-way, and it can be done without notification. **Commissioner Tift** summarized that, as currently proposed, a political or other type of noncommercial sign could remain on a private property indefinitely.

**Commissioner Goodnow** asked about other alternatives for limiting the time that temporary signs can be out on private property. **Ms. Purves** said it is difficult to say that certain signs can be out for longer periods than others types of signs. Some cities have tried to limit temporary signs based on material, which can also be problematic. **Ms. Satter** added that some cities have required a permit for every sign in order to establish timelines. A sticker could be placed on the sign to indicate the date it was installed and when the time limit expires. However, this concept would take extra administration, as well as time for each property owner to apply for a permit. **Ms. Purves** cautioned that the intent is to get away from a content-based regulation that requires the City to make a judgement call as to whether one message is preferable or more acceptable than another.

**Commissioner Goodnow** asked about the maximum size limit for noncommercial speech signs in Single-Family Residential Zones. **Ms. Satter** answered that each single-family property is allowed a 2 square foot sign for home occupations, etc. In addition, noncommercial speech signs are allowed up to 32 square feet and may not extend beyond six feet above the grade. She clarified that no changes have been proposed to the sign area allowed in residential zones. The only change is to eliminate the requirement that political signs must be removed 14 days after an election.

**Commissioner Goodnow** said he has put up temporary signs in public rights-of-way to advertise community fundraising events. He questioned if it would be possible to regulate noncommercial signs based on the type of event. **Ms. Satter** acknowledged that some public events are not commercially related, and a provision was added to allow advertising for public events to be considered noncommercial speech signs. **Ms. Purves** explained that the reason for making a distinction between commercial and noncommercial signs is that the courts have started to do it. She referred to a law review article published in May that looked at what circuit courts were doing with the decision. Although the Supreme Court's Reed vs. Gilbert, AZ decision did not, there is a long body of case law that clearly makes the distinction. Noncommercial speech is more in line with ideological views and free speech and first amendment protections, so making the distinction between commercial and noncommercial is a little more risky than other types of content based code.

**Chair Wofford** asked if there are any long-standing noncommercial speech signs that the staff is aware of in the City. **Ms. Satter** said she can think of several that are made of durable materials and have been up for years. **Ms. Purves** said common ones are environmental conservation and stormwater runoff signs that people put in their yards. Rather than being event related, they are considered noncommercial speech signs.

**Commissioner Tift** referred to a “no parking” sign that a resident placed in the front yard to address the problem of people parking in front of the home. He asked if this type of sign would be allowed. **Director Spencer** said it would be allowed from a sign code standpoint, but citizens cannot regulate the public rights-of-way by using signs on their properties.

**Commissioner Tift** referred to staff’s recommendation that the time interval for changing the copy on readerboard signs be increased from 2 seconds to 8 seconds. He agreed that 2 seconds is a little short, but 8 seems too long. **Ms. Satter** said the proposed 8 second requirement would be consistent with Kitsap County, as well as fall within the range allowed by other jurisdictions that were surveyed. She explained that the longer time requirement is intended to address concerns about distractions to drivers. **Commissioner Tift** suggested that it would be appropriate to incorporate the term “equal to or greater than 8.”

**Commissioner Tift** said he supports the current provision for regulating auto dealership signs. He asked if the proposed amendment to BMC 20.52.110 would limit the dealerships’ options. **Ms. Satter** answered no based on examples of sign applications received over the past 10 years. There has never been a request for more than three signs, and 150 square feet is a lot of sign area that can accommodate a number of franchise signs. **Commissioner Tift** specifically referred to the Westhill Ford sign, which appears to be billboard size. **Ms. Satter** agreed to verify the size of the sign and report back to the Commission. **Director Spencer** said it is important to understand that the proposed amendment would actually expand the provision by allowing every user in the Freeway Corridor Zone to have larger signs. Currently, the provision is only available to auto dealerships. **Commissioner Tift** asked if the proposed amendment to BMC 20.52.110 would only apply to businesses that front the freeway. **Ms. Satter** answered that it would apply to all properties within the Freeway Corridor Zone. However, specific height limitations would apply.

**Commissioner Tift** noted that the proposed amendments cross out a lot of the existing language. **Ms. Satter** said most of the crossed-out language is a result of reworking the co-op sign provisions. The changes were based on public comment and the desire to incentivize the concept and open the provision for more businesses to utilize.

**Director Spencer** summarized that the Commission will not have a meeting in August. The code, as currently written, will be published for public comment during the month of August. A public hearing has tentatively been scheduled for September 20<sup>th</sup>.

**Chair Wofford** closed the public workshop.

## **BUSINESS MEETING**

### **Chair Report**

**Chair Wofford** advised that there is still a vacant position on the Commission. **Director Spencer** said she will interview potential candidates the 1<sup>st</sup> week of August.

### **Director Report**

**Director Spencer** reminded the Commission that the City changed its Community Development Block Grant Program in 2015 to create a more targeted approach for allocation. The review process is different, in that the City put out a request for proposals for projects within the target area of downtown. They are seeking a member of the Planning Commission to sit on the committee that reviews the proposals. She referred to the time schedule, acknowledging it will require a significant time commitment. The City Council will appoint the delegates to the Project Review Committee in August, so having a selected candidate now would be ideal. A training date is scheduled for September 12<sup>th</sup>, and staff will deliver the applications to the committee members on September 23<sup>rd</sup>. The interviews with applicants will take place on September 26<sup>th</sup> and 27<sup>th</sup>. The final recommendation to the City Council is targeted for September 28<sup>th</sup>.

**Chair Wofford** recalled that he served on the committee in 2015 and found it interesting. However, he is not available to participate this year. There were no volunteers. Commissioners were asked to consider the opportunity and notify staff by July 22<sup>nd</sup> of their desire to participate.

**Director Spencer** reminded the Commissioners that their August meeting was cancelled. The next regular meeting will be September 20<sup>th</sup>.

**Old Business**

There was no old business to come before the Commission.

**New Business**

**Commissioner Tift** said he is always impressed with the quality of the minutes.

**ADJOURNMENT**

The meeting was adjourned at 6:22 p.m.

