

CITY OF LYNDEN

PLANNING DEPARTMENT

Heidi Gudde – Planning Director

(360) 354-5532



Community Development Committee Meeting Agenda

City Hall - 300 Fourth Street

4:00 PM February 21, 2024

Roll Call

Approval of Minutes

- [1.](#) CDC Meeting Minutes of 1/10/24

Discussion Items

2. Downtown Parking
3. Recap of Joint School Board and Park and Rec Meeting
- [4.](#) Special Events Code Amendment – LMC 5.30
- [5.](#) Update to the Sign Code – LMC 19.33

Informational Items

6. Self Help Homes with Whatcom Skagit Housing
7. Text Amendment Application 24-01 re Accessory Dwelling Units

Next Meeting: March 21, 2024

CITY OF LYNDEN

EXECUTIVE SUMMARY



<u>Meeting Date:</u>	February 20, 2024
<u>Name of Agenda Item:</u>	CDC Meeting Minutes of 1/10/24
<u>Section of Agenda:</u>	Approval of Minutes
<u>Department:</u>	Community Development Department
<u>Attachments:</u>	
CDC Meeting Minutes of 1/10/24	
<u>Summary Statement:</u>	
CDC Meeting Minutes attached for committee review.	
<u>Recommended Action:</u>	
Review and correct as needed.	

CITY OF LYNDEN

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

Heidi Gudde, Director
(360) 354 - 5532



COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

4:00 PM January 10, 2024
2nd Floor Conference Room, City Hall

1. ROLL CALL

City Council Members: Gary Bode, Brent Lenssen, Kyle Strengholt, Mayor Scott Korthuis, Lee Beld

Staff: John Williams, Heidi Gudde, Ted Brouwer

2. APPROVAL OF MINUTES

- Community Development Committee Meeting Minutes of 12/5/23 approved as presented.

3. DISCUSSION ITEMS

- Selection of a 2024 Committee Chair. The committee selected Brent Lenssen as chair.
- Res. 24-1088 Update to the Adopted Building Valuation Data table and Res 24-1089 Unified Fee Schedule Review.** Gudde covered the highlights of these two resolutions. Both documents have been included in the Council packets in the past but the committee meeting was a good opportunity to discuss before final approval.

Bode asked about the fee in-lieu of downtown parking and if the Council which was proposed to increase to \$8900 based on market rate of creating parking. The Committee asked if this included the value of the property. Gudde stated that it represented the cost of construction of a small to medium parking lot. It did not include the value of the underlying land.

Conclusions: The Committee proposed that the parking fee that could, with Council approval, be paid in lieu of providing parking in the HBD be adjusted to \$11,000 so that it would reflect at least a portion of the value of the property.

Gudde will work with finance to confirm the existence of or create the fund for the downtown parking fee that is described in the downtown parking

exemption in LMC 19.51. Strengholt suggested this issue of the parking fund also be brought to the attention of the Finance Committee.

c. **Ord 23-1680 Civil Penalties Code Update – Amending LMC 1-3, 5, 8-10, 12, 13, 15-19.**

Recent updates were highlighted. The newest revision removed non-deferrable, non-suspend-able. Reworked dec of public nuisance City engineer reference. Right of entry revisions. Provisions related to enforcement officials with appropriate identification. Reducing or waiving monetary penalties. Hearing examiner's ability to reduce or waive penalties also updated.

The Committee reviewed who had the authority to cite violations.

Conclusions: Final version to go to Council for approval on January 16.

d. **Pepin Sub-Area Transportation Network Revisions.** Lenssen covered with the committee some of the concerns that he had heard related to the transportation network. Gudde introduced a sketch which realigned Pepin Parkway to address some of these concerns. This layout strives to:

- Provide better access to more properties within the subarea.
- Provide a better location for the deep sewer line.
- Remove a curve to create a more direct arterial roadway.
- Reduce conflict with the airport by shifting it farther from the end of the runway.
- Provide Benson Park with a secondary access point.

Gudde noted that Transpo, our transportation consultant, was reviewing roadway network obligations of each property in the subarea to ensure that logical connections are made. They are also reviewing a couple of critical intersections in the plan to recommend the best design. If the Committee recommended the revision to the parkway then Gudde intended to document this change with a Resolution of Intent so that staff could proceed with design work under this new configuration. The update will appear as an amendment to the Pepin Creek Subarea Plan and the Transportation Element with the 2025 Comp Plan update.

Conclusions: The committee recommended the shift agreeing that it provided better access for more property owners to an arterial roadway.

e. **Text Amendment to LMC 19.33 – Sign Code Revisions**

Legal scrub items described by Gudde that discussed the substitution clause, exclusionary clause, temporary signs and political speech, special exemptions, solving off-premises signs. She indicated that it would be critical to remove language that gave certain users exceptions that were not provided to other users or exceptions based on the content / language of the sign.

Lenssen mentioned some areas of concern that were discussed by the committee:

- Temporary signs.
- Feather signs.
- Sandwich board signs. Committee
- Billboards.
- Neon signs and LED signs replicating neon.
- DRB – allow a waiver to sign criteria.
- Light pollution to the point of unsafe roadway conditions as a concern.

Conclusions: The committee will review the draft changes and consider any change to sign policy and enforcement strategies that might be beneficial additions to the code. Staff will research limitations on lumens for digital signs and consider wording that would allow neon-like tube signs as this has been recently requested by the downtown museum.

4. INFORMATIONAL ITEMS

- a. Review of Contracts with Department of Commerce. Staff noted that the draft contracts provided to the committee were nearing a final form. These outline how the grant funds can be accessed by the City as well as the obligations that we have to fulfill. Staff will likely be bringing the final contracts to the Council in early March.

- Growth Management Act Periodic Update Grant
- 2023-2025 Climate Planning Grant

Next Meeting Date: February 21, 2024

CITY OF LYNDEN

EXECUTIVE SUMMARY – Community Development Committee



CDC Meeting Date:	February 20, 2024	
Name of Agenda Item:	Special Events Code Amendment – LMC 5.30	
Section of Agenda:	Discussion	
Next Steps Proposed by Staff:		Legal Review:
<input type="checkbox"/> Staff revisions	<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Completed
<input type="checkbox"/> Return to CDC	<input type="checkbox"/> Other Committees	<input type="checkbox"/> Recommended
<input checked="" type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Not Required
Attachments:		
<ul style="list-style-type: none"> • Draft of proposed redlines to LMC 5.30 (following Dec 2023 CDC meeting) • Clean version of proposed update to LMC 5.30 • Draft Special Event Application 		
Summary Statement:		
<p>At the December CDC meeting, the committee requested that the draft consolidate the proposed “Tiers” down to 3 Tiers. The redline version shows those changes and some additional “clean up” changes for a final draft.</p> <p>The “Clean” version shows the final draft of the proposed updates to LMC 5.30.</p>		
Recommended Action:		
Discuss proposed Tier changes. If satisfied, send the proposed LMC 5.30 updates to full council for adoption.		

CITY OF LYNDEN

Administration Department
(360) 354-1770



Special Event Permit Application

A complete application (including insurance requirements) must be submitted to the Administration Department (1st Floor of City Hall, 300 4th St) at least sixty (60) days **PRIOR** to the scheduled event. For more information, refer to Lynden Municipal Code (LMC) 5.30.

Section 1: General Event Information

Event Name: _____

Event Purpose: _____

Event Location(s): _____

Event Date(s): _____

Event Hours: From _____ AM / PM to _____ AM / PM
(Include time for set up and take down)

Event Type: ☐ Run/Walk/Race ☐ Community Celebration ☐ Parade
☐ Other/Explain _____

Expected Attendance: _____

Sponsor Information

Sponsoring Organization: _____

Sponsor Address: _____

Is this event sponsored or co-sponsored by the City of Lynden? ☐ Yes ☐ No

Applicant Information (Person in charge of event that will be in attendance)

Applicant Name: _____

Applicant Address: _____

Applicant Phone #: _____ Email: _____

Applicant Signature: _____ Print: _____

Emergency Contact: _____ Phone: _____

Section 2: Special Event Tiers

Special Events are categorized into 3 tiers depending on the level of potential substantial impact to the neighborhood and/or to public services such as Police, Fire, or Public Works.

Definition of “Substantial Impact”: means creating an increase in the amount, scope or level of need for city-provided emergency or protective services such as police, fire or medical aid and/or necessitating special traffic control measures such as barricades, traffic direction by police, or similar measures above those that would normally be required without the event and that results in actual, documented costs to the city due to the event.

Please indicate the **Tier** below that best describes your Special Event:

- ☐ Tier 1: These events require a permit, but no application fee, no insurance documentation, and no indemnification agreement is required.

These are special events that are either:

- 1) Political or religious activity primarily intended for the expression of ideas, or
- 2) A private event held entirely on private property that includes more than 75 participants but will have no substantial impact on the neighborhood and/or on public services.

- ☐ Tier 2: These events require a permit, an application fee, insurance documentation, indemnification agreement, and (potentially) a fee for public services required to support the event.

These are special events that will have a substantial impact on the neighborhood and/or on public services. Such as:

- 1) A private or public event that is requesting non-arterial street closures (including 4th St between Front St and Grover St) and, therefore, will have a substantial impact on the neighborhood and/or public services regardless of the number of participants.
- 2) A private or public event that includes more than 75 participants, does not involve street closures, but does have a determined substantial impact on the neighborhood (noise, parking) and/or on public services.

- ☐ Tier 3: These events require a permit, an application fee, insurance documentation, indemnification agreement, and (potentially) a fee for public services required to support the event.

These events have a determined substantial impact on the neighborhood and/or public services – specifically with a request to close an arterial street. Tier 3 events require City Council approval.

- 1) A private or public event that uses private and/or public property, regardless of the number of participants, that includes arterial street closures and/or streets in the HBD besides 4th St between Front St and Grover St.

<u>Section 3: General Event Information Questions for the Applicant</u>	Applicant Answers	City Use Only
1) Provide a brief overview of the event:		
2) For Community Celebration Events: Attach a detailed site plan of the event that shows relevant buildings, streets, alleys, rights of way, parking areas, location of canopies, tents, restrooms, aid stations, and any other relevant event information. Does the event require the use of public services of any kind? If Yes, see Section 4 below.	Yes / No	
3) For Parades: Attach a detailed map that shows assembly/disbanding areas, the route and direction of the parade, street closure locations, temporary restroom locations, aid stations, announcer booths, and other relevant parade information. Does the parade require the use of public services of any kind? If Yes, see Section 4 below. How many parade entries are there? How many staff / volunteers are supporting the parade? What time will you begin assembling? What time do you expect the last participant to finish the route?	Yes / No _____ _____ ____AM/PM ____AM/PM	
4) For Fun Runs/Walks or Races: Attach a detailed course map that shows assembly and debrief/presentation areas, the direction and route of the race, any street closure locations, flagger stations, aid and rest stations, and any other relevant event information. Does the race require the use of public services of any kind? If Yes, see Section 4 below. How many race entries are there? How many staff / volunteers are supporting the race? What time will you begin assembling? What time do you expect the last participant to finish the race?	Yes / No _____ _____ ____AM/PM ____AM/PM	

<p>5) For “Other” Events: Attach a site plan, map, and/or route description that shows any relevant event information.</p> <p>Does the event involve political or religious activity primarily intended for the communication or expression of ideas?</p> <p>Does the event require the use of public services of any kind? If Yes, see Section 4 below.</p>	<p>Yes / No</p> <p>Yes / No</p>	
<p>6) Will the event serve or involve the use of alcoholic beverages?</p> <p>If Yes, attach a copy of your temporary alcohol permit from the WA State Liquor & Cannabis Control Board.</p>	<p>Yes / No</p>	
<p>7) Will the event use amplified sound (speakers, megaphone, etc) of any type?</p> <p>If Yes, please describe:</p>	<p>Yes / No</p>	
<p>8) Will the event involve food service?</p> <p>If Yes, be advised that the Whatcom County Health Department requires a Temporary Food Establishment Permit for event food providers. Please attach a copy of your permit for this food service.</p>	<p>Yes / No</p>	
<p>9) Will this event use temporary signage of any kind?</p> <p>If Yes, be advised that LMC 19.33 prohibits off-premise commercial signage to be placed anywhere in the City. Temporary event signage must be promptly removed following the event.</p>	<p>Yes / No</p>	
<p>10) Describe how parking will be accommodated for this event:</p> <p>If necessary, attach a parking plan. It is your responsibility to seek permission from private property owners to use any private property for event parking.</p>		

Section 4: Public Services

Answer the questions below to indicate what Public Services may be required for your event.	Applicant Answers	City Use Only
Rights of Way: Does the event require any full or partial street closures? If Yes, which streets? _____ Does the event require street barricade rental / delivery? If Yes, how many barricades? _____ Will the street need to be cleaned by the City street sweeper following the event? Ensure that the site plan / map required above in Section 3 clearly shows which streets you are asking to close.	Yes / No Yes / No Yes / No	PW Review: ___ Complete ___ More info ----- Council Approval Required? Yes / No
Right of Way: Fee checklist for ROW uses Barricades: _____ Street Sweeping: _____ Garbage Collection: _____		Total Fee for ROW usage: _____
Security: Have you developed a security plan for the event? Does the event require police security? If Yes, how many officers? _____ For how long? _____ hrs Be advised, police officers may be assigned to your event even if you do not request them. If the PD believes security should be present, you will be notified immediately.	Yes / No Yes / No	PD review: ___ No PD ___ PD Rqrd ___ Officers ___ Hours Total PD Fee: _____
Fire / Emergency Services: Does the event require additional Fire / Emergency Medical Services than what is normally available in Lynden? Does the event have fireworks, pyrotechnics, or burning of any kind? Will any portion of the event be held in an existing building? If yes, provide building address: _____ What are the building occupancy limits? _____ Be advised, Fire and/or EMS may be assigned to your event even if you do not request them. If FD believes that Fire services may be required, you will be notified immediately.	Yes / No Yes / No Yes / No	FD review: ___ No FD Rqrd ___ FD / EMS Rqrd Total FD Fee: _____

Other Public Services: Are there any other City / Public Services that your event may require? Explain: _____	Yes / No	
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Section 6: Insurance Requirements

The Applicant shall procure and maintain for the duration of the Permit, insurance against claims for injuries to persons or damage to property which may arise from or in connection with operations or activities performed by or on the Applicant's behalf with the issuance of this Permit. LMC 5.30.020(5) requires General Liability Insurance naming the City as Additional Insured in the minimum amount of \$2,000,000 per occurrence combined single limits and \$5,000,000 aggregate unless waived by the City Administrator. A Certificate of Insurance listing the City as an endorsement shall be submitted with this application.

City Use:

☐ Applicant has provided proper Insurance Documentation according to LMC 5.30.020.

Section 7: Indemnification Agreement

WHEREAS, _____ ("Grantee") has applied for a Special Event Permit under LMC 5.30. The Grantee agrees to defend, indemnify and hold the City of Lynden, its agents, employees and officials, while acting within the scope of their duties, harmless from any and all claims, suits, demands and judgements including the attorney's fees and other costs of their defense, for public or private nuisance, inverse condemnation, personal injuries, property damage or death arising out of, occurring during or the result of activities or appliances of the applicant, their employees or otherwise, except for the sole negligence of the City. The Grantee further agrees to comply with all provisions of pertinent laws, rules, and regulations. This permit may be revoked at any time.

Signature of Authorized Special Event Representative: _____

Date: _____

Section 8: Approvals (City Use Only)

Department Review	Signature:	Review Date:	Conditions: See Below	Approved:
Fire Department			Yes / No	<input type="checkbox"/>
Police Department			Yes / No	<input type="checkbox"/>
Public Works Dept			Yes / No	<input type="checkbox"/>
City Administrator			Yes / No	<input type="checkbox"/>
Parks Dept (as required)			Yes / No	<input type="checkbox"/>

Permit Conditions:

Date of Permit Approval: _____

Chapter 5.30 PARADES AND SPECIAL EVENTS

Sections:

5.30.010 Definitions.

In this chapter, unless a different meaning plainly is required, the following definitions shall apply:

- A. "Chief of police" means the chief of police of the city of Lynden.
- B. "City" means the city of Lynden.
- C. "Parade" means a large group of persons with or without animals or vehicles moving in a public procession or march in or upon any street, sidewalk, park, or other public place. A large group of persons means a group of more than fifteen persons.
- D. "Special events permit" means a permit as required by this chapter.
- E. "Special event" means an event organized by any person or which will generate or invite considerable public participation and/or spectators, for a particular and limited purpose and time, including, but not limited to concerts, fun runs, fundraising walks, bike-a-thons, carnivals, shows, exhibitions, festivals, block parties, and certain community events. Special events are not limited to those events conducted on the public streets but may occur on private property.
- F. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- G. "Street" or "Streets" means any public highway, sidewalk, alley, or portions thereof in the city of Lynden dedicated to public use.
- H. "Substantial impact" means creating an increase in the amount, scope or level of need for city-provided emergency or protective services such as police, fire or medical aid and/or necessitating special traffic control measures such as barricades, traffic direction by police, or similar measures above those that would normally be required without the event and that results in actual, documented costs to the city due to the event.

