



WHATCOM COUNTY PLANNING COMMISSION

5280 Northwest Drive
Bellingham WA 98226

AGENDA June 22, 2023

The Whatcom County Planning Commission will hold a meeting at 6:30 p.m., with the option to attend remotely or in person at 5280 Northwest Drive, Bellingham.

- Call to Order
- Roll Call
- Flag Salute
- Department Update
- Open Session for Public Comment
- Commissioner Comments
- Approval of Minutes of: May 25, 2023
- Sign Regulation Update (PLN2016-00009)
 - *Work Session*
- Unfinished Business
- Adjournment

NOTE: For information on how to watch and participate in the meeting in real time, please visit the following web page: [Participate in Virtual Planning Commission Meeting](#)

Individuals who require special assistance to participate in the meetings are asked to contact "PDS_Planning_Commission@co.whatcom.wa.us" at least 96 hours in advance.

Pending Items Commissioners would like to address:
Code related implications of climate modeling

There are nine members on the Whatcom County Planning Commission. If you will be giving written information to the Commissioners, please give a copy to the Coordinator for our office files.

*For more information please contact Tammy Axlund at (360)778-5935 or
PDS_Planning_Commission@co.whatcom.wa.us
5280 Northwest Drive, Bellingham, WA 98226*



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
May 25, 2023**

Public Hearing and Work Session

1

1 **Call to Order**

2 The meeting was called to order by Whatcom County Planning Commission Chair,
3 Kelvin Barton at 6:31 p.m.

4 **Roll Call**

5 **Present:** Kelvin Barton, Daniel Dahlquist, Atul Deshmane, Jim Hansen, Julie Jefferson,
6 Dominic Mocerri, Scott Van Dalen

7 **Absent:** Kimberley Lund, Stephen Jackson

8 **Staff Present:** Cliff Strong, Steve Roberge, and Tammy Axlund

9 **Department Update**

10 Steve Roberge, Assistant Director of Planning and Development Services (PDS), stated
11 that the next Planning Commission agenda topic is signs.

12 **Open Session Public Comment**

13 There was no public comment.

14 **Commissioner Comments**

15 Commissioner Deshmane mentioned that he filed to run for the County Council At-
16 Large position.

17 **Approval of Meeting Minutes**

18 **Timestamp: 04:14**

19 **Commissioner Mocerri moved** to approve the meeting minutes from May 11, 2023.

20 **Commissioner Van Dalen seconded.**

21 **Roll Call Vote: Ayes-Barton, Dahlquist, Hansen, Jefferson, Mocerri, Van Dalen;**
22 **Abstain-Deshmane (Ayes-6; Nays-0; Abstain-1). The motion carried.**

23 **Proposed Amendments to Whatcom County Code (WCC) Title 20 (Zoning)**
24 **Regarding Home-Based Businesses**

25 **Timestamp: 05:06**

26 Cliff Strong, PDS Senior Planner provided an overview of the proposed amendments
27 and then answered Commissioners' questions.

28 **a) Public Hearing for Proposed Amendments to WCC Title 20 (Zoning)**
29 **Regarding Home-Based Businesses**

30 **Timestamp: 22:50**

31 Janet Wynne provided public comment.

32 **b) Work Session: Proposed Amendments to WCC Title 20 (Zoning) Regarding**
33 **Home-Based Businesses**

34 **Timestamp: 27:44**

35 Mr. Strong responded to Commissioners' questions.



RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
May 25, 2023

Public Hearing and Work Session

2

1 **Timestamp: 29:59**

2 **Commissioner Van Dalen moved** to accept the proposed amendments to Whatcom
3 *County Code Title 20 regarding home-based businesses, as well as the findings of fact.*

4 **Commissioner Deshmane seconded.**

5 **Roll Call Vote: Ayes-Barton, Dahlquist, Deshmane, Hansen, Jefferson, Moceri,**
6 **Van Dalen; (Ayes-7; Nays-0; Abstain-0). The motion carried.**

7 **Adjournment**

8 The meeting was adjourned at 7:04 p.m.

9 Minutes prepared by Tammy Axlund.

10 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

11 _____
12 Kelvin Barton, Chair

_____ Tammy Axlund, Secretary

DRAFT



Memorandum

TO: Whatcom County Planning Commission
THROUGH: Steve Roberge, Assistant Director; Cliff Strong, Senior Planner
FROM: Lucas Clark, Planner 1
DATE: June 13, 2023
SUBJECT: Review of WCC Chapter 20.80 Sign Code

Purpose

The purpose of this memo is to relate Planning and Development Services (PDS) findings regarding the need to update our sign code in response to the Supreme Court's rulings in *Reed v. Gilbert* (2016) and the *City of Austin v. Reagan National Advertising* (2022).