Respectively Submitted by:

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Andrea L Spencer, AICP  
Executive Secretary

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Stuart Nethery, Vice-Chair  
Planning Commission

**CITY OF BREMERTON, WASHINGTON  
PLANNING COMMISSION AGENDA ITEM**

**AGENDA TITLE:** Public Hearing for amendments to the Bremerton Municipal Code Sign Regulations (BMC 20.52).  
**DEPARTMENT:** Community Development  
**PRESENTED BY:** Allison Satter, Senior Planner, (360) 473.5845  
Kylie Purves, Assistant City Attorney, (360) 473.2345

**SUMMARY**

In response to the Supreme Court ruling, *Reed vs. Town of Gilbert*, City of Bremerton Legal Department and Community Development Staff have reviewed the BMC 20.52, Sign Regulations, and are proposing amendments to comply with that decision. In addition, there are opportunities to also address current sign technology and include provisions for the maintenance of signage. The following is a summary of Staff’s recommended code amendments to BMC 20.52:

- Revising Political Sign Regulations language to be compliant with the Supreme Court recent decision. This includes: Renaming this section, updating timeframe to remove signage, and removing Auto Dealership specific regulations.
- Regulating new type of signs and technology, including signs placed on a trailer or vehicle, and code about illumination to avoid undue brightness.
- Increasing the timeframe for changing copy of the Message Centers/Readerboards from two to eight seconds before the message copy changes.
- Reworked the Co-op signage provisions. The proposed amendments are to extend applicable parcels that could utilize a Co-op sign additional code has been proposed to ensure removal of any existing free-standing sign if erecting a Co-op sign.
- Proposing code that provides consistency in the Nonconforming Signs section between maintenance and repair of off premise and on premise signage.

The Planning Commission held two workshops in June and July of this year to discuss these potential amendments. At the workshops, the Commission directed Staff to research other case law and other municipality’s approaches and to prepare amendments that would update the Bremerton sign regulations. Staff has followed the Planning Commission’s guidance and that can be seen the previous workshop’s Staff Reports and additional revisions are addressed within this packet. Staff anticipates that by adding / revising the code language as identified in **Attachment A**, the code will be compliant with the Supreme Court decision, easier to understand, ensures more maintenance of signage and addresses regulations for new technology.

**ATTACHMENT**

- **Attachment A:** Bremerton Municipal Code Sign Standards (BMC 20.52 and 20.42) proposed amendments in legislative mark-up.
- **Attachment B:** Planning Commission’s Findings and Conclusions

**STAFF RECOMMENDED MOTION:**

Move to recommend the City Council adopt the text amendments to Bremerton Municipal Code Chapter 20.52 and 20.42 as detailed in **Attachment A**, based upon the staff report and the Findings and Conclusions presented in **Attachment B**.

## STAFF REPORT AND PREVIOUS ANALYSIS

The Planning Commission's previous workshop addressed many components that lead to the attached materials. That information will not be repeated here, but Staff will summarize the previous information:

**June 21, 2016 Workshop:** The Planning Commission's June's workshop discussed the current sign code provisions, objectives and goals, and the impacts to our sign code from the Supreme Court decision: *Reed v. Town of Gilbert*. To summarize, *Reed v. Town of Gilbert* was a case in which the United States Supreme Court clarified when municipalities may impose content-based restrictions on signage. The case also clarified the level of constitutional scrutiny that should be applied to content-based restrictions on speech. The Court's decision in *Reed* presents a marked change and restriction on how cities may regulate signs. The regulation of signs was viewed not as a land use regulation, but rather a regulation of speech, and under that framing the Court's decision in *Reed* arguably becomes exponentially more palatable to implement and enforce.

**July 15, 2016 Workshop:** Staff presented the basics on the signs code including identifying the objectives of the sign provisions that are identified in the BMC 20.52.010 and illustrated compliance with the Comprehensive Plan Land Use policy:

*LU2(E): Promote exposure of City businesses and community events by signage that is proportion to the intensity of the Land Use designation, while recognizing the existing character of the neighborhood*

The July's Staff Report clearly outlines how the signage is proportional with the zoning, neighborhood, and roadway classification in which the sign will be located and is not based on the content or message of the sign. July's Workshop also addressed specific proposed amendments which remain consistent to the Public Hearing.

This Staff Report will not address those same proposed revisions, but will address any additional changes from the Workshops to the Public Hearing.

In addition to the additional amendments, Staff would like to address a request from the Commission regarding BMC 20.52.050(a) Readerboard provision that states: The following signs are prohibited in the City of Bremerton: (a) *Strobe lights or any other flashing, moving, video or animated features that are visible beyond any property line. Readerboard or message center signs that change copy no more frequently than at eight (8) second intervals are exempt from this provision.* The Commission requested that we consider "equal to or greater than 8 seconds," however Staff did not make the requested change as the existing language "no more than at 8 second intervals" would allow signs to change copy anything greater than 8 seconds.

## ADDITIONAL AMENDMENTS TO THE SIGN CODE

**Attachment A**, is the proposed amendments to BMC 20.52 Sign Regulations and one proposed revision to BMC 20.42 Definitions to update a sign definition. Changes to the proposed amendments that Planning Commission has not reviewed are the following:

- **BMC 20.52.090 General Sign Regulations: Maintenance**
  - Included language to address maintenance of a sign. Currently Bremerton's sign provisions are silent on the matter of maintenance. As another proposed revisions is to remove a time limitation for Noncommercial Speech signs (a noncommercial speech sign may be kept up forever per our proposed revisions to be compliant with the Supreme Court decision), Staff is proposing to include language regarding maintenance of signs. The proposed amendments would require a sign should be kept in good repair or the sign will need to be removed or replaced.

- **BMC 20.52.110 Auto Dealerships Sign Regulations**

- As the Supreme Court decision identifies that the sign code should be content neutral, Staff is proposing to remove this section that is specific to Auto Dealerships. As the use of auto dealerships are only allowed within the Freeway Corridor, Staff is proposing to remove this section, but off-set the potential impacts to the businesses within the Freeway Corridor and allow the maximum size of the sign to be revised from 100 square feet maximum to 150 square feet maximum. This revision to allowed signage would now apply to all uses within the Freeway Corridor zone and not just auto dealerships.

Planning Commission has already reviewed this revision, however a Commissioner did inquire about the existing sign located a 1100 Oyster Bay, which is a car dealership (west Hills Auto Plex) that has a sign that can be seen from the freeway (this sign includes a large LED display), and wanted information on that sign. That sign permit was issued in the January 2016 and the sign dimension (including the LED portions and the stationary text) is 106.33 square feet. The height of the sign is 35'. This sign would still be allowed to be erected per the new code provisions.

- **Figure 20.52(a)**

- Added additional clarification to the Footnote #3 which allows properties adjacent to Wheaton Way and Kitsap Way a taller sign than allowed elsewhere in the commercial zone (15' tall instead of the typical 8'). However it came to Staff's attention that this would include all business on Lower Wheaton Way (Manette and Employment Center area). As the Lower Wheaton Way is designed for more pedestrians and slower vehicle traffic, a 15' sign is not proportionate to the zone. As such, Staff is proposing to add verbiage that identifies that Wheaton and Kitsap Way that receive a 15' tall sign are those portions of the road that are considered a State Highway.

