

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Matt W. Aamot	WMA	10-15-99	<b>RECEIVED</b>  <b>OCT 19 1999</b>  <b>WHATCOM COUNTY COUNCIL</b>	10-26-99	Council Introduction
Division Head: Sylvia Goodwin	SG	10-15-99		10-29-99	Planning & Development Committee
Dept. Head: Michael T. Knapp	MTK	10-15-99		11-23-99	PEB/COUNCIL
Prosecutor: Dave Grant	DMG	10/15/99			
Purchasing/Budget:	DLB	10/17/99			
Executive: Pete Kremen	PK	10-19-99			

**SUBJECT:** Ordinance adopting Point Roberts Character Plan amendments, along with associated zoning amendments relating to Point Roberts (File # CMP99-00003).

**ATTACHMENTS:**

- (1) Proposed Ordinance.

SEPA review required? ( x ) Yes ( ) NO  
 SEPA review completed? ( x ) Yes ( ) NO

Should Clerk schedule a hearing? ( ) Yes ( x<sup>1</sup> ) NO  
 Requested Date:

<sup>1</sup> The Council must hold a hearing if they want to change the Planning Commission's recommendation (WCC 20.10.110 and WCC 20.90.090).

**SUMMARY STATEMENT:** The request is to adopt amendments to the Point Roberts Character Plan and the Official Whatcom County Zoning Ordinance (Article 20) to clarify the authority of the Point Roberts Character Plan Advisory Committee, clarify which structures the Plan governs, and modify the sign provisions.

The Growth Management Act requires that Comprehensive Plan amendments be considered only once per year, with certain exceptions. All amendments must be considered concurrently. In 1999, the County Council initiated 13 amendments for review under Resolution No. 99-012. The Planning Commission held multiple hearings to consider these amendments. The Planning Commission took a final vote on the package of the 13 amendments on October 14, 1999. The Council is requested to adopt the Planning Commission's recommendations or, alternatively, to hold a hearing and adopt modifications to the Commission's recommendations. The Council can not adopt the amendments until 60 days after they were sent to the State Department of Community, Trade & Economic Development, which occurred on September 23, 1999 (RCW 36.70A.106/WAC 365-195-620). Additionally, the amendments have to be adopted prior to or along with the budget (WCC 20.10.040). Therefore, it appears that the request should be voted on at the Council's November 23, 1999 meeting.

**Distribution Request**

Indicate those who should receive a copy after Council action. List specific names to the right.

ADS Facilities Management	
ADS Finance	
ADS Human Resources	
ADS Info Services	
Assessor	
Auditor	
Cooperative Extension	
District Court	
Executive	
Health	
Hearing Examiner	Michael Bobbink
Jail	
Juvenile	
Parks	
Planning	Michael T. Knapp
Prosecutor	
Public Works	
Sheriff	
Superior Court	
Treasurer	
Other	

**COUNCIL ACTION TAKEN:**

1999 - 411 10/26/99: Introduced  
 11/9/99: Held in Committee  
 11/23/99: Amended and adopted 7-0, Ord. #99-073

Related File Numbers: AB99-074

Ordinance or Resolution Number (this item):

**ORD. #99-073**

SPONSORED BY: Consent  
PROPOSED BY: Planning & Development Services  
INTRODUCTION DATE: 10/26/99

ORDINANCE NO. 99-073

**ADOPTING AMENDMENTS TO THE POINT ROBERTS CHARACTER PLAN TEXT  
AND TITLE 20 ZONING TEXT RELATING TO POINT ROBERTS**

**WHEREAS**, The Whatcom County Council passed Resolution 99-012 on March 23, 1999 initiating 13 Comprehensive Plan amendments, and related amendments to the Official Whatcom County Zoning Ordinance (Title 20), for review in 1999; and

**WHEREAS**, One of the proposed amendments is to amend the Point Roberts Character Plan and the Official Whatcom County Zoning Ordinance to clarify the authority of the Point Roberts Character Plan Advisory Committee, clarify which structures the plan governs, and review the sign provisions.