Background

In 2016, Council placed on the docket item #PLN2016-00009: "Review and revise Whatcom County Code 20.80.400 (Sign Regulations), including updating the code for consistency with the U.S. Supreme Court's decision in *Reed v. Town of Gilbert* (2015)." This item was suggested by Planning and Development Services (PDS), as the *Reed* decision had just been issued. This decision had significant implications for sign codes across the U.S., and PDS thought it a good idea to review our code to ensure compliance with it.

Essentially, the Court ruled in *Reed* that sign codes need to be content neutral, i.e., that there should be no distinction in allowances based on having to read the content of the sign or knowing the purpose of the sign or who's putting it up. In particular, this ruling affected jurisdictions' ability to regulate off-premise signs, as one would have to know the content of the sign in order to know whether it was on- or off-premises. This affected special events signs, political signs, off-premise commercial advertising signs, and others. However, the Court did retain jurisdictions' ability to impose standards based on size, building materials, lighting, moving parts, portability, etc., and they further concluded that a jurisdiction can entirely forbid the posting of signs on public property so long as it's done in an evenhanded, content-neutral manner.

However, prior to addressing this docket item, the Court heard another case, *City of Austin v. Reagan National Advertising* (2022). This decision clarified the *Reed* case. In it, the Court held that Austin's on-/off-premises sign regulations were not subject to the "strict scrutiny" standard of review that applies to content-based restrictions, but instead that the regulations were content-neutral and therefore subject to the "intermediate scrutiny" standard of review — a much lower burden for a regulation to pass muster under the First Amendment. The Court held that under the Austin regulations:

A given sign is treated differently based solely on whether it is located on the same premises as the thing being discussed or not. The message on the sign matters only to the extent that it informs the sign's relative location. The on-/off-premises distinction is therefore similar to ordinary time, place, or manner restrictions. *Reed* does not require the application of strict scrutiny to this kind of location-based regulation.

The Court held that the city's on-/off-premises sign regulations were not subject to the "strict scrutiny" standard of review that applies to content-based restrictions, but instead that the regulations were content-neutral and therefore subject to the "intermediate scrutiny" standard of review — a much lower burden for a regulation to pass muster under the First Amendment.

The Municipal Research and Services Center (MRCS) is a nonprofit organization that helps local governments across Washington State better serve their communities by providing legal and policy guidance on any topic. *Their bottom line:* "After Austin, local governments can feel confident in retaining (or reinstating) reasonable on-/off-premises sign regulations."

Analysis

Post *Reed v. Gilbert* MRSC guidelines suggest reviewing code for any content-based standards, though post *City of Austin v. Reagan National Advertising* that guidance was tempered for off-premise advertising. A review of the current Whatcom County Code (WCC) Chapter 20.80 was performed to assess its level of compliance with these rulings. In addition, key staff met to discuss whether there had been other issues in permitting, sign pollution, code enforcement, etc.

Staff reviewed the sign code to identify any content-based standards. It was found that WCC primarily regulates the code through size, building materials, lighting, moving parts, portability, etc. WCC does not allow signs to be in the public right of way, and new off-premise advertising is prohibited (WCC 20.80.410). In April of 1990, there were 18 off-premise advertising signs, and they were allowed to continue under a conditional use permit, but no new off-premise signs were allowed. On-premise signs are allowed, provided they meet the requirements of WCC 20.80.420 to 20.80.465, which primarily regulates size, placement, and lighting.

Staff also reviewed current and historical issues in permitting, sign pollution, and code enforcement. Though some minor issues were identified, these could be addressed through the annual code scrub.

Conclusions

Based on an analysis, the WCC legally regulates signs consistent with the rulings. The WCC regulates signs based on size, building materials, lighting, moving parts, portability, etc., not content. The two rulings that triggered the sign regulations to be placed on the docket do not require changes to the WCC.

Recommendation

Because amendments to WCC are not needed to comply with changes in case law PDS recommends that the Planning Commission move to recommend to Council that docket item #PLN2016-00009 is no longer necessary and that it be removed from the docket with no further action.

Exhibit A: Sign Regulations

PLN2016-00009 Sign Regulations Update

Title 20 Zoning

Chapter 20.80 Supplementary Requirements

20.80.215 Setbacks – Off-premises advertising signs.

Off-premises advertising signs shall be subject to the following setbacks. WCC 20.80.210 shall not apply.