**SUMMARY:**

Staff believes that these revisions reflect the discussion by the Planning Commission at the previous workshops, and will meet the tenants of the Comprehensive Plan. The proposed amendments provide consistency with the Supreme Court decision (on content neutrality), increased opportunities for Co-op signage, and ensures a more equitable environment for local businesses and citizens of Bremerton.

**STAFF RECOMMENDATION:**

Staff recommends that Planning Commission review the materials provided, conduct a Public Hearing, consider testimony and move to recommend the proposed amendments to the City Council for adoption.

## Chapter 20.42 DEFINITIONS

"**Portable sign**" means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. A-frame or sandwich board signs, ~~and~~ movable readerboard signs, ~~and signs that are mounted, attached or painted on a trailer, boat or motor vehicle, which is parked, stored or displayed conspicuously in a manner intended to attract the attention of the public~~ are examples.

## Chapter 20.52 SIGN STANDARDS

Sections:

[20.52.010 INTENT.](#)

[20.52.020 APPLICABILITY.](#)

[20.52.030 SIGN PERMIT.](#)

[20.52.040 EXEMPT SIGNS.](#)

[20.52.050 PROHIBITED SIGNS.](#)

[20.52.060 SIGN MEASUREMENTS.](#)

[20.52.070 SIGN PLACEMENT REQUIREMENTS.](#)

[20.52.080 TEMPORARY SIGNS.](#)

[20.52.085 ~~POLITICAL NONCOMMERCIAL SPEECH SIGNS.~~](#)

[20.52.090 GENERAL SIGN REGULATIONS.](#)

[20.52.100 COMMERCIAL DISTRICTS SIGN REGULATIONS.](#)

[20.52.110 ~~AUTO DEALERSHIP SIGN REGULATIONS.~~](#)

[20.52.120 RESIDENTIAL DISTRICT SIGN REGULATIONS.](#)

[20.52.130 SPECIAL PURPOSE SIGN REGULATIONS.](#)

[20.52.140 DOWNTOWN AND CENTERS SIGN REGULATIONS.](#)

[20.52.150 VARIATIONS TO SIGN REGULATIONS.](#)

[20.52.160 PORTABLE SIGNS.](#)

[20.52.180 NONCONFORMING SIGNS.](#)

[20.52.190 GOVERNMENT ACQUISITION OF PROPERTY FOR RIGHT-OF-WAY.](#)

[20.52.200 REMOVAL OF SIGNS.](#)

### **20.52.010 INTENT.**

The intent of the sign requirements chapter is to recognize the importance of signs in the community and establish regulations to protect the public from damage or injury attributable to distractions and obstructions caused by poorly designed or improperly located signs. These regulations are also intended, in part, to stabilize or enhance the overall appearance of the community, and to protect property values. This chapter is intended to regulate the number, size, placement and physical characteristics of signs and sign structures. These regulations are not intended to and do not restrict, limit or control the content of any sign message.

### **20.52.020 APPLICABILITY.**

These regulations shall apply in all zoning districts and may be subject to additional requirements of certain districts, or to state regulations. In cases of conflict, the most stringent requirement shall prevail.

**20.52.030 SIGN PERMIT.**

- (a) Permit Required. No sign shall be placed, erected, or displayed without first obtaining a sign permit unless exempt under BMC [20.52.040](#).
- (b) Removal of Nonconforming Signs. A property containing a nonconforming sign shall not be allowed a new or additional sign on the property until the nonconforming sign is removed or brought into conformance with the requirements of this chapter and the underlying zone.
- (c) Permit Application. An application for a sign permit shall include the following:
  - (1) Signature of the property owner or their designated agent;
  - (2) Site plan drawn to scale showing existing buildings, streets, freestanding and building signs, utility poles, and other structures within fifty (50) feet of the proposed sign;
  - (3) Elevation drawings of the structural details of the proposed sign including dimensions, height, illumination methods and structure supports; and
  - (4) Landscaping plan showing planting materials and patterns.

**20.52.040 EXEMPT SIGNS.**

The following signs are exempt from the provisions of this chapter, but may be subject to other provisions of the zoning code or building code:

- (a) Traffic signs, signals, wayfinding signs, and other traffic control devices erected by the City or other public authority.
- (b) Public notices pertaining to public health or safety issues, or for notification of legal or legislative action erected by the City or other public authority, of a temporary nature.
- (c) Permanent plaques, cornerstones, nameplates, and other building identification markings attached to or carved into the building materials and which are integral parts of the structure.
- (d) Signs within buildings, provided they do not include moving, flashing or animated signs that are visible from any private or public roadway, or from adjacent properties.
- (e) Legal nonconforming signs.
- (f) Incidental signs intended for public information or convenience and which consist of no more than ten (10) square feet for a combination of such signs. These may include restroom signs, hours of operation signs, address numbers, help wanted, credit card signs, and similar.
- (g) The American flag, State of Washington flag, and other political or special purpose flags that are not intended to contribute to a commercial advertising display.
- (h) Wall graphics of an artistic nature and that do not conform to the definition of "sign."
- (i) Public information/identification approved through a conditional use permit process pursuant to BMC [20.58.020](#).
- (j) ~~Real estate signs for sale of single-family dwelling units. Signs displayed on a lot with a property for sale or rent.~~
- (k) ~~Temporary construction and on-site real estate development marketing signs. Signs displayed on a lot where construction is taking place,~~ provided they are removed prior to occupancy approval of the building.
- (l) ~~Political-Noncommercial speech~~ signs meeting the provisions in BMC ~~20.52.090~~[20.52.085](#).
- (m) Signs not readable from public or private right-of-way or waterway.
- (n) Signs intended to for general public information, such as bulletin board/kiosk, that accommodates changeable copy such as private or public notices, special event information, and other short-term messages, at a scale suitable for pedestrians and not intended to be read by passing motorists, and not for commercial advertising purposes.

