

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 1875

AN ORDINANCE governing the size, height, placement, number, maintenance and illumination of all signs within the City; requiring permits; providing for a Sign Code Administrator; prescribing Board of Adjustment jurisdiction and power; prescribing penalties for violations; and, repealing Chapters 17.04 and 17.09 of the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapters 17.04 and 17.09 of the Bellevue City Code and Ordinance Nos. 280, 376, 504, 549, 589, 637, 666, and 762 of the City of Bellevue are hereby repealed.

Section 2. Title 17, Bellevue City Code, is hereby amended by adding thereto the following chapter:

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17.01.010 General.

A. Title. This ordinance shall be known as the Bellevue Sign Code, may be cited as such, and will be referred to herein as "this Code."

B. Purpose and scope. The purpose of this Code is to protect the health, safety, property and welfare of the citizens of the City of Bellevue (hereafter "City") by establishing standards for the design, placement, size, and maintenance of all exterior signs and sign structures in the City. Furthermore, it is the purpose of the regulations, standards and criteria of this Code to permit and encourage the design of signs which are responsive to the needs of the public in locating a business establishment by identification, address, and product and/or services information.

The rapid economic development of the City of Bellevue has resulted in a great increase in the number of businesses located in the City, with marked increase in the number and size of signs related to those businesses. This proliferation of signs has resulted in a reduced effectiveness of individual signs. As the number, size, and intensity of signs increase without regard to quality and placement, the impact of the individual sign is diminished.

Lack of control of signs may cause potentially dangerous conflicts between advertising signs and traffic control signs, thus destroying the effectiveness of both. The great increase in automotive traffic experienced within the City has greatly aggravated this danger.

Furthermore, the uncontrolled use of signs and their shapes, motion, colors, illumination, and their insistent and distracting demand for attention can be injurious to property values of both business and residential areas of the City, and may seriously detract from the enjoyment and pleasure of the natural beauty of the City of Bellevue.

It is recognized that the businessman's right to identify his business contributes to the economic well-being of the community. However, it is felt that this right can be exercised in such a way as to bring great benefit to the public without affecting the welfare of the businessman. The reasonable regulation of signs may, in fact, improve business opportunity as a result of the increased attractiveness of the City's environment.

17.01.020 Definitions.

A. Area, or surface area, of sign. The greatest area of a sign, visible from any one viewpoint, enclosed within not more than three circles, rectangles, or squares, or any combination of these forms which produces the smallest area, excluding sign support structure which does not form part of the sign proper or of the display. "Surface area" includes only one face of a multiple-faced sign.

B. Area, or surface area, of building. Actual surface area of the single building facade to which a sign is attached, including doors and windows, but excluding the roof and structures for elevators or air conditioning equipment on the roof.

C. Billboard. Outdoor advertising signs containing a message, commercial or otherwise, unrelated to any use or activity on the property on which the sign is located.

D. Building line (legal building line). A line established by ordinance defining the limits of buildings in relation to streets. A building line in some instances may coincide with the property line. "Building line" is sometimes referred to as "required setback line."

E. Building-mounted sign. A single or multiple-faced sign attached to the face of a building or marquee.

F. Canopy. A freestanding structure affording protection from the elements to persons or property thereunder.

G. Construction sign. An information sign which identifies the architect, engineers, contractors, and other individuals, or firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.

H. Directional signs. A single or double-faced sign designed to guide or direct pedestrian or vehicular traffic, to an area, place, or convenience on the premises on which the sign is placed.

I. Freestanding sign. A single or multiple-faced sign, supported from the ground by one or more columns, uprights, or braces.

J. Grade. The elevation or level of the street closest to the sign to which reference is made, as measured at the street's centerline, or the relative ground level in the immediate vicinity of the sign.

K. Height or height of sign. The vertical distance from the "grade" to the highest point of a sign or any vertical projection thereof, including its supporting columns, or the vertical distance from the relative ground level in the immediate vicinity of the sign.

L. Incidental sign. Small signs, less than 2 square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephone, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic, to an area or place on the premises of a business building or development by means of a directory designating names and addresses only. (See § 17.01.030F)

M. Marquee. A covering structure projecting horizontally from and attached to a building, affording protection from the elements to persons or property thereunder.

N. Multiple-occupancy building. A single structure housing more than one type of retail business office or commercial venture.