(Ord. 1141 § A (part), 2002).

5.30.020 Permit—Required—Exceptions.

- 1) Permit Required: No person shall engage in, participate in, aid, form or start a special event or parade unless a permit has been obtained. Applications for permits must be obtained from the city administration office, completed by the applicant, and returned to the city administration office. In addition, for Tier 2 and Tier 3 permits, the applicant must file an "Indemnification Agreement" in order for the permit to be issued. The "Indemnification Agreement" must be signed by the applicant and countersigned by the Administrator or their designee.
- 2) Special Event Permit Tiers:
 - a) Tier 1: Permit required, application fee waived, no insurance documentation or indemnification agreement required, administrative approval.

Commented [DT1]: Added this here as 5.30.040(H) below regarding "Indemnification" references this section.

- i) A private event held entirely on private property, more than 75 participants, with no a substantial impact on public property, public property, public streets, public services, neighbors, or other community members.
 - ii) Political or religious activity primarily intended for the communication or expression of ideas presumed to be protected by the First and Fourteenth Amendments of the United States Constitution.
- ~~b) Tier 2: Permit required, application fee required, administrative approval.~~
- ~~–) A private or public event, on private property, more than 75 participants, with substantial impact on local traffic, noise, and the neighborhood, but does not require public services.~~
- ~~d) b) Tier 23: Permit required, application fee required, public services fee may be determined, administrative approval.~~
- ~~i) A private or public event that is requesting non-arterial street closures (including 4th St between Front St and Grover St) and, therefore, will have with a determined substantial impact on public property, public streets, public services, neighbors, or other community members. that uses private and/or public property (this may include non-arterial street closures and 4th St between Front and Grover), more than 75 participants, and may result in substantial impact to public services (Police, Public Works, etc).~~
- ~~ii) A private or public event that includes more than 75 participants, does not involved street closures, but does have a determined substantial impact on local traffic, noise, the neighborhood, or public services (Police, Public Works, etc).~~
- ~~e) c) Tier 34: Permit required, application fee required, public services fee may be determined, City Council approval.~~
- i) A private or public event that uses private and/or public property, regardless of the number of participants, that includes (specifically which includes arterial street closures and streets in the HBD besides 4th St between Front St and Grover St. in the HBD), more than 75 participants, and a substantial impact to public services (Police, Public Works, etc).
- 3) Permit Exemptions: The permit requirement does not apply to the following:
- a) Funeral and wedding processions.
 - b) A private event on private property, involving less than 75 participants, and which has no substantial impact on the neighborhood or on public services.
 - c) Groups of students involved in a school sponsored, school supervised event.
 - d) Events conducted in a facility designed for that purpose such as theaters, fairgrounds, event centers, auditoriums, places of worship, etc.
 - e) Events separately approved by the Lynden Parks Department for use at a park property.
 - ~~f) Theme Nights, Weddings, Funerals, and other events held at the Fairgrounds to be approved by the Parks Department.~~
- 4) Indemnification Agreement: The applicant must file an "Indemnification Agreement" in order to obtain a permit. An "Indemnification Agreement" section is included on the Special Event Permit Application. This section must be completed (with the appropriate signatures, with the application prior to issuance of the permit.

Commented [DT2]: The difference between i) and ii) in Tier 2 is that i) is considering the impact regardless of the number of participants. ii) is considering the number of participants greater than 75 and recognizing the potential for substantial impact.

Commented [DT3]: Removed "services" that was earlier added to this exemption. The reason for removal is that the wedding and funeral services exemption should be dependent on the venue. If it is held at a church (or facility designed for events) that is the exemption. If it is being held in someone's backyard they should probably get a permit. The "procession" is exempt no matter where the event was held.

Commented [DT4]: Added "fairgrounds" to d) exemption above so f) became redundant.

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5) Insurance Requirements:

- a) The following insurance shall be required for special event permit approval:
 \$2,000,000 commercial general liability insurance per occurrence combined single limits.
 \$5,000,000 aggregate unless waived by City Administrator.
- ~~b)~~ A Certificate of Insurance, listing the City as an endorsement, shall be submitted with the Special Event Application.

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6) Permit requirements ~~renewal~~ for recurring annual events.

- a) Annual events are required to submit an application every year the event occurs. The application shall be submitted no less than 60 days prior to the event. Any changes to the event, and ongoing requests for public services shall be indicated in the application.
 (Ord. 1141 § A (part), 2002).

7) Fees for Public Services Required:

- a) Upon approval of an application for a permit for a special event, the administrator should provide the applicant with a statement of the estimated cost of providing public services (personnel and equipment) to support the event. The applicant/sponsor of the event should be required to prepay these estimated costs for city services and equipment ten (10) days prior to the special events. City services and equipment may include the use of police officers and public employees for traffic and crowd control, pickup and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required city service and the cost of operating the equipment to provide such services.
- b. If the actual cost for city services and equipment on the date(s) of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the city in a timely manner. If the actual cost for city services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.
- c. Permit fees and fees for the use of public services and equipment may be waived in part or in full by the City if in review of the application it is found that the event is of sufficient public benefit to warrant the expenditure of city funds without reimbursement by the applicant/sponsor and would not result in the private financial gain of any individual or "for profit" entity.

5.30.030 Permit—Application and contents.

- A. A person seeking issuance of a special event permit shall file an application with the city administration office on forms provided by the city.
- B. Filing period. An application for a special event permit shall be filed with the city administration office not less than sixty days before the date on which it is proposed to conduct the parade or special event.

C. Contents. The application for a parade or special event permit shall set forth the following information:

1. The name, address and telephone number of the contact person seeking to conduct such special event;
2. If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
3. The date when the event is to be conducted, the hours when the event will begin and finish, and a detailed description of the event to be held;
4. The location event will be held or (for parades) the route to be traveled, the starting point and the termination point;
5. The number of persons who it is anticipated will participate in said event and the numbers and types of animals and vehicles that will be used in said event;
 - a. For any requested street closures, a description of which streets, how much of the street will be used, a plan for any necessary traffic control, street barricades requested, any officer presence needed, and a plan for cleanup and reopening after the event. A description of any temporary street assembly areas shall be included in this request.
6. A detailed request for Public Services needed to support the event:
 - a. Equipment such as street barricades, utility needs, street sweeper, etc
 - b. Staffing such as Public Works staff, Police and/or Fire personnel and equipment,
7. Detailed description and the proposed location of any private support services, such as waste management, portable toilets, food vendors, etc. that may be placed to support the special event.
8. Indemnification Agreement
9. Insurance requirements as indicated in LMC 5.30.020 (5)
10. Agent authorization. If the special event is designed to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the city administration office a communication in writing from the person proposing to hold the event, authorizing the applicant to apply for the permit on his or her behalf.

(Ord. 1141 § A (part), 2002).

5.30.040 Permit—Issuance standards.

The city administrator or ~~their~~~~his or her~~ designee shall issue a permit as provided for under this chapter, when, from a consideration of the application and from such other information as may otherwise be obtained, ~~they~~~~he or she~~ finds that the following conditions exist:

- A. The conduct of the special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location;
- B. The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

City of Lynden

LMC Amendment re Parades and Special Events

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- C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- D. The concentration of persons, animals and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas;
- E. The conduct of such special event will not interfere with the movement of fire fighting equipment en route to a fire;
- F. The special event or parade is scheduled to move from its point of origin to a point of termination expeditiously and without unreasonable delays en route;
- G. The special event is not to be held for the sole purpose of advertising any product, goods or other event, and is not designed to be held purely for private profit;
- H. That the indemnification agreement required to have been submitted with the application for a permit is in proper order and has been countersigned by the Administrator or their Mayor or his or her designee as required in LMC 59.32.020(A).

(Ord. 1141 § A (part), 2002).

5.30.050 Permit—Rejection—Notice.

The city administrator or ~~their his or her~~ designee shall act upon the application for a special event permit as promptly as is administratively feasible and shall notify the applicant of their decision no later than twenty-five days prior to the date upon which the event is proposed to be held. If the city administrator disapproves the application, they shall notify the applicant of their reasons for the denial of the permit.

(Ord. 1141 § A (part), 2002).

5.30.060 Permit—Rejection—Appeal.

Any person aggrieved shall have the right to appeal the denial of the permit to the city council. The appeal shall be taken within three days after notice. The city council shall act upon the appeal at its next regular or special meeting after receiving notice of appeal.

(Ord. 1141 § A (part), 2002).

5.30.070 Permit—Alternate.

The city administrator, in denying an application for a special event permit, shall be empowered to authorize the conduct of the event on a date, at a time, at a location or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action of the city administrator, file a written notice of acceptance with the city administrator. An alternate permit shall conform to the requirements of and shall have the effect of a special event permit under this chapter.

(Ord. 1141 § A (part), 2002).

5.30.080 Permit—Notice to officials—Contents.

- A. Immediately upon receiving a completed application for a special event permit, the city administrator or their designee shall forward the application to the following personnel for their review prior to issuing the permit:
 - 1. The chief of police;
 - 2. The fire chief;
 - 3. The public works director;
 - 4. If the application proposes to use city park facilities, the parks director.
- B. Any requirements determined by the reviewing personnel shall be indicated on the permit approval documents. If the applicant is not able to meet the requirements, the application shall be denied.

(Ord. 1141 § A (part), 2002).

(Ord. No. 1586, § 1, 6-17-19)

5.30.085 Animal prohibition.

- A. General Authority. At the request of the chief of police, the parks director if the special event will use city park facilities, or on ~~their his or her~~ own initiative, the city administrator may condition the approval of a special event permit on the limitation or prohibition of animals from the event area during the hours of the special event. Such a condition on a special event permit approval shall require a written finding by the city administrator that the presence of animals would present an undue risk to the health and safety of persons or animals attending the event.
- B. Specific Special Event Prohibitions. Animals are prohibited from all event areas of the following event in the city: annual Raspberry Festival.
- C. Signage. Permittees for any special event for which animals are restricted or prohibited pursuant to subsections (A) or (B) herein shall post conspicuous signage in and around the event area. Said signage must clearly describe the event area from which animals are restricted or prohibited. Sign locations and content shall be approved in advance by the city administrator or ~~theirhis or her~~ designee.
- D. Exemptions. This section does not apply to:
 - 1. Service animals as defined in the Americans with Disabilities Act, 42 USC § 12101 et seq. or the Washington Law Against Discrimination, Chapter 49.60 RCW; or
 - 2. Animals being used by a public officer in the performance of official duties.

(Ord. No. 1586, § 2, 6-17-19)

5.30.090 Permit—Compliance with directions—Display.

- A. A permittee under this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. The chair of the event, or other person heading or leading such activity shall carry the special event permit upon their person throughout the entire duration of the event.

- C. The chair of the event, or other person heading or leading such activity shall be responsible for dissemination to every person responsible for each component of a special event and/or any entry in a parade, of the pertinent law and safety regulations for participation in such activity as set forth in the special event permit.
- D. Any violations of the requirements set forth in the special event permit will be grounds for immediate revocation of the permit and termination of the event.

(Ord. 1141 § A (part), 2002).

5.30.100 Public conduct.

- A. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or event assembly or with any person, vehicle or animal participating or used in an event.
- B. No driver of a vehicle shall drive between the vehicle or persons comprising a special event or parade when such vehicles or persons are in motion.
- C. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a special event or parade. The city shall post signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof and the same may be impounded for safekeeping by the city police. No person shall be liable for parking on an unposted street.
- D. Whenever animals have been limited or prohibited from an event area pursuant to Section ~~5.309-32~~.085(A) or (B), no person having custody of an animal may knowingly cause or allow the animal to be in the area designated for the event during event hours, except as specified in Section ~~5.309-32~~.085(D).

(Ord. 1141 § A (part), 2002).

(Ord. No. 1586, § 3, 6-17-19)

5.30.110 Violation—Penalty.

Any person found guilty of a violation of the provisions of 5.30.100 shall be deemed guilty of a misdemeanor.

(Ord. 1141 § A (part), 2002).

Chapter 5.30 PARADES AND SPECIAL EVENTS

Sections:

5.30.010 Definitions.

In this chapter, unless a different meaning plainly is required, the following definitions shall apply:

- A. "Chief of police" means the chief of police of the city of Lynden.
- B. "City" means the city of Lynden.
- C. "Parade" means a large group of persons with or without animals or vehicles moving in a public procession or march in or upon any street, sidewalk, park, or other public place. A large group of persons means a group of more than fifteen persons.
- D. "Special events permit" means a permit as required by this chapter.
- E. "Special event" means an event organized by any person or which will generate or invite considerable public participation and/or spectators, for a particular and limited purpose and time, including, but not limited to concerts, fun runs, fundraising walks, bike-a-thons, carnivals, shows, exhibitions, festivals, block parties, and certain community events. Special events are not limited to those events conducted on the public streets but may occur on private property.
- F. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- G. "Street" or "Streets" means any public highway, sidewalk, alley, or portions thereof in the city of Lynden dedicated to public use.
- H. "Substantial impact" means creating an increase in the amount, scope or level of need for city-provided emergency or protective services such as police, fire or medical aid and/or necessitating special traffic control measures such as barricades, traffic direction by police, or similar measures above those that would normally be required without the event and that results in actual, documented costs to the city due to the event.

(Ord. 1141 § A (part), 2002).

5.30.020 Permit—Required—Exceptions.

- 1) Permit Required: No person shall engage in, participate in, aid, form or start a special event or parade unless a permit has been obtained. Applications for permits must be obtained from the city administration office, completed by the applicant, and returned to the city administration office. In addition, for Tier 2 and Tier 3 permits, the applicant must file an "Indemnification Agreement" in order for the permit to be issued. The "Indemnification Agreement" must be signed by the applicant and countersigned by the Administrator or their designee.
- 2) Special Event Permit Tiers:
 - a) Tier 1: Permit required, application fee waived, no insurance documentation or indemnification agreement required, administrative approval.

- i) A private event held entirely on private property, more than 75 participants, with no substantial impact on public property, public streets, public services, neighbors, or other community members.
 - ii) Political or religious activity primarily intended for the communication or expression of ideas presumed to be protected by the First and Fourteenth Amendments of the United States Constitution.
 - b) Tier 2: Permit required, application fee required, public services fee may be determined, administrative approval.
 - i) A private or public event that is requesting non-arterial street closures (including 4th St between Front St and Grover St) and, therefore, will have with a determined substantial impact on public property, public streets, public services, neighbors, or other community members.
 - ii) A private or public event that includes more than 75 participants, does not involved street closures, but does have a determined substantial impact on local traffic, noise, the neighborhood, or public services (Police, Public Works, etc).
 - c) Tier 3: Permit required, application fee required, public services fee may be determined, City Council approval.
 - i) A private or public event that uses private and/or public property, regardless of the number of participants, that includes arterial street closures and streets in the HBD besides 4th St between Front St and Grover St.
- 3) Permit Exemptions: The permit requirement does not apply to the following:
- a) Funeral and wedding processions.
 - b) A private event on private property, involving less than 75 participants, and which has no substantial impact on the neighborhood or on public services.
 - c) Groups of students involved in a school sponsored, school supervised event.
 - d) Events conducted in a facility designed for that purpose such as theaters, fairgrounds, event centers, auditoriums, places of worship, etc.
 - e) Events separately approved by the Lynden Parks Department for use at a park property.
- 4) Indemnification Agreement: The applicant must file an "Indemnification Agreement" in order to obtain a permit. An "Indemnification Agreement" section is included on the Special Event Permit Application. This section must be completed, with the appropriate signatures, prior to issuance of the permit.
- 5) Insurance Requirements:
- a) The following insurance shall be required for special event permit approval:
 - \$2,000,000 commercial general liability insurance per occurrence combined single limits.
 - \$5,000,000 aggregate unless waived by City Administrator.
- 6) A Certificate of Insurance, listing the City as an endorsement, shall be submitted with the Special Event Application Permit requirements for recurring annual events.

- a) Annual events are required to submit an application every year the event occurs. The application shall be submitted no less than 60 days prior to the event. Any changes to the event, and ongoing requests for public services shall be indicated in the application. (Ord. 1141 § A (part), 2002).

7) Fees for Public Services Required:

- a) Upon approval of an application for a permit for a special event, the administrator should provide the applicant with a statement of the estimated cost of providing public services (personnel and equipment) to support the event. The applicant/sponsor of the event should be required to prepay these estimated costs for city services and equipment ten (10) days prior to the special events. City services and equipment may include the use of police officers and public employees for traffic and crowd control, pickup and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required city service and the cost of operating the equipment to provide such services.
- b. If the actual cost for city services and equipment on the date(s) of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the city in a timely manner. If the actual cost for city services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.
- c. Permit fees and fees for the use of public services and equipment may be waived in part or in full by the City if in review of the application it is found that the event is of sufficient public benefit to warrant the expenditure of city funds without reimbursement by the applicant/sponsor and would not result in the private financial gain of any individual or "for profit" entity.