**20.52.050 PROHIBITED SIGNS.**

The following signs are prohibited within the City limits of Bremerton and shall be subject to removal through amortization or other means:

- (a) Strobe lights or any other flashing, moving, video or animated features that are visible beyond any property line. Readerboard or message center signs that change copy no more frequently than at ~~two~~ (2)eight (8) second intervals are exempt from this provision.
- (b) Pole signs in all zones except the freeway corridor (FC) zone and the industrial (I) zone.
- (c) Private signs placed within a public right-of-way, except a projecting sign may be permitted over a sidewalk if a clearance of at least eight (8) feet is maintained between the sidewalk and the bottom of the sign.
- (d) Any sign that is determined by the City Engineer to be a hazard to public safety due to its design, materials, physical condition, or placement.
- (e) Signs painted, attached to, or otherwise supported by rock formations, utility poles, trees or other plant materials.
- (f) Bench signs, when installed within the public right-of-way. When on private property, the size of a bench sign will be counted toward the total allowable sign area.
- (g) Portable signs within the public right-of-way except portable signs per BMC [20.52.160](#).
- (h) Off-premises signs including billboards, but not including co-op signs ~~or~~, portable signs, or noncommercial speech signs where permitted.

**20.52.060 SIGN MEASUREMENTS.**

- (a) The area of sign faces shall be measured as the area bounded by any six (6) straight lines intersecting at right angles, and shall include any surrounding frames or cabinet edges.
- (b) Sign area does not include supports, foundations or structures that are not part of the sign.
- (c) Only one (1) side of a double-faced sign is counted in the sign's total area.
- (d) Multiple copy signs or shopping center signs consisting of several individual signs on the same support structures are calculated as the total of all individual sign components.
- (e) A round or cylindrical sign is calculated as the maximum area that can be seen at one (1) time from one (1) position, or fifty (50) percent of the total area, whichever is greater.
- (f) The height of a sign is measured from grade, as defined, to the highest point of the sign.
- (g) Sign clearances are measured from grade directly below the sign to the bottom of the sign or sign frame.
- (h) Street corner signs (at an intersection) shall be assigned to one (1) of the frontages by the applicant and shall conform to the requirements of that frontage only.
- (i) Portable signs shall be calculated as part of the total freestanding sign area available to the site.

**20.52.070 SIGN PLACEMENT REQUIREMENTS.**

- (a) All signs, including supporting structures, shall be erected or placed totally within the boundaries of the site and not within any public right-of-way, except for the following:
  - (1) Public authority and other traffic-related signs;
  - (2) Temporary banner signs erected by the City advertising a public event, which meet City approval;
  - (3) Approved signs overhanging public walkways; and
  - (4) Approved portable signs per BMC [20.52.160](#).
- (b) Intersections standard. A vision clearance setback shall be maintained of at least fifteen (15) feet from the edge of all private and public roadways, alleys and driveway intersections.
- (c) General road standard. A vision clearance setback shall be maintained of at least ten (10) feet from the edge of existing or planned roadways. Signs may be allowed within the clear-vision setback if:
  - (1) A pole sign is allowed by the zone;

- (2) The top of the sign is three (3) feet or less above the grade;
  - (3) The bottom of the sign is eight (8) feet or greater above the grade; or
  - (4) The posts and support structure have a diameter no greater than twelve (12) inches within this area.
- (d) A pedestrian clearance is required for any projecting sign (8) feet above grade or sidewalk as measured to the bottom of the sign.
- (e) A projecting sign may extend over a public right-of-way or public pedestrian walkway up to six (6) feet past the property line, but in no case shall the sign extend over a street or other area used by motor vehicles.
- (f) The setbacks for freestanding signs may be reduced to zero (0), provided the applicant provide justification and documented proof that the sign's placement will not hinder vision clearance for existing and future development on the site.
- (g) Freestanding signs shall not extend beyond property lines.

#### **20.52.080 TEMPORARY SIGNS.**

All temporary signs are subject to the placement, size, and height requirements of this chapter, and the requirements set forth in the underlying zone. Additionally, the following requirements shall apply:

- (a) The sign area of individual temporary signs shall not exceed thirty-two (32) square feet; except a banner may be permitted with a sign area of up to one hundred (100) square feet.
- (b) The maximum height of a temporary sign is six (6) feet, except a banner may be allowed a maximum height of twenty (20) feet.
- (c) Signs may be displayed for a period not to exceed sixty (60) days. Any time a temporary sign is removed by a business, it shall not be replaced by the same or other temporary sign for a period of not less than ninety (90) consecutive days.
- (d) Temporary signs meeting the following standards are exempt from the requirements of BMC [20.52.030](#) and BMC [20.52.090](#) through [20.52.140](#):
  - (1) The sign is displayed for a period of seven (7) days or less;
  - (2) The area of the sign is twenty-four (24) square feet or less; and
  - (3) The height of the sign is six (6) feet or less.
- (e) Temporary signs shall not be permanently attached to the ground, a building, or to any other structure, other than what is necessary to secure it to prevent theft, wind damage or safety problems.
- (f) Advertising wind signs or devices that flutter, wave, sparkle, or otherwise move from the pressure of the wind are permitted for specific promotions or events but shall not be permanently displayed.

#### ~~**20.52.085 POLITICAL SIGNS.**~~

~~Political signs identify candidates or issues in upcoming elections and/or they may express noncommercial speech such as religious, political, social, or other philosophical messages. The content of such signs are not regulated, but are subject to the following requirements:~~

- ~~(a) The sign area of political signs shall not exceed thirty two (32) square feet.~~
- ~~(b) The maximum height of a political sign shall be six (6) feet.~~
- ~~(c) Political signs advertising a candidate or issue in an upcoming election shall be removed within fourteen (14) days after the general election.~~
- ~~(d) Political signs that do not comply with the requirements of this section shall be subject to the permit requirements, sign area, setback and other provisions of this chapter.~~

#### **20.52.085 NONCOMMERCIAL SPEECH SIGNS**

Noncommercial speech signs express noncommercial speech such as public community events, religious, political, social, or other philosophical messages. Noncommercial speech signs do not promote

commercial products or services. The content of such signs are not regulated, but are subject to the following requirements:

- (a) The sign area of noncommercial speech sign shall not exceed thirty-two (32) square feet.
- (b) The maximum height is limited to six (6) feet.
- (c) Noncommercial speech signs that do not comply with the requirements of this section shall be subject to the permit requirements, sign area, setback and other provisions of this chapter. All noncommercial speech signs shall comply with General Signs Regulations per BMC 20.52.090.