**WHEREAS**, The Deputy SEPA Official for Whatcom County issued a determination of non-significance on May 5, 1999; and

**WHEREAS**, Pursuant to RCW 36.70.390 and RCW 36.70.590, legal notice was published in the Bellingham Herald on July 23, 1999; and

**WHEREAS**, The Planning Commission held a public hearing on the proposed amendments August 11, 1999, and considered all testimony;

**WHEREAS**, The Planning Commission held a work session on October 14, 1999 to consider all the amendments concurrently, as required by WCC 20.10.100, WCC 20.90.070, and WCC 20.90.040; and

**WHEREAS**, The Planning Commission evaluated the merits of each amendment in relationship to the County Wide Planning Policies and the goals, policies and objectives of the Comprehensive Plan, as required by WCC 20.10.100 and WCC 20.90.070; and

**WHEREAS**, The Planning Commission issued Findings of Fact & Reasons for Actions, Conclusions & Recommendations on the amendments; and

**WHEREAS**, the County Council has considered the Planning Commission's Findings of Fact & Reasons for Action, Conclusions, and Recommendations for all the amendments, as required by WCC 20.10.110 and WCC 20.90.090; and

**WHEREAS**, the County Council has considered all the amendments concurrently so that the cumulative effect of the various proposals can be ascertained, as required by the Growth Management Act (RCW 36.70A.130) and WCC 20.10.010; and

**WHEREAS**, the County Council finds that the Comprehensive Plan amendments recommended by the Planning Commission conform to the Growth Management Act and that the amendments to the Official Whatcom County Zoning Ordinance recommended by the Planning Commission are consistent with and implement the Comprehensive Plan; and

**WHEREAS**, the County Council finds the Comprehensive Plan and zoning amendments in the best interest of the public health, safety, and welfare, based on the following findings and conclusions:

**FINDINGS**

1. Notice was mailed to interested parties on July 30, 1999 and published in the Bellingham Herald on July 23, 1999. A Planning Commission work session notice was published in the Bellingham Herald on September 9, 1999.
2. The Deputy SEPA Official for Whatcom County issued a Determination of Non-Significance on May 5, 1999.
3. The design standards of the Point Roberts Character Plan were intended for the review of commercial and institutional use structures and signs. These standards were not intended to be applied to single family residential development or any other types of development.
4. The provisions of the Point Roberts Character Plan are not currently consistent with the enforcement and penalties, variance and appeals procedures as established in WCC, Title 20, and should be made consistent with the appropriate chapters.
5. The provisions of the Point Roberts Character Plan are not currently consistent with the requirements established in the Uniform Building Code regarding permit application and issuance and should be administered consistently with the UBC and the requirements of the Department of Planning and Development Services.

**CONCLUSIONS**


1. The proposed amendments would clarify the scope and authority of the Point Roberts Character Plan Advisory Committee, as well as delete sections which are already administered under WCC, Title 20 or the Uniform Building Code (UBC).
2. The proposed amendments would give clearer direction as to the formation and procedures of the Point Roberts Character Plan Advisory Committee, as well as provide for the adoption of Committee business rules and procedures.
3. The proposed text amendments are consistent with the goals and policies of the Whatcom County Comprehensive Plan.

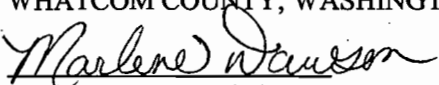
**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

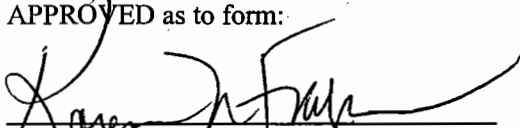
Section 1. The text of the Official Whatcom County Zoning Ordinance (Title 20) is hereby amended as shown on Exhibit 1 and the text of the Point Roberts Character Plan is hereby amended as shown on Exhibit 2.

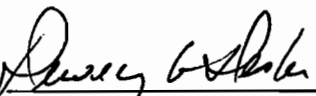
Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this 23 day November, 1999.

ATTEST  
  
 Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
 WHATCOM COUNTY, WASHINGTON  
  
 Marlene Dawson, Chairperson

APPROVED as to form:  
  
 Civil Deputy Prosecutor

Approved     Denied  
  
 Pete Kremen, Executive

Date: 12/2/99

Exhibit 1

**20.72.651 Facility Design**

- (1) All commercial and institutional use structures or and appurtenant signs ~~developments other than a single family home on an individual lot~~ shall conform to the requirements of the Point Roberts Character Plan.  
~~Manufactured housing on individual lots shall also be subject to any design standards established in a character plan. In lieu of such a plan, m~~Manufactured homes shall be a minimum of 20 feet wide, shall be installed on a permanent foundation, skirted to the ground and shall be in compliance with all applicable requirements of ~~the~~ Uniform Building Code as adopted by Whatcom County Code Section 15.24.