5.30.030 Permit—Application and contents.

- A. A person seeking issuance of a special event permit shall file an application with the city administration office on forms provided by the city.
- B. Filing period. An application for a special event permit shall be filed with the city administration office not less than sixty days before the date on which it is proposed to conduct the parade or special event.
- C. Contents. The application for a parade or special event permit shall set forth the following information:
 - 1. The name, address and telephone number of the contact person seeking to conduct such special event;
 - 2. If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
 - 3. The date when the event is to be conducted, the hours when the event will begin and finish, and a detailed description of the event to be held;
 - 4. The location event will be held or (for parades) the route to be traveled, the starting point and the termination point;

5. The number of persons who it is anticipated will participate in said event and the numbers and types of animals and vehicles that will be used in said event;
 - a. For any requested street closures, a description of which streets, how much of the street will be used, a plan for any necessary traffic control, street barricades requested, any officer presence needed, and a plan for cleanup and reopening after the event. A description of any temporary street assembly areas shall be included in this request.
6. A detailed request for Public Services needed to support the event:
 - a. Equipment such as street barricades, utility needs, street sweeper, etc
 - b. Staffing such as Public Works staff, Police and/or Fire personnel and equipment,
7. Detailed description and the proposed location of any private support services, such as waste management, portable toilets, food vendors, etc. that may be placed to support the special event.
8. Indemnification Agreement
9. Insurance requirements as indicated in LMC 5.30.020 (5)
10. Agent authorization. If the special event is designed to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the city administration office a communication in writing from the person proposing to hold the event, authorizing the applicant to apply for the permit on his or her behalf.

(Ord. 1141 § A (part), 2002).

5.30.040 Permit—Issuance standards.

The city administrator or their designee shall issue a permit as provided for under this chapter, when, from a consideration of the application and from such other information as may otherwise be obtained, they find that the following conditions exist:

- A. The conduct of the special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location;
- B. The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- D. The concentration of persons, animals and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas;
- E. The conduct of such special event will not interfere with the movement of firefighting equipment en route to a fire;
- F. The special event or parade is scheduled to move from its point of origin to a point of termination expeditiously and without unreasonable delays en route;

- G. The special event is not to be held for the sole purpose of advertising any product, goods or other event, and is not designed to be held purely for private profit;
- H. That the indemnification agreement required to have been submitted with the application for a permit is in proper order and has been countersigned by the Administrator or their designee as required in LMC 5.32.020(A).

(Ord. 1141 § A (part), 2002).

5.30.050 Permit—Rejection—Notice.

The city administrator or their designee shall act upon the application for a special event permit as promptly as is administratively feasible and shall notify the applicant of their decision no later than twenty-five days prior to the date upon which the event is proposed to be held. If the city administrator disapproves the application, they shall notify the applicant of their reasons for the denial of the permit.

(Ord. 1141 § A (part), 2002).

5.30.060 Permit—Rejection—Appeal.

Any person aggrieved shall have the right to appeal the denial of the permit to the city council. The appeal shall be taken within three days after notice. The city council shall act upon the appeal at its next regular or special meeting after receiving notice of appeal.

(Ord. 1141 § A (part), 2002).

5.30.070 Permit—Alternate.

The city administrator, in denying an application for a special event permit, shall be empowered to authorize the conduct of the event on a date, at a time, at a location or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action of the city administrator, file a written notice of acceptance with the city administrator. An alternate permit shall conform to the requirements of and shall have the effect of a special event permit under this chapter.

(Ord. 1141 § A (part), 2002).

5.30.080 Permit—Notice to officials—Contents.

- A. Immediately upon receiving a completed application for a special event permit, the city administrator or their designee shall forward the application to the following personnel for their review prior to issuing the permit:
 - 1. The chief of police;
 - 2. The fire chief;
 - 3. The public works director;
 - 4. If the application proposes to use city park facilities, the parks director.

- B. Any requirements determined by the reviewing personnel shall be indicated on the permit approval documents. If the applicant is not able to meet the requirements, the application shall be denied.

(Ord. 1141 § A (part), 2002).

(Ord. No. 1586, § 1, 6-17-19)

5.30.085 Animal prohibition.

- A. General Authority. At the request of the chief of police, the parks director if the special event will use city park facilities, or on their own initiative, the city administrator may condition the approval of a special event permit on the limitation or prohibition of animals from the event area during the hours of the special event. Such a condition on a special event permit approval shall require a written finding by the city administrator that the presence of animals would present an undue risk to the health and safety of persons or animals attending the event.
- B. Specific Special Event Prohibitions. Animals are prohibited from all event areas of the following event in the city: annual Raspberry Festival.
- C. Signage. Permittees for any special event for which animals are restricted or prohibited pursuant to subsections (A) or (B) herein shall post conspicuous signage in and around the event area. Said signage must clearly describe the event area from which animals are restricted or prohibited. Sign locations and content shall be approved in advance by the city administrator or their designee.
- D. Exemptions. This section does not apply to:
 1. Service animals as defined in the Americans with Disabilities Act, 42 USC § 12101 et seq. or the Washington Law Against Discrimination, Chapter 49.60 RCW; or
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5.30.090 Permit—Compliance with directions—Display.

- A. A permittee under this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. The chair of the event, or other person heading or leading such activity shall carry the special event permit upon their person throughout the entire duration of the event.
- C. The chair of the event, or other person heading or leading such activity shall be responsible for dissemination to every person responsible for each component of a special event and/or any entry in a parade, of the pertinent law and safety regulations for participation in such activity as set forth in the special event permit.
- D. Any violations of the requirements set forth in the special event permit will be grounds for immediate revocation of the permit and termination of the event.

(Ord. 1141 § A (part), 2002).

5.30.100 Public conduct.

- A. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or event assembly or with any person, vehicle or animal participating or used in an event.
- B. No driver of a vehicle shall drive between the vehicle or persons comprising a special event or parade when such vehicles or persons are in motion.
- C. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a special event or parade. The city shall post signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof and the same may be impounded for safekeeping by the city police. No person shall be liable for parking on an unposted street.
- D. Whenever animals have been limited or prohibited from an event area pursuant to Section 5.30.085(A) or (B), no person having custody of an animal may knowingly cause or allow the animal to be in the area designated for the event during event hours, except as specified in Section 5.30.085(D).

(Ord. 1141 § A (part), 2002).

(Ord. No. 1586, § 3, 6-17-19)

5.30.110 Violation—Penalty.

Any person found guilty of a violation of the provisions of 5.30.100 shall be deemed guilty of a misdemeanor.

(Ord. 1141 § A (part), 2002).

CITY OF LYNDEN

EXECUTIVE SUMMARY – Community Development Committee



CDC Meeting Date:	February 20, 2024	
Name of Agenda Item:	Update to the Sign Code – LMC 19.33	
Section of Agenda:	Discussion	
Next Steps Proposed by Staff:		Legal Review:
<input type="checkbox"/> Staff revisions	<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Completed
<input checked="" type="checkbox"/> Return to CDC	<input type="checkbox"/> Other Committees	<input type="checkbox"/> Recommended
<input type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Not Required
Attachments:		
<ul style="list-style-type: none"> Draft of proposed redlines to LMC 19.33 		
Summary Statement:		
<p>The sign code revisions are returning to the CDC for following an initial introduction to the proposed amendments on January 10, 2024. At the January meeting staff noted that they had been working closely with legal counsel, Luke Phifer, to develop the proposed amendments that are included updates to the following topics:</p> <ul style="list-style-type: none"> Inclusion of a substitution clause. Inclusion of an exclusionary clause. Clear directions on temporary signs including political speech. Revision to portions of the special exemptions section that are not legally defensible. Clarify the difference between off-premise signs (billboards) and shared plaza signs. <p>Staff has integrated additional revisions following the discussion at the January CDC meeting. This includes new standards related to electronic reader board signs. Language has also been drafted that would permit sign designers to use light tubes (neon or replicated neon tubing) as a component in sign design when this has traditionally been prohibited.</p> <p>Council should consider a sign code revision regarding the use of sandwich board signs and window signage. If these signs codes are not revised then the Council and staff should consider an educational campaign and enforcement strategy to address these signs as they are the most commonly used within the city that do not meet current code.</p>		
Recommended Action:		
Discuss proposed changes to the City's sign code. Pose questions and provide feedback prior to final edits and public hearing on the topic.		

Illuminated Signs.

Existing:

All Signs may be illuminated by indirect, or internal lighting methods. For those Signs that are illuminated by an internal lighting source, it is encouraged that the Sign Face be opaque and only the copy and logos illuminate.

Proposed Revision:

Signs may be illuminated by indirect, internal or exposed lighting methods.

1. For signs using indirect lighting, such lighting shall be directed or minimized to reduce glare to adjoining properties or the right-of-way.
2. For those signs that are illuminated by an internal lighting source, it is encouraged that the Sign Face be opaque and only the copy and logos illuminate.
3. For signs using an exposed lighting method, such method must be incorporated as part of a sign or sign face. Signs constructed solely of exposed neon material is not permitted.
4. Illuminated signs may not flash, rotate or blink. See Prohibited Signs, LMC 19.33.035.

All Electronic Reader Board Signs – No current language in code

(A) *Static Image Display Minimum.* Electronic reader board signs which provide changing messages shall not blink or flash or change their message more frequently than once every four seconds.

(B) *No Animation or Video.* Electronic reader board signs shall be used to display one static image for no less than four seconds before moving on to another static image display.

(C) *Brightness.* All electronic reader board signs shall come equipped with an automatic dimming photocell device which will automatically adjust the display's brightness based on preset levels relative to ambient light conditions. All electronic reader board signs shall operate at brightness levels of no more than 0.3 foot-candles above ambient light levels. All electronic reader board signs shall also be preset to prevent luminance beyond 5,000 nits during daylight hours and 300 nits at night. Certification of these limits shall be provided by the developer prior to building permit issuance.

(D) Electronic reader board signs may be used only to advertise activities or services available on the property or development complex on which the sign is located, or to present public service information.

(E) *Light Trespass Standard.* Maximum 0.1 foot-candles at the property line of any park or residential property.

(F) *Dispersal Requirements.* One electronic reader board sign shall be permitted on each site or development complex and is subject to available sign area permitted for the property as outlined in Chapter 19.33 of the Lynden Municipal Code.

(G) *Malfunctioning Sign.* In the event that a sign is malfunctioning, the owner of said sign shall turn the sign off until such time that the sign is repaired and functioning correctly in compliance with this section.

Definitions:

Nits - A unit of measurement for the total brightness over one square meter of an LED display.

Lumens - Lumens are a measure of the total amount of visible light (to the human eye) from a lamp or light source. The higher the lumen rating the "brighter" the lamp will appear.

Footcandle - A footcandle is a form of measurement that is commonly used to determine sufficient lighting levels for LED lighting projects.

Chapter 19.33 SIGNS

19.33.010	Statement of Purpose.
19.33.030	Definitions.
19.33.040	General Provisions.
19.33.050	Residential Zones
19.33.055	Historic Business District
19.33.060	Historic Business, Local Commercial Service and Public Use Districts (HBD, CSL and PU Zones)
19.33.063	Regional Commercial Service (CSR)
19.33.065	Industrial Districts (IBZ and ID zones).
19.33.070	Exemptions.
19.33.075	Special Exemption — Grand Opening Signs.
19.33.080	Prohibited signs.
19.33.090	Special category signs.
19.33.100	Permit—Required.
19.33.110	Permit—Application
19.33.120	Permit—Fees and approval.
19.33.130	Permit—Identification.
19.33.140	Variances.
19.33.150	Interpretations.
19.33.160	Enforcing official—Powers and duties.
19.33.170	Removal of signs.
19.33.180	Non conforming signs.
19.33.190	Liability.
19.33.200	Violation—Penalty.

Commented [LP1]: Need to ensure definitions in LMC 17.01.030 line up with the definitions included here.

Commented [LP2R1]: LMC 17.01.030 contains several sign-related definitions, including: Sign, Advertising Sign, Sign area, Attached Sign, Business Sign, Sign face, Freestanding sign, Illuminated Sign, Off-site sign, Permanent Sign, and Temporary Sign. My sense is it would be best to remove those definitions from 17.01.030 and keep all sign-related definitions within the sign code. However, I do not know of these definitions are utilized elsewhere within the development code.

Commented [LP3]: Will update table of contents once the revisions are finalized.

19.33.010 Statement of purpose.

- A. Purpose and Intent. The City Council finds that it is necessary to regulate signs in the City of Lynden to help assure that Lynden is a safe and attractive place in which to live and to do business. The intent of this chapter is to promote public health, safety, and welfare through a comprehensive system of reasonable, effective, and consistent sign standards and requirements and to:

1. Promote the goals and policies of the comprehensive plan;
2. Promote economic vitality of the city's business districts and corridors;
3. Ensure that signs are compatible with the desired character and identity of Lynden and its various districts, including the Historic Business District;
4. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;

5. Ensuring that signs do not obstruct rights-of-way or obstruct the vision of pedestrians and motorists travelling on rights-of-way;
6. Prevent property damage, personal injury, and litter from signs which are improperly constructed, poorly maintained, or of flimsy materials;
7. Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
8. Promote sign design that is compatible with the architectural and historical qualities of Lynden;
9. Promote sign design that is appropriate to the site's existing and planned context, including the size and characteristics of the site, and the envisioned character of the applicable area per adopted plans;
10. Prevent visual clutter and provide an improved visual environment for the citizens of and visitors to the city;
11. Provide consistent design standards; and
—Enable the fair and consistent enforcement of these sign regulations.
- 12.

19.33.0230 Definitions. In addition to the definitions found in LMC 17.01.030, fFor the purpose of this chapter, the following definitions shall apply:

1. "Abandoned ~~S~~sign" means a sign that no longer ~~correctly~~ identifies, ~~exhorts~~, or advertises any ~~person~~, business, lessor, lessee owner, ~~service~~, product, or activity, or for which no legal owner can be found. ~~conducted or available on or off the premises on which such sign is located.~~
2. "Advertising" means any display of letters, numerals, characters, words, symbols, emblems, illustrations, objects or registered trademarks which serve to call the attention of the public to products, services, businesses, buildings, premises, events, candidates or ballot propositions.
- 3-2. "Awning" means a temporary or fixed ~~shelter structure~~ supported entirely from the exterior wall of a building, which provides shade or protection from weather and is in whole or in part self-supporting. ~~without other means of support to the ground.~~
- 4-3. "Awning Sign" means the use of an Awning attached to a building for advertisement, identification, or promotional purposes. Only that portion of the Awning which bears graphics, symbols, and/or written copy shall be construed as being a sign. ~~any sign erected on or against an awning.~~
- 5-4. "Banner, ~~D~~decorative" means an object made of multi-colored cloth, fabric or similar flexible material which displays abstract or representational forms and which is completely devoid of letters, numbers, words or advertising. Streamers shall not be considered ~~D~~decorative ~~B~~banners.
- 6-5. "Banner ~~S~~sign" means any sign intended to be hung, with or without framing, and possessing characters, letters, symbols, emblems, trademarks, illustrations, or ornamentation applied to fabric or similar flexible material. Flags, ~~D~~decorative

Commented [LP4]: Note: The definitions found in LMC 17.01.030 apply to all of Title 19 (including this section), so I have removed definitions here that are redundant.

Commented [KS5R4]: Okay, perfect.

Banners, Canopy Signs, and Temporary signs, treated elsewhere in this chapter, shall not be considered Banner Signs.

- 7.6. "Bench Sign" means a sign located on any part of the surface of a bench or seat placed on or visible from a public right-of-way.
- 8.7. "Billboard Sign" means any ~~exteriorexterior~~ sign which contains a message that is unrelated containing advertising which is not related to any use or activity on the premises on which the sign is located, and which is supported by a substantial permanent sign structure. Billboard Signs are typically owned or leased separately from the principal buildings or uses on the property upon which they are located and are larger and/or taller than would otherwise be permitted by this title. but not including directional signs as defined in this chapter
9. ~~"Building, primary" means a fully enclosed and roofed structure, or portion thereof in separate ownership, which houses the primary uses of at least one business, residence or other establishment. Accessory buildings or outbuildings are not included in this definition.~~
8. "Cabinet Sign" means an internally illuminated sign in which a removable sign face (usually with translucent sign graphics) is enclosed on all edges by a metal cabinet.
- 10.9. "Canopy" means an overhead structure attached to or fixed shelter that may be supported from the exterior wall of a building, and/or from the ground that provides weather protection for pedestrians, or some combination thereof.
10. "Canopy Sign" means the use of a Canopy attached to a building for advertising, identification, or promotional purposes. Only that portion of the Canopy which bears graphics, symbols, and/or written copy shall be construed as being a sign. any sign erected upon or against a canopy.
11. "Clearance of a Sign" means the smallest vertical distance between grade and the lowest point of a sign, including framework and embellishments, extending over that grade.
- 11.12. "Commercial Sign" means a sign erected for a business transaction or advertising the exchange of goods and services.
- 12.13. "Commemorative Plaque" means a memorial plaque, sign, plate, or tablet which is permanently affixed to or near the structure, object, or event it is intended to commemorate and which ~~displays no advertising.serves no commercial purpose.~~
13. ~~"Community event sign" means a sign which announces an event that is listed in the official calendar of events adopted by resolution of the City Council.~~
14. "Directional Sign" means a sign designed to guide or direct pedestrian and/or vehicular traffic from the public right-of-way to a location, activity, or service on the site. which contains specific directional information and contains no advertising.
15. "Directory Sign" means a sign which displays exclusively the names, logos and locations of occupants or uses of a building or complex; which includes, but may not be limited to, signs for office buildings, church directories and signs for malls, arcades, and similar commercial buildings. No advertising other than the name, logo and locations of occupants or uses is included.