#### **20.52.090 GENERAL SIGN REGULATIONS.**

The following regulations apply to signs in all zone districts:

- (a) Vision Clearance. Signs shall conform to the clearance requirements of BMC [20.52.060](#).
- (b) Extension Above Rooftop. No sign that is attached to a building shall extend above the highest point of the roof except for commercial and center zones up to fifty (50) percent of the area of a wall sign that is integrated into an architectural facade design element to define the primary entry to the premises may project above the parapet of a flat roof; provided, that all components of the sign are only visible to public view on the primary entry side of the building.
- (c) Window Signs. Signs placed on the inside of windows and directed toward the outside of a building shall be included in the total sign area calculations.
- (d) Canopies and Awnings. Signs placed on projecting canopies and awnings, whether lighted or not, shall be calculated only for the area of the canopy or awning taken up by the sign itself.
- (e) Landscaping. All freestanding signs shall have a landscaped island at the base of the sign equal to, or greater than, the sign area.
- (f) Illumination. In order to avoid unreasonably distracting pedestrians or motorists, nearby residents, and to protect marine life, illumination from or upon any sign shall be shielded or directed so as to avoid undue brightness, glare or reflection of light on private or public property and waterways. During hours of darkness, the illumination shall be adjusted to ensure there is no undue brightness. "Undue brightness" is illumination in excess of that which is necessary to make the sign reasonably visible to the average person.
- (g) Sign Maintenance. All signs are required to remain in good repair. City approval may be required for maintenance work. The following requirements shall apply to all signs for maintenance:
  - (1) It shall be unlawful for any person to maintain or permit to be maintained on any premises owned or controlled by said person any sign which is in a damaged or deteriorated condition and constitutes a danger or hazard to public safety.
  - (2) Sign components and materials shall be kept in good repair which shall include the sign being free of holes, chipping, cracking, peeling, fading, or rusting that is detectable from beyond the property line. Any sign in violation of this Section shall be removed or repaired by the owner of the sign or the owner of the premises. A permit may be required for maintenance work.
  - (3) Temporary signs, Noncommercial Speech Signs or banners showing evidence of deterioration, such as rips, tears, color fading, frayed edges or otherwise showing need of general maintenance that can be seen from the property line shall be removed, repaired or replaced promptly (provided the replacement complies with all other portions of this chapter).

#### **20.52.100 COMMERCIAL DISTRICTS SIGN REGULATIONS.**

The following standards shall apply to signs placed on property zoned commercial:

- (a) Freestanding Signs.
  - (1) No use or combination of uses on a single lot or building shall have more than one (1) freestanding sign per street frontage, with the following exceptions:
    - (i) Parcels with five hundred (500) feet of continuous frontage may have one (1) additional sign.

- (ii) Co-Op Signs. See subsection (d) of this section.
- (2) Maximum Height and Design. Freestanding signs shall comply with the height and design requirements set forth in Figure 20.52(a).
- (b) Building Signs.
  - (1) Commercial Uses. The building sign standards shall be in accordance with the following:
    - (i) Sign Area. Signs attached to a building may have an aggregated area that shall not exceed two (2) square feet for each one (1) lineal foot of building facade width.
    - (ii) Maximum Sign Size. A building sign attached individually shall not exceed one hundred (100) square feet in area, except it may exceed the maximum if the total sign area is less than ten (10) percent of the total building facade area of the side with the signage.
  - (2) Industrial Uses. The building sign standards for industrial uses and other uses not engaged in the sale of goods or services to the public shall be in accordance with the following:
    - (i) Sign Area. The maximum aggregated area for all building signs attached to a single building shall be one hundred (100) square feet.
  - (3) Number of Signs. There is no limit to the number of individual building signs, provided the maximum aggregated sign area is not exceeded.
  - (4) Illumination. Signs may be illuminated directly, indirectly, or internally, provided the lighting is directed away from other land uses, and away from oncoming traffic.
- (c) ~~Shopping Center or Professional Complex~~Large Multiple-Occupant Development. A shopping center, professional office complex, or similar large multiple-occupancy development may have an identification sign to a maximum size of three hundred (300) square feet placed along one (1) street frontage, provided the parcel has an area of at least eight (8) acres, and the sign is no closer than one hundred (100) feet from an adjacent property on the same side of the street.
- (d) Co-Op Signs. A co-op sign is intended to permit businesses that do not have street frontages on Kitsap Way or Wheaton Way a reasonable opportunity to advertise. Co-op signs are an incentive for the consolidation of signage. A co-op sign transfers the right to place a freestanding sign from a non-fronting parcel to a parcel with street frontage on Kitsap Way or Wheaton Way.

(1) Co-op sign eligibility. Co-op signs may be permitted along Wheaton or Kitsap Way provided all the following are met:

- (i) At a minimum, two parcels are coordinating to create consolidated signage to reduce visual clutter and limit distractions to pedestrians and motor vehicles. It will be required for the non-fronting parcel to transfer the right to develop an on-site-freestanding-sign to the parcel fronting Kitsap Way or Wheaton Way. The owners of both the fronting parcel and the non-fronting parcel(s) shall record a "Notice to Title" prepared by the Department recognizing the presence of a Co-op sign with the Kitsap County Auditor. The notice shall be notarized and the applicant must submit proof that the notice has been legally recorded before the sign permit is issued.
- (ii) The non-fronting business shall not have a property line fronting Wheaton Way or Kitsap Way.
- (iii) The parcel where the Co-op signage is installed shall have at least seventy-five (75) feet of continuous street frontage on Wheaton Way or Kitsap Way.
- (iv) The parcels (fronting and non-fronting) must share a property line, or for non-fronting businesses that do not have a shared property line with the fronting business, a Co-op signage may be allowed if all of the following are met:
  - a. The structure containing the non-fronting businesses is within eight hundred (800) feet of Wheaton or Kitsap Way; and
  - b. The non-fronting parcel is within four hundred (400) feet from the fronting parcel where the Co-op sign is to be installed; and

- c. There is no public right-of-way between the non-fronting and fronting parcel where the Co-op sign is to be installed; and
- d. Vehicle or pedestrian access to the non-fronting business is adjacent to, or is in close proximity to, the fronting business.

(v) Any existing freestanding sign(s) on the fronting and non-fronting business should be removed prior to installation of the Co-op sign, unless allowed elsewhere in the code.

(2) Size and Quantity. Cop-op signs shall be in accordance with the following standards:

- (i) A parcel may only participate in one (1) co-op sign.
  - a. The non-fronting parcel may place a directional sign at each entrance, not to exceed ten (10) square feet in size.
- (ii) The Co-op sign is the only permitted freestanding sign on the participating parcels, except as provided above.
- (iii) The sign does not exceed the maximum height limit as identified in Figure 20.52(a).
- (iv) A Co-op sign shall not to exceed one hundred (100) square feet, except for the following:
  - a. When a Co-op sign has multiple non-fronting parcels, a twenty-five (25) percent bonus in square footage is permitted (for a maximum sign area of one hundred and twenty-five (125) square feet).