O. Multiple building complex. A group of structures housing more than one type of retail business, office, or commercial venture and generally under one ownership and control.

P. Noncommercial public service sign. Noncommercial or public service signs are noncommercial signs devoted to religious, charitable, cultural, governmental or educational messages, including, but not limited to, the advertising of events sponsored by a governmental agency, a school, church, civic or fraternal organization or other organizations engaged in activities for profit.

Q. Office building. An office building in the O and OL zones as defined by the Bellevue Zoning Code.

R. Parapet. That portion of a building wall which extends above the roof of the building.

S. Person. Any individual, corporation, association, firm, partnership, and the like, singular or plural.

T. Political sign. Signs advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot.

U. Primary sign or signs. All signs of a user which are not exempt (see § 17.01.100), or which do not come within the category "incidental signs" (see § 17.01.020L and § 17.01.030F). The term "primary sign" is intended to include virtually all signs of a commercial nature.

V. Property line. The line denoting the limits of legal ownership of property.

W. Readerboard. A sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will.

X. Roof sign. A sign erected on or above the roof of a building and which derives its principal support from the roof or from columns or supports extending through the roof. The definition includes a sign affixed to any structure erected upon a roof, including a structure housing building equipment. The definition includes signs erected on top of canopies.

Y. Sign. Any letters, figures, design, symbol, trademark, or device intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever. Sources of light used primarily to illuminate a sign, or a building, or grounds surrounding the building, shall not be considered signs themselves; provided, however, that sources of light used primarily to attract attention to the light itself or as a decorative feature of the display shall be considered as part of the sign. Excluded from the definition are official traffic signs or signals, sheriff's notices, court notices, or official public notices and the flag of a government or noncommercial institution, and signs not visible from the street or sidewalk (see § 17.01.100 of this Code for more detailed treatment of exempt signs), and religious symbols.

Z. Single occupancy building. A commercial building or structure with one major enterprise, generally under one ownership. A building is classified as "single occupancy" only if: (a) it has only one occupant; (b) it has no wall in common with another building; and, (c) no part of its roof in common with another building.

AA. Special signs. See "temporary and special signs."

BB. Street. Any automobile thoroughfare so designated by City ordinance. "Street" includes portions thereof used for parking.

CC. Subdivision signs. Signs used to identify a land development which is to be or was accomplished at essentially one time.

DD. Surface area. See "area, or surface area, of sign,"

EE. Temporary and special signs. A nonpermanent sign intended for use for a short period of time. Includes any banner, pennant, or advertising display constructed of canvas, fabric, wood, plastic, cardboard, or wallboard, with or without frame. Different types of temporary and special signs included in this category are: construction signs, grand opening displays, real estate signs, "open house" signs, residential land subdivision signs, subdivision directional signs. (See § 17.01.090)

FF. Way open to public. Any paved or unpaved area on private property open to the general public or driving or parking.

GG. Window sign. All signs located inside and affixed to or within 3 feet of windows of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. The term does not include merchandise located within 3 feet of a window. (See § 17.01.030H)

17.01.030 Business district signs (Zones B-1; B-1L; B-2; B-2L).

A. General.

1. In general, this City takes the view that signs should be scaled to the building to which the sign is related. Accordingly, in the following sections will be found regulations on the area, number, and height of signs, which are a function of the size of the building to which the sign is related.

2. Any single occupancy building in the business district, shall be permitted the primary signs described in § 17.01.030B through § 17.01.030F. No more than one freestanding sign is permitted per single occupancy building unless the building faces on more than one street (see § 17.01.030D), and is not a part of a multiple building complex.

3. Each enterprise in a multiple occupancy building in the business district, shall be permitted the primary signs described in § 17.01.030B through § 17.01.030E and the incidental signs described in § 17.01.030F except that no more than one freestanding sign is permitted per multiple occupancy building, unless the building faces more than one street (see § 17.01.030D), and is not a part of a multiple building complex.

4. Each enterprise in a multiple building complex in the business districts which is composed of single and/or multiple occupancy buildings shall be permitted the primary signs described in § 17.01.030B through § 17.01.030E and the incidental signs described in § 17.01.030F except that no more than one freestanding sign is permitted per multiple building complex, unless the building faces on more than one street (see § 17.01.030D).

5. Each enterprise shall display and maintain on-premise street address number identification.

B. Setback limitations--freestanding signs. The size of any freestanding sign shall not exceed the following limits, based on the setback of the sign from the property line.

