ORDINANCE NO. 3653

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON AMENDING TITLE 17, ZONING, CHAPTER 17.87 SIGNS, TO ALLOW AN ADDITIONAL FREESTANDING SIGN IN COMMERCIAL DISTRICTS, WITH CONDITIONS, & TO ADOPT THE LIQUOR CONTROL BOARD'S LIQUOR ADVERTISING RULES CONTAINED IN WAC 314-52.

WHEREAS, a SEPA Threshold Determination of Non-significance, non-project action, was issued on May 4, 2015, and published on May 7, 2015. The SEPA comment period lapsed on May 20, 2015; and the SEPA appeal period lapsed on June 1, 2015 and no comments were received or appeals filed; and,

WHEREAS, a notice of public hearing was published on May 7, 2015; and,

WHEREAS, the requisite notice of adoption of the proposed amendments was transmitted to the Department of Commerce on May 4, 2015 with expedited review granted on May 19, 2015 in compliance with RCW 36.70A.106 (1); and,

WHEREAS, The City utilized the State Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property for evaluating constitutional issues, in conjunction with and to inform its review of the Ordinance. The City has utilized the process, a process protected under Attorney-Client privilege pursuant to law including RCW 36.70A.370(4), with the City Attorney's Office which has reviewed the Advisory Memorandum has discussed this Memorandum, including the "warning signals' identified in the Memorandum, with decisions makers, and conducted an evaluation of all constitutional provisions potentially at issue and advised of the genuine legal risks, if any, with the adoption of this Ordinance to assure that the proposed regulatory or administrative actions did not result in an unconstitutional taking of private property, consistent with RCW 36.70A.370(2).

WHEREAS, the proposed amendments ensure that the City's municipal code is internally consistent.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION ONE. The City Council does hereby adopt the above listed recitals as set forth fully herein.

SECTION TWO. PLANNING COMMISSION RECOMMENDATION ADOPTED. The City Council adopts the Planning Commission's findings of fact and conclusions of law, outlined below, in their entirety.

A. Planning Commission's Findings of Fact:

1. The procedural requirements outlined in MVMC Chapter 14.05, Procedures, have been satisfied by City staff. This includes the Notice of Public Hearing, the environmental review pursuant to the SEPA statute, and receiving expedited review from the State Department of Commerce.

B. Planning Commission's Conclusions of Law:

1. The Planning Commission finds that the proposed amendments to the sign code advance significant governmental interests in the protection of public safety, health, welfare, and community aesthetics including but not limited to: the need for a well-maintained and attractive community; motorized and non-motorized traffic and pedestrian safety, and minimization of both the individual and cumulative distractions of signs to travelling motorists and bicyclists while leaving open channels of communication for the expression of viewpoints and other information.

2. The requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.

C. Planning Commission Recommendation to the City Council:

At their public hearing on June 2, 2015 after review of the materials presented by City staff and listening to public testimony the Planning Commission made a recommendation to adopt the amendments to the Mount Vernon Municipal Code that are contained in this Ordinance.

SECTION THREE. That Section 17.87.080, General commercial, community commercial, and commercial limited industrial districts (C-2, C-3 and C-L), is hereby repealed and reenacted, the new section to read as follows.

A. Only on-premises signs are permitted, except that off-premises signs may be permitted by conditional use permit; provided, that such signs shall not be detrimental to the surrounding area.

B. Single-Tenant Building.

1. One freestanding sign per lot with a total sign area of one square foot per lineal foot of street frontage not to exceed 150 square feet and not to exceed 30 feet in height;

2. Lots that abut two public rights-of-way can be allowed one additional freestanding sign that meets the following size, height and location requirements:

i. The second freestanding sign shall not exceed 36 s.f. in size and shall be limited to 15 feet in height; and,

ii. The two freestanding signs shall be at least 150 feet apart as measured by a straight line, or straight line elements, between the widest portions of the two signs.

3. A projecting sign may be used in lieu of a freestanding sign, but shall be limited to one-half the area allowed for a freestanding sign on that frontage, and in no case shall exceed 50 square feet;

4. Wall or marquee signs shall not exceed a total sign area of two square feet per lineal foot of building frontage, but at least 60 square feet of sign area shall be permitted.

C. Multibuilding Complexes or Multitenant Buildings.

1. One freestanding sign with a total sign area of one and one-half square feet of sign area per one foot of street frontage not to exceed 250 square feet per sign face and not to exceed 30 feet in height, and shall be at least 60 square feet regardless of frontage;

2. For multitenant buildings there shall be not more than one freestanding or projecting sign per street frontage, except that if a complex has more than 300 lineal feet of street frontage, there shall be allowed one additional freestanding sign, not to exceed 150 square feet in area. The signs must be located at least 150 feet apart;

3. Wall or marquee signs shall not exceed a total sign area of two square feet per lineal foot of building frontage, but at least 60 square feet of sign area shall be permitted.

D. One freeway-oriented, freestanding sign per business may be permitted in lieu of other freestanding signs for the business; such sign shall be subject to the size limitations of subsections B and C of this section, whichever is applicable, and the height may be up to 60 feet.

E. Changing message center signs or other similar electrically or electronically controlled signs with advertising shall be allowed subject to the following conditions:
1. Location of the property where the sign is located shall be along a principal or minor arterial as defined by the city engineer;

2. For locations adjacent to a residential use or district electronic displays shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.

F. Shopping centers approved by an administrative conditional use permit in the C-3 zone may have a 50 percent increase in the amount of signage allowed; provided, that a comprehensive sign plan is submitted and approved in accordance with MVMC 17.87.110. (Ord. 3429 § 148, 2008).

SECTION FOUR. That a new Section be added to Chapter 17.87, to be titled, 17.87.155, Liquor Control Board's Rules, is hereby added with the new section to read as follows.

The City hereby adopts by reference the Washington State Liquor Control Board's alcohol advertising regulations that are found in WAC 314-52 as they are currently written or as they may be amended in the future. In the case of a conflict between the MVMC and these rules the more restrictive regulations shall apply.

SECTION FIVE. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION SIX. City staff are hereby directed to complete preparation of the final ordinance, including correction of any typographical or editorial edits.

SECTION SEVEN. This ordinance shall be in full force and effect five days after its passage, approval and publication as provided by law.

PASSED AND ADOPTED this 24th day of June, 2015.

SIGNED AND APPROVED this 24 day of July, 2015.

Alicia D. Huschka, Finance Director

Jill Boudreau, Mayor

Approved as to form:

Kevin Rogerson, City Attorney

Published July 27, 2015

The Mount Vernon City Council adopted Ordinance 3653 on June 24, 2015. An Ordinance of the City of Mount Vernon, Washington, amending Title 17, Zoning, Chapter 17.87 Signs, to allow an additional freestanding sign in commercial districts, with conditions, and to adopt the Liquor Control Board's Liquor Advertising Rules contained in WAC 314-52. Anyone wishing to view or receive the ordinance in its entirety should contact the Mount Vernon Finance Office, 910 Cleveland, Mount Vernon WA 98273.

Published: July 27, 2015