~~(d) Co-Op Signs. A co-op sign is intended to permit businesses that do not have street frontages on Kitsap Way or Wheaton Way a reasonable opportunity to advertise. A co-op sign transfers the right to place a freestanding sign from the nonfronting parcel to the parcel with street frontage on Kitsap Way or Wheaton Way. Co-op signs may be permitted in the following circumstances:~~

- ~~(1) The parcel fronting Wheaton Way or Kitsap Way shall have at least one hundred (100) feet of continuous street frontage on Wheaton Way or Kitsap Way; and~~
- ~~(2) The parcels (fronting and nonfronting) must share a property line; and~~
- ~~(3) The nonfronting business shall not have a property line fronting Wheaton Way or Kitsap Way; and~~
- ~~(4) A parcel fronting Kitsap Way or Wheaton Way shall be permitted one co-op sign, not to exceed one hundred (100) square feet; however, the co-op sign may contain signage for more than one (1) nonfronting business; and~~
- ~~(5) In the event that the fronting and nonfronting parcel(s) elect to share a single freestanding sign, a twenty-five (25) percent bonus in square footage is permitted, provided:~~
  - ~~(i) The shared sign is the only permitted freestanding sign on the fronting and nonfronting parcels, except as provided in subsection (d)(7)(i) of this section.~~
  - ~~(ii) The sign does not exceed the fifteen (15) foot maximum height.~~
- ~~(6) The nonfronting parcel is limited to one (1) co-op sign on Kitsap Way or Wheaton Way; and~~
- ~~(7) The nonfronting parcel will transfer the right to develop a freestanding sign on the nonfronting parcel to the parcel fronting Kitsap Way or Wheaton Way;~~
  - ~~(i) The nonfronting parcel may place a directional sign at each entrance, not to exceed ten (10) square feet in size.~~
- ~~(8) The owners of both the fronting parcel and the nonfronting parcel shall record a "Notice to Title" prepared by the Department recognizing the presence of a co-op sign with the Kitsap County Auditor when required by the Department. The notice shall be notarized and the applicant must submit proof that the notice has been legally recorded before the sign permit is issued.~~

#### **20.52.110 AUTO DEALERSHIP SIGN REGULATIONS.**

~~This section applies within the freeway commercial zone designation.~~

- ~~(a) No provisions under this section shall be interpreted to preclude other provisions of this chapter that are applicable to a given property or proposal.~~
- ~~(b) In addition to the other standards prescribed in this chapter, a dealership group may erect one (1) automobile dealership district sign subject to the following requirements:~~
- ~~(1) A dealership group is two (2) or more franchises under common ownership;~~
  - ~~(2) The automobile dealership district sign shall be limited to identifying the dealership group and the brands of vehicles sold in the group;~~
  - ~~(3) The total area of the sign shall not exceed fifty (50) square feet for each dealer franchise in the group (example: a dealership group with two (2) dealer franchises would be allowed an automobile dealership district sign of up to one hundred (100) square feet);~~
  - ~~(4) The maximum total sign area in no case shall exceed one hundred fifty (150) square feet if the sign is a pole sign, or two hundred (200) square feet if it is a monument sign;~~
  - ~~(5) The square footage of the sign shall be deducted from the total aggregated signage allotted to the parcel on which the sign is placed;~~
  - ~~(6) The sign can only front on a City arterial street;~~
  - ~~(7) A master signage plan is required to be submitted prior to issuance of the sign permit showing the location and area of all signage of all the dealerships within the dealership group.~~

#### **20.52.120 RESIDENTIAL DISTRICT SIGN REGULATIONS.**

The following regulations apply to properties in residential zones:

(a) Freestanding Signs.

(1) ~~Entrance Signs.~~ One (1) freestanding sign may be permitted at each street entrance to a neighborhood, subdivision, manufactured park, apartment/condominium complex, or other homogeneous residential area, provided:

~~(i) The sign specifically identifies the development only;~~

(ii) The sign area is fifty (50) square feet or less.

~~(2) Multiple-Family Developments. A residential development having four (4) or more dwelling units may have one (1) permanent freestanding sign per street frontage, provided the total sign area does not exceed four (4) square feet.~~

~~(3) Individual Properties.~~ Each residential property may have one (1) freestanding permanent sign that shall not exceed two (2) square feet in sign area.

~~(4) Height.~~ Freestanding signs shall have a maximum height of six (6) feet as measured from grade directly below the sign to the highest point on the sign or its support structure.

(b) Building Signs.

(1) The freestanding sign limitations prescribed in subsections (a)(1) through (3) of this section may be applied to building signs in lieu of freestanding signs.

(c) Resident name plaques and address numbers shall not be included in total sign area calculations, but shall be limited to a size and character of other such signs in the immediate neighborhood.

(d) Advertising wind signs or devices that flutter, wave, revolve, or sparkle, or are otherwise moved by the wind are prohibited.

#### **20.52.130 SPECIAL PURPOSE SIGN REGULATIONS.**

When a sign that is not otherwise regulated by this title and is located in a residential zone, the special purpose sign regulations shall apply. Specifically, special purpose signs are signs located in a residential zone that are for either (1) commercial uses, such as an adaptive reuse, or legally established nonconforming commercial use, or (2) noncommercial signs such as signs for churches, schools and parks. The following shall apply:

(a) Freestanding Signs.

(1) Sign Area. The maximum area of a freestanding sign shall be limited to fifty (50) square feet.

- (2) Number of Signs. Only one (1) freestanding sign is allowed per each street frontage.
- (3) Height. The height of a freestanding sign shall not exceed six (6) feet.
- (b) Building Signs.
  - (1) Sign Area. The aggregate area of all building signs, projecting signs, and other signs attached to buildings shall not exceed one hundred (100) square feet.
  - (2) Number of Signs. There is no limit to the number of individual building signs, provided the maximum aggregated sign area is maintained.
- (c) Illumination. When located within a residential zone, the sign shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

#### **20.52.140 DOWNTOWN AND CENTERS SIGN REGULATIONS.**

The following standards shall apply to signs located in a center:

- (a) Freestanding Signs.
  - (1) Sign Area. The requirements prescribed in BMC [20.52.100](#)(a)(1) shall apply, except wide parcels shall be limited to only one (1) freestanding sign not to exceed one hundred (100) square feet.
  - (2) Spacing. Freestanding signs shall be no closer than twenty-five (25) feet from adjacent properties, except this may be modified by the Director where such factors as the width of the lot or the driveway access makes compliance impossible.
  - (3) Maximum Height and Design. Freestanding signs shall comply with the height and design requirements set forth in Figure 20.52(a).
- (b) Building Signs. The requirements prescribed in BMC [20.52.100](#)(b) shall apply.
- (c) Moving, flashing, or animated signs are prohibited in downtown and centers zones.