<u>Setback</u>	<u>Maximum Area</u>
Between property line and building line	25 sq. ft.
On building line, or behind it	75 sq. ft.

1. Sign height--freestanding signs. The height of any freestanding sign shall not exceed the following limits, based on the sign setback of the sign.

<u>Setback</u>	<u>Maximum Height</u>
Between property line and building line	5 ft.
On building line, or behind it	15 ft.

2. Facade limitations, building-mounted signs. The surface area of any building-mounted sign shall not exceed the figures derived from the following schedule.

<u>Surface Area of Building Facade to Which Sign Is Attached (Sq. Ft.)</u>	<u>Maximum Sign Surface Area for That Facade (Sq. Ft.)</u>
Below 100	26 sq. ft.
100-199	26 sq. ft. + 11% of facade area over 100 sq. ft.
200-499	38 sq. ft. + 19% of facade area over 200 sq. ft.
500-999	75 sq. ft. + 11% of facade area over 500 sq. ft.
1000-1499	131 sq. ft. + 7.5% of facade area over 1000 sq. ft.
1500-2999	169 sq. ft. + 2.5% of facade area over 1500 sq. ft.
Over 3000	206 sq. ft. + 1.5% of facade area over 3000 sq. ft. to a maximum of 300 sq. ft.

In multiple occupancy buildings, the facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user.

3. Sign height--building mounted signs. The height of any building-mounted sign shall not extend above the highest exterior wall of the building to which the sign relates.

C. Number of primary signs. The permissible number of signs for each user is dependent upon the surface area of the largest single facade of his building. The permitted number of signs is as follows (not including incidental signs).

<u>Surface Area of Largest Facade</u>	<u>Maximum Number of Signs</u>
Less than 999 sq. ft.	2
1000-2999	3
3000 and over	4

Buildings or enterprises with more than 3000 square feet on any face, with several clearly differentiated departments, each with separate exterior entrances, are permitted one sign for each different department with a separate exterior entrance, in addition to the four allotted.

D. Buildings on more than one street. Buildings facing on more than one street are entitled to a bonus in primary signing, depending on whether the building is on two intersecting streets or whether it extends through a block so as to face on two different and parallel streets, as defined in § 17.01.030D1 or § 17.01.030D2.

1. Buildings on intersecting streets. When a building is located on intersecting streets, two freestanding signs are permitted if they are located on two different streets and are separated more than 100 feet measured in a straight line between signs. Otherwise, only one freestanding sign is permitted per building. The surface area of any freestanding sign must meet the setback limitation under § 17.01.030B.

2. Buildings facing on two parallel streets. Single occupancy buildings or tenants of multiple occupancy buildings whose premises extend through a block to face on two parallel streets with customer entrances on each street are permitted the sign area allowed under § 17.01.030B and § 17.01.030B2, and the sign number under § 17.01.030C for each end of the building facing on a street. Provided, however, that no more than one freestanding sign is permitted per building unless such signs are located on two different streets and are separated more than 100 feet measured in a straight line between the signs. No more than two freestanding signs are permitted in such case.

E. Types and placement of primary signs. The permissible types of primary signs, their placement, and other limitations are as follows.

1. Freestanding signs.

a. Freestanding signs shall be wholly located within the center two-thirds of the frontage of the property on the street or 15 feet from the adjacent property line, whichever provides the longer distance from the closest part of the sign to the adjacent property line. Provided, however, that a freestanding sign may be located within 5 feet of the property line with the written consent of the title holder of the adjacent property. If such consent is obtained, the consenting party, and his successors or assigns may not place a freestanding sign on his property within 20 feet of the first freestanding sign.

b. A freestanding sign, located at the property line shall be wholly behind the property line, and a freestanding sign located at the building line shall be wholly behind the building line.

c. Any freestanding sign must be "integrated." That is, all elements of the sign must be incorporated in a single design. Auxiliary projections or attachments not a part of a single design are prohibited.

d. A freestanding sign located between the property line and the building line shall be limited in content and message to identification information only. A freestanding sign located at the building line or behind it may, however, include principal product and/or services information.

2. Building-mounted signs.

a. Any building-mounted sign shall not project more than 5 feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.

b. Any building-mounted signs shall be limited in content and message to identifying the building and the name of the firm, or the major enterprise, and principal product and/or service information.