16. "Electrical Sign" means a sign or sign structure in which electrical wiring, connections, or fixtures are used.
17. "Electronic Changing Message Sign" means an electrically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming. These signs shall include those displaying time, temperature, and messages of a public or commercial nature.
- 15-18. "Feather Sign" means a vertical portable sign that contains a harpoon-style pole or staff driven into the ground or supported by means of an individual stand. A Feather Sign may also be referred to as a "Sail Sign."
- 46-19. "Flag" means a flat piece of cloth or similar flexible fabric, with distinctive colors, patterns, or symbols used to represent a country or group, having one end of the cloth attached to a vertical staff (directly or by rope and pulley mechanism) and all other ends free-flowing under natural movement of the wind, the officially recognized symbol of a government jurisdiction displayed on cloth or similar flexible fabric.
- 47-20. "Flashing Sign" means a sign or a portion thereof which changes light intensity or switches on and off in a repetitive pattern, or contains motion or the optical illusion of motion by uses of electrical energy to provide motion or the optical illusion of motion.
21. "Freestanding Sign" means a permanent pole, ground, or Monument Sign attached to the ground and sign which is supported by uprights or braces attached to a foundation and connected permanently to the ground and which is not connected to a building. (See "Pole sign").
- 48-22. "Fuel Sign" means a sign depicting the price of motor fuel associated with a business selling motor fuel to the public.
- 49-23. "Grade" means the average elevation of the ground surface immediately below the sign after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the grade cannot reasonably be determined, sign height shall be based on the elevation of the nearest point of the crown of a public street or the grade of the land at the main entry to the principal building, whichever is lower.
20. "Grand opening" means the celebration or promotional period beginning on or shortly after the date when a new, permanent business or use is open for business in a permanent, fixed building. Grand opening events must be related to: opening of a new business; a change of business location; construction of a new business structure; major remodeling or expansion valued at \$50,000 or more; change of ownership; or change of name.
24. "Halo lighting" means a method of sign illumination that consists of opaque sign elements with light projected behind them illuminating the mounting surface.
- 24-25. "Historic Business District" means that area within the City of Lynden, the boundaries of which are described as: has the same meaning as in LMC 19.23.010(1). The boundaries of the Historic Business District are depicted on the Zoning Map of the city of Lynden adopted pursuant to LMC 19.09.010. The Historic Business District may also be referred to as the "HBD."
That area which abuts Front Street from Second Street to Eighth Street and

extending from Judson Street Alley, to the alley between Front Street and Grover Street.

22-26. "Illuminated Sign" means any sign illuminated in any manner by an artificial light source.

23-27. "Incidental Sign" means a small sign, emblem, or decal informing the public of the, ~~non-illuminated information sign two square foot or less in area which pertains to~~ goods, products, services, or facilities which are available on the premises where the sign occurs which does not exceed two square feet in size., and intended primarily for the convenience of the public while on such premises.

24-28. "Indirect Lighting" means a light source separated from the sign surface and illuminating the sign surface by means of spotlights or similar fixtures lighting displayed or reflected on the surface or face of a sign which is not inside the sign and not a part of the sign proper.

25-29. "Internal Lighting" means an indirect, concealed light source which is recessed or contained within any element of a sign.

26-30. "Main Entry" means the front or primary entrance from outdoors into a primary building through which most customers or other visitors pass or are expected to pass to a building intended for use by residents, customers, clients, visitors, messengers, and the public. Each primary building shall be considered to have no more than one main entry, excepting a Multi-multiple-Bbusiness Complex, in which case each physically separate business which has no internal passageway to any other business premises shall be considered to have one main entry.

27-31. "Marquee" means a permanent structure attached to and supported by the building and projecting over public or private property."

32. "Monument Sign" means a ground-related, freestanding sign which is attached to a permanent foundation or decorative base and not attached to or dependent on support from any building, pole, posts, or similar uprights. the ground or to its base on grade by a solid sign structure and which structure extends from the ground or base to the sign face at the same or greater width as the sign face.

28-33. "Multi-Business Complex" means either (1) a group of structures housing more than one businesses the share a common lot, access, and/or parking facility (for example, the Fairway Center); or (2) a single structure housing more than one business or agency (but not including residential apartment buildings) (for example, Delft Square).

29. "Multiple-business complex" means a group of structures housing at least two separate businesses or agencies, or a single structure containing more than one business with separating walls and at least one outside access for each business which shares a common lot, access and/or parking facility. An example of a multi-business complex is the Fairway Center.

30. "Multiple-tenant building" means a single structure housing more than one business or agency which may or may not incorporate a separate outside access for each enterprise, but not including residential apartment buildings. An example of a multi-tenant building is Delft Square.

Commented [LP6]: Just delete this?

Commented [KS7R6]: Keep and revise.

Commented [LP8]: Check if we need this still.

Commented [KS9R8]: Would like to combine Multiple Business Complex and Multiple Tenant Building in to one category. Example: A multiple building complex or multiple tenant building containing at least two or more separate business agencies.

Commented [LP10R8]: I've combined the two into the new "Multi-Business Complex" category above.

Commented [LP11]: Check if we still need this -- probably condense down so only one category.

Commented [KS12R11]: Yes condense into one, see above.

Commented [LP13R11]: I've combined the two into the new "Multi-Business Complex" category above.

- ~~34.~~34. "Mural ~~S~~sign" means a wall sign which consists exclusively of paint applied to the wall of a building or alternate surface without application of any other material or framing.
35. "Neon ~~L~~ighting" means lettering, numerals, symbols, logos, ~~emblem~~emblems, or illustrations which are directly visible and are constructed of and illuminated solely by glass tubes filled by neon gas or equivalent light emitting gaseous elements.
- ~~32.~~36. "Noncommercial Sign" means any sign that is not a commercial sign. Signs related to fundraising or membership drives for nonprofit entities or groups are also Noncommercial Signs.
- ~~33.~~37. "~~Non-conforming~~Nonconforming ~~S~~sign" means any sign in existence within the city on the date of adoption of the ordinance codified in this chapter, or located in an area annexed to the City thereafter, which does not conform with the provisions of this chapter, but which did conform to all applicable laws in effect on the date the sign was originally erected
- ~~38.~~38. "Off-~~P~~remises ~~S~~sign" means a sign relating, through its message and content, to an activity, business, use, product, or service which is not ~~available-located~~ on or otherwise directly associated with the premises on which the sign is erected.
- ~~34.~~39. "Permanent Sign" means a sign constructed of weather-resistant material and intended for permanent use and that does not otherwise meet the definition of "Temporary Sign."
- ~~35.~~40. "Pole sign" means any freestanding sign composed of a sign cabinet, backboard, frame, or base and the sign pole, or pylon by which it connects to the ground, ~~that does not meet the definition of "Monument Sign" or "Portable Sign."~~
- ~~36.~~36. "Political sign" means any sign which serves to influence, is intended to influence, or appears to be of the type which is commonly erected to influence an election or ballot proposition.
- ~~37.~~41. "Portable sign" means any sign not permanently attached to the ground or a permanent structure, or a sign designed to be transported. moveable sign, such as a Portable Signs include, but are not limited to, sandwich board signs A-frame signs, and advertising flags, ~~which is capable of being moved easily and is not permanently affixed to the ground or a structure or building.~~
- ~~42.~~42. "Premises" means the real property on which the business or other entity advertised by the sign or signs mentioned in this chapter is situated.
- ~~38.~~38. "Primary Building" means the primary or predominant building on a lot.
- ~~39.~~43. "Primary Sign" means the main sign for the business and may be either a free-standing sign or a wall sign.
- ~~40.~~44. "Projecting ~~S~~sign" means a sign which is attached to and projects ~~more from a structure, wall or building face further than six (6) inches from a building wall or other structure not specifically designed to support the sign. For the purposes of this chapter, a projecting sign includes signs affixed under an awning, canopy or marquee.~~
- ~~44.~~45. "Reader-board ~~S~~ign" means a sign or part~~that portion~~ of a sign on which copy may be easily changed from time to time by manual/mechanical means or by lighting effects without reworking, repainting, or otherwise altering the physical composition of the sign.

~~42. "Real estate sign" means a portable or freestanding sign erected by the owner, or his/her agent, advertising the real estate upon which the sign is located for rent, lease or sale, or one directing to such property.~~

~~43-46. "Revolving Sign" means a sign which rotates or turns in motion in a circular pattern.~~

~~44-47. "Roof Sign" means a sign erected upon or above a roof of a building or structure or attached to the wall of a building or structure and extending above the roofline.~~

~~45-48. "Sandwich Board Sign"—See "Portable sign."~~

~~46-49. "Sign" means any device, fixture, object, painted surface, placard, banner, structure, or portion thereof, other than a flag or government symbol, which contains graphics, lights, symbols, and/or written copy designed, used, or displayed for the purpose of advertising, informing, identifying, attracting attention to, or promoting the interest of any person, institution, business, event, product, goods or service, advertising and which is visible from any a street, way, sidewalk, parking area, or right-of-way open to the public.~~

~~47-50. "Sign Area" means the entire area of a sign on which the copy is to be placed, including only one side of a multi-faced sign, provided that the copy on all sides of the sign is identical. Sign areas shall be calculated by measuring the area of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the advertising copy, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but Not including any supportive framework, bracing, architectural embellishments or decorative features or fences or walls which contain no written copy or other advertising and when any such fences or walls otherwise meet the requirements of this Title and are clearly incidental to the display itself. For multi-faced signs, if the copy on all sides of the sign is identical, the total sign area shall be calculated by measuring the entire area of only one sign face.~~

~~48-51. "Sign Face" means any surface of a sign upon which there is lettering or other advertising.~~

~~49-52. "Sign Height" means the vertical distance from grade to the highest point of a sign or any projection thereof.~~

~~50-53. "Sign Structure" means any structure which supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a pole or poles, or poles or may be an integral part of a building. Structures which perform a separate use, such as a telephone booth, bus shelter, recycling or used goods container, etc., shall not be considered a sign structure.~~

~~51-54. "Streamer" means an attention-attracting device consisting of two or more pennants, banners, balloons, ribbons, reflectors, fringes, or similar objects strung together on a common line, pole, or sign structure, or attached to one or more products offered for sale.~~

~~52. "Street" means a public or private way open to the general public including all classes of roadways excepting alleys and driveways and including major internal circulation corridors within parking lots.~~

Commented [KS14]: K & H suggest revision as shown.

~~53-55.~~ “Street ~~F~~frontage” means a side of a building which contains an entrance open for public use and which side also faces an abutting street.

~~54-56.~~ “Street ~~F~~frontage, ~~P~~primary” means the lineal length of the street frontage on which the main entry is located; provided that, in the event the main entry is located on a corner of the building or on a side other than a side which abuts a more heavily traveled street, primary street frontage shall be determined as if the main entry were on the side which abuts the more heavily traveled street.

~~55.~~ “Symbol sign” means ~~a projecting sign consisting exclusively of a symbol, picture or object which represents the specific products or services available on the premises, and which sign does not include any lettering, numerals or registered trademarks.~~

~~56-57.~~ “Temporary ~~S~~sign” means any sign ~~that is intended and designed to be displayed for a limited period of time including, without limitation, a sign that is not permanently mounted, painted, or otherwise affixed, excluding Portable Signs as defined by this chapter, including any poster, banner, placard, stake sign, or sign not placed in the ground with a means to provide permanent support and stability. Temporary Signs may only be made of nondurable materials including, but not limited to, paper, corrugated board, flexible plastics, foamcore board, vinyl canvas, and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of this chapter. Feather Signs and Sail Signs are not considered Temporary Signs, or advertising display constructed of cloth, canvas, light fabric, paper, cardboard, or other light materials, without frames, which is displayed for a limited time only. Residential yard signs and signs painted or adhered on window surfaces which are readily removed by washing shall also be considered temporary signs.~~

~~57-58.~~ “Trailer ~~S~~sign” means a sign used for advertising purposes mounted on a vehicle normally licensed by the state of Washington as a trailer.

~~58-59.~~ “Wall ~~S~~sign” means a sign which is attached, ~~painted onto, or erected~~ parallel to, and ~~extended not more than within~~ six (6) inches ~~from the façade or face of any building to which it is attached and of, a wall, which is supported throughout its entire length, with the exposed face of the sign parallel to the plane of said wall or façade, by and confined within the limits of such wall, and which displays only one sign surface.~~

59. “Window ~~S~~sign” means a sign ~~placed affixed to windows of a building upon the interior or exterior surface of a window,~~ or placed inside the window within three feet of the window, which faces the outside and which is intended to be seen primarily from the exterior.

9-33-030 Sign Permit Administration

A. Sign Permits Required. Except as exempted in subsection B of this section, ~~no Sign shall be erected, re-erected, attached, replaced, revised, structurally altered, or relocated by any person, firm, or corporation without a Sign Permit issued by the city.~~

B. Exemptions and Exceptions.

1. Exemptions. The following types of Signs and activities are exempt from regulation under this chapter:

- a. Regulatory, identification, or Directional Signs installed by, or at the direction of, a government entity;
- b. Signs required by law;
- c. Official public notices or official court notices;
- d. Postal Signs;
- e. Signs or displays not visible from streets, rights-of-way, sidewalks, or parking areas open to the public;
- f. The Flag of government or noncommercial institutions such as a school, provided that (1) such Flag does not exceed sixty (60) square feet in area, (2) such Flag shall not be flown from a pole the top of which exceeds forty (40) Feet in height, and (3) such Flag is flown in a manner that complies with all requirements of the United States Flag Code (4 U.S.C. 1);
- g. Point-of-purchase advertising displays, such as product dispensers or vending machines;
- h. "No trespassing," "no dumping," "no parking," "private," and other informational warning Signs which do not exceed six square feet in surface area;
- i. Reasonable seasonal decorations within the appropriate public holiday season, or civic festival season, provided that such displays shall be removed promptly at the end of the season;
- j. Historic site marker or plaques;
- k. Barber poles
- l. Address numbers mounted flush on the wall of a building;
- m. Lettering or symbols painted directly onto or flush-mounted magnetically onto a licensed and operable motor vehicle operating in the normal course of business;
- n. Repair, cleaning, repainting, or other normal maintenance activities, and other changes that do not alter the Sign Structure.

2. Exceptions – Signs Not Requiring Permits. The following types of Signs are not required to obtain a Sign Permit, but must be in conformance with all other requirements of this chapter and other applicable city ordinances:

- a. Portable Signs meeting the requirements of this chapter;
- b. Nonelectric Signs located in a residential zone not exceeding two square feet in Sign Area;

c. Incidental Signs:

d. Directional Signs not exceeding six square feet in Sign Area which direct vehicular and/or pedestrian traffic and which contain no advertising:

e. Sandwich Board Signs:

f. Temporary Signs:

g. Temporary Window Displays

3. Exemptions From Overall Permitted Sign Area Requirements. The following types of Signs shall not be included when calculating the total Sign Area of a site, pursuant to the maximum Sign Area limitations established by this chapter:

a. Incidental Signs:

b. Directional Signs:

c. Directory Signs Associated with a Multi-Business Complex:

d. Temporary Signs meeting the requirements of this chapter:

e. Temporary window displays and painted window signs:

f. Trailer Signs

g. Street numbering of buildings:

C. Sign Permit Application. Applications for Sign Permits shall be made to the ~~City Planner~~Community Development Director upon the permit form provided by the city. Such application shall require:

1. The name and title of the applicant;
2. The address and/or tax parcel number of the premises where the Sign is to be located;
3. The name and address of the Sign owner (if different than the record owner of the premises where the sign will be located);
4. The name and contact information of any contractors involved in the installation of the Sign;
5. A complete list describing each existing Sign on the premises, including the Sign type, Sign Area, location on the premises, and date installed;
6. A site plan showing the location of the premises, all buildings on the premises, and depicting both currently existing and proposed Signs;
7. A scale drawing of each proposed Sign or Sign revision, including the location, size, height, copy, structural and footing details, material specifications, colors, method of attachment, illumination, front and end views

of any Canopy Sign, and any other information required to ensure compliance with applicable laws; and

8. If the applicant is not the owner of the premises where the Sign is to be erected, written consent of the owner of the premises.

D. Design Review. All Permanent Signs subject to design review as provided in this chapter must obtain approval of the Design Review Board before a Sign Permit may be issued. This requirement applies to new Signs and replacement Signs.

E. Sign Permit Fees. Permit fees shall be in accordance with the current fee schedule adopted by resolution of the City Council.