- (1) No portion of a sign shall be placed within 15 feet of any right-of-way except as provided in subsection (3) of this section.
- (2) Minimum side and rear yard setbacks shall be 10 feet except where they abut a right-of-way.
- (3) Off-premises advertising signs oriented towards Interstate 5 may be up to within five feet of the interstate right-of-way when approved by all agencies having jurisdiction.
- (4) No off-premises advertising sign shall be within 500 feet of any residence or residential zoning or within 1,000 feet of any church, school, cemetery, park, open space designation or historical landmark.
- (5) No off-premises advertising sign shall be within 50 feet of any intersection.

20.80.220 Use of setback areas.

All setback measurements are minimum requirements. All front yard and rear yard setback areas shall be open from side-to-side of the lot except as otherwise provided by the following:

- (1) Front Yards.
 - (a) Appurtenances, including but not limited to: uncovered patios and decks less than 30 inches in height; driveways and walkways; pools and other recreation equipment; utilities, septic systems, and propane tanks with fuel capacities up to 500 gallons; and fences, walls, and vegetative hedges up to four feet in height may be placed in this front yard setback area subject to the limitations of WCC 20.80.210(3) (Vision Clearance); and provided, that:
 - (i) The location of propane tanks with fuel capacities up to 500 gallons is restricted to the rear 50 percent of front yard setbacks. All such propane tanks shall be:
 - (A) Inspected and approved by the Whatcom County fire marshal for compliance with the most currently adopted International Fire Code and, when required by the fire marshal, isolated from other uses by a noncombustible wall or fence; and
 - (B) Screening by a fence or with shrub vegetation planted to a minimum height of six inches above the top surface of the propane tank is encouraged.
 - (b) Signs approved for use in a front yard area shall be subject to the limitations of WCC 20.80.410 and/or WCC 20.80.215 as applicable.
 - (c) Outside of urban growth areas fences, walls, and vegetative hedges up to a maximum of six feet in height may be located within the front yard setback area subject to the limitations of WCC 20.80.210(3) (Vision Clearance).

(...)

20.80.300 Landscaping. (Adopted by reference in WCCP Chapter 2.)

20.80.384 Sign, off-premises advertising.

Deleted editorially. (See WCC 20.97.384.)

20.80.400 Sign controls.

Whenever reference is made in this ordinance to sign controls, the following provisions shall apply.

20.80.410 Signs – General provisions – Applicable to all districts.

- (1) No sign or any portion of a sign shall be located on or over public property, such as road rights-of-way and easements, transmission line corridors or utility easements. Standard building height limits and setbacks shall apply to all signs unless otherwise provided elsewhere in this title or in other county codes or regulations including the county’s Shoreline Management Program. All freestanding signs advertising on-premises operations may be located within required landscaping areas, except that no such sign shall be closer than 10 feet to the road right-of-way. This distance shall be increased if it can be shown to present a traffic hazard.
- (2) On-premises signs meeting the requirements of WCC 20.80.420 to 20.80.465 are permitted.
- (3) Other than exempt signs under WCC 20.80.470, all other signs in the Recreation and Open Space District are prohibited and all other signs in other districts conditionally permitted subject to meeting the requirements of WCC 22.05.026.
- (4) Off-premises advertising signs are prohibited in all districts except adjacent to arterial roads or Interstate 5 in General Commercial or Industrial Districts where they require a conditional use permit. Maximum sign size shall be 288 square feet and not more than 25 feet high. Minimum separation between off-premises advertising signs shall be a 500-foot radius. All off-premises advertising signs shall meet the setback requirements found in WCC 20.80.215. Off-premises signs may be back to back only; no V-type signs are allowed. Off-premises signs may display at most two advertisements per side. The number of off-premises advertising signs within the county shall not exceed 18, which is the total of existing off-premises advertising sign structures that as of April 30, 1990 (a) had a county conditional use permit and (b) those facing Interstate 5 within Commercial or Industrial Districts with a valid state permit. Permit holders for the existing 18 signs may replace any sign they remove with a new sign subject to obtaining conditional use approval for the new sign. By no later than April 30, 1996, all conforming off-premises advertising signs which became nonconforming as a result of new regulations adopted the seventh day of August, 1990, shall meet all requirements of said regulations or be abated; provided, that those signs holding valid conditional use permits need not conform to the setback from residence requirement of WCC 20.80.215(4).
- (5) Signs shall not depict or describe “specified sexual activities” or “specified anatomical areas” as defined in WCC 20.97.008.
- (6) Marijuana retail facility license holders shall abide by WAC 314-55-155 (as amended) regarding signage.