F. Incidental signs. Incidental signs are small signs of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to a building, directions, help wanted, public telephone, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business building or development by means of a directory designating names and addresses only. Such signs are not included in the number of primary signs so long as the individual signs do not exceed 2 square feet in surface area.

G. Directional signs. Directional signs shall not exceed 6 square feet in sign surface area.

H. Gasoline price signs. Gasoline price signs shall be located no closer than 65 feet from the centerline of the bordering street and must be permanently anchored. Such signs may be free-standing or attached to canopy columns. The sign area shall not exceed 12 square feet, and no more than one such sign for each street frontage is permitted. Gasoline price signs shall not be included in determining the number of primary signs, nor in determining the permissible number of freestanding signs.

I. Window signs. The total surface area of all window signs shall not exceed 15 square feet, or 10% of the window area. Such signs shall not be included in determining the number of primary signs, nor in determining the permissible sign area for each facade; provided, that such signs shall not exceed an area total of 15 square feet, or 10% of the window area.

J. Signs for nonconforming buildings. There remain in this City some buildings which were built prior to enactment of Bellevue's present setback requirements. Generally, under the City zoning ordinances, these legal nonconforming buildings are allowed to remain unless they are altered or improved. As few of these nonconforming buildings are located behind the building line as determined by ordinances currently in effect almost no signing would be possible under the foregoing sign code provisions. Therefore, this section provides for a partial relaxation of the standard sign requirements for signs on legal nonconforming buildings, only so long as the buildings remain legally nonconforming under provisions of the Bellevue Zoning Code.

1. Permitted signs on legally nonconforming buildings. All provisions of the sign code for business district signs apply to signs on nonconforming buildings in the business districts, with the following exceptions.

a. Building-mounted signs may project over the building line, but shall not approach a street closer than 5 feet. Such signs may extend 5 feet from the face of the building to which attached, and shall have a maximum clearance over sidewalk below of 8 feet 6 inches.

b. The total sign surface area for signing of individual legal nonconforming buildings shall not exceed 40 square feet.

17.01.040 Office and apartment district signs (Zones O and OL).

A. General. This section applies only to office and apartment buildings in the O and OL zones of the City. Such buildings in other zones are governed by the sign regulations of the applicable zone. As the O and OL zones are primarily placed as a buffer

between business district zones and residential zones, the permissible signs are scaled down from those allowed in business districts.

B. Setback limitations--freestanding signs. The size of any freestanding sign in the O and OL districts shall not exceed the following limits, based on the sign setback of the sign.

<u>Setback</u>	<u>Maximum Area</u>
Between property line and building line	25 sq. ft.
On building line, or behind it	35 sq. ft.

1. Sign height--freestanding signs. The height of any freestanding sign in the O and OL districts shall not exceed the following limits, based on the sign setback of the sign.

<u>Setback</u>	<u>Maximum Height</u>
Between property line and building line	5 ft.
On building line, or behind it	10 ft.

2. Facade limitations--building-mounted signs. The surface area of any building-mounted signs in the O and OL districts shall not exceed the figures derived from the following schedule.

<u>Surface Area of Building Facade to Which Sign Is Attached (Sq. Ft.)</u>	<u>Maximum Sign Surface Area for That Facade (Sq. Ft.)</u>
Below 100	21 sq. ft.
100-199	21 sq. ft. + 9% of facade area over 100 sq. ft.
200-499	30 sq. ft. + 10% of facade area over 200 sq. ft.
500-999	60 sq. ft. + 9% of facade area over 500 sq. ft.
Over 1000	105 sq. ft. - maximum sq. ft.

3. Sign height--building-mounted signs. No building-mounted sign in the O and OL districts, regardless of type, shall exceed a height of 20 feet above grade, or above the height of the building to which it is attached.

4. Limitation. Any freestanding or building-mounted sign located in these districts shall be limited in content and message to identify the building and the name of the firm, or the major enterprise, and the principal service or product of the business without references to prices or the characteristics of the product or services offered.

C. Number of signs. In the O and OL districts no more than two primary signs are permitted for buildings facing on one street, only one of which may be freestanding. Buildings or building complexes on street corner locations are permitted a maximum of three signs. Two of the three signs permitted for street corner locations may be freestanding only if they are located on two different streets and are separated more than 100 feet, measured in a straight line between the signs.