F. Sign Permit Approval. Upon (1) approval of the proposed Sign by the Building Official and (where required) the Design Review Board, and (2) payment of the required permit fee, the ~~City Planner~~Community Development Director shall issue the Sign Permit. Sign Permits shall be numbered in the order of their issuance and shall disclose, at a minimum:

1. The type and description of the Sign(s) as described in this chapter;
2. The street address of the premises upon which the Sign will be installed;
3. The amount of the fee paid for the permit;
4. The date of issuance;
5. The name of the person or company installing the Sign;
6. The name of the Sign owner.

G. Variance.

1. The intent of this variance process is to provide design flexibility option that may not be possible through strict application of the Sign standards. This process may not be used to allow a Sign that is otherwise prohibited by this chapter. The Design Review Board shall have the authority to grant a variance from the requirements of this chapter in accordance with the following procedures and considerations:

1. The person seeking a variance, shall prepare and submit an application on forms provided by the ~~City Planner~~Community Development Director accompanied by a fee in the amount as adopted by the resolution of the City Council.
2. Upon receipt of an application, the ~~City Planner~~Community Development Director shall first review the application for completeness. If the application is incomplete, the ~~City Planner~~Community Development Director shall return it to the applicant and indicate the additional information needed to make the application complete within three business days of submittal.
3. Within thirty (30) days of receipt of a complete application, the Design Review Board shall make a preliminary determination of whether to

grant the application, grant the same under specified conditions, or to deny the variance. In making this determination, the Design Review Board may grant a variance only upon specific, written Findings of Fact setting forth and showing that at least five of the following conditions exist. Of the required conditions, at least three of the conditions must be those within the first four conditions listed below:

- i. Literal interpretation and strict application of the provisions and requirements of this chapter would cause either (a) undue hardship on the applicant because of unique or unusual conditions pertaining to the subject property; or (b) loss or substantial modification to a sign which has been found by the Design Review Board to contribute significantly to the historic Dutch theme.
 - ii. The unique or unusual conditions do not result from actions of the applicant or owner of the subject property.
 - iii. Granting the variance would not confer a special privilege to the subject property that is denied to other similarly situated properties.
 - iv. Granting the variance would not be materially detrimental to the property owners in the vicinity or to the traveling public.
 - v. Granting the variance would not be contrary to the objects of this chapter relating to the placement of Signs and the reduction of clutter.
 - vi. Granting the variance would be in harmony with the purpose and intent of this chapter and would not diminish the effect of this chapter in furthering these purposes.
 - vii. Size and shape of the Sign must be in proportion to the bulk of the building.
 - viii. The Sign should conform to the size and shape of Signs in the surrounding area.
 - ix. A variance for a franchise Sign must provide proof of the franchise requirement, in the form of the franchise agreement.
4. In granting any variance, the Design Review Board may attach thereto such conditions regarding the location, character, and other features of the proposed Sign as they may deem necessary to carry out the spirit and purpose of this chapter in the public interest.
 5. Within five (5) days of the making of the preliminary determination, the Proponent shall cause to be mailed, by certified mail, a notice of the determination to the owner or reputed owner of the properties within 300 feet of the subject property, or 500 feet if the property is located within the CSR, ID or IBZ zones, as shown by the property tax records of the Whatcom County Assessor, and by posting notice in a

conspicuous place on the subject property and at the Lynden City Hall. The notice shall identify the applicant, the street address or legal description of the subject property, the variance requested, the Design Review Board's preliminary determination and where the application and findings may be inspected and shall indicate that written comments or objections will be received and considered by the ~~City Planner~~Community Development Director for a period of ten (10) days following the date of mailing. Receipts, or copies of the receipts, for this certified mailing must be delivered to the ~~City Planner~~Community Development Director no later than the first day of the 10-day comment period.

6. Within five (5) days of expiration of the comment period, the Chair of the Design Review Board shall consider any comments or objections made and render a final decision. The ~~City Planner~~Community Development Director shall cause to be mailed notice of the final decision to the applicant and to each person from whom written comments or objections to the preliminary determination have been received. Such decision shall be final and binding unless appealed in writing to the City Council within fifteen (15) days of the date of mailing of the ~~City Planner~~Community Development Director's final decision. Any person may file such an appeal by letter addressed to the City Council, accompanied by an appeal filing fee in the amount of \$100.
7. In the event of an appeal, the City Council will review the reasons and information set forth in the letter of appeal; the findings, conclusions, and decision of Design Review Board, together with any written material submitted by the ~~City Planner~~Community Development Director; and may take public comment. The City Council shall affirm the decision of the Design Review Board unless it finds the decision to be clearly erroneous, or arbitrary and capricious, or contrary to law, in which case the Council may modify the decision or any conditions in connection therewith or remand the same to the Design Review Board.
8. The decision of the City Council shall constitute the final decision of the city.

H. Administrative Guidelines. The ~~Planning Director~~Community Development Director is authorized to promulgate administrative guidelines and materials to illustrate the requirements of this chapter or to provide examples of Signs that are permitted or prohibited by this chapter. Such guidelines and materials may be revised periodically at the discretion of the ~~Planning Director~~Community Development Director.

9.33.035 Prohibited Signs. The following Signs are prohibited within the city:

- A. Abandoned signs;
- B. Bench Signs on, or within thirty (30) feet of a public right-of-way;

- C. New billboards. Existing billboards will be considered non-conforming and may not be reconstructed, replaced, or relocated;
- D. Commercial Off-Premises Signs;
- E. Roof-mounted Signs, including any Signs painted directly on the roof surface;
- F. Signs or Sign Structures which by coloring, shape, design, or location resemble or conflict with traffic control signs or devices;
- G. Signs that create a safety hazard for pedestrian or vehicular traffic, as determined by the ~~Planning Director~~Community Development Director;
- H. Signs with flashing, rotating, or blinking lights. This category includes Signs with a changing light intensity or brightness, or which are so constructed and operated as to create an appearance or illusion of motion or animation;
- I. Signs attached to public property without the permission of the government agency owning the same, including, without limitation: trees, utility poles, and street lights;
- J. Signs within the public right of way, except permitted Canopy Signs, Marquees, and Projecting Signs;
- K. Privately installed Signs that are placed within or restrict the use or activity of any public right-of-way without permission from the city;
- L. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said Sign (however, this provision does not apply to (1) signs or lettering on buses, taxis, or vehicles operating during the normal course of business, or (2) vehicles which are advertising themselves for sale);
- M. Signs in city-designated buffer zones or greenbelt areas (however, this provision does not apply ~~to~~ park and/or trail information signs);
- N. Streamers or inflatable objects, except for special events provided that they (1) are removed within twenty-four (24) hours of the event, (2) conform to the temporary sign requirements, and (3) are located outside the Historic Business District;
- O. Laser lights; and
- P. Any Sign contrary to the provisions of this chapter.

Commented [LP15]: Do we want to create a process for permitting other signs within a public right of way? See my email on the topic.

19.33.040 General provisions. The following provisions shall apply to all zoning districts and to all ~~s~~signs regulated by this chapter, subject however to the specific regulations in each zoning district:

- A. No ~~S~~sign shall be erected, caused to be erected, or allowed to remain erected except in compliance with all the regulations established in this chapter. No owner or lessee of any real property located within the corporate limits of the City of Lynden shall knowingly allow any ~~S~~sign to be erected on any such property in violation of the provisions of this chapter. No person shall take any action intending to, or having the effect of, circumventing the purpose and intent of this chapter.
- B. Sign Owner Responsibility. By installing any Sign in the City of Lynden, whether or not a permit is required for said Sign, the owner of the Sign acknowledges

responsibility for compliance with this chapter, for the safety of the Sign, and for any and all damage to property or injury to person resulting from the Sign.

C. Maintenance. All Signs and components thereof must be maintained in good repair and in a safe, neat, clean, and attractive condition. The owner of the premises upon which a Sign is located shall be responsible for Sign maintenance.

A-D. Abandoned Signs – Hazardous Signs. Abandoned Signs shall be removed by the owner or lessee of the premises upon which the Sign is located within sixty (60) days of abandonment. Signs which constitute a safety hazard to the public as determined by the Building Official shall be removed or made safe immediately.

B. Design Elements. All permanent signs subject to design review as provided in this chapter must obtain approval of the DRB before a sign permit may be issued. This includes all replacement signs.

C-E. Design elements include the following: sandblasting, hand carving, dimensional graphic arts, masonry materials, wood, border accents, stained glass, glass, stained glass, hardwood, wrought iron, steel brackets, outlining, lighting, Dutch character or graphics, lettering style, 3 or more colors, murals, gold leaf, tile, frames and shadows, shadowing, hand lettering, landscaping, character reflective of business. When reviewing signs, the Design Review Board shall consider the relationship of the design elements to one another in the design of the sign.

D-F. Safe and Secure Installation. Signs, Ssign Sstructures and bracing systems shall be designed and constructed to meet all requirements of the Uniform Building Code and the Lynden Municipal Code. All electrified signs shall be designed, installed and inspected in conformance with the National Electrical Code.

E-G. Clearance and Sight Distance. Marquees, Ceanopy Ssigns or Pprojecting Ssigns which project over areas where motor trucks may be required to pass beneath them shall maintain a minimum vertical clearance of fifteen feet. No Mmarquee, Ceanopy Ssign or Pprojecting Ssign may project closer than two feet from the curb line of the street. All Mmarquees, and Ceanopy Ssigns and Pprojecting Ssigns must maintain a minimum of eight feet of vertical clearance over pedestrian ways. Freestanding and portable signs may not be placed within the clear vision triangle at the intersection of any streets, alleys, or driveways. This triangle is defined in Title 17.

F-H. Light and Glare from Signs. The light source for Ssigns which are illuminated by Iindirect Llighting shall be no farther away from the Ssign than the height of the Ssign and shall be shielded so that direct rays from the light are visible only on the lot where the Ssign is located and in such a manner that hazardous glare to motorists or pedestrians will not occur.

19.33.050 Residential Districts (All RS and RM zones). In addition to the other applicable provisions of this chapter, the following regulations also apply in each residential zoning district (All RS and RM zones):

A. Total allowable Sign Area.

1. Each ~~residential building~~ detached residence is allowed one permanent, wall-mounted identification Sign, which ~~per street frontage and one temporary yard sign and each such sign~~ may not exceed four (4) square feet in Sign Area. No Sign Permit is required for ~~either this identification sign.~~
2. Each ~~complex consisting of more than multifamily complex over four attached residential~~ live units in size, or subdivision in residential zones is allowed ~~permitted~~ twenty-four (24) square feet of total Sign Area. Exception: ~~Signs~~ Total Sign Area for residences within a Planned Residential Development will be determined by the Development Contract.
- ~~3. Home occupations are allowed one wall-mounted sign not to exceed six (6) square feet in sign area which must be unlighted or have indirect lighting.~~
- ~~4. Government buildings, schools and churches~~ Houses of worship are allowed one identification sign not to exceed twenty four (24) square feet, one Readerboard Signs within a RM or RS zone must permanent reader board sign not to exceed sixteen (16) square feet in Sign Area. If a Readerboard Sign is incorporated into a larger Sign Structure, total Sign Area must not exceed for a total of forty (40) square feet. The reader board must be incorporated in the main sign structure. No product or company name, product symbol or product slogan may be included in the sign face of any freestanding sign.

B. Maximum sign height within a RM or RS Zone is five (5) feet. ~~For government buildings, schools and church~~ House of worships, the maximum height will be decided through a conditional use permit approved by the Design Review Board imposing the minimum standards of the CSL zone.

C. Freestanding signs.

1. Permanent Freestanding Signs within a RM or RS Zone must be either (1) Monument Signs, or (2) Pole Signs mounted on two poles placed at the outermost sides of the Sign Face. Permanent Freestanding Signs and must be approved by the Design Review Board. The Design Review Board may, upon review of the sign design, approve one Pole Signs.
- ~~2. All freestanding signs shall have a landscaped area at the base of the sign at least twice the size of the sign area.~~
- ~~3. Temporary yard signs may be displayed for up to fifteen (15) days and may be mounted on a single pole or stake.~~
Exceptions:
 - a) Garage or rummage sale signs pursuant to Article IV, Special Category Signs.
 - b) Real estate and political signs pursuant to Section 19.33.070.
- ~~4. Freestanding signs must be setback at least five (5) feet inside property lines.~~

Commented [LP16]: The current code does not establish an overall maximum sign area, only maximums for certain types of signs. Is the intent to only allow the types of signs listed below? If so, let's reframe this provision accordingly.

Commented [KS17R16]: This is meant to regulate the entire sign not just the area.

Commented [LP18]: I was not clear on this: do Pole Signs need DRB approval, or both Monument Signs and Pole Signs?

Commented [LP19]: See new section below re: temporary signs.

Commented [KS20R19]: Yes.

~~25. No other pole signs, portable, sandwich board, sidewalk or other freestanding signs including, but not limited to, Monument Signs, Pole Signs, or Portable Signs, are permitted within a RM or RS zone. allowed.~~

~~D. Off-Premises Signs are not permitted within a RM or RS zone. Exception: Signs authorized to be erected off-premises pursuant to Section 19.33.90, Special Category Signs and those sandwich board signs approved under Section 19.33.070.~~

~~E. Illuminated signs. Only indirect lighting may be used to illuminate a sign permitted within a RM or RS zone, except for Readerboard Signs these signs permitted pursuant to in Section A(34) above.~~

19.33.055 Historic Business District. In addition to the regulations under Section 19.33.060, the following sign regulations shall apply within the HBD zoning district.

~~A. Sign Graphics. It is encouraged that all signs within the HBD contain elements related to the Dutch Theme and/or Dutch wording.~~

~~B. Tour assembly signs. Each business which has been authorized by the city to conduct public tours within the public rights-of-way may, if such business does not have business premises within the historic district, place one portable sandwich board sign on the sidewalk at a location and in a manner approved by the City Planner. The business owner shall also obtain and submit to the City Planner written permission of the owner of the property immediately abutting the location of the proposed sign, and shall also submit proof of liability insurance naming the City of Lynden as an additional insured. The City Administrator shall approve the amount and policy provisions of such liability insurance. The sign area of such sign shall not exceed six (6) square feet per sign face and such sign area shall not be included in the allowable sign area of the abutting property.~~

~~BC. Kiosks. The City Planner/Community Development Director is hereby authorized to permit erection of kiosks by the City of Lynden or by one or more non-profit community organizations representing a large number of retail businesses. Such kiosks must be shown to provide community bulletin board services of broad public interest. No more than one such kiosk may be placed within the Historic Business District, or any other commercial district.~~

~~CD. Off premise directional signs. One off premise directional sign may be permitted per business within the historical business district. Signs are limited to a maximum of sixteen square feet. These signs shall not be freestanding signs and must be mounted on a building within the historic business district. Only one such sign may be mounted per building side and may not exceed the total sign square footage permitted for the building.~~

~~DE. Prohibited signs. In addition to those signs listed as prohibited in Section 19.33.080, off-premises real estate signs and portable readerboards are not permitted in the Historic Business District, except those readerboards associated with a community theater.~~

Commented [LP21]: If these regulations are in addition to those listed in 19.33.060, I would move this provision below .060, rather than before it.

Commented [KS22R21]: Shift remaining items to 19.33.060

Commented [LP23R21]: Done.

Commented [LP24]: Does this provision get utilized? We likely cannot regulate tour assembly signs specifically.

Commented [KS25R24]: Delete

Commented [LP26]: I ended up deleting this section as well, as we can't authorize only permit certain nonprofits to have kiosks. Let me know if this presents any issues and, if so, we can brainstorm some other options.

Commented [LP27]: We likely cannot create a special exemption for community theaters. How problematic will removing this provision be?

Commented [KS28R27]: The sign is existing and located at the only theatre in town.

19.33.060 Historic Business, Commercial Business, and Public Use Districts (HBD, CSL, and PU Zones).

In addition to the other applicable provisions of this chapter, the following regulations also apply in the historic business, commercial services, and public use zoning districts (HBD, CSL, and PU Zones):

A. Total allowable ~~Sign Area~~ is determined as follows:

1. One and one half square foot of ~~Sign Area~~ for each lineal foot of primary street frontage of the ~~Primary Building~~. In the event a building is located on a corner lot, an additional three quarter (0.75) square foot per lineal foot of primary street frontage may be included in the total allowable ~~Sign Area~~. Businesses with alley frontage may have additional ~~Sign~~ square footage based on one square foot per each lineal foot of alley frontage. This ~~Sign~~ allowance must be used on the alley front of the building. Within the total allowable ~~Sign Area~~ determined above, the total area of ~~Signs~~ attached to any given wall shall not exceed 150 square feet.
- ~~2. Each multiple business complex or multiple tenant building is allowed one sign per street frontage as a directory sign. The square footage allowance for each directory sign is equal to thirty-two (32) square feet plus an additional six (6) square feet per business to a maximum of eighty (80) square feet. The width of the sign face may not exceed ten (10) feet. Sign area for each business within a multi-business complex or multiple tenant building is determined by the frontage each business has on the street or primary customer access, including major internal circulation corridors within parking lots. If the business is internal to the building and has no primary street frontage or access, the maximum wall sign allowed is 8 square feet total.~~
- ~~3. Tenant signage in multiple tenant buildings may not exceed their percentage of building square footage times the total allowable signage square footage. Each multiple tenant building is allowed one (1) directory sign not to exceed forty-eight (48) square feet. Tenant signs must be mounted below the primary sign and may not be roof mounted.~~
- ~~4. Twenty (20) square feet for an outdoor business which operates without building.~~
- ~~5. Government buildings, schools and church Houses of worshipes are allowed one identification sign not to exceed thirty-six (36) square feet and one permanent reader board sign not to exceed twenty-four (24) square feet for a total of sixty (60) square feet. The reader board must be incorporated in the main sign structure. No product or company name, product symbol or product slogan may be included in the sign face of any freestanding sign. The total allowable Sign Area includes all types of Signs on all sides and all stories of the building or premises.~~
- ~~6. Includes all types of signs on all sides and all stories of the building or premises. Exceptions: parking lot identification signs, symbols, menu boards, commemorative plaques, incidental signs, window sign lettering less than six (6) inches in height, mural signs approved pursuant to subsection 19.33.050(I), motor fuel price signs erected pursuant to subsection (G) below, monument signs erected as a directory sign for a multiple business complex~~

Commented [KS29]: Proposed language. Lets discuss.