## Point Roberts Architectural Design Review Guidelines

### SECTION 1-001. CHARACTER OBJECTIVES

Point Roberts has a proud heritage based on rural farming, fishing and related industries. It also possesses great natural beauty and rural atmosphere.

It is desirable that the nautical and pioneering spirit be preserved where possible and encouraged where applicable in the exterior facades of its commercial and institutional developments. This would be in keeping with the fundamentals of contemporary architectural technology. It is therefore a stated objective of this document that a broad Northwest Heritage Character which incorporates elements of historical and marine industrial themes be encouraged for commercial and institutional development at Point Roberts.

In addition to the general purposes of the Comprehensive Plan and the Zoning Ordinance, this document is intended for the following purposes:

- a. To be consistent with the goals and policies of the Washington State Growth Management Act.
- b. To protect, enhance and preserve the social, cultural, economic, environmental and aesthetic values which have established the desirable quality and unique character of Point Roberts.
- c. To encourage creative approaches to the use of land and related physical development.
- d. To encourage the enhancement and preservation of land or buildings of unique or outstanding scenic or historic significance.
- e. To minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development and reduce community property values.
- f. To encourage the setting aside of public open space within new development through the mechanisms of planned unit development and / or density transfer, as provided for in Title 20, Section 89.03, Whatcom County Zoning Ordinance.
- g. To recognize environmental and aesthetic design as well as energy efficiency as integral parts of the planning process.

These criteria are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles. This approach can result in creative solutions which will develop a satisfactory visual appearance within the Point Roberts area, preserve taxable values and promote the public health, safety and welfare. It is not the intent of this document or of any review process to cause any undue delay or hardship to the applicants. The Point Roberts Character Plan is a supplement to the development permit guidelines as contained in the Point Roberts Subarea Comprehensive Plan.

### SECTION 2-001. SCOPE

As clearly stated in Title 20.72.651, all commercial and institutional use structures or and appurtenant signs ~~developments other than a single family home on an individual lot~~ shall conform to the requirements of ~~an~~ the adopted Character Plan.

Design Review applies to all new commercial and institutional use structure and appurtenant signage construction that requires a building permit, and any changes to an existing commercial or institutional use structure or sign facility that requires a building permit.

For the purposes of the Character Area Plan, the **Commercial Core** of Point Roberts is defined as the area zoned as General Commercial on Tyee Drive together with the area zoned as Resort Commercial on Gulf Road. Application of the guidelines for all building permits in this area will be particularly vigorous.

Application of the guidelines outside the **Commercial Core** will also take into account any site specific design issues or constraints.

## **SECTION 3-001. ADMINISTRATIVE REQUIREMENTS AND REGULATIONS**

### **SECTION 3-002. HOW THE PROCESS WORKS**

1. Copies of the Point Roberts Character Plan are available from the Whatcom County Department of Planning and Development Services.
2. Building Permit applications are also available at Planning and Development Services.
3. Prior to applying for a building permit, developers should familiarize themselves with the Character Plan document and seek professional assistance, where necessary. This will ensure a speedy and successful permit application.
4. In addition to the customary permit and servicing requirements of the County, any commercial or institutional use structure and/or sign building permit application will be evaluated for "compliance" or "non-compliance" with the Point Roberts Character Plan. This will be reflected in the permit checklist.
5. The Point Roberts Character Plan Advisory Committee will examine applications within 21 days prior to the date of building permit application to indicate compliance with the Character Plan.
6. The Point Roberts Character Plan Advisory Committee is a local advisory body to Whatcom County administrative authority. It will examine applications with respect to compliance to the guidelines. The purpose of the Committee is to assist the County in making its determination of "compliance". All decisions of the County will be final.
7. A successful applicant will be issued a building permit upon receipt of applicable County fees.

### **SECTION 3-003. PLANS AND OTHER INFORMATION REQUIRED**

In order to assess compliance with the Character Plan, the Whatcom County Department of Planning and Development Services will require at the time of application the following:

1. A scale site plan indicating the street, all structures, landscaping, ingress / egress, parking facilities, freestanding sign locations, freestanding lighting facilities, waste facilities, pedestrian walkways, fencing, screening and other miscellaneous appurtenances (eg. fire hydrants), if any. The plan must be to scale and indicate the dimensions of any structures, setbacks, and parking facilities.
2. A scale elevation which clearly indicates structural dimensions, heights, and roof lines, as well as any other exterior designs and finishes visible at ground level from any point on the compass. Diagrams must include specification for all doors, windows, porches and awnings. The types of roofing and siding materials(s) must be specified. Color chips for roofing, siding, and awning materials must be made available. All exterior lighting facilities must be clearly outlined and indicate style and finish. The locations and dimensions of signs on structures will be clearly indicated.
3. Sign Regulations: Refer to ordinances on signs and flags.