Buildings or building complexes which extend through a block to face on two parallel streets are permitted two primary signs on each street, only one of which may be freestanding for each street.

For purposes of determining the limit on number of signs for apartments, a single apartment complex, regardless of the number of buildings, shall be considered one "building."

D. Types and placement. Within O and OL districts the permissible types of primary signs, their placement and other limitations are as follows.

1. Freestanding signs. Requirements are identical to § 17.01.030E1a, b, c, and d of this Code, except that advertising shall not be permitted.

2. Building-mounted signs. Requirements are identical to § 17.01.030E2a and b of this Code, except that advertising shall not be permitted.

3. Signs or portions of signs indicating premises for rent (e.g., "apartment for rent," "apartment available," "vacancy," "now renting," "free rent," etc.) shall not exceed a surface area of 6 square feet.

4. The illumination of any sign in the O and OL districts shall be from a source other than the sign itself and this indirect source of illumination shall be so shaded, shielded, directed, or reduced, that it is not visible from a public street or adjoining residential property.

5. Incidental signs. In addition to the permitted primary signs, each building or complex of buildings is permitted the incidental signs as described and limited in § 17.01.030F of this Code. Signs advertising premises for rent are considered primary signs, not incidental. (See § 17.01.040D3)

6. Street address identification. Each building or complex of buildings shall display and maintain on-premise street address number identification.

17.01.050 Commercial and manufacturing district signs (Zones C-G, C-L and C-M).

Permissible signs and their limitations in the commercial and manufacturing districts shall be identical to those in the business districts (§ 17.01.030).

17.01.060 Neighborhood retail business district signs (Zone B-N).

Permissible signs and their limitations in the neighborhood retail business district (Zone B-N) shall be identical to those in the business district (§ 17.01.030) of this Code with the following exceptions.

A. Any building-mounted sign shall be located on the face of the building containing the main entrance to the business premises and the sign, if facing abutting residential property, shall be located more than 50 feet from said abutting residential owner's property line.

B. Illumination from or upon any signs in this district shall be shaded, shielded, directed, or reduced so that the light intensity or brightness does not affect the enjoyment of residential property in the vicinity in any substantial way. All such illumination shall be turned off between the hours of 10:00 P.M. and

6:00 A.M., except that, if the premises are open for business after 10:00 P.M., the illumination shall be turned off at the close of business.

17.01.070 Multi-family residential district signs (Zones MR-2; MR-3; MR-3L; MR-3S; MR-8).

A. Requirements for signs in multi-family residential districts shall be identical to those for office and apartment district zones (O and OL) as set forth in § 17.01.040 of this Code.

17.01.080 Single-family residential district signs (Zones R-7.2; R-8.5; R-10; R-13; R-20; RIA; R-A).

A. General. Two categories of sign uses are covered by this section.

1. Existing, legal nonconforming commercial uses. The provisions herein for signs for commercial uses apply only to legal nonconforming uses which have been approved under applicable zoning ordinances prior to the enactment of this Code.

2. Noncommercial uses such as schools, churches, fire stations, and house number identification.

B. Signs for existing legal nonconforming uses. No more than one primary sign is permitted for each use in this category so long as the building remains legally nonconforming under provisions of the Bellevue Zoning Code, as follows.

1. Such sign may be either freestanding, or building-mounted.

2. If freestanding, the sign shall conform to the requirements of § 17.01.030E1 of this Code.

3. A building-mounted sign shall conform to the requirements of § 17.01.030E2 of this Code; provided, however, that no sign shall exceed 20 square feet in surface area.

C. Signs for noncommercial uses.

1. Signs for churches, schools, golf courses, fire stations, police stations, noncommercial use or public service, or other similar noncommercial uses. Signs shall be unobtrusive, in keeping with the character of the neighborhood, and constructed of quality materials, as approved in advance by the Administrator of this Code. No building-mounted sign shall exceed 20 feet in height and 50 square feet in surface area, and no freestanding sign located between the building line and the property line shall exceed 5 feet in height and 25 square feet in surface area. No more than one freestanding sign and one building-mounted sign is permitted for the above uses.

2. Illumination. Illumination from or upon any signs in single-family residential districts shall be shaded, shielded, directed, or reduced so that the light intensity or brightness does not affect the enjoyment of residential property in the vicinity in any substantial way.

3. House numbers. All houses in the single-family residential district shall display house numbers visible from the street.