Commented [LP30R29]: Moved to 19.33.090 below.

Commented [KS31]: Propose to combine above.

~~pursuant to subsection (G) (2) below, service club signs authorized pursuant to Section 19.33.090, and signs listed as exempt in Section 19.33.070 are not included in the determination of allowable sign area.~~

B. Maximum Sign Height is as follows:

1. Freestanding signs: seventeen feet within a CSL or PU Zone, or; seven feet within the HBD Zone~~historic business district~~, but in no event may signs extend higher than the nearby surface of the roof of the building.
2. Canopy ~~S~~signs or ~~S~~signs mounted on a ~~M~~marquee may not extend higher than the highest roof surface of the ~~C~~canopy or ~~M~~marquee, but in no event may extend higher than the nearby roof surface of the building or the cornice line ~~within the historic business district~~.
3. Five (5) feet for a ~~M~~monument ~~S~~sign of a single-business ~~or multiple-tenant building, and~~. Five (5) feet plus one foot per each separate business advertised on a ~~M~~monument ~~D~~irectory ~~S~~sign of a ~~M~~multiple-~~B~~business ~~C~~omplex, to a maximum of seventeen (17) feet.

Commented [LP32]: Are the exceptions listed in the revised 19.33.030 above sufficient?

Commented [KS33R32]: Yes, remove.

C. Wall signs

1. ~~Within the total allowable sign area determined in subsection (A), the total area of signs attached to any given wall shall not exceed one hundred fifty (150) square feet.~~

Commented [KS34]: Moved to A above.

D. Illuminated Signs.

1. All ~~S~~signs may be illuminated by indirect or internal lighting methods. For those ~~S~~signs that are illuminated by an internal lighting source, it is encouraged that the ~~S~~sign ~~F~~face be opaque and only the copy and logos illuminate.

E. Projecting Signs are subject to the following additional regulations:

1. No larger than thirty-two (32) square feet per side.
2. May project no more than ~~four-six (46)~~ feet from the building. See LMC 19.23.070 if projecting into the right-of-way.
3. Minimum clearance of eight (8) feet must be maintained above the sidewalk and six (6) inches from the vertical wall.
4. Only one ~~P~~projecting ~~S~~sign, including symbol signs, is allowed for each ~~M~~main ~~E~~entry.

F. Permanent Window Signs.

~~Permanent window signs~~ ~~signage~~ shall not ~~have temporary lettering~~ cover more than 30% of the windowpane in the HBD and no more than 50% in all other commercial zones.

Commented [KS35]: New language

G. Freestanding Signs in CSL and PU zones.

1. Each single-business ~~or multiple-tenant building~~ shall be allowed one ~~F~~freestanding ~~S~~sign not to exceed a ~~S~~sign ~~A~~area of- eighty (80) square feet.
2. ~~Each multiple-business complex or multiple-tenant building is allowed one sign per street frontage for a directory sign. The sign area of such directory sign is not to exceed thirty two (32) square feet plus six (6) square feet per~~

~~separate business advertised to a maximum of eighty (80) square feet.
Directory signs may not exceed ten feet in width.~~

Commented [LP36]: Moved to 19.33.090 below

~~3-2.~~ Monument ~~S~~signs must be set back from property lines a distance of one foot for each one foot of sign height in excess of five (5) feet.

~~4-3.~~ Exception: The ~~City Planner~~Community Development Director is authorized to permit alternate ~~M~~monument ~~S~~sign placement as part of a streetscape improvement project in conformance with any public streetscape improvement plan and planned unit development.

~~5-4.~~ Permanent ~~F~~reestanding ~~S~~signs shall have a landscaped area at the base of the ~~S~~sign at least twice the size of the ~~S~~sign ~~A~~area. All required landscaping must be contiguous to the ~~S~~sign; however, it is not required that the ~~S~~sign be centered in the landscaping or that the shape of the landscaped area is consistent with the shape of the ~~S~~sign.

~~6-5.~~ No other ~~P~~pole ~~S~~signs, ~~P~~portable ~~S~~signs, ~~Sandwich Board Signs~~, sidewalk or other ~~F~~reestanding ~~S~~signs are allowed, unless expressly authorized herein.

~~7-6.~~ All ~~S~~signs must be setback a minimum of five (5) feet from the property line.

H. Freestanding ~~S~~signs within the HBD

1. Monument ~~S~~signs shall be no more than twelve (12) square feet in ~~S~~sign ~~A~~area per side.
2. Pole ~~S~~signs are permitted only if mounted on two poles placed at the outermost sides of the ~~S~~sign ~~F~~face.
3. Sandwich ~~B~~board ~~S~~signs may be placed upon a public or private sidewalk subject to ~~approval of the Design Review Board and~~ the following restrictions and requirements:
 - a) Written permission must be obtained from the owner of the property in front of which the ~~S~~sign is to be placed.
 - b) Signs may be placed near markings separating parking spaces, but not within a crosswalk and not closer than fifteen (15) feet from the intersection of the extension of the curb lines (edge of curbs on the vehicular traffic side) of each intersecting street or from another ~~S~~sandwich ~~B~~board ~~S~~sign.
 - c) Maximum ~~S~~sign ~~A~~area is eight (8) square feet per ~~S~~sign ~~F~~face; maximum ~~S~~sign width is thirty (30) inches; maximum ~~S~~sign height is four (4) feet; minimum ~~S~~sign height is thirty (30) inches. A ~~S~~sign may be higher than four feet in height if the width is less than twenty-four inches for the upper fifteen inches of the ~~S~~sign, and the design is approved by the Design Review Board.
 - d) Signs must be placed no further than three (3) feet from the building line. Exception: Signs may be placed within twelve (12) inches of the curb line wherever parking is prohibited in the adjacent street.
 - e) Signs may not be placed closer than twelve (12) inches from any tree grate or other planting.
 - f) The ~~S~~sign ~~A~~area of each ~~S~~sandwich ~~B~~board ~~S~~sign shall be included in the total allowable ~~S~~sign ~~A~~area calculated pursuant to subsection (A) of this section for the premises in which the business advertised is located.
~~Exception: The sign area of tour assembly signs erected pursuant to~~

~~subsection (H) of this section shall not be included in the sign-area calculation of any building.~~

- g) Continuous proof of liability insurance must be provided naming the City of Lynden as additional insured in amount and policy provisions as approved by the Clerk-Treasurer of the City when the Sign is placed within the public right-of-way.
- h) Each Sign must be of sound construction and designed to the satisfaction of the Building Official to withstand high winds.
- i) No more than one Ssandwich Board Sign may be erected for each business. Each Ssandwich Board Sign must be within 15 feet of the Main Entrance of the business or Multi-Business Complex tenant building.
- ~~j) All sandwich board signs must include at least three design elements from the adopted design criteria and should be of a Dutch character, or be reflective of the business.~~
- 4. No other Ppole Signs, Portable Signs, Ssandwich Board Signs, sidewalk or other Freestanding Signs are allowed, unless expressly authorized herein.
- 5. Subdued, Indirect Lighting of Signs is encouraged.
- I. Reader-board Signs are included in the total square footage calculation and may not exceed 75 percent of the Sign Area for the sign or thirty (30) square feet, which ever is less. Electronic Rreader-boards Signs are permitted as part of the total allowable square footage for Rreader-board Signs as noted above
- J. Sign Graphics within the HBD. It is encouraged that all Signs within the HBD contain elements related to the Dutch Theme and/or Dutch wording.
- K. Off-Premises Directional Signs within the HBD. One Off-Premises Directional Sign may be permitted per business within the Historical Business District. Off-Premises Directional Signs are limited to a maximum Sign Area of sixteen square feet. These Off-Premises Directional Signs shall not be Freestanding Signs and must be mounted on a building within the Historic Business District. Only one such Off-Premises Directional Sign may be mounted per building side and may not exceed the total Sign Area permitted for the building.
- L. Portable Readerboard Signs within the HDB. New portable Readerboard Signs installed after this code provision are prohibited within the HBD, CSL, and PU zones.
- J. Exceptions:
 - ~~1. In addition to the sign area allowed pursuant to subsection (A), above, any business selling motor fuel to the public may have one permanently mounted motor fuel price sign not to exceed eighteen (18) square feet per sign face. If such sign is incorporated as part of the monument sign allowed pursuant to this section, the allowable height of such monument sign may be increased by four (4) feet.~~
 - 2. The City Planner Community Development Director is authorized to permit one permanently mounted reader board sign for community event

Commented [LP37]: Does this actually get implemented / enforced?

Commented [KS38R37]: No. Lets discuss removing this item.

Commented [LP39R37]: Moved to "no permit required" exemption category above.

Commented [LP40]: Either exempt fuel price signs in .030 above, or incorporate specific requirements related to fuel price signs below.

Commented [KS41R40]: Maximum height should be established. I recommend 5-feet.

Commented [LP42R40]: Moved to 19.33.090 below.

~~announcements on premises owned by the city or a non-profit organization under contract with the city. Such sign may not exceed a sign area of fifty (50) square feet per sign face.~~

~~3. Portable reader board signs are not permitted.~~

Commented [LP43]: Readerboard Signs are now authorized pursuant to subsection (I) above. We can increase the maximum sign area there to 50 square feet if need be.

Commented [LP44]: Combined into the new subsection (L) above, which includes the provision formerly in the standalone HBD section.

19.33.063 Regional Commercial Services (CSR). In addition to the other applicable provisions of this chapter, the following regulations also apply in each commercial business and public use zoning district (**CSR Zone**):

A. Total allowable ~~S~~sign ~~A~~area is determined as follows:

1. Two and one half (2.5) square feet of ~~S~~sign ~~A~~area for each lineal foot of primary street frontage. In the event a building is located on a corner lot, an additional one and one quarter (1.25) square feet per lineal foot of primary street frontage may be included in the total allowable ~~S~~sign ~~A~~area. The maximum size of any one ~~S~~sign cannot exceed one hundred fifty (150) square feet.

~~2. Each multiple business complex or multiple tenant building is allowed one sign per street frontage as a directory sign. The square footage allowance for each directory sign is equal to thirty-two (32) square feet plus an additional six (6) square feet per business to a maximum of eighty (80) square feet. The width of the sign face may not exceed ten (10) feet. Sign area for each business within a multi-business complex or multiple tenant building is determined by the frontage each business has on the street or primary customer access, including major internal circulation corridors within parking lots, and is subject to the same restrictions as in A. 1. above. If the business is internal to the building and has no primary street frontage or access, the maximum wall sign allowed is 8 square feet total.~~

Commented [KS45]: Proposed new language

Commented [LP46R45]: Moved to 19.33.090 below.

~~3. Tenant signage in a multiple-tenant building cannot exceed their percentage of building square footage times the total allowable signage square footage. Each multiple-tenant building is allowed one (1) directory sign not to exceed forty-eight (48) square feet. Tenant signs must be mounted below the primary sign if a primary sign is present and may not be roof mounted.~~

~~24. Twenty (20) square feet for an outdoor business which operates without a building.~~

~~35. Government buildings, schools and ~~church~~Houses of worships are allowed one ~~i~~dentification ~~S~~sign not to exceed thirty-six (36) square feet and one permanent reader board sign not to exceed twenty-four (24) square feet for a total of sixty (60) square feet. The reader board must be incorporated in the main sign structure. No product or company name, product symbol or product slogan may be included in the ~~S~~sign ~~F~~face of any ~~F~~reestanding ~~S~~sign.~~

~~46. The total allowable Sign Area includes all types of Signs on all sides and all stories of the building or premises. Includes all types of signs on all sides and all stories of the building or premises. Exceptions: parking lot identification signs, symbol signs, menu board signs, commemorative plaques, incidental signs, window sign lettering less than six (6) inches in height, mural signs approved pursuant to subsection 19.33.050(I), motor fuel price signs erected~~

~~pursuant to subsection (I) below, monument signs erected as a directory sign for a multiple-business complex pursuant to subsection (F) (2) below, service club signs authorized pursuant to Section 19.33.090, and signs listed as exempt in Section 19.33.070 are not included in the determination of allowable sign area.~~

Commented [LP47]: Are the exceptions listed in .030 above sufficient?

Commented [KS48R47]: Yes, remove.

B. Maximum ~~S~~ign ~~H~~eight is as follows:

1. Signs are limited to twenty-five (25) feet in height. If the ~~S~~ign is located at least one hundred (100) feet, but no more than three hundred (300) feet, from the right-of-way of a state highway, the ~~S~~ign may be thirty-five (35) feet in height.
2. Canopy ~~S~~igns or ~~S~~igns mounted on a ~~M~~arquee may not extend higher than the highest roof surface of the ~~C~~anopy or ~~M~~arquee. Roof ~~S~~igns are not allowed.
3. Five (5) feet for a ~~M~~onument ~~S~~ign of a single-business-~~or multiple-tenant building.~~
4. Five (5) feet plus one foot per each separate business advertised on a ~~M~~onument ~~D~~irectory ~~S~~ign of a ~~M~~ultiple-Business~~business~~ ~~C~~omplex to a maximum of seventeen (17) feet.

C. ~~Wall signs~~

1. ~~Within the total allowable sign area determined in subsection (A), the total area of signs attached to any given wall shall not exceed one hundred fifty (150) square feet.~~

D. Projecting ~~S~~igns are subject to the following additional regulations:

1. Not larger than ~~thirty-two~~thirty-two (32) square feet per side.
2. May project no more than ~~six~~four (46) feet from the building. See LMC 19.23.070 if projecting into the right-of-way.
3. Minimum clearance of eight (8) feet must be maintained above the sidewalk and six (6) inches from the vertical wall.
4. Only one ~~P~~rojecting ~~S~~ign, including symbol ~~S~~igns, is allowed for each ~~M~~ain ~~E~~ntry.

E. ~~Permanent~~ Window ~~S~~igns.

~~Permanent w~~Window ~~S~~igns in the CSR zone~~signs shall not have temporary lettering~~signage shall not cover more than 50% of ~~the~~the windowpane~~. in the CSR zone.~~

F. Freestanding ~~S~~igns.

1. Each single-business-~~or multi-tenant building~~ shall be allowed a maximum of one (1) sign per sixty (60) feet of frontage. Minimum distance between ~~S~~igns is sixty (60) feet. Freestanding ~~S~~igns are not to exceed one hundred fifty (150) square feet. If more than one ~~F~~reestanding ~~S~~ign is requested, the maximum ~~S~~ign ~~A~~size is one hundred (100) square feet and each of the ~~S~~igns must be of equal size and shape. ~~The total number of Combined, the Freestanding~~ ~~S~~igns may not exceed the total ~~Sign Area~~square footage allowed in 19.33.063(A) above.

2. Each ~~M~~multiple-B~~b~~usiness ~~C~~omplex is allowed one Freestanding Sign per street frontage for a Directory Sign. The Sign Area of such Directory Sign is not to exceed thirty-two (32) square feet plus six (6) square feet per separate business advertised to a maximum of eighty (80) square feet. Such Directory Signs may not exceed ten feet in width.
 - ~~3. Monument signs must be set back from property lines a distance of one foot for each one foot of sign height in excess of five (5) feet. Signs must be setback a minimum of five (5) feet.~~
 - ~~4.3.~~ Exception: The City PlannerCommunity Development Director is authorized to permit alternate Monument Sign placement as part of a streetscape improvement project in conformance with any streetscape improvement plan and planned unit development.
 - ~~5.4.~~ Permanent Freestanding Signs shall have a landscaped area at the base of the Sign at least twice the size of the Sign Area. All required landscaping must be contiguous to the Sign; however, it is not required that the Sign be centered in the landscaping or that the shape of the landscaped are-a is consistent with the shape of the Sign.
 - ~~6.5.~~ No other Pole Signs, Portable Signs, Sandwich Board Signs, sidewalk or other Freestanding Signs are allowed, unless expressly authorized herein.
 - ~~7. All signs must be setback a minimum of five (5) feet from the property line.~~
- G. Reader-board Signs are included in the total square footage calculation and may not exceed 75 percent of the Sign Area for the Sign or thirty (36) square feet, which ever is less. Electronic Rreader-board Signs are permitted as part of the total allowable Sign Area square footage for Rreader-board Signs as noted above. Portable Readerboard Signs are not permitted.
- I. Exceptions:
- ~~1. In addition to the sign area allowed pursuant to subsection (A), above, any business selling motor fuel to the public may have one permanently mounted motor fuel price sign not to exceed eighteen (18) square feet per sign face. If such sign is incorporated as part of the monument sign allowed pursuant to this section, the allowable height of such monument sign may be increased by four (4) feet.~~
 - ~~2. The City Planner~~Community Development Director ~~is authorized to permit one permanently mounted reader board sign for community event announcements on premises owned by the city or a non-profit organization under contract with the city. Such sign may not exceed 25% of the sign face of the permitted sign.~~
- J. ~~Portable reader board signs are not permitted.~~

Commented [LP49]: Move to development standards for freestanding signs in all zones provision below.

