Ordinance No. 3501

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

CONO=0131 Zoning Code Amendments
Passed – 2/1/2000
Off-premises signs

Amends Ord. 1827 (Secs. 15.02.430 & 15.06.040(R))
Amends Ord. 2486 (Sec. 15.06.040(R))
Amends Ord. 2932 (Sec. 15.02.430)
Amends Ord. 3093 (Sec. 15.06.040(R))
ORDINANCE NO. 3501

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Sections 15.02.430 and 15.06.040(R) of the Kent City Code relating to the definition, regulation, location and re-location of off-premises signs within the City of Kent.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

WHEREAS, the City Council has been reviewing its policies with regard to the zoning and placement of off-premises signs as defined in the Kent zoning code section KCC 15.02.430 (hereinafter “billboards”) in the City of Kent; and

WHEREAS, a number of billboards are currently located in the City of Kent; and

WHEREAS, there is a possibility that the City could, in the near future, receive more applications for billboards that would increase the number of such signs located within the City, especially in light of the new corridor projects planned or under construction in the City of Kent; and
WHEREAS, the City Council is concerned about the potential impacts that such signs may create that would be detrimental to public health, safety, and general welfare of the citizens of the City of Kent; and

WHEREAS, on April 20, 1999, the City Council adopted Resolution No. 1536 imposing a moratorium barring acceptance of all applications for the issuance of any building, land use, or development permit or approval for billboards until a review has been completed and any necessary code revisions have been adopted by the Kent City Council; and

WHEREAS, a public hearing was held on Tuesday, May 4, 1999, before the Kent City Council and the moratorium was continued until midnight October 17, 1999; and

WHEREAS, in order to allow staff sufficient time to thoroughly analyze all of the information staff has gathered during the six (6) month moratorium, staff requested a six (6) month renewal to the billboard moratorium; and

WHEREAS, pursuant to RCW 35A.63.220, a public hearing was held and on October 5, 1999, the council renewed the moratorium for a six (6) month period; and

WHEREAS, the City has completed its review regarding the location and regulation of off-premises signs and finds that the zoning code relating to these signs should be amended to more adequately address the various impacts that these uses present; NOW THEREFORE,

SECTION 1. Section 15.02.430 of the Kent City Code is hereby amended as follows:

Sec. 15.02.430. Sign, off-premises. Off-premises sign means a sign that contains a message or directs attention to a not located on or supported by a structure
not located on the same premises as the business, profession, product, activity, or service that is not related to a use or activity conducted or offered on the premises or at the location where the sign is located, excluding road directional signs, and is generally available by means of rental or lease to persons other than the owner of the sign being identified or advertised by such sign or an advertising sign. An off-premises sign includes the sign face(s) that contains the message or direction noted above, as well as the pole or other structure upon which the sign face is attached.

**SECTION 2.** Kent City Code Section 15.06.040(R) of the Kent City Code is hereby amended as follows:

**Sec. 15.06.040. General restrictions and limitations for all districts.**

R. **Off-premises signs.**

1. **Number Authorized.** Not more than four (4) sign structures per one thousand (1,000) lineal feet are permitted. The total number of off-premises sign structures allowed within the City of Kent shall not exceed the total number of off-premises sign structures in existence as of the effective date of this requirement. Off-premises sign structures shall be inventoried by the City. In order to assist the City in its inventory, the owner of any off-premises sign located within the City shall, to the best of its ability, provide the City with information as to the dates of installation, repair, or alteration of the owner's off-premises signs within the City and no repair, alteration, or replacement of any such off-premises sign may occur until such information is provided to the City. Subject to any permitting requirements, any person, firm, or corporation who owns or maintains off-premises sign structures within the City of Kent shall be authorized to alter, repair, maintain and relocate their off-premises sign structures in existence as of the effective date of this ordinance. As unincorporated areas are annexed to the City of Kent, the total number of off-premises sign structures in the area annexed will constitute an addition to the number
authorized in the City of Kent and shall be added to the inventory and shall be eligible to be relocated.

