

Only those portions of Title 18B that are proposed to be amended are shown. Remainder of text and/or tables is unchanged.

Chapter 18B.10

GENERAL PROVISIONS

18B.10.040 Variance.

- A. **General.** An applicant who seeks an exception from the provisions in Chapter 18B.20, Chapter 18B.40, and Chapter 18B.60 of this Title may pursue a variance. An applicant who seeks an exception from the provisions in Chapter 18B.100 may seek relief only through the procedure in 18J.10.050.
- B. **Application Requirements.**
 - 1. **Preliminary Review.** The provisions for conducting a preliminary review of a proposed variance are set forth in Chapter 18.40, Development Regulations – General Provisions.
 - 2. **Application Filing.** Variance applications shall be reviewed for completeness in accordance with Department submittal standards checklists and pursuant to Chapter 18.40, Development Regulations – General Provisions.
 - 3. **Public Review.** Variance applications shall be available for inspection by the public upon request.
 - 4. Applicant must demonstrate compliance with each of the following required findings:
 - a. Exceptional or unusual circumstances not resulting from any act of the applicant apply to the project location and not generally to other properties in the vicinity.
 - b. The sign proposal is outstanding in design.
 - c. The variance request is the minimum necessary to serve its intended purpose.
 - d. The variance request is not inconsistent with the purpose and intent of the Comprehensive Plan and the Development Regulations.
 - e. Applicable Community Plan and Comprehensive Plan objectives and goals are being met through this design proposal, and no objective of the applicable Community Plan or Comprehensive Plan is being deviated from.
- C. **Public Notice.** Public notice provisions for notice of application, public hearing, and final decision pursuant to this Title are outlined in Chapter 18.80, Development Regulations – General Provisions.
- D. **Review.**
 - 1. **Initial Review.** The Department shall conduct an initial review of any variance application in accordance with the provisions outlined in Chapter 18.60, Development Regulations - General Provisions.
 - 2. **Public Meeting Required.** A public meeting shall be required for all variance requests except where no local Land Use Advisory Commission has been established.



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23. **Public Hearing Required.** After all requests for additional information or plan correction have been satisfied, the Department shall set a date for a public hearing before the Pierce County Hearing Examiner. The public hearing shall follow the procedures set forth in Chapter 1.22 PCC.

34. **Examiner's Authority.** The Examiner shall have the authority to grant a variance, when in the opinion of the Examiner, the findings described in this Section have been met. The Examiner has the authority, as part of the approval of the variance, to establish expiration dates or time periods within which the approval must be exercised. Upon expiration the permit or approval shall be considered null and void. No extensions of the expiration date shall be permitted.

45. **Required Findings.** Before any variance may be granted, it shall be shown that:
- a. Exceptional or unusual circumstances not resulting from any act of the applicant apply to the project location and not generally to other properties in the vicinity.
 - b. The sign proposal is outstanding in design.
 - c. The variance request is the minimum necessary to serve its intended purpose.
 - d. The variance request is not inconsistent with the purpose and intent of the Comprehensive Plan and the Development Regulations.
 - e. Applicable Community Plan and Comprehensive Plan objectives and goals are being met through this design proposal, and no objective of the applicable Community Plan or Comprehensive Plan is being deviated from.

56. **Denial.** Noncompliance with any review criteria may be considered grounds for denial of a variance application.

Chapter 18B.140

SIGN DESIGN - SOUTH HILL

18B.140.050 Nonconforming Signs.

It is the intent of this Section to allow for the continued existence of nonconforming signs, subject to the following restrictions. A nonconforming sign means a sign that was legal when installed but does not meet current sign standards. A sign that was erected in violation of any Pierce County Code is considered an illegal sign and shall not become a nonconforming sign:

- A. All illegal signs shall be removed from a site prior to the approval of any building or sign permit.
- B. The sign area of a nonconforming sign, including billboards, shall not be increased or altered in any manner that would increase the degree of its nonconformity.
- C. Nonconforming signs shall not be moved in whole or in part to any other location where it would remain nonconforming.
- D. Nonconforming signs, except for billboards, shall not be structurally altered to prolong its useful life. Painting and cleaning of sign components shall not be considered a structural alternation. The replacement of damage parts shall not be considered a structural alteration to prolong a sign's useful life if the damage is not a result of normal decay associated with sign age.
- E. Nonconforming freestanding signs shall be removed concurrent with approval of any new freestanding signs. Nonconforming building signs shall be removed concurrent with approval of any new building signs .
- EF. Nonconforming freestanding and building signs shall be brought into conformance prior to the approval of any improvement that is 60 percent or greater of the building value as calculated in the Uniform Building Code.
- FG. When a nonconforming billboard is located on property being acquired for County right-of-way, it may be relocated and a building permit issued if: (a) the billboard is being relocated on the original parcel at the same distance from the new right-of-way as it was before relocation; and (b) the relocation serves as mitigation of damages or provides for the avoidance of a takings claim as part of right-of-way acquisition. In no event shall permission to relocate the billboard confer upon the owner and/or tenant any rights or benefits pertaining to the nonconforming use that are in excess of those existing at the time of the transfer of title or right of possession of the new right-of-way.