Commented [KS50R49]: okay

Commented [LP51]: See comment above re: fuel signs.

Commented [KS52R51]: Should have a height limit. I recommend 5-feet max.

Commented [LP53R51]: Moved to 19.33.090 below.

19.33.065 Industrial Districts (ID & IBZ). In addition to the other applicable provisions of this chapter, the following regulations also apply in each industrial zoning district (ID and IBZ Zones):

- A. Total allowable Sign Area is determined as follows:
 1. One and one half square foot of Sign Area for each lineal foot of primary street frontage of the primary building. In the event a building is located on a

corner lot, Ssign Aarea equal to one half the allowable Ssign Aarea for the primary frontage may be included in the total allowable Ssign Aarea. No one Ssign may exceed 150 square feet in size.

2. ~~But, each separate business in a multiple-tenant building or industrial park complex shall be allowed at least thirty-two (32) square feet of sign area, but no more than sixty-four (64) square feet.~~
3. ~~Each multiple-tenant building is allowed an additional six (6) square feet for a directory sign.~~
24. Government buildings, schools, and ~~church~~Houses of worshipes are allowed one Identification Ssign not to exceed thirty-six (36) square feet ~~and one permanent reader board sign not to exceed twenty-four (24) square feet for a total of sixty (60) square feet. The reader board must be incorporated in the main sign structure.~~ No product or company name, product symbol or product slogan may be included in the Ssign Fface of any Freestanding Ssign.
35. ~~The total allowable Sign Area includes all types of Signs on all sides and all stories of the building or premises. Includes all types of signs on all sides and all stories of the building or premises.~~
6. ~~Reader board signs are included in the total square footage calculation and may not exceed 75 percent of the sign area for the sign or thirty (36) square feet, which ever whichever is less.~~

Commented [LP54]: Moved to 19.33.090 below.

Exceptions: Parking lot Identification Ssigns, Incidental Ssigns, Monument Ssigns, and Window Ssign letters less than six (6) inches in height, and signs listed as exempt in Section 19.33.070 are not included in determining allowable Ssign Aarea.

B. Maximum Ssign Hheight is as follows:

1. Five (5) feet for Monument Ssigns, plus one foot for each separate business advertised on the Ssign, but no higher than ten (10) feet.
2. Seventeen (17) feet for other Freestanding Ssigns.
3. Signs may not extend above the roof line. No Roof Ssigns ~~are will be~~ permitted.

C. Projecting Ssigns are subject to the following additional regulations:

1. No larger than thirty-two (32) square feet per side.
2. May project no more than ~~sixfour~~ (46) feet from the building. See LMC 19.23.070 if projecting into the right-of-way.
3. Minimum clearance of eight (8) feet must be maintained above the sidewalk and six (6) inches from the vertical wall.
4. Only one Projecting Ssign, including symbol Ssigns, is allowed for each Main Eentry.

D. Window ~~signage~~Signs ~~may not include temporary lettering shall not cover more than 50% of the windowpane in all industrial zones.~~

E. Freestanding Ssigns.

1. Each single-business ~~or multiple-tenant building~~ shall be allowed one Freestanding Ssign not to exceed a Ssign Aarea of ~~eighty~~ (80) square feet. Monument Ssigns are encouraged.

2. Each ~~M~~~~ultiple-B~~usiness ~~C~~omplex is allowed one ~~M~~onument ~~S~~ign per street frontage for a ~~D~~irectory ~~S~~ign. The ~~S~~ign ~~A~~rea of each such ~~D~~irectory ~~S~~ign shall not exceed thirty-two (32) square feet plus six (6) square feet per separate business advertised, but not larger than sixty-four (64) square feet.
- ~~3. Permanent freestanding signs shall have a landscaped area at the base of the sign at least equal to the size of the sign area. All required landscaping must be contiguous to the sign; however, it is not required that the sign be centered in the landscaping or that the shape of the landscaped area is consistent with the shape of the sign.~~
- ~~4.3. No other P~~ole ~~S~~igns, ~~P~~ortable ~~S~~ign, ~~S~~andwich Board ~~S~~igns, ~~sidewalk~~ or other ~~F~~reestanding ~~S~~igns are allowed, unless expressly authorized herein.
- ~~5. All freestanding signs must be setback a minimum of five (5) feet from the property line. Signs must setback from property lines a distance of one foot for each one foot of sign height in excess of five feet.~~

19.33.070 Exemptions. The following types of signs are allowed in all areas without a sign permit. These exemptions shall not be construed as relieving the owner of any sign for the responsibility of its erection and maintenance, or for compliance with the provisions of this chapter, or any other law or ordinance regulating same.

A. ~~Fund raising signs~~ pertaining to a specific proposed public construction project or fund raising campaign for a non-profit or religious organization; provided, that only one such sign may be erected by that organization at any one time, the sign area may not exceed thirty-two (32) square feet and each organization is limited to six such signs per year. The sign may be displayed for up to seven (7) days prior to the event and must be removed within twenty-four (24) hours after the conclusion of the event or campaign. Signs for long term fund raising campaigns may be approved by the City Council.

B. ~~Real estate signs~~ limited to one sign of four and one-half (4.5) square feet maximum area per sign face on each parcel of property offered for sale in residential zones. In other zones, one sign is allowed up to sixteen (16) square feet per sign face on each separate parcel of property offered for sale. Each real estate sign must be removed no later than five (5) business days after closing of sale of the property advertised. Closing of sale shall be considered the date of recording with the Whatcom County Auditor. Off-premises real estate signs are not permitted.

Exception:

- a) ~~Off-premises real estate signs are not allowed under any circumstances in the historic district.~~
- b) ~~Real estate signs are not permitted within any public right-of-way.~~
- c) ~~Real estate signs advertising an open-house may be placed off-premises if:~~
 - i. ~~placed on private property with owner's permission;~~
 - ii. ~~signs are no larger than three (3) square feet per sign face; and~~
 - iii. ~~displayed for no longer than four (4) consecutive days.~~

iv. ~~Two open-house directional signs for each such open house may be placed in the unpaved portion of the street right-of-way, but only during daylight hours and only when seller or agent is in attendance of property for sale. No such sign shall be placed in such a way as to block the sidewalk.~~

G. ~~On-premises or on-vehicle incidental signs not exceeding two (2) square feet each. This does not apply to licensed vehicles used for daily service.~~

D. ~~On-premises directional signs not exceeding six (6) square feet, the sole purpose of which is to provide for vehicular and pedestrian traffic direction and which display no advertising. (See 19.33.080)~~

E. ~~Political signs erected on private property up to four and one-half (4.5) square feet per sign face in residential zones and sixteen (16) square feet per sign face in other zones and must be removed within ten (10) days after the final election involving the candidate or ballot proposition advertised by the sign.;~~

F. ~~Temporary construction signs limited to a total sign area of thirty-two (32) square feet per construction site, displayed no longer than one year and removed no later than ten (10) days after completion or occupancy of the project.~~

G. ~~Traffic, directional or informational signs lawfully installed, or required to be installed, by a government entity; provided that, in the even of any conflict between the provisions of this chapter and the provisions of any applicable state law, the provisions of this chapter shall govern unless expressly preempted by the laws of the State of Washington.~~

H. ~~Signs not intended to be viewed from, and which are not readable from, a public right-of-way.~~

I. ~~Window merchandise displays.~~

J. ~~Flags of the United States, the state, the city, the county, foreign nations, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in sign area and shall not be flown from a pole the top of which is more than forty (40) feet in height. Such flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and be subject to regulation as such.~~

K. ~~Decorative banners if no more than five (5) per each premises, and provided they are consistent with theme, and displayed for a maximum of six (6) months. This does not include decorative banners installed by the City of Lynden or the Chamber of Commerce.~~

L. ~~Legal notices required by law.~~

M. ~~Barber poles;~~

N. ~~Grave markers.~~

O. — ~~Incidental, non-illuminated signs identifying small specialized community service structures, such as phone booths, public transit shelters, and collection containers for used goods or recyclable materials.~~

P. — ~~Incidental, non-illuminated signs limited to three per storefront.~~

Q. — ~~Non-illuminated informational signs pertaining to motor fuel which are affixed to the surface of fuel pumps. These may not exceed two square feet and may not be used for advertising purposes.~~

R. — ~~Temporary signs. Each temporary sign is limited to a maximum of 30 days. No one business may have more than two temporary signs up at any one time. Temporary signs include banners, hanging signs and freestanding signs. Temporary window lettering intended for view from the right-of-way is also included in this category. Searchlights may be utilized as a temporary sign for up to twelve hours within a single twenty-four hour period. All searchlights must be shut off by midnight.~~

S. — ~~Lettering or symbols painted directly onto or mounted magnetically onto an operable motor vehicle operating in the normal course of business; provided no part of such signs shall project higher than the roof surface of any such vehicle other than vehicles for hire.~~

T. — ~~Signs attached to buses or taxis for hire.~~

U. — ~~One non-illuminated bulletin board not larger than twelve (12) square feet in area for each public, charitable or religious institution when the same is erected on the premises of the institution.~~

V. — ~~Mural signs within the historic business district in existence on the effective date of the ordinance codified in this chapter.~~

W. — ~~Non-illuminated religious symbols mounted on church House of worship premises.~~

X. — ~~On premise, directional signs for church House of worshipes, schools, and government offices not to exceed eight (8) square feet and provided that they may not be placed in the public right-of-way and that the signs are portable and of a sandwich board design.~~

19.33.075 Special Exemption—Grand Opening/Going out of Business Signs

A. — ~~During a grand opening or going out of business sale not to exceed ninety (90) days, temporary signs may be displayed on the premises without a sign permit and regulations with respect to sign area, roof placement, sign height and type of signs are temporarily suspended.~~

B. — ~~All other regulations provided herein and not expressly suspended by this section shall apply to grand opening signs.~~

C. — ~~The provisions of this section may not be applied to more than one grand opening or going out of business event at any business location within any 12-month period; provided that each separate business location within a multiple-business complex shall be entitled to a grand opening or going out of business event separate from a grand opening event for the complex as a whole.~~

19.33.080 Prohibited signs. The following signs are prohibited within the city:

- A. ~~Abandoned signs.~~
- B. ~~Bench signs on, or within thirty (30) feet of, the Public right-of-way~~
- C. ~~New Billboards. Existing Billboards will be considered non-conforming and may not be reconstructed, replaced or re-located.~~
- D. ~~Flashing, revolving or any other moving signs; provided, that the moving hands of a clock or changing numerals of a time and/or temperature device may be permitted subject to the other regulations provided in this chapter. This clause is not intended to prohibit signs specifically permitted in other sections of this ordinance.~~
- E. ~~Off premises signs except real estate open house signs, political signs, community event signs, mural signs, and garage sale signs specifically authorized or exempted herein.~~
- F. ~~Off premises real estate signs within the historic business district.~~
- G. ~~Portable reader board signs, except as allowed under 19.33.070 (A). No exceptions will be permitted in the Historic Business District (See section 19.33.050 (K).~~
- H. ~~Roof mounted signs, including any signs painted directly on the roof surface.~~
- I. ~~Signs or sign structures, which by coloring, shape, working or location resemble or conflict with traffic control signs or devices.~~
- J. ~~Signs which create a safety hazard for pedestrian or vehicular traffic.~~
- K. ~~Signs larger than two (2) square feet in area attached to or placed on a vehicle or trailer on public or private property; provided, however, that this provision shall not be construed as prohibiting the identification of a firm or its products on a licensed vehicle operating during the normal course of business. For hire buses and taxis are exempt from this provision.~~
- L. ~~Signs attached to utility poles or traffic signs.~~
- M. ~~Signs within the public right-of-way except community event signs, kiosks and signs which overhang the public right-of-way as specifically authorized herein.~~
- N. ~~Signs in city-designated buffer zones or greenbelt areas. This does not include park and trail informational signs.~~
- O. ~~Signs contrary to the provisions of this chapter.~~
- P. ~~Streamers or inflatable objects, except for special events provided that they are removed within twenty-four (24) hours of the event, conform to the temporary sign requirements and are outside of the Historic Business District.~~
- Q. ~~Laser lights.~~

19.33.090 Special category signs.—Development Standards for Specific Sign Types. The following regulations shall apply to the special categories of signs set forth below, in addition to all the other requirements of this chapter which may be applicable. The following standards shall apply in addition to the standards listed

elsewhere in this chapter. For Signs that meet the definition of more than one sign type, the Planning Director/Community Development Director shall determine which standards apply based on the Sign's function, location, and orientation.

A. ~~A.~~ Canopy Signs and Awning Signs.

B. Directional Signs.

C. Freestanding Signs.

1. Setback. Freestanding Signs must be setback at least five (5) feet inside property lines.

2. Landscaped Base. All Freestanding Signs shall have a landscaped area at the base of the Sign at least twice the size of the Sign Area.

D. Fuel Signs. Any business selling motor fuel to the public may have one permanently-mounted Fuel Sign not to exceed eighteen (18) square feet per Sign Face. If such Sign is incorporated as part of the Monument Sign allowed pursuant to this Sign Code, the allowable height of such Monument Sign may be increased by four (4) feet.

E. Incidental Signs.

F. Monument Signs.

G. Multi-Business Complex Directory Signs.

1. Each Multi-Business Complex is allowed one Directory Sign per street frontage.

2. The total Sign Area for each Directory Sign associated with a Multi-Business Complex shall not exceed thirty-two (32) square feet plus an additional six (6) square feet per business or agency located within the Multi-Business Complex, up to a maximum of ~~eighty (80)~~ square feet.

3. The width of the sign face of a Directory Sign associated with a Multi-Business Complex shall not exceed ten (10) feet.

4. The applicant must apportion some of the Sign Area on the ~~Directory~~ Sign to all businesses and/or agencies operating within the Multi-Business Complex, including businesses and/or agencies internal to the building with no primary street frontage or access.

H. Mural Signs. Mural Signs are allowed subject to prior recommendation of the Lynden Design Review Board and approval of the City Council. Upon application, and recommendation by the Design Review Board, the City Council may authorize such Mural Signs upon a finding that the design and placement of the proposed Mural Sign depicts the history of the community and enhance the character of the commercial center. Mural Signs may not be used for commercial or advertising purposes. The City Council may also authorize specific placement of such Mural Signs off-premises or in a manner which exceeds the applicable size or height limits prescribed herein.

Commented [LP55]: We can insert standards that apply to particular sign types across all zones below.

Commented [LP56]: See comment above re: fuel signs.

Commented [KS57R56]: Should have a height limit. I recommend 5-feet max.

Commented [LP58R56]: Moved to 19.33.090 below.

Commented [LP59]: Currently, this maximum is 80 square feet in HBD, CSL, PU, and CSR districts, and 64 square feet in ID and IBZ districts. Are we okay with having an 80 square foot limit across all zones?

Commented [LP60]: I do not recall from our last conversation if we wanted to impose specific requirements as to how much sign area each business/agency receives, or if we wanted to leave that up to the applicant.

Commented [LP61]: Is the intent to only allow mural signs within the Historic Business District? If so, let's state that more directly.

Commented [LP62R61]: Let's chat further about mural signs.

I. Parking Lot Identification Signs. Parking lot identification Signs may be erected without a Sign Permit if restricted to posting regulations regarding the use of the lot and to identifying a parking lot with its owner, operator, or name of the business providing the lot. No advertising other than the name of the business may be included. The total Sign Area for parking lot identification Signs shall not exceed six (6) square feet for each one thousand (1,000) square feet of parking lot area and each Sign Face shall not exceed six (6) square feet; provided that each lot shall be allowed at least one parking lot identification Sign; and provided further that these restrictions may be exceeded to the extent required by any applicable laws of the State of Washington. Parking lot identification Signs shall not exceed a Sign Height of six (6) feet.

Commented [LP63]: We currently do not have a definition for "Identification Sign" or "Parking Lot Identification Sign." Consider adding.