### **SECTION 3-004. PLAN INFORMATION**

Developers and or architects are required to submit a written rationale.

*Lighthouse Packing Co.*

## **SECTION 9-001. ADVISORY COMMITTEE**

The Point Roberts Character Plan Action Group ~~recommended~~ that a locally based resident's advisory committee be formed to work with Whatcom County on the Administration of the Character Plan. ~~It should be~~ This committee has been formed and is called the Point Roberts Character Plan Advisory Committee. Its purpose ~~will be~~ is to examine commercial and institutional use structure and sign building permit applications for compliance with the Point Roberts Character Plan.

Building permit applications are to be promptly examined and a determination made, with or without recommendations, within 21 days prior to the application date.

The Point Roberts Character Plan Advisory Committee is a local advisory body to Whatcom County through the office of the Whatcom County Executive and / or the Whatcom County Department of Planning and Development Services. Whatcom County will assist in the initial formation of the Advisory Committee. The Point Roberts Character Plan Advisory Committee will consist of individuals residing in Point Roberts.

The sole purpose of the Advisory Committee is to examine commercial and institutional use structure and sign building permit applications and make recommendations as to their compliance with the Character Plan document to the appropriate administrative authority of Whatcom County. The Advisory Committee is not involved in any other enforcement process.

It is intended that the Committee shall exist for as long as the Point Roberts Character Plan remains in effect.

The Point Roberts Character Plan Advisory Committee shall be appointed by the County Executive according to Whatcom County Charter, Article 3.23. The Advisory Committee shall consist of four (4) members from the following representative organizations: Two (2) from the Point Roberts Chamber of Commerce, one (1) from the Point Roberts Taxpayers Association, and one (1) from the Point Roberts Voters Association. One (1) member will be selected from the community at large for a total of five (5) committee members. The only criteria for the representative members is that they be residents of Pt. Roberts according to the determination of residence used by the United States Immigration and Naturalization Service. Ideally, one of the committee members should be a design professional, if possible. An accredited design professional need not be a resident of Pt. Roberts. The initial selection of the one member at large will be made by the four representative members. If no decision can be made, the County Executive will appoint someone from the community as ~~if~~ he or she sees fit. All subsequent selections of the one (1) member at large will be made on a democratic basis by all five committee members, including the retiring participants.

Member terms will be three years with an annual appointment rotation. Initially there will be a one year term, two initial two year terms, and two initial three year terms to stagger the expirations of terms and establish a rotation.

It is recommended that at least one community member at large for the first Advisory Committee be selected from the group instrumental in the formation of the Character Plan, the Character Plan Action Group.

~~The Advisory Committee will function as a democratic body, and in keeping with this, will democratically select one member to act as a liaison with the County on all matters pertaining to Committee business for a term of one year. This liaison will have no extra rights or privileges other than those enjoyed by other members of the Advisory Committee.~~

A minimum number of 3 attendees shall constitute a quorum when conducting official business. ~~Roberts Rules of Order shall govern the conduct of business meetings.~~

The Advisory Committee shall function as a democratic body and shall conduct business using Robert's Rules of Order (Modern Edition). A Chairman shall be democratically elected by the members of the Advisory Committee for a one-year term. The Chairman shall act as a liaison with the County on all matters pertaining to Committee business. A Secretary shall be appointed by the

members of the Advisory Committee for the function of recording minutes of the meetings and preparing, filing and distributing correspondence. The term of office for the Secretary shall be one year. Regular scheduled meetings of the Character Plan Advisory Committee shall be conducted. Minutes of all meetings (regular or special) shall be distributed to the County Planning and Development Department and to the Point Roberts Library. The Advisory Committee shall also establish and adopt business rules and procedures for the transaction of official Advisory Committee business.

All participants shall adhere to a code of conduct. The participants shall ensure that all committee business and any permit reviews are dealt with objectively and at arms length. No participant shall have a conflict of interest, or appear to have a conflict of interest, in relation to any permit application under review. No participant shall receive a benefit, monetary or otherwise, arising from the business of the Advisory Committee. No participant shall have a personal interest in the outcome of any design review process. A determination of conflict can be made through a democratic vote of all participants. In the event of a potential conflict, either through voluntary recognition or committee determination, the participant shall abstain from that decision making process.