20.80.420 Neighborhood Commercial District sign regulations.

- (1) Single-faced signs placed on walls or eaves of business establishments shall not exceed 32 square feet.
- (2) One freestanding sign is permitted for each Neighborhood Commercial Zone District. Each sign shall not exceed 64 square feet with a maximum height of 10 feet.
- (3) Lighted signs shall only be internally or indirectly illuminated.
- (4) Reader board signs shall be allowed for tenant identification only, and merchandise or price special advertising shall be prohibited.
- (5) Off-premises advertising signs are prohibited.

20.80.430 Rural General Commercial and General Commercial District sign regulations.

- (1) Single-faced signs placed on walls or eaves of business establishments shall not exceed 100 square feet in area. Freestanding signs shall not exceed 64 square feet in area. Roof signs shall not extend laterally beyond the roof they are located on and shall not exceed 100 square feet in area.
- (2) Freestanding signs shall not exceed 25 feet in height and wall-mounted signs shall not exceed the actual building height. Roof signs shall not extend more than five feet above the peak of the roof.
- (3) Lighted signs shall only be internally or indirectly illuminated.

20.80.435 Tourist Commercial District sign regulations.

- (1) Signs shall be located on the premises with the use they are identifying.
- (2) Single-faced signs placed on walls or eaves of business establishments shall not exceed eight percent of the facade area where the sign will be located plus eight square feet. No more than one wall sign shall be permitted per facade. The facade area includes any one side of a building composed of walls, windows and doors.
- (3) Elevated signs shall not exceed 250 square feet in area on any one face, nor exceed four faces per sign, and shall be located no closer than 200 feet apart regardless of ownership or number of businesses.
- (4) Signs shall not exceed 40 feet in height except as provided for in subsection (7) of this section.
- (5) Off-premises advertising signs are prohibited.
- (6) Lighted signs shall only be internally or indirectly illuminated.
- (7) One of the freestanding on-premises signs shall be permitted additional sign height subject to the following criteria:
 - (a) The sign identifies a business with a significant freeway orientation such as a business offering lodging, food, fuel or automobile service.
 - (b) The sign is within 1,500 feet of a freeway interchange, measured from the intersection of the center line of a freeway and the center line of the intersecting roadway.
 - (c) The permitted sign height shall not exceed 50 feet above the elevation of the overpass or freeway (whichever is higher) at the intersection of the freeway center line and the center line of the intersecting roadway.

20.80.440 Small Town Commercial and Resort Commercial District sign regulations.

- (1) All uses shall be allowed on-premises signs in connection with any permitted, accessory or conditional use, subject to the following provisions:
- (2) One freestanding sign for each road frontage, not to exceed 10 feet in height, and one wall sign; with total surface area of all signs not to exceed:
 - (a) Twelve square feet for each road frontage for multiple-family and rooming houses with less than or equal to 20 units;
 - (b) Forty square feet for each road frontage for hotels and motels; provided, that on any road frontage exceeding 160 feet, 60 square feet shall be allowed; and
 - (c) Twenty-four square feet for each road frontage for all other uses.
- (3) Lighted signs shall only be internally or indirectly illuminated.
- (4) Reader board signs shall be allowed for tenant identification only, and merchandise or price special advertising shall be prohibited.
- (5) Signs shall be nonmoving, nonfluttering, and nonrotating, with pennants, banners, small lights and similar decorations of a seasonal or holiday or special event character allowed for up to 90 days per year.
- (6) Off-premises advertising signs are prohibited.

20.80.450 General Manufacturing, Light and Heavy Impact Industrial, Rural Industrial and Manufacturing, and Airport Operation Districts sign regulations.

- (1) Unlighted temporary building signs not to exceed 64 square feet in area, with message limited to the name, address and phone number of the project, contractor, architect, and financial source, shall be permitted.
- (2) Real estate signs shall be limited to one sign per street frontage, shall be unlighted and shall not exceed 64 square feet in area.
- (3) The following regulations shall apply to permanent signs for industrial uses:
 - (a) All signs must be an integral and coordinated part of a site design plan for the entire complex.

- (b) One freestanding sign shall be permitted at the entrance to each individual site; provided, that total sign area for any one face does not exceed 64 square feet.
 - (c) One freestanding sign not higher than 25 feet shall be permitted at each main entrance to an industrial park. The message of said sign shall be limited to the name of the park and its occupant(s). Sign area of any one face shall not exceed 275 square feet.
 - (d) Wall signs shall be flush against the building and shall not exceed 25 percent of the total wall area on which they are located less windows and doors.
 - (e) Roof signs not greater than five feet above the peak of the roof and not extending beyond the roof they are located on shall be permitted.
- (4) For nonindustrial uses the following regulations shall apply:
- (a) One freestanding sign not to exceed 64 square feet in surface area per sign face. A maximum of two sign faces shall be allowed. Height of this sign shall not exceed 25 feet.
 - (b) Single-faced signs on walls or eaves not to exceed a cumulative total of 100 square feet in area.
 - (c) Roof-mounted signs with a maximum of two faces per sign not to exceed a cumulative total of 100 square feet in surface area per face (or faces visible from one direction). These signs shall not extend laterally beyond the roof nor more than five feet above the highest point of the roof.

