

## Code Interpretation Determination

**Date:** April 17, 2023

**To:** Jeffrey S. Wilson, AICP  
Director

**From:** Katie Baker, AICP  
Planning Manager

**Subject:** Nonconforming Signs – PMC 20.60.075

**Interpretations File No.:** 2023-001

**Date Issued/Posted:** April 26, 2023

**Effective Date:** May 18, 2023 (unless appealed in a timely manner)

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### Issue Outline:

An existing electronic message pole sign, constructed in 2008, is now considered a legal nonconforming sign due to a change in zoning regulations; per 20.60.055, electronic message signs are permitted only as monument signs in the general commercial (CG) zone. A question has been posed regarding whether the owner would be permitted to fully replace the electronic message components of said nonconforming pole sign.

A strict read of the nonconforming sign section states that the current sign code regulations would apply when a nonconforming sign is “structurally altered”. No changes to the sign height, base dimensions, or sign frame dimensions are proposed at this time; however, replacement of the electronic message components would require a full replacement of the sign message screen, due to changes in technology since the sign was originally permitted. If replacement of the electronic components is considered a structural alteration, then the sign would be required to conform to the standards for a monument sign, rather than a pole sign.

Is the replacement of the message portion of the sign a matter of **maintenance** (emphasis added) of the sign, as allowed by PMC 20.60.075; or is the replacement of a sign face a **structural alteration** (emphasis added), per PMC 20.60.075(1)?

## Relevant Code Sections:

### A. *Puyallup Municipal Code (PMC) 20.60 – Signs*

1. PMC 20.60.075 – Nonconforming signs
  - a. Signs lawfully in existence as of the effective date of the ordinance codified in this chapter may remain and be **maintained** (emphasis added), even if a particular sign would not otherwise be permitted under this code. Whenever a business, person, enterprise or institution for which existing signage does not conform to the requirements of this chapter seeks to **structurally alter** (emphasis added) or enlarge an existing sign, or erect or install a new sign, the provisions of this section shall apply.
    - (1) In the event a nonconforming sign is removed, replaced, or structurally altered, pursuant to installation of a new sign, all applicable sections of the Puyallup sign ordinance (this chapter) shall apply to the new proposal. The alteration or enlargement of existing signs shall not increase the degree of nonconformity, in terms of number, size, height, setback or any other applicable regulation.
2. Puyallup Municipal Code (PMC) 20.60.055 – Special provisions for the CB, CG, ML and MR zones
  - a. Electronic Message Signs: Electronic message signs can only be monument type signs. See height requirements for monument signs.
3. Puyallup Municipal Code (PMC) 20.60.065 – Specific sign requirements by sign type
  - a. Subsection (5) Monument Signs. Unless otherwise stated in this chapter, monument signs in all zones are subject to the following provisions:
    - (a) The height of a monument sign shall be measured from the finished grade immediately abutting the base of the sign; in no event shall a monument sign be installed on an earthen berm, retaining wall or otherwise artificially created/graded surface as to elevate it above the surrounding landscape in an effort to exceed the maximum height for monument signs set forth herein.
    - (b) Height and Setbacks for Monument Signs. Monument signs shall be allowed within the setback areas of a property if they meet the following standards:
      - (i) Monument signs shall be set back at least five feet from the public right-of-way, regardless of the setback requirement of the zone.
      - (ii) Monument signs shall be no greater in height than one foot above the adjoining finished grade for each foot of setback to a maximum of 10 feet in height.

- (iii) Placement of monument signs shall not interfere with any vehicular sight-distance requirements, as determined by the city engineer, nor shall it interfere with any pedestrian access.
- (c) Monument signs shall incorporate the same building materials in their design as the building to which they apply or an approved alternative high-quality material (e.g., stone veneer).
- (d) Monument signs which do not encroach into required front or side yard setbacks shall conform with the requirements for freestanding signs for the applicable zone.
- (e) Landscaping. Landscaping around the base of a monument sign shall be required in those instances where a sign is proposed for placement within or adjacent to an existing landscaped area on a site. Landscaping shall include a mix of groundcovers and shrubs.