17.01.090 Temporary and special signs.

Temporary and special signs or displays are nonpermanent in nature and are intended for use only for a short period of time. The category includes any banner, pennant, or advertising display constructed of canvas, fabric, wood, plastic, or other semi-durable material, with or without frame. Permissible signs, with applicable limitations, are as follows.

A. Construction Signs. These signs identify the architects, engineers, contractors, or other individuals or firms involved with the construction of a building and announce the character of the building, or the purpose for which the building is intended. Such signs may be displayed only after a building permit is obtained and during the period of construction on the construction site. Only one such sign (which may be double-faced) is permitted per construction project for each public street upon which the project fronts.

In all zones other than single-family residential zones, no construction sign shall exceed 32 square feet in surface area or 10 feet in height, nor be located closer than 10 feet from the property line or closer than 30 feet from the property line of the abutting owner. Further, such signs must be removed by the date of first occupancy of the premises, or one year after placement of the sign, whichever first occurs.

In single-family residential zones, no construction sign shall exceed 8 square feet in surface area, or be located closer than 10 feet from the property line of the abutting owner. Such signs shall be removed by the date of first occupancy of the premises or 6 months after first placement of the sign, whichever first occurs.

B. Grand opening displays. Temporary signs, posters, banners, strings of lights, clusters of flags, blinking lights, balloons, and searchlights are permitted for a period of one week only to announce the opening of a completely new enterprise or the opening of an enterprise under new management. All such materials shall be removed immediately upon the expiration of one week (7 consecutive days). Use of the above-described devices within the limits specified shall be an exception to the general prohibition on these devices in § 17.01.120E of this Code. For further limitations on searchlights, see § 17.01.120H of this Code. Such displays are not exempt from permit requirements and are permitted only in districts where the enterprise so advertised is allowed under district zoning regulations.

C. Real estate signs. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits, are as follows:

1. Residential "for sale" and "sold" signs. Signs advertising residential property "for sale" or "sold" shall be limited to one single or double-faced sign per street frontage not to exceed 4 square feet in surface area, placed wholly on the property for sale. The "for sale" sign may remain up for one

year or until the property is sold, whichever occurs first. The "sold" sign may remain up for 10 days after the occupancy of residential property.

2. Residential directional "open house" signs. Signs advertising "open house" and the direction to a residence for sale shall be limited to one sign on the premises for sale and three off-premises signs. However, if a realtor has more than one house open for inspection in a single development or subdivision, he is limited to four off-premises "open house" signs in the entire development or subdivision. Such signs are permitted only during daylight hours and when the realtor or seller or an agent is in attendance at the property for sale. No such sign shall exceed 4 square feet in surface area. The sign may be placed along the periphery of a public right-of-way.

3. Undeveloped commercial and industrial property "for sale or rent" signs. One sign per street frontage advertising undeveloped commercial and industrial property for sale or for rent is permitted while the property is actually for sale or rent. The sign shall not exceed 16 square feet in area, 7 feet in height, shall be located more than 15 feet from the adjacent property line, and shall be located wholly behind the property line.

4. Developed commercial and industrial property "for sale or rent" signs. One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than 10 feet from the building line, the sign shall be placed on the building or in a window. The sign shall not exceed 16 square feet in area, shall not exceed 7 feet in height, if freestanding, shall be located more than 15 feet from the abutting property, and shall be located wholly behind the building line. Apartment building "for rent" signs are governed by § 17.01.040 of this Code and not be this subsection.

5. Residential land subdivision signs. Signs advertising residential subdivisions shall be limited to one double-faced sign not exceeding 32 square feet in area per side placed at a right angle to the street, or two signs not exceeding 32 square feet in area facing the street, which shall be at least 200 feet apart. No sign shall project beyond the building line. Such signs must be placed more than 30 feet from the abutting owner's property line and may not exceed a height of 12 feet. Such signs shall be removed by the end of one year or when 75% of the houses in the subdivision are sold or occupied, whichever first occurs. Permanent subdivision or neighborhood designation signs shall be as approved by the Administrator of this Code, as set forth in § 17.01.080C1 herein.

6. Subdivision directional signs designating new developments. Signs advertising the direction to a subdivision shall be furnished and placed only by the developer or residents of the subdivision, but at locations designated by the City. Signs shall be of the dimensions 12" x 36", shall bear only the name of the subdivision and a directional arrow (no name of realtor permitted), and be limited in number to 4. The City will designate placement of the signs at street intersections a maximum of one mile from the nearest subdivision entrance. The signs

shall be maintained by the developer and removed at the end of one year or when 75% of the subdivision is occupied, whichever first occurs, unless a variance is granted by the Board of Adjustment.