20.80.460 Recreation and Open Space District sign regulations.

- (1) One freestanding sign for each road frontage shall be permitted; provided the sign does not exceed six feet in height and surface area does not exceed 24 square feet. Sign setbacks shall be at least 20 feet from the edge of a county or state road right-of-way, or 25 feet from adjacent nonpublic property lines.
- (2) One wall sign for each accessory or conditionally permitted structure shall be permitted; provided total sign area does not exceed 12 square feet.
- (3) Signs demarcating public property boundaries shall be permitted; provided total sign area for each individual sign does not exceed three square feet. Said signs may be located at property lines.

20.80.465 Urban Residential Mixed (UR-MX) District sign regulations.

- (1) Not more than two identification signs with a maximum of 32 square feet total area for each storefront shall be permitted; provided, that said sign(s) shall not project above any part of the roof line. Signs may extend 24 inches from the wall or to the edge of a permanent canopy or awning of the building to which they are attached. At least one of the signs for an individual business must be readable to pedestrians on the adjacent sidewalk.
- (2) Said signs shall be harmonious and compatible with the character of the surrounding area.
- (3) Signs may only be illuminated by an indirect external source.

20.80.470 Exemptions.

The following types of signs shall be exempt from the regulations of this section and zoning districts; provided, that such signs shall conform to the general provisions of this section.

- (1) Addresses (internal lighting permitted), family names, cottage names, entrance and exit signs, up to two square feet; provided, that they are on premises.
- (2) Temporary on-premises real estate sales signs, up to 14 square feet for each road frontage; provided, that for sites in excess of five acres, the area may be increased to 64 square feet per road frontage (single sign only permitted) on a one-year permit basis. Signs announcing construction of a facility shall be considered to be real estate sales signs.
- (3) Small window signs up to three square feet in business uses; provided, that such signs do not cover more than 25 percent of the area of any window.
- (4) Community identification signs of up to 64 square feet on entrance roads to community areas; provided, that such signs shall not be spaced at intervals of less than one mile along such a road.

- (5) Private directional signs up to 12 square feet in Business, Commercial or Industrial Districts, and up to six square feet in other districts; provided, that:
 - (a) No single use may have more than four such signs;
 - (b) No single use shall have signs occurring more frequently than one per mile;
 - (c) Signs shall meet off-premises advertising sign (WCC 20.80.215) setback requirements unless they are four feet or less in height, in which case setback shall be five feet from any right-of-way and 30 feet from any driveway;
 - (d) No sign shall violate the clear vision section (WCC 20.80.210(3)); and
 - (e) Existing signs that do not comply with all provisions above may continue to exist until May 1, 1991, at which time all nonconforming signs shall be abated.
- (6) Public agency directional signs; provided, that paragraphs (a), (b) and (d) same as (5) above; (e) eliminated; and (c) to read: signs may be located in the public right-of-way subject to obtaining a revocable encroachment permit from the County.

Chapter 20.97 Definitions

20.97.030 Billboard.

“Billboard” means any off-site sign owned by a third party used as an outdoor display for the purpose of making anything known, for the use of which a charge is made for advertising thereon.

(...)

20.97.375 Sign.

“Sign” means any placard, billboard, display, message, design, letters, symbol, light figure, illustration, set of pennants, or other device intended to identify, inform, advertise or attract attention to any private or public premises, and placed mainly outdoors so as to be seen from any public or quasi-public place. Excluded from this definition are official traffic, directional or warning devices; other official public notices; signs required by law; or flag of a government or other noncommercial institution.

20.97.380 Sign, freestanding.

“Freestanding sign” means a self-supporting sign placed off and away from the building to which it is related.

20.97.382 Sign, internally illuminated.

“Internally illuminated sign” means a sign or portion of a sign that is illuminated by a light source that is contained within the sign.

20.97.384 Sign, off-premises advertising.

“Off-premises advertising sign” means a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

20.97.385 Sign, off-premises.

“Off-premises sign” means a sign situated on premises other than those premises to which the sign’s message is related.

20.97.390 Sign, on-premises.

“On-premises sign” means a sign situated on the premises to which the sign’s message is related.