## **PART C – LEGAL, ILLEGAL AND NON-CONFORMING SIGNS**

### **SECTION 11-004. ILLEGAL SIGNS**

Any sign erected or existing as of the effective date of this article which does not have a valid permit from Whatcom County in accordance with Title 20, the official Whatcom County zoning map, with the provisions pursuant to the special overlay zone for Point Roberts, WA, is hereby deemed to be an illegal sign. The County may immediately remove any illegal sign located on County property or right-of-way. ~~The County may remove an illegal sign located on private property no less than ten days following the mailing of notice to the property owner in charge of the premises that the sign is illegal and must be removed.~~

### **SECTION 11-005. LEGAL SIGNS**

a. Any existing and permitted sign which complies with the provisions of this article, and any subsequent amendment hereto, is hereby deemed to be a legal sign. Any proposed alteration to or relocation of such sign shall not be undertaken until the permit required pursuant to Section 11-009 has been issued, unless the proposed alteration is specifically exempt from such permit requirement pursuant to Section 11-010.

b. Any legal sign which does not comply with the provisions of this article solely due to the enactment of an amendment hereto subsequent to the effective date of this article shall, upon the effective date of such amendment, become a non-conforming sign and subject to the provisions of Section 11-006.

c. Signs, conforming or non-conforming, that are existing as of the day of ratification of the Character Plan may continue to be displayed as long as the signs remain in good repair and are not changed. ~~If signage requires structural repair or changes (eg. changes in land use, type of business or ownership, corporate identity, wording, colors, size, etc.) a permit must be obtained~~ If signage requires structural alteration, alteration of the sign face to reflect changes in land use, type of business or ownership, corporate identity, wording, colors, etc. and if the alterations must conform to the adopted standards within the Character Plan.

### **SECTION 11-006. NON-CONFORMING SIGNS**

a. Any sign erected or existing as of the effective date of this article which has a valid permit from Whatcom County Department of Planning and Development Services, but which does not conform to the provisions of this article, or any sign pursuant to Section 11-005(b), is hereby deemed to be a non-conforming sign. A non-conforming 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. ~~Upon a determination by the Land Use Permit Section of Planning and Development Services and notice to the permittee that a non-conforming sign has become dilapidated or structurally unsound, or such sign may be deemed a traffic hazard, such sign shall be removed within ten days following the mailing of notice to the property owner unless an appeal is made with Whatcom County Department of Planning and Development Services.~~ Any structural or other substantial maintenance to a non-conforming sign, shall render the prior permit void and shall result in the reclassification of such sign as an illegal sign pursuant to Section 11-004.

b. Any non-conforming sign may become a legal sign if, after compliance with the provisions of this article, it is put into conformity with the provisions of this article.

c. Any existing non-conforming signage shall be brought into full compliance with the sign standards established in this article upon sale of said property, ownership change or change of land use.

### **SECTION 11-007. OFF-PREMISE SIGNS**

All off-premise signage in any commercial, light industrial, resort commercial or residential areas will be prohibited except as permitted by Whatcom County. Existing off-premise signs may remain at their present location for up to one year after the implementation of the Character Plan.

faces. No single sign face shall exceed eighty (80) square feet; excepting that if the commercial use herein is mixed with residential use which exceeds two hundred (200) dwelling units, the provisions of sub-paragraph one shall apply to said development.

3. Commercial development consisting of retail and public commercial uses, either exclusively or mixed with residential uses, which contains forty thousand (40,000) square feet or less, but more than two thousand five hundred (2,500) square feet, of heated floor space open to the public, shall be permitted one free-standing sign per entrance, but no more than one (1) identification sign for the development, with not more than eighty (80) square feet of sign face per sign equally divided among not more than four (4) sign faces. No single sign face shall exceed forty (40) square feet, excepting that if the commercial use herein is mixed with residential use which exceeds one hundred dwelling units (100), the provisions of sub-paragraph two shall apply.

4. A commercial development consisting of retail and public commercial uses which contains less than two thousand five hundred (2,500) square feet or less of heated floor space open to the public shall be permitted one free-standing sign. Said sign shall have not more than forty square feet (40) of sign space equally divided between not more than two (2) sign faces.

Developments, which because of their composition may qualify for more than one of the above categories, may select the single category that provides the larger sign. The above categories shall not be cumulative. Residential subdivisions shall only be considered commercial for the purpose of signage restrictions.