J. Portable Signs.

K. Projecting Signs.

L. Readerboard Signs?

M. Wall Signs.

N. Window Signs (Permanent).

Parking Lot Identification Signs. Parking lot identification signs may be erected without a sign permit if restricted to posting regulations regarding the use of the lot and to identifying a parking lot with its owner, operator, or name of the business providing the lot. No advertising other than the name of the business may be included. The total sign area for parking lot identification signs shall not exceed six (6) square feet for each one thousand (1,000) square feet of parking lot area and each sign face shall not exceed six (6) square feet; provided that each lot shall be allowed at least one parking lot identification sign; and provided further that these restrictions may be exceeded to the extent required by any applicable laws of the State of Washington. Parking lot identification signs shall not exceed a sign height of six (6) feet.

B. Community Event Signs. Community Event signs are signs that announce an event sponsored by the City of Lynden or the Chamber of Commerce and is listed in the official calendar of community events. Signs for events not listed on the official calendar of events may be considered temporary signs under Section 49.33.070 (S). Banner signs are limited to seventy-five (75) square feet per sign face, and may be placed over public right-of-way, or on public property provided that the ground clearance, vision clearance and methods of construction in suspension are approved by the Public Works Director. Freestanding or wall signs may be no larger than 32 square feet per sign face and may be located in the public right-of-way or on public property, provided that the location of the sign is approved by the Public Works Director. Community event signs may be

displayed no longer than 14 days prior to an event and must be removed within 48 hours after the event.

- C. **Service Club Signs.** Service club signs are signs which display the recognized shield, logo or symbol of an international service club which has an established chapter in Lynden, has regularly scheduled meetings, but does not own or lease premises within the city. Each such sign may not exceed five (5) square feet. Service club signs require a sign permit and may be displayed only at a single location which has been approved by the City Planner [Community Development Director](#). Additional signage may be permitted for service project recognition at the site of the public service project.
- D. **Garage or Rummage Sale Signs.** Garage or rummage sale signs are temporary signs not to exceed four (4) square feet per sign face which provide direction to a household sale. Up to three (3) such signs may be placed without a sign permit on the property on which the sale is held and/or in nearby public rights-of-way. Signs placed in public rights-of-way must be self-supported by a stake or similar device and may not be attached to utility poles or traffic signs. Care must be taken to assure that the placement of such signs will not create a hazard to the public by obstructing the view or passage of pedestrians, cyclists or motorists. Garage or rummage sale signs may not be displayed for longer than three (3) days and must be removed within twenty-four (24) hours after the sale. Garage or rummage sale signs may not be displayed more than three times during any twelve (12) month period for direction to a sale on the same premises.
- E. **Special Purpose Sign.** A special purpose sign is a temporary sign to be displayed less than thirty (30) consecutive days for a purpose not anticipated by this chapter, but not in conflict with it, or in a unique situation as determined by the City Planner [Community Development Director](#). The total area of all special purpose signs intended to be displayed on any one premises shall be determined by the City Planner [Community Development Director](#); provided, however, that the total area shall not exceed thirty-two (32) square feet. All special purpose signs shall require a sign permit.
- F. **Mural signs.** Mural signs are allowed subject to prior recommendation of the Lynden Design Review Board and approval of the City Council. Upon application, and recommendation by the Design Review Board, the City Council may authorize such mural signs upon a finding that the design and placement of the proposed sign contributes to the historic business district. All murals must depict the history of the community and enhance the character of the commercial center. Murals may not be used for commercial or advertising purposes. The City Council may also authorize specific placement of such mural signs off-premises or in a manner which exceeds the applicable size or height limits prescribed herein.

19.33.100 Permit—Required Temporary Signs. These standards apply to all signs meeting the definition of Temporary Sign in this title. No sign or portion of any sign, except those exempted in Section 19.33.070 or Section 19.33.090, shall be erected, re-erected, replaced, revised, attached, structurally altered, or relocated by any person,

Commented [LP64]: Is the intent to only allow mural signs within the Historic Business District? If so, let's state that more directly.

~~firm or corporation from and after the effective date of the ordinance codified in this chapter without a permit issued by the city. No permit shall be required for repair, cleaning, or other normal maintenance, nor for changing the message on a reader board sign, as long as the sign structure is not modified in any way.~~

A. General Requirements for Temporary Signs.

1. No Temporary Sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control Sign, bus stop, fire hydrant, bench or other type of street furniture, or otherwise create a safety hazard.
2. Duration. All Temporary Signs shall be removed within ten (10~~5~~) days following the event or activity being promoted.
3. Maximum Number of Temporary Signs. No more than four Temporary Signs (or, for multifamily complexes containing more than four residential units, no more than one Temporary Sign per unit) visible from the public right-of-way per lot are allowed.

B. Temporary Signs in Public Right-of-Way.

1. Location. Temporary Signs are prohibited from being placed within roundabouts, medians, shoulders, travel lanes, and areas of the public right-of-way that are not accessible by a sidewalk or pedestrian walking path. Temporary Signs shall not be located in a right-of-way adjacent to public property owned or under the control of a unit of federal, state, or local government, or a special purpose district, unless otherwise approved by the unit of government.
2. Safety. All Temporary Signs shall be placed in a manner that is safe for all users of the public right-of-way. Temporary Signs shall not block access to structures or parked cars and shall not block vehicular sight distance at corners or intersections.
3. Permission of Owner of Abutting Property. Temporary Signs may only be placed in the public right-of-way if the sign owner has permission from the owner of the abutting property or the person in control of the abutting property (such as a tenant).

C. Temporary Signs on Private Property. Temporary Signs may only be placed on private property with the consent of the property owner or person in control of the property (such as a tenant). The property owner or person in control of the property may remove the Temporary Sign(s) without notice.

D. Maximum Sign Area. Temporary Signs are limited in size to four square feet.

E. Maximum Sign Height. Temporary Signs shall not exceed three feet in height.

F. Temporary Banners. Not more than one temporary banner per tenant space may be permitted. Temporary banners are limited to thirty-two (32) square feet in size. Temporary banners may be permitted for a maximum of thirty (30) days during any consecutive three-hundred-sixty-five-day (365) period.

G. Signs that exceed the height or size requirements herein are considered Permanent Signs and must meet the standards of the applicable Sign category in this chapter.

~~**19.33.110 Permit—Application.** Applications for sign permits shall be made to the City Planner Community Development Director upon permit forms provided by the city. Such application shall require:~~

~~A. Name of business and address where the work is to be performed; also the tax parcel number for the parcel where the work is to be performed.~~

~~B. Name and title of applicant;~~

~~C. Name, address and telephone number of the firm doing installation work;~~

~~D. Name and address of the sign owner if other than the business installing the sign;~~

~~E. A complete list describing each existing sign on the premises, including sign type, copy, sign area, location on premises, and date installed.~~

~~F. A site plan showing the location of the affected lot, buildings, and signs, showing both existing signs and proposed signs;~~

~~G. A scale drawing of each proposed sign or sign revision, including location, size, height, copy, structural and footing details, material specifications, colors, method of attachment, illumination, front and end views of canopies and any other information required to ensure compliance with appropriate laws;~~

~~H. Written consent of the owner of the building, structure, or property where the sign is to be erected.~~

~~**19.33.120 Permit—Fees and approval.** Permit fees shall be in accordance with the current fee schedule adopted by city resolution. Upon approval of plans, by the Building Official and the Design Review Board, where required, and payment of the required fee, the City Planner Community Development Director shall issue the sign permit. Permits shall be numbered in the order of their issuance and shall disclose:~~

~~A. The type and description of sign (s) as defined in this chapter;~~

~~B. The street address of the property upon which the sign will be installed;~~

~~C. The amount of the fee paid for the permit;~~

~~D. The date of issuance;~~

~~E. The name of the person or company installing the sign;~~

~~F. The name of the sign owner.~~

19.33.140 Variances Message Substitution

~~Signs containing noncommercial speech are permitted anywhere that Signs regulated by this chapter are permitted, subject to the same regulations applicable to such Signs. A substitution of a noncommercial message may be made without any additional approval, permitting, or notice to the city. The Design Review Board shall have the authority to grant a variance from the requirements of this chapter in accordance with the following procedures and considerations:~~

~~A. The person seeking a variance, shall prepare and submit an application on forms provided by the City PlannerCommunity Development Director accompanied by a fee in the amount as adopted by the resolution of the City Council.~~

~~B. Upon receipt of an application, the City PlannerCommunity Development Director shall first review the application for completeness. If the application is incomplete, the City PlannerCommunity Development Director shall return it to the applicant and indicate the additional information needed to make the application complete within three days of submittal.~~

~~C. Within thirty (30) days of receipt of a complete application, the Design Review Board shall make a preliminary determination of whether to grant the application, grant the same under specified conditions, or to deny the variance. In making this determination, the Design Review Board may grant a variance only upon specific, written Findings of Fact setting forth and showing that at least five of the following conditions exist. Of the required conditions, at least three of the conditions must be those within the first four conditions listed below:~~

~~1. Literal interpretation and strict application of the provisions and requirements of this chapter would cause either (a) undue hardship on the applicant because of unique or unusual conditions pertaining to the subject property; or (b) loss or substantial modification to a sign which has been found by the Design Review Board to contribute significantly to the historic Dutch theme.~~

~~2. The unique or unusual conditions do not result from actions of the applicant or owner of the subject property.~~

~~3. Granting the variance would not confer a special privilege to the subject property that is denied to other similarly situated properties.~~

~~4. Granting the variance would not be materially detrimental to the property owners in the vicinity or to the traveling public.~~

~~5. Granting the variance would not be contrary to the objects of this chapter relating to the placement of signs and the reduction of clutter; and~~

~~6. Granting the variance would be in harmony with the purpose and intent of this chapter and would not diminish the effect of this chapter in furthering these purposes.~~

7. ~~Size and shape of the sign must be in proportion to the bulk of the building.~~

8. ~~The sign should conform to the size and shape of signs in the surrounding area.~~

9. ~~A variance for a franchise sign must provide proof of the franchise requirement, in the form of the franchise agreement.~~

D. ~~In granting any variance, the Design Review Board may attach thereto such conditions regarding the location, character and other features of the proposed sign as they may deem necessary to carry out the spirit and purpose of this chapter in the public interest.~~

E. ~~Within five (5) days of the making of the preliminary determination, the Proponent shall cause to be mailed, by certified mail, a notice of the determination to the owner or reputed owner of the properties within 300 feet of the subject property, 500 feet if the property is located within the CSR, ID or IBZ zones, as shown by the property tax records of the Whatecom County Assessor, and by posting notice in a conspicuous place on the subject property and at the Lynden City Hall. The notice shall identify the applicant, the street address or legal description of the subject property, the variance requested, the Design Review Board's preliminary determination and where the application and findings may be inspected, and shall indicate that written comments or objections will be received and considered by the City Planner~~[Community Development Director](#) ~~for a period of ten (10) days following the date of mailing. Receipts, or copies of the receipts, for this certified mailing must be delivered to the City Planner~~[Community Development Director](#) ~~no later than the first day of the 10-day comment period.~~

F. ~~Within five (5) days of expiration of the comment period, the Chair of the Design Review Board shall consider any comments or objections made and render a final decision. The City Planner~~[Community Development Director](#) ~~shall cause to be mailed notice of the final decision to the applicant and to each person from whom written comments or objections to the preliminary determination have been received. Such decision shall be final and binding unless appealed in writing to the City Council within fifteen (15) days of the date of mailing of the City Planner~~[Community Development Director](#)~~'s final decision. Any person may file such an appeal by letter addressed to the City Council, accompanied by an appeal filing fee in the amount of \$100.~~

G. ~~In the event of an appeal, the City Council will review the reasons and information set forth in the letter of appeal; the findings, conclusions, and decision of Design Review Board, together with any written material submitted by the~~[City PlannerCommunity Development Director](#)~~; and may take public comment. The City Council shall affirm the decision of the Design Review Board unless it finds the decision to be clearly erroneous, or arbitrary and capricious, or contrary to law, in which case the Council may modify the decision or any conditions in connection therewith, or remand the same to the Design Review Board.~~

~~H. — No action to set aside or modify the decision of the City Council may be brought in any Court or other tribunal unless the action shall be filed within thirty (30) days of the effective date of the City Council's decision~~

19.33.150 Interpretations. Where there is any dispute concerning the interpretation of this chapter, the decision of the ~~City Planner~~Community Development Director shall prevail, ~~subject to appeal to the City Council as provided in this title.~~

Commented [LP65]: Can the Planning Director's decision be appealed to the City Council? I am seeing that DRB decision on a variance can be appealed to the City Council, but nothing else.

19.33.160 Enforcing official—Powers and Duties. The enforcing official of this chapter shall be the ~~City Planner~~Community Development Director who is hereby authorized and directed to enforce all the provisions of this chapter. ~~The City Planner~~Community Development Director may appoint a designee to assist with the enforcement of this chapter. Signs for which a permit is required may be inspected periodically by the ~~City Planner~~Community Development Director for compliance with this chapter.

19.33.170 Removal of Signs.

- A. Abandoned ~~S~~signs shall be removed by the owner or lessee of the premises upon which the sign is located within sixty (60) days after the business or service advertised by the sign is no longer conducted. This ~~requirement~~ also applies to ~~B~~billboards advertising defunct businesses or events.
- B. The ~~City Planner~~Community Development Director may order the removal of any ~~S~~sign erected, installed, or allowed to remain in violation of this chapter. ~~He or she~~The Planning DirectorCommunity Development Director shall give at least thirty (30) ~~days notice~~days' notice in writing, to the owner of such ~~S~~sign, or of the building, structure, or premises on which such ~~S~~sign is located, to remove the ~~S~~sign or to bring it into compliance with this chapter. The ~~City Planning Director~~Community Development Director~~er~~ may order removal of the ~~S~~sign at the expense of the owner of the premises if compliance with the written order is not obtained. Notice to the owner shall be deemed to be given as of the date of deposit in the United States mail addressed to the address on record that date at the office of the Whatcom County Assessor.
Exception: In the case of ~~T~~temporary ~~S~~signs, ~~B~~banner ~~S~~signs, ~~P~~portable ~~S~~signs or streamers, only five (5) ~~days notice~~days' notice need be given.
- C. The ~~City Planner~~Community Development Director may cause any ~~S~~sign which is erected or displayed in violation of this chapter to be summarily removed without notice and at the expense of the owner of the ~~S~~sign and/or premises if
 1. the condition of placement of the ~~S~~sign presents, in the opinion of the ~~City Planner~~Community Development Director, an immediate threat to the ~~health~~ or safety of the public, or
 2. the ~~S~~sign is placed in a public right-of-way or upon city property or attached to a utility pole, tree, or ~~t~~traffic ~~S~~sign in violation of this chapter.

19.33.180 Non conforming signs.

- A. All existing Signs within the city which are not in compliance with the requirements of this chapter upon the effective date of the ordinance codified in this title are considered to be Nonconforming Signs. Nonconforming Signs shall be removed or brought into compliance with this chapter upon the loss of non-conforming status as noted below. ———

~~Non-conforming signs shall be removed or brought into compliance with this chapter upon the loss of non-conforming status as noted below.~~

- B. Those revolving or blinking signs or electronic ~~R~~readerboard ~~Signs~~ granted a ~~S~~ign permit prior to September 1, 1996 are considered permitted ~~S~~igns under this ordinance without restriction on scrolling or changing of the message. Any change or replacement of those ~~S~~igns will require that the ~~S~~igns be brought into compliance with this ordinance or that a variance be applied for and granted.
- C. Exception pertaining to ~~P~~ortable ~~S~~igns, ~~B~~anner ~~S~~igns and ~~S~~streamers. All ~~P~~ortable ~~S~~igns, ~~B~~anner ~~S~~igns, and ~~S~~streamers made non-conforming by this ordinance shall be removed within ninety (90) days of the effective date of this ordinance.
- D. Loss of ~~N~~on-conforming ~~S~~tatus.
1. A ~~N~~on-conforming ~~S~~ign shall immediately lose its legal, non-conforming status if:
 - a) The ~~S~~ign is structurally altered in any way ~~— (See section 19.33.080(C);~~ or
 - b) The ~~S~~ign ~~S~~tructure is damaged in excess of fifty (50) percent of the original cost of the ~~S~~ign; or
 - c) The ~~S~~ign ~~S~~tructure is relocated; or
 - d) The ~~S~~ign ~~S~~tructure is replaced.
 2. On the occurrence of any of the events described in subsection (D) (1) of this section, the ~~S~~ign shall be immediately brought into compliance with this chapter with a new permit secured therefor, or shall be removed; provided, however, that the ~~City Planner/Community Development Director~~ may authorize specific alterations of such ~~N~~on-conforming ~~S~~igns if it is found that the total amount of aggregate noncompliance of the ~~S~~ign ~~A~~rea of the existing ~~S~~igns on the premises is reduced at least fifty (50) percent by the proposed alterations.

19.33.190 Liability. This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, or removing or moving any ~~S~~ign in the city for damages to anyone injured or damaged either in person or property by any liability by reason of permit or inspection authorized in this chapter or a certificate of inspection issued by the city or any of its agents.

19.33.200 Severability

If any provision of this Sign Code is found to be invalid, the remaining provisions stand on their own and are still valid.