20.97.395 Sign, private directional.

“Private directional sign” means an off-premises sign which indicates the distance and direction to a private use.

20.97.396 Sign, public agency directional.

“Public agency directional sign” means an off-premises sign owned or endorsed by a public agency which indicates the distance and direction to a public use.

20.97.400 Sign, projecting.

“Projecting sign” means a sign which is attached to a project at an angle from a building’s exterior wall.

20.97.405 Sign, roof.

“Roof sign” means a sign erected upon, against, or directly above a roof or on top of or above the parapet of a building; signs on and within the top height of mansard roofs shall be considered wall signs.

20.97.410 Sign, surface area.

“Surface area sign” means, for a sign with a message or symbol on any type of solid backing, the entire area of the backing and frame for the backing. For a sign consisting of individual letters and/or symbol(s) placed directly on a building wall or supported independently, surface area shall be the area within the least parallelogram, triangle, circle, semi-circle, or other geometric figure which includes the total message and/or symbol(s). Structural or support elements of the sign, excluding the advertising or backing elements of said sign, shall not be included in the measurement of surface area. The surface area of a freestanding or projecting sign with messages on two sides, designed to be viewed primarily from only one street or road, and with the two sides approximately parallel and not separated by more than one foot, shall be the area of one side only.

20.97.415 Sign, wall.

“Wall sign” means a sign placed upon and parallel to the exterior wall of a building which may not extend above the top of the wall or parapet.

Chapter 20.20 Urban Residential (UR) District

20.20.150 Conditional uses.

(...)

.155 Neighborhood grocery stores; provided, that:

- (1) The gross commercial floor areas, including sales and storage areas, shall not exceed 2,500 square feet;
- (2) Storage areas shall be located entirely within the structure; however, outside trash receptacles shall be enclosed and screened from public view;
- (3) The owner may have no more than two gasoline islands;
- (4) Minor auto repairs may be provided; however, engine overhaul, body and fender work, tire recapping and vehicle sales are prohibited;
- (5) Hours of operation shall be limited to 7:00 a.m. through 11:00 p.m.;
- (6) Height of the building shall not exceed 28 feet from the average grade;
- (7) The site shall be full fronting on two or more improved public roads or streets;
- (8) All lighting shall be designed and installed to prevent the illumination of adjacent properties during business hours; however, security lighting may be permitted during nonbusiness hours if it is designed to prevent the illumination of adjacent properties;
- (9) Not more than two identification signs, not exceeding 40 square feet in area for each road frontage, shall be permitted; provided, that said sign(s) shall be attached flush against the building, but shall not project above any part of the roofline nor extend more than 18 inches from the wall of the building to which it is attached. Said sign(s) shall be harmonious and compatible in appearance with the character of the surrounding area. Signs may only be illuminated by an indirect external source.

Chapter 20.22 Urban Residential – Medium Density (URM) District

20.22.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400.

Chapter 20.24 Urban Residential Mixed (UR-MX) District

20.24.150 Conditional uses.

(...)

.161 The following uses may be approved within a neighborhood center where the locational criteria (subsection (2) of this section) and site criteria (subsection (3) of this section) are met; the floor area per nonresidential use does not exceed 2,500 square feet; and the developer has conducted at least one neighborhood meeting prior to application for the purpose of hearing neighborhood concerns and suggestions regarding the proposal.

(1) Uses.

- (a) Commercial uses with a neighborhood or specialty nature including, but not limited to, barber and beauty shops, bakeries, drugstores; provided, that food markets may have no more than two gasoline pump islands, hardware stores, restaurants and coffee shops with or without drive-up service, electric vehicle rapid charging stations and battery exchange facilities (accessory to food markets with gasoline pump islands), stationery stores, laundromats, video rental, bookstores, frame shops and other small convenience retail, rental, or repair shops.
- (b) Professional offices.
- (c) Adult care centers, mini-day care centers, and day care centers.
- (d) Residential units located on the upper floor(s) of buildings containing the uses listed above. Such units will be counted toward minimum densities and maximum percentage of multifamily units, but shall not be counted toward maximum densities.

(2) Locational Criteria. Uses must be clustered in a single center which is no larger than two acres, excluding areas used for duplex and multifamily dwellings, and:

- (a) Fronts on an arterial or collector street; or
- (b) Is located adjacent to a public square or neighborhood park; and
- (c) Is no closer than one-half mile from an existing or approved commercial center or other commercial use or zone;
- (d) Neighborhood centers shall not be developed in areas characterized by residential development at less than one dwelling unit per acre except as part of a mixed residential development.*

(3) Site Criteria.