To the extent the provisions of KCC 15.08.100(F) are inconsistent with this subsection, KCC 15.06.040(R)(1), the provisions of this subsection shall prevail.

2. **Districts where permitted.** Off-premises signs are permitted in M1, M2 and M3 districts. Off-premises signs not in one of the above zones shall be categorized as legal non-conforming signs. They are not permitted in any other district. A sign structure authorized to be relocated pursuant to KCC 15.06.040(R)(1) above may only be relocated to an M1, M2, or M3 zoning district. The owner of an off-premises sign shall have two (2) years to relocate an inventoried off-premises sign that has been removed under the authority of a demolition permit. A one (1) year extension may be granted by the City Planning Director in instances where relocation cannot be undertaken due to circumstances beyond the control of the owner of the off-premises sign to be relocated.

3. **Standards.**
   a. **Maximum size.** As of the effective date of this ordinance, the maximum size per sign face is three hundred (300) square feet.
   b. **Maximum height.** Maximum height is thirty-five (35) feet.
   c. **Distance from any intersection.** Off-premises signs shall be located a distance of three hundred (300) feet from any intersection.
   d. **Double-faced signs.** An off-premises sign structure may contain up to two (2) sign faces arranged either back-to-back or in a V-shape arrangement. The use of tri-vision panels on a sign face shall not in itself constitute additional sign faces. Back-to-back and V-type sign structures shall be considered one (1) sign structure.
e. **Spacing.** Not more than four (4) sign structures per one thousand (1,000) lineal feet are permitted.

4. **Permits.** Off-premises signs shall not be altered with regard to size, shape, orientation, height, or location without the prior issuance of a building permit. Ordinary maintenance shall not require building permits. Off-premises sign copy replacement may occur at any time and is exempt from the requirement for building permits.

5. **Tri-vision panels.** Subject to applicable permitting requirements, the allowable faces on off-premises sign structures listed on the official City of Kent off-premise sign inventory may contain tri-vision panels which rotate, subject to KCC 15.06.030(E). Tri-vision panels are the only type of moving parts authorized on off-premises signs.

6. **Unpermitted signs.** Owners of off-premises signs that have unpermitted tri-vision panels as of the date of this ordinance, shall have one (1) year from the effective date of the ordinance enacting this provision to apply for and obtain permits for such.

7. **Electronic video signs prohibited.** Off-premises signs that contain electronic video displays similar to or otherwise depict a television screen are prohibited.

8. **Hazard or nuisance.** All off-premises signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation and safety. If an off-premises sign is determined by the Kent Building Official to be in a state of disrepair so as to constitute a safety hazard or a nuisance as defined by the Building Code or Kent City Code, the Building Official may initiate enforcement proceedings pursuant to KCC 15.10.070.

9. **Enforcement.** Any violation of the provisions of KCC 15.06.040(R) shall be subject to enforcement pursuant to KCC 15.10.070.

**SECTION 3.** **Termination of moratorium.** The moratorium on the acceptance of applications for and the issuance of any building, land use, or
development permit, or approval for off-premises signs set forth in Resolution Nos. 1536 and 1556, shall terminate on the effective date of this ordinance.

SECTION 4. Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 5. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

LEONA ORR, MAYOR PRO TEM

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER LUBOVICH, CITY ATTORNEY

PASSED: 1 day of February, 2000.
APPROVED: 3 day of February, 2000.

I hereby certify that this is a true copy of Ordinance No. 3501 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK
Document Title: City of Kent Ordinance No. 3501: Relating to the definition, regulation, location, and re-location of off-premises signs within the City of Kent.

Reference Number(s): N/A

Grantor(s): N/A

Grantee(s): N/A

Legal Description: N/A

Assessor's Property Tax Parcel/Account Number(s): N/A