- a. Height. The maximum height of any free-standing sign shall not exceed twelve (12) feet above the average elevation of the nearest county road.
- b. Width. The maximum width of the entire sign structure shall not exceed ten (10) feet.
- c. Structure size. The size of the support structure for any free-standing sign shall not exceed the sign face by more than 100%.
- d. Where possible free-standing signs shall have adequate landscaping around the base of the structure.

#### **SECTION 11-017. TEMPORARY SIGNS AND STANDARDS**

- a. **Types.** The following types of signs are classified as "temporary signs":
  1. Special event signs and / or political signs.
  2. "Grand Opening", "Going out of business" and "Sale" signs of business and services.
  3. Land subdivision development or building development signs.
  4. Signs advertising the sale or lease of property upon which they are located.
- b. **Area, height and location:**
  1. **Area.** The total area of temporary signs shall not exceed forty (40) square feet and twenty (20) square feet per sign face, except for real estate signs for residential property, which shall not exceed the limitations of Section 11-018.
  2. **Height.** The maximum height of temporary signs shall not exceed eight (8) feet, while the lower edge shall not exceed four (4) feet in height from the average grade.
  3. **Location.**
    - a. No temporary sign shall be located so as to obstruct or impair driver vision at business ingress / egress points and at intersections.
    - b. No temporary sign shall be located nearer than one hundred (100) feet to any church, cemetery, public building, historic site or district, and intersection of two or more public streets or highways.
    - c. Temporary signs are not to be located any closer than one hundred (100) feet from any other sign on the same premises.

**c. Time limits:**

1. Special event signs. Special event signs may be erected no sooner than fourteen (14) days preceding a special event and shall be removed within forty-eight (48) hours following the event. The same or similar special event shall not be advertised more frequently than four (4) times a year.
  2. "Grand opening" signs. Temporary "Grand opening" signs shall be erected for a period not to exceed fourteen (14) days.
  3. "Going out of business" and "Sale" signs. "Going out of business" and "Sale" signs may be erected for a period not to exceed thirty (30) days for "Going out of business" signs and fourteen (14) days for "Sale" signs.
  4. Project signs. Signs for work under construction may be erected upon the issuance of a final development permit on the construction site during the construction and shall be removed within seven (7) days following the issuance of a certificate of occupancy.
  5. Signs announcing the subdivision of land. Temporary signs announcing the subdivision of land may be erected on the land being developed and shall be removed when one hundred percent of the development lots are conveyed, or for a term not to exceed six (6) months, whichever comes first. An extension may be permitted by the Land Use Permit Section of Planning and Development Services.
  6. Real estate signs shall be removed within thirty (30) days after closing.
- d. Permits:** Unless specifically exempted pursuant to Section 11-010, or Section 11-011, a temporary sign is not subject to the permit requirement of Section 11-008.

**SECTION 11-018. REAL ESTATE SIGNS**

One commercial real estate sign, not to exceed six (6) square feet in sign area per face, and, if free-standing, not exceeding four (4) feet in height shall be permitted. Property with two (2) or more on-premise frontages shall be permitted one additional sign per frontage.

**SECTION 11-019. CANOPY SIGNS**

A commercial center shall be permitted one canopy sign per occupancy, not to exceed six (6) feet in length and eighteen (18) inches in height, placed directly under a canopy (marguee) in front of said location, identifying the occupancy.

**SECTION 11-020. MULTIPLE USE SHOPPING, BUSINESS, OFFICE AND PROFESSIONAL CENTERS: FREE STANDING DIRECTORY SIGNS**

- a. Any multiple-use shopping, business, office and professional center or mall shall be allowed to have not more than two (2) free-standing directory signs for individual businesses provided they meet the following requirements.
  1. Information. Signs shall be for directory information purposes only.
  2. Location. Either the area of the directory sign shall be contained within the limits for total signage area at said center or mall, and the sign shall not be visible from any public way.
- b. Free-standing signs on parcels that do not have direct traffic access to the adjacent roadway will be permitted a sign at half the size authorized in Section 11-016.
- c. Community directory signs are permitted, subject to design approval.

**SECTION 11-021. GASOLINE FILLING STATIONS**

- a. Petroleum product pumps and dispensers which are within view of a public way shall be permitted to display only information required by law and in addition, the brand name and type of product being dispensed.
- b. Premises which dispense retail bulk petroleum products by pump shall be permitted one additional sign on the same premises announcing the price per gallon of no more than four (4) products. Stations may also post prices in any other units of measurement along with the gallon price. Size of the characters shall be no larger than twelve (12) inches in height and no smaller than four (4) inches in height, with characters not exceeding twelve (12) inches in height.
- c. Product signage shall conform in size and height to the standards set forth in Section 11-016, and conform to design standards in Sections 11-013 and 11-014.