- (a) Parking shall be located at the rear of the buildings with access from alleys or side streets. On-street parking may be counted toward the parking requirements in Chapter 20.80 WCC.
- (b) Buildings are located adjacent to the right-of-way or sidewalk, or as close as allowed in WCC 20.80.200, Setback requirements.
- (c) Commercial development shall occur in nodes; linear strips will be discouraged.
- (d) Centers should be visible and accessible to pedestrians from the streets and clearly defined through lighting, landscape, landmarks, and/or open space.
- (e) In the Urban Fringe Subarea, specific wetland systems and sensitive environmental areas shall be preserved and incorporated into the development site design plan consistent with Bellingham city ordinances.*
- (f) Sidewalks are a minimum of eight feet wide.
- (g) Street trees are located on the curb side of the sidewalk in accordance with city of Bellingham street tree standards.

- (h) Individual businesses or establishments must be joined by common walls unless the applicant can demonstrate to the satisfaction of the administrator that unique site circumstances dictate some other form.
- (i) Storage areas shall be located entirely within the structure and outside trash receptacles shall be enclosed and screened from public view.
- (j) All lighting shall be designed and installed to prevent the illumination of adjacent properties during business hours; however, security lighting may be permitted during nonbusiness hours if it is designed to prevent the illumination of adjacent properties.
- (k) In accordance with WCC 20.80.465, Urban Residential-Mixed (UR-MX) District sign regulations, not more than two identification signs, with a maximum of 32 square feet total area for each storefront shall be permitted; provided, that said sign(s) shall not project above any part of the roof line. Signs may extend 24 inches from the wall or to the edge of a permanent canopy or awning of the building to which it is attached. At least one of the signs for an individual business must be readable to pedestrians on the adjacent sidewalk. Said sign(s) shall be harmonious and compatible in appearance with the character of the surrounding area. Signs may only be illuminated by an indirect external source.*
- (l) Use of shared parking areas is encouraged. The minimum parking requirement shall be 50 percent of the parking requirements in WCC 20.80.580, but shall in no case exceed two-thirds of the requirements in WCC 20.80.580.

* Code reviser's note: Sketches will be available in a future supplement.

Chapter 20.43 Commercial Forestry (CF) District

20.43.150 Conditional uses.

(...)

.187 Type III solid waste handling facilities; provided, that:

(...)

- (10) Signs shall not exceed one nonilluminated freestanding sign, visible from a road, and not exceeding six feet in height and on additional nonilluminated sign attached to a building, but not extending above the lowest portion of the roof, for a maximum total signage of 16 square feet; however, signs giving unacceptable materials, alternate disposal locations, recycling options, or any other information required by other regulations, shall not be included as part of this 16-square-foot allowance but shall be visible only from areas within the parcel unless required by other regulations to be visible to the street and then shall be designed to be compatible with a residential neighborhood including appropriate landscaping;

(...)

Chapter 20.44 Recreation and Open Space (ROS) District

20.44.600 Signs.

Signs shall be administered pursuant to WCC 20.80.400 (Sign controls).

Chapter 20.36 Rural (R) District

20.36.150 Conditional uses.

(...)

.175 Indoor and outdoor, live commercial entertainment; provided, that:

- (1) The use is located within a Rural 10 Acre (R10A) District, and upon at least a 10 acre parcel.
- (2) The use requires a rural setting to be compatible with its entertainment theme.

- (3) Maximum attendance is limited to 1,000 persons per day.
- (4) Accessory food service and gift shop activity is limited to five hours per day, liquor service is prohibited.
- (5) The use shall not exceed maximum environmental noise levels established by state law (Chapter 173-60 WAC).
- (6) The use will not generate primary traffic flows on local access roads where adjacent residential density exceeds one unit per five acres.
- (7) Minimum buffering shall be required as established in WCC 20.80.345; provided, that minimum side and rear yard buffers are at least 50 feet.
- (8) Limited hours and seasons of operation are established.
- (9) One on-premises freestanding sign is permitted only, not to exceed 10 feet in height and 24 square feet in surface area per face, and not exceeding two faces per sign.
- (10) Off-street parking is provided for, consistent with WCC 5.40.040; overnight RV parking and/or camping is prohibited.

Chapter 20.59 Rural General Commercial (RGC) District

20.59.650 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400.

Chapter 20.60 Neighborhood Commercial Center (NC) District

20.60.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400.

Chapter 20.61 Small Town Commercial (STC) District

20.61.150 Administrative approval uses.

.152 Light fabrication type uses.