#### 4. PMC 20.60.005 – Definitions

- a. “Monument sign” means a sign supported by a base that is equal to or greater in width than the sign cabinet the base is intended to support/display. The base of the monument sign shall be constructed using similar exterior materials as the building(s) to which the sign corresponds or an approved alternative high quality material (e.g., stone veneer). Monument signs may also consist of painted text or channel letters mounted on a freestanding seating wall or retaining wall where the total height of the structure meets the limitations of this code.
- b. “Structure” means anything constructed or erected which requires location on or in the ground or attachment to something having a location on or in the ground. “Structure” shall include any kind of building, porch, pier, column, post, sign, or billboard.
- c. “Structurally altered” means any change to the supporting members of a sign, including but not limited to foundations, mountings, poles, frames, and sign cabinets.

#### **Other Relevant Information:**

##### **A. Merriam-Webster Dictionary Definition (for terms not defined in the PMC)**

- 1. “Supporting” (transitive verb) – to hold up or serve as a foundation or prop for.

#### **Analysis:**

The intent of the nonconforming sign code is to allow nonconforming signs to remain in use and be maintained, while attaining conforming signage over time as changes to existing nonconforming signs are initiated. In this specific case, electronic message signs are permitted in the CG zone, however are required to meet a lower height to setback ratio and have a wider base than the existing sign in question.

The proponent wishes to maintain the existing sign for the near-term and repair the electronic components such that the existing sign is fully functional (see Exhibit A).

However, electronic message sign technology has changed since this sign was permitted in 2008, and the current components cannot simply be repaired. In this case, as with many outdated electronic message signs, the entire electronic façade and all internal components need to be replaced in order to remain functional.

This interpretation intends to address the question of whether replacement of the full electronic components, including the electronic façade, is considered a “structural alteration” or “maintenance”. Per the definition above, alterations are considered structural if they are made to the supporting members of a sign. While both the sign cabinet and frame are included in the definition of supporting members, the definition does not expressly include the electronic message screen contained within the exterior frame.

Additionally, the electronic message screen and other internal components are not supporting any component of the sign. In fact, they are arguably the sign itself that is being supported by the frame and the base of the sign. Therefore, a change to the screen and internal components cannot be considered a structural alteration.

When applying the definitions of applicable terms, including the terms from the Merriam-Webster Dictionary, the components within the exterior frame (e.g. wiring, bulbs, screen) may be replaced without structurally altering the sign, as long as the frame, base, or any other structural components of the sign are not being altered.



**THEREFORE, THE FOLLOWING INTERPRETATION IS HEREBY ISSUED:**

Alteration of the electronic components of a nonconforming electronic message sign shall be allowed, so long as it does not increase the degree of nonconformity in terms of the number, size, height, setback, or other applicable sign standard.

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**Interpretation Approved:**

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Jeffrey S. Wilson, AICP  
Director  
Development & Permitting Services

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Date

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**Appeal Procedures:**

Pursuant to Puyallup Municipal Code (PMC) Section 20.87, the director of community development, or designee, may issue written interpretation for any section in Title 20.

Should anyone wish to appeal this interpretation, a written appeal, accompanied by the required appeal fee (see City of Puyallup fee handout) must be submitted within 15 business days after the date of the final decision (days of the date of issuance/posting of this interpretation).

**The deadline for filing an appeal of this interpretation is:     MAY 17, 2023    .**

A written appeal must contain the following:

1. The appellant's name, address and phone number;
2. A statement describing the appellant's standing to appeal;
3. Identification of the application that is the subject of the appeal;
4. The appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;
5. The specific relief sought;
6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

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- Notice:    1) Published on the City of Puyallup Department of Development & Permitting Services webpage
- 2) Posted at Puyallup City Hall in the Department of Development & Permitting customer service counter