## **SECTION 11-022. FREE STANDING SIGNS; LOCATION IDENTIFICATION**

The location for a new free-standing sign shall be clearly identified by a white stake(s) visible above the ground line at each location at which a support pole will be imbedded in the ground.

## **PART F – ADMINISTRATION**

### **SECTION 11-023. APPLICATION FOR PERMIT**

- a. ~~Where to apply. Any application for a sign permit shall be submitted to the Land Use Permit Section of the Planning and Development Services.~~
- b. ~~Information required. The following information shall be submitted with an application for a sign permit:~~
  1. ~~Name, address, telephone number, and signature of the owner or duly authorized lessee of the premises granting permission for the construction, operation, maintenance, or displaying of sign or sign structure.~~
  2. ~~Name, address, telephone number, business license number and signature of sign contractor, if any.~~
  3. ~~Legal description and/or street address of premises or property upon which the sign is to be located.~~
  4. ~~Type of sign for which a permit is being sought.~~
  5. ~~Three (3) copies of a sketch, blueprint, blue-line print or similar presentation drawn to scale and dimensioned, showing elevations of the sign as proposed on a building façade, awning or canopy; provided further, the relationship to other existing adjacent signs shall also be shown. In the case of a free standing sign, said sketches shall include a site plan showing the sign location and any existing or proposed landscaping which is affected by such sign.~~
  6. ~~If applicable, the appropriate Whateom County development permit number.~~
  7. ~~Such other information as the Land Use Permit Section of Planning and Development Services may require which is necessary to verify full compliance with all applicable provisions contained in the Whateom County Building Codes.~~

In addition to the permit application requirements of the Uniform Building Code and the Department of Planning and Development Services, the following items shall also be submitted for the purpose of design review by the Point Roberts Character Plan Advisory Committee:

- a. Type of sign for which a permit is being sought.
- b. Three (3) copies of a sketch, blueprint, blue-line print or similar presentation drawn to scale and dimensioned, showing elevations of the sign as proposed on a building façade, awning or canopy; provided further, the relationship to other existing adjacent signs shall also be shown. In the case of a free standing sign, said sketches shall include a site plan showing the sign location and any existing or proposed landscaping which is affected by such sign.

### **SECTION 11-024. EXPIRATION OF PERMIT**

~~A sign permit shall be valid for a period of one hundred and eighty (180) days from the date of issuance as noted on the permit. Unless a thirty (30) day extension is granted for good cause shown by the Land Use Permit Section of Planning and Development Services, failure to erect or complete the otherwise approved work related to the permitted sign within such one hundred and eighty (180) day period shall result in the expiration of such permit.~~

### **SECTION 11-026. SIGN INSPECTION**

- a. ~~Within ten (10) working days of completion of approved work related to a permitted sign, the permittee or sign contractor shall notify Land Use Permit Section of Planning and Development Services that such sign is ready for a final inspection for the purpose of verifying that the sign is in compliance with the requirements of the permit and all other provisions of this article.~~
- b. ~~Failure to obtain a satisfactory inspection result shall render the permit invalid and the applicant shall be required to re-apply for a permit or remove the sign or sign structure.~~

### **SECTION 11-027. DISPLAY OF PERMIT**

- a. ~~Following completion of a satisfactory final inspection, the Land Use Permit Section of~~

Planning and Development Services shall issue a permit. Copies of permits must be made available upon request.

- b. Transfer of ownership; dismantling or removal of sign. In the case of ownership transfer, provided no changes are made to the sign, or, if a permitted sign is dismantled or removed, the Land Use Permit Section of Planning and Development Services shall be notified.

#### **SECTION 11-027. ENFORCEMENT, VIOLATION NOTICE**

The Land Use Permit Section of Planning and Development Services shall have the authority to issue a sign violation notice and shall be empowered to enter upon the premises of any person subject to this article for the purpose of enforcing the provisions herein.

#### **SECTION 11-028. VIOLATION STICKER**

When a sign requiring a permit under the terms of this article is erected without a sign permit, the Land Use Permit Section of Planning and Development Services shall use the following procedure:

1. Violation sticker. The inspector shall attach a highly visible sticker reading "VIOLATION" to the face of the sign. The sticker shall include the date that it was attached to the sign and instructions to call Whateom County Department of Planning and Development Services to get a permit for the sign. It shall be unlawful for any person other than the Land Use Permit Section of Planning and Development Services to remove the sign violation sticker attached to the sign.
2. Failure to obtain a permit. If, within seven (7) days, the owner of the sign fails to contact the Whateom County Department of Planning and Development Services in an effort to bring the sign into conformance with the provisions of this article, the Land Use Permit Section of Planning and Development Services shall have the sign removed and impounded without any further notice.