#### **20.52.150 VARIATIONS TO SIGN REGULATIONS.**

- (a) The Director shall have the authority to grant administrative approval for minor adjustments to sign heights, numbers of signs, sign placement, and sign size, provided:
  - (1) The adjustments do not exceed ten (10) percent of the basic requirement; and
  - (2) The adjustment is based on a hardship or problem with the site, existing building placements, or poor site visibility, and not based on economic factors or personal design preference.
- (b) A request for adjustments beyond ten (10) percent shall be processed as a variance pursuant to BMC [20.58.030](#).

#### **20.52.160 PORTABLE SIGNS.**

Portable signs may be placed on sidewalks or portions of the pedestrian public right-of-way subject to the following conditions:

- (a) A minimum four (4) feet of unobstructed sidewalk or pedestrian path must be maintained. A portable sign shall not be allowed on sidewalks with less than four (4) feet in width.
- (b) Portable signs may not be placed in the driving lanes of a public street or in parking stalls on the public right-of-way.
- (c) One (1) portable sign is allowed for any licensed business. The sign must be displayed immediately adjacent to the main entrance of the business employing the sign.
- (d) Portable signs shall not exceed thirty-two (32) inches in width or thirty-six (36) inches in height as displayed.
- (e) Portable signs shall be professionally lettered, neatly painted or assembled, and remain in good repair.
- (f) Portable signs shall be constructed to avoid being blown from their intended location and to avoid tipping or falling.

- (g) Portable signs shall not be internally lit, not have moving parts, nor shall any attachment or portion of the sign extend beyond the thirty-two (32) by thirty-six (36) inch maximum dimensions established in subsection (d) of this section.
- (h) Portable signs shall be displayed during daylight hours only and shall be removed by the business owner immediately after dusk each day.
- (i) Any site landscaping required by the City shall not be altered to accommodate a portable sign.
- (j) Portable signs shall not block intersections or otherwise constitute a public safety hazard.
- (k) Pursuant to Chapter [47.42](#) RCW and Chapter [468-66](#) WAC, placement of portable signs on the public right-of-way of SR 3, SR 303, SR 304, and SR 310 is prohibited.
- (l) Placement of portable signs on the public right-of-way in violation of this section will result in immediate removal of the sign from the public right-of-way by City personnel.

### 20.52.180 NONCONFORMING SIGNS.

- (a) Applicability. This section applies to the maintenance, repair, as appropriate, and removal of nonconforming signs. "Nonconforming sign" means a sign that was legally established, but no longer conforms to the current sign standards of this title.
- (b) Maintenance and Repair of Off-Premises Signs. Any nonconforming off-premises sign shall immediately lose its legal nonconforming designation, and be removed or brought into conformity with the provisions of this chapter, when one (1) or more of the following events occur:
  - (1) Alterations to Sign.
    - (i) Any structural alteration to an off-premises sign shall result in the loss of its nonconforming status. This does not include replacing the sign's message or painting.
    - (ii) In no case shall an off-premises sign be permitted to be expanded or enlarged. Adding electronic components that move, flash, or change copy is not permitted.
  - (2) Alteration to Associated Business or Site. Should a business or site with an off-premise nonconforming sign undergo remodel or site improvements the sign shall lose its nonconforming status under any of the following circumstances:
    - (i) The on-site renovation, construction, or other site improvements exceed seventy-five (75) percent of the assessed improvement value of the site; or
    - (ii) On-site construction/improvements costs exceed fifty thousand dollars (\$50,000); or
    - (iii) Unless the structure was damaged by fire or other casualty not intentionally caused by the owner and tenant and a permit is applied for within one (1) year of such fire or casualty
- (c) Maintenance and Repair of On-Premises Signs. Any nonconforming on-premises sign shall immediately lose its legal nonconforming designation, and be removed or brought into conformity with the provisions of this chapter, when one (1) or more of the following events occur:
  - (1) Alterations to Sign.
    - (i) If alterations are made to the sign that exceed twenty-five (25) percent of the replacement cost of the sign, it shall lose its nonconforming status; or
    - (ii) For freestanding signs, refacing the sign with a new message is permitted; however, if the cabinetry housing the sign is removed, or is intended to be replaced, the sign shall lose its nonconforming status; or
    - (iii) In no case shall an on-premises sign be permitted to be expanded or enlarged.
  - (2) Alteration to Associated Business or Site. Should a business with a nonconforming sign undergo remodel or site improvements, ~~unless the structure was damaged by fire or other casualty not intentionally caused by the owner and tenant and a permit is applied for within one (1) year of such fire or casualty,~~ the sign shall lose its nonconforming status under any of the following circumstances:
    - (i) The on-site renovation, construction, or other site improvements exceed seventy-five (75) percent of the assessed improvement value of the site; ~~or~~

- (ii) On-site construction/improvements costs exceed fifty thousand dollars (\$50,000); or-  
 (iii) Unless the structure was damaged by fire or other casualty not intentionally caused by the owner and tenant and a permit is applied for within one (1) year of such fire or casualty.

#### 20.52.190 GOVERNMENT ACQUISITION OF PROPERTY FOR RIGHT-OF-WAY.

(a) A sign that becomes nonconforming with respect to its setback from the edge of a public right-of-way as a result of a local, state, or federal government acquisition of property for right-of-way expansion shall be characterized as a legal nonconforming sign and shall be allowed subject to the requirements of this section.

(b) The City may allow, by a Type II permit as prescribed in Chapter [20.02](#) BMC, the placement of a new sign or relocation of an existing sign within a required setback if it meets all of the following criteria:

- (1) The enforcement of this code would result in substantial hardship to the applicant because no feasible location exists to place a sign on the subject property other than in a required setback, and such hardship was created solely by local, state, or federal government acquisition of property for right-of-way expansion and not by any action of the applicant.
- (2) The sign is not prohibited by BMC [20.52.050](#) and, except for location within a required setback, complies with all other requirements of this chapter.
- (3) The sign complies with the City's minimum sight distance at intersection requirements pursuant to BMC [20.52.070](#).
- (4) Location of the sign within a required setback is otherwise consistent with the public health, safety, and welfare.

#### 20.52.200 REMOVAL OF SIGNS.

The sign user, owner and/or owner of the property on which an abandoned, dangerous, defective, illegal, or prohibited sign is located shall remove or cause to be removed any such sign as required in this chapter. Failure to comply shall subject the sign user, owner and/or owner of the property on which the sign located to the remedies and penalties of BMC [20.40.200](#).