- (1) Light fabrication and assembly, provided:
 - (a) Individual buildings will be limited to a maximum of 10,000 square feet of total floor area except for existing buildings.
 - (b) All work is conducted within a building, except for activities complementary to the intent of the STC District and which is harmonious with adjacent parcels.
 - (c) In the event materials will be stored outdoors, the administrator may require adequate landscaping, screening or other devices in order that the material will not be visible by surrounding uses or roads.
 - (d) Two signs are permitted. One nonilluminated freestanding and not to exceed six feet in height. One additional nonilluminated sign may be attached to the building for a maximum total signage of 16 square feet. No portion of any sign shall extend above the lowest portion of the roof.

20.61.650 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.410 and 20.80.440, or as otherwise determined in this chapter.

Chapter 20.62 General Commercial (GC) District

20.62.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400.

Chapter 20.63 Tourist Commercial (TC) District

20.63.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400.

Chapter 20.64 Resort Commercial (RC) District

20.64.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400 except that no off-premises advertising signs are allowed other than those specified in WCC 20.80.470.

Chapter 20.66 Light Impact Industrial (LII) District

20.66.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400.

Chapter 20.67 General Manufacturing (GM) District

20.67.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400.

Chapter 20.68 Heavy Impact Industrial (HII) District

20.68.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400.

Chapter 20.69 Rural Industrial and Manufacturing (RIM) District

20.69.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400.

Chapter 20.72 Point Roberts Special District

20.72.670 Signs and flag poles.

(11) Signs in the Small Town Commercial (STC), Rural General Commercial (RGC), Rural Industrial Manufacturing (RIM), and Resort Commercial (RC) Zones are permitted subject to the provisions of WCC 20.80.410 and 20.80.470, and subject to the following:

- (a) Not more than one freestanding sign is permitted on a lot of record, and a freestanding sign shall have no more than two sign faces. Freestanding signs shall not exceed 12 feet in height and shall not exceed 40 square feet in area per sign face.
- (b) Not more than 10 square feet of sign area per sign face may be internally illuminated. Characters within the internally illuminated sign area shall be no larger than six inches tall. Signs may be externally illuminated.
- (c) Single-faced signs placed on walls or eaves of business establishments shall not exceed a total of 40 square feet per business establishment.
- (d) Signs shall not rotate or otherwise be in motion, and copy or pictures on the sign shall not flash, scroll, or display a video or animated image.
- (e) For purposes of this section, any sign erected or existing as of July 1, 2016, that has a valid permit from the department, but does not conform with the provisions of this section, is a nonconforming sign. A nonconforming sign may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when the prior permit was issued. Any structural or other substantial maintenance to a nonconforming sign shall render

the prior permit void and shall result in the reclassification of such sign as an illegal sign. Where there are conflicts between this section and Chapter 20.83 WCC, the provisions of this section shall prevail.

(12) Flag Poles.

(a) The height of flag poles shall not exceed 20 feet.

(b) Flag poles on top of buildings shall not exceed 10 feet above the roof top.

Chapter 20.85 Planned Unit Development (PUD)

20.85.116 Signs.

In addition to the provisions of WCC 20.80.400, a system of signs for identifying the location of each residential unit, store or industry shall be established, based on considerations of crime prevention and the needs of emergency vehicles.

Title 23 Shoreline Management Program

Chapter 23.110 Definitions

23.110.060 F definitions.

(...)

“Freestanding sign” means a self-supporting sign placed off and away from the building to which it is related.

(...)

23.110.150 O definitions.

(...)

“Off-premises sign” means a sign situated on premises other than those premises to which the sign’s message is related.

(...)

“On-premises sign” means a sign situated on the premises to which the sign’s message is related.

(...)

23.110.160 P definitions.

(...)

“Private sign” means a sign used on a private residence to indicate only the owner’s name or address, that the premises are for rent or sale, or for other reasonable purposes related to residential use including permitted home occupations.

(...)

“Projecting sign” means a sign that is attached to and projects at an angle from a building’s exterior wall.

(...)

23.110.180 R definitions.

(...)

“Roof sign” means a sign erected upon, against, or directly above a roof, or on top of or above the parapet of a building; signs on mansard roofs shall be considered wall signs.

(...)

23.110.190 S definitions.

(...)

“Sign” means any placard, billboard, display, message, design, letters, symbol, light, figure, illustration, set of pennants, or other device intended to identify, inform, advertise, or attract attention to any private or public premises, and placed mainly outdoors so as to be seen from any public or quasi-public place. Double-faced signs are counted as two signs. Excluded from this definition are official traffic, directional or warning devices, other official public notices, signs required by law, or flag of a government or other noncommercial institution.

(...)

23.110.230 W definitions.

“Wall sign” means a sign placed upon and parallel to the exterior of a building.

(...)