



MEMORANDUM

Date: September 1, 2016

To: Interpretations File No. 2016-1

From: Shane Hope, Development Services Director

Subject: **Total Size of Existing Wall Signs and Pedestrian Signs in Downtown/Waterfront Area**

Date Issued/Posted: **SEPTEMBER 4, 2016**

Effective Date: **SEPTEMBER 20, 2016 (unless appealed in a timely manner)**

ISSUE OUTLINE:

A sign code amendment (Ordinance # 4039) was adopted on August 2 and became effective on August 12, 2016. It is codified in Chapter 20.60 ECDC. The code change requires a permit for pedestrian signs, which are defined to include A-frames and similar portable signage, in the downtown/ waterfront area. It also adds limitations on number, size, and location of such signs. However, as business owners have begun coming in to obtain their permits, the new requirement for pedestrian signs to count in the total allowed signage for the frontage has become problematic for those existing businesses that already had a permitted wall sign of maximum allowed size and a pedestrian sign that, of itself, meets the new size and location requirements except that, when counted together with the existing wall sign, exceeds the total signage size limit.

ANALYSIS:

Businesses that previously installed wall signage to the allowed size and also used a pedestrian sign did so under existing regulations at the time. To now remove and replace the existing wall signage with new smaller wall signage, so that an existing pedestrian sign can be retained, would be costly. A question has arisen whether businesses may obtain a pedestrian sign permit if they have an existing pedestrian sign that meets all requirements for pedestrian signs, except that the combined size of the pedestrian sign and the existing permitted wall signage would exceed the total allowed size by six square feet or less.

The nonconformance provisions of the Edmonds Community Development Code (Chapter 17.40 ECDC) allow certain uses that were once allowed but are no longer allowed, due to a later code change, to continue under limited conditions. ECDC 17.40.040 (Nonconforming Signs) has particular relevance. This provision is not intended to allow wholesale continuation of uses once legal but later prohibited or restricted. However, the nonconformance provision (sometimes known as “grandfathering”) may be

interpreted to apply in the narrow context of the new limit on the combined total size of an existing wall sign (permitted prior to August 12, 2016) and a pedestrian sign (allowed prior to August 12, 2016), when a pedestrian sign meets all other requirements of ECDC 20.60.055, as amended.

At the same time, it is recognized that the sign code is undergoing further review and the City Council has requested that the Development Services Department report back on this topic, including implementation of Ordinance No. 4039, in 2017. The sign code may be amended by the City Council at any time and additional restrictions added. Any interpretation now regarding pedestrian signage should not be viewed as continuing long-term.

THEREFORE, THE FOLLOWING INTERPRETATION IS HEREBY ISSUED:

In the downtown/waterfront area, where a wall sign exists that was legally permitted prior to August 12, 2016, and a pedestrian sign has been in place during some or all of the period between June 12, 2016 and August 12, 2016, the pedestrian sign need not be counted in the total square footage of the allowed size for permanent signage for purposes of obtaining a permit for the pedestrian sign, provided that a complete permit application is received within 45 days of the effective date of this interpretation.

- This interpretation does not apply to any other aspects of the sign code. To wit, the number, size, and location of individual pedestrian signs and any other applicable code restrictions must otherwise be fully met.**
- This interpretation does not apply to pedestrian signs when a wall sign is applied for after August 12, 2016.**
- This interpretation does not apply if:**
 - A complete application for a pedestrian sign permit is not received by the City within 45 days of the effective date of this interpretation; or**
 - The City's sign code is amended after August 12, 2016 to further restrict or prohibit pedestrian signs in a manner that would conflict with this interpretation.**

APPEAL PROCEDURES:

Pursuant to Edmonds Community Development Code (ECDC) Section 20.01.003(A), formal interpretations of the text of the ECDC by the director or designated staff are appealable as Type II decisions.

Should anyone wish to appeal this interpretation, a written appeal, accompanied by the required appeal fee (see Planning Division fee handout) must be submitted within 14 calendar days of the date of issuance/posting of this interpretation.

The deadline for filing an appeal of this interpretation is: **4:30 P.M. ON SEPT. 19, 2016.**

A written appeal must contain the following:

1. The appellant's name, address and phone number;
2. A statement describing the appellant's standing to appeal;
3. Identification of the application which is the subject of the appeal;
4. The appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;
5. The specific relief sought;

6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.
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Notice: 1) Published in the Everett Herald
 2) Posted at Edmonds City Hall, 2nd Floor – Development Services Department
 3) Posted at Public Safety Complex, 121 5th Ave N
 4) Posted at Edmonds Library