**Figure 20.52(a)**  
**Freestanding Signs: Zone-Specific Size and Design Requirements**

Commercial Zones	Freestanding Sign Type	Max. Height	Max. Size <sup>1, 3, 4</sup>
General Commercial (GC)	Monument only	8' <sup>3</sup>	60 sq. ft.
Neighborhood Business (NB)	Monument only	6'	60 sq. ft.
Freeway Corridor (FC)	Any	35'	<del>100-150</del> sq. ft.
Industrial (I)	Any	25'	-
Institutional (INST)	Monument only	8'	60 sq. ft.
<b><u>Downtown and Centers Zones</u></b>	<b><u>Freestanding Sign Type</u></b>	<b><u>Max. Height</u></b>	<b><u>Max. Size</u></b>
<u>All Centers (except the Puget Sound Industrial Center-Bremerton)</u>	<u>Monument only</u>	<u>8' <sup>3</sup></u>	<u>60 sq. ft.</u>
<u>Puget Sound Industrial Center-Bremerton</u>	<u>Any</u>	<u>25'</u>	<u>=</u>

District Center Core (DCC)	Monument only	8'	60 sq. ft.
Downtown Core (DC)	Monument only	8'	60 sq. ft.
Downtown Waterfront (DW)	Monument only	8'	60 sq. ft.
Business Core (BC)	Monument only	8'	60 sq. ft.
Employment Center (EG)	Monument only	8'	60 sq. ft.

1. Larger signs for large multiple occupant development are allowable per BMC [20.52.100\(c\)](#).
2. Freestanding sign size for special purpose zones not listed in this table is subject to the requirements of BMC [20.52.130](#).
3. Freestanding signs fronting on State Highway Routes of Wheaton Way and Kitsap Way may increase the maximum height to fifteen (15) feet, ~~and maximum area to one hundred (100) square feet per BMC 20.52.100(d), which is a permissible departure from the requirements listed in Figure 20.52(a).~~
4. Pursuant to BMC 20.52.100(d) Co-op signage may increase the maximum signage provided a transfer of development rights for the non-fronting parcel is provided (non-fronting parcel does not get a freestanding sign as the transfer of development rights were for a larger sign on the fronting parcel).

# FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION

**Summary:**

The proposed amendments to the Bremerton Municipal Code concern amending Chapter 20.52 Sign Standards and BMC 20.42 Definitions relating to sign provisions.

## I. FINDINGS OF FACT

**1. Project Description:**

The proposed amendment package includes revisions to Bremerton Municipal Code 20.52 Sign Regulations and 20.42 Definitions as follows:

- Revising Political Sign Regulations language to be compliant with the Supreme Court recent decision. This includes (1) removing a time limitation for Noncommercial speech signs (renamed but includes free speech and political signage), though new code has been proposed to ensure maintenance of signs remain in good repair; and (2) removing sign code regulations that specifically allowed for larger signs for auto dealerships, increased the allowed signage size for all business within the Freeway Corridor zone.
- Regulating new signs and technology, including signs placed on a trailer or vehicle, and added code that regulates illumination.
- Increasing the timeframe for Readerboard messages from two to eight seconds before the message copy changes.
- Reworked the Co-op signage provisions (a co-op sign is intended to permit businesses that do not have street frontages on major thoroughfares a reasonable opportunity to advertise). A co-op sign transfers the right to place a freestanding sign from the non-fronting parcel to the parcel with street frontage on two major thoroughfares (Kitsap and Wheaton Ways). The proposed amendments are to extend applicable parcels that could utilize a Co-op sign. The intent is to reduce visual clutter and reduce signage installations, additional code has been proposed to ensure removal of any existing free-standing sign if erecting a Co-op sign.
- Proposing code that provides consistency in the Nonconforming Signs section between maintenance and repair of both off-premise and on-premise signage.

**2. Procedural History:**

- 2.1 Planning Commission Workshops: June 21, 2016 and July 15, 2016
- 2.2 Washington State Department Of Commerce Notice: September 2, 2016
- 2.3 SEPA Threshold Determination DNS: September 6, 2016
- 2.4 Notice of Public Hearing: September 10, 2016
- 2.5 Planning Commission Public Hearing: September 20, 2016.

**3. Public and Agency Comment:**

- 3.1 Planning Commission Workshops: June 21, 2016 and July 15, 2016
- 3.2 Planning Commission Public Hearing: September 20, 2016

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4. **SEPA Determination:**

A Determination of Non-Significance was issued on September 6, 2016, to date no comments have been filed. The appeal period will end after Planning Commission's Public Hearing but prior to City Council process.

5. **Consistency:**

Text amendments to Title 20 shall meet the decision criteria outlined in BMC 20.18.020(d). The Planning Commission may recommend, and the City Council may adopt or adopt with modifications, an amendment to Title 20 if the criteria outlined below are met.

(1) It is consistent with the goals and policies of the comprehensive plan;

*Analysis:* The proposed amendments continue to uphold the objectives and goals of the Comprehensive Plan, and implement the following policies:

*LU1(A): Designate neighborhoods, communities, and centers throughout the City and encourage the implementation of design guidelines for new development and redevelopment that complement the designated purpose and scale.*

*LU2(E): Promote exposure of City businesses and community events by signage that is proportion to the intensity of the Land Use designation, while recognizing the existing character of the neighborhood. Discourage off-premise signage throughout the City (including billboards), with exceptions for special events to be considered.*

*LU1-Cen(A): Development regulations should encourage pedestrian oriented mixed-use design in Centers and address such issues as: (3) Adopting sign standards that reflect pedestrian scale,*

*LU2(D): Provide development incentives and flexibility within regulations to encourage desirable design elements.*

*ED1(A): Attract new employment opportunities throughout the city by utilizing incentives for redevelopment of underutilized sites.*

(2) It does not conflict with other City, state and federal codes, regulations and ordinances.

*Analysis:* The proposed amendments do not conflict with any other regulations.

**II. CONCLUSIONS & RECOMMENDATION**

Based on the findings above, provided no appeals are filed for the environmental review, the Planning Commission concludes that the proposed amendments to the Bremerton Municipal Code Title 20 Land Use Chapter 20.52 Sign Regulations and a definition related to signs in 20.42, meets the requirements in BMC 20.18.020(d) text amendments, and therefore recommends to the City Council, the adoption of amendments to Title 20.

Respectfully submitted by:

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Andrea L. Spencer, Executive Secretary

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Nick Wofford, Planning Commission Chair