#### **SECTION 11-029. IMPOUNDMENT OF SIGNS**

- a. The Land Use Permit Section of Planning and Development Services shall have the authority to remove all signs, without notice to the owners thereof, placed within any street right of way, signs attached to trees, fenceposts, telephone and utility poles, other natural features, or signs otherwise prohibited by this article, and to impound them for a period of ten (10) days.
- b. The owner of a sign impounded may recover same upon the payment of fifty (50) dollars for each sign, prior to the expiration of the ten day impoundment period; in the event it is not claimed within the ten day period, the Land Use Permit Section of Planning and Development Services shall have the authority to dispose of such signs.

#### **SECTION 11-030. PENALTIES**

Any person who violates the provisions of this article upon conviction shall be guilty of a misdemeanor and shall forfeit and pay such penalties as the court may decide not to exceed two hundred (200) dollars, at the discretion of the court for each violation.

#### **SECTION 11-031. APPEALS**

Any person aggrieved, sign owner or applicant, or any officer, department, board or bureau of the County or community who alleges that the administrative official acted erroneously in enforcing this article may appeal the decision of that administrative official to the Hearing Examiner. Such appeal, including and appeal fee, shall be filed within twenty (20) days of the receipt of an official notice of decision.

#### **SECTION 11-032. VARIANCE**

Recognizing that the strict application of the requirements of this article may work an undue hardship on certain applicants, variances from the strict application of the provisions of this chapter may be granted by the Department of Planning and Development Services in concordance with the Design Review Board. Each application for a variance under this section shall be in writing and shall state the reasons for the request for a variance in accordance with the rules and fee schedules established by Whateom County. The application shall be signed by the applicant and the sign company, if any, responsible for the sign for which the variance with conditions, or deny the application within sixty (60) days after the appeal is filed. Any applicant aggrieved by a decision of the Department of Planning and Development Services may again appeal.

**SECTION 11-024. MAINTENANCE (Code Enforcement)**

To assist the County in code enforcement, the Character Plan Advisory Committee may advise the County of what it believes are violations to the Point Roberts Character Plan. Alleged violations shall be decided by a democratic vote of the Committee and submitted in writing to Whatcom County Code Enforcement via the Liaison Officer. (See Section 9-001)

The Point Roberts Character Plan Advisory Committee shall conduct a Special Meeting within 7 days of having received a formal written complaint of a purported violation. An advisory report shall be made to Code Enforcement within 7 days of the Special Meeting. If the complaint has been made in person at a regularly scheduled meeting, an advisory report shall be made to Code Enforcement with 7 days.

Any private individual(s) who believes that the Advisory Committee has acted in error may submit a formal complaint of a purported code violation to the County Code Enforcement Officer.

Formal code enforcement action, as deemed necessary and prioritized by Whatcom County Code Enforcement shall only be conducted by the County Code Enforcement Officer(s).

**SECTION 11-02533. MINIMUM REQUIREMENTS**

Whenever this article imposes a higher standard than required by Title 20, Whatcom County Zoning Ordinance, the provisions of this article shall govern. Whenever Title 20 requirements impose a higher standard than required by this article, Title 20 provisions shall govern.

**SECTION 11-02634. PRIVATE RESTRICTIONS**

Whenever this article imposes a higher standard than required by easements, covenants or agreements, the provisions of this article shall govern.

**SECTION 11-02735. STATUTES**

When the provisions of any applicable state or federal statute impose a higher standard than required by this article, the provisions of such statute shall govern.

**FLAG ORDINANCE**

**Point Roberts, Washington**

**SECTION 12-001. FLAGS**

- a. Non-governmental flags are deemed to be signs and shall be subject to the provisions of this article, except that no flag shall exceed twenty four (24) square feet per face.
- b. Governmental flags must be displayed in a dignified non-commercial manner and follow the established flag protocol in respect to times of flying, arrangements, locations, etc. No governmental flag shall exceed twenty four (24) square feet per face.
- c. The height of flag poles shall not exceed twenty (20) feet.
- d. Flag poles on top of buildings shall not exceed ten (10) feet above roof top.
- e. Non-conforming flags, according to section 12-001-a, shall have no amortization period and shall conform immediately.