D. Political signs. Political signs are prohibited (see § 17.01.120J) except:

1. Party headquarters. On-premises political signs are permitted on the premises of political headquarters located in the business districts (§ 17.01.030), on office buildings in the office and apartment districts (§ 17.01.040), and in the commercial and manufacturing districts (§ 17.01.050), so long as the signs meet the requirements of those districts.

2. Headquarters for candidate or ballot issue. On-premises political signs are permitted on the premises of the headquarters of a candidate for public elective office (whether partisan or nonpartisan) or on the headquarters of persons supporting or opposing a public issue decided by ballot, when such headquarters are located in the business districts (§ 17.01.030), in office buildings in the office and apartment districts (§ 17.01.040), and in the commercial and manufacturing districts (§ 17.01.050), so long as the signs meet the requirements of those districts and so long as the signs remain for a period no longer than 6 months. Such signs shall be removed within 7 days after the general election.

17.01.100 Exempt signs or displays.

The following signs or displays are exempted from coverage under this Code.

A. Traffic or pedestrian control signs or signals, or signs indicating scenic or historic points of interest, which are erected by or on the order of, a public officer in the performance of his public duty.

B. Signs required by law.

C. Official public notices, official court notices, or official sheriff's notices.

D. The flag of a government or noncommercial institutions such as schools.

E. Exterior signs or displays not visible from streets or ways open to the public.

F. Signs in the interior of a building more than three feet from the closest window or not facing a window.

G. Plaques, tablets or inscriptions indicating the name of a building, its date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are nonilluminated, and which do not exceed 3 square feet in surface area.

H. "No trespassing," "no dumping," "no parking," "private," and other informational warning signs, which shall not exceed 3 square feet in surface area.

I. Reasonable seasonal decorations within the appropriate public holiday season. However, such displays shall be removed promptly at the end of the public holiday season.

J. The flag of a commercial institution. No more than one flag is permitted per business premises, the flag shall not exceed 20 square feet in surface area, and shall be left loose to fly in the breeze.

K. Sculptures, fountains, mosaics, and design features which do not incorporate advertising or identification.

L. Sandwich-board signs worn by a person while walking the public ways of the City.

M. Existing theater marquees [freestanding and/or building-mounted].
17.01.110 Requirements applicable to all signs.

A. Structural requirements. The structure and erection of signs within the City of Bellevue shall be governed by Chapters 2 and 4 of the Uniform Sign Code, 1970 Edition (or by superseding edition adopted by the City), and the Uniform Building Code, 1970 Edition (or any superseding edition adopted by the City), Volume I (including appendices), as promulgated by the International Conference of Building Officials, which are hereby adopted and made a part hereof by this reference. Three copies of said Codes are on file in the office of the City Clerk. Compliance with said Uniform Sign Code and Uniform Building Code shall be a prerequisite to issuance of a sign permit under § 17.01.130 of this Code.

B. Electrical requirements. Electrical requirements for signs within the City of Bellevue shall be governed by the National Electrical Code, 1968 Edition (or any superseding edition adopted by the City), promulgated by the National Fire Protection Association, which is hereby adopted and made a part hereof by this reference. Compliance with said National Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under § 17.01.130 of this Code.

C. Sign illumination. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street.

D. Sign maintenance. All signs, including signs heretofore installed shall be constantly maintained in a state of security, safety, and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within 5 days after receiving notice from the Sign Code Administrator. The premises surrounding a freestanding sign shall be free and clear of rubbish and landscaping area free of weeds.

E. Sign obstructing view or passage. No sign shall be located so as to physically obstruct any door, window, or exit from a building. No sign shall be located so as to be hazardous to a motorist's ingress and egress from parking areas of any way open to the public.

F. Landscaping for freestanding signs. All primary freestanding signs shall include as part of their design landscaping about their base to prevent automobiles from hitting the sign-supporting structure and to improve the overall appearance of the installation. The planting area about the base of the sign shall be a minimum of one square foot for each square foot of sign surface area and shall include both trees and shrubs so that at the time of installation a minimum of 25% of the required planting area is covered by plant material.

If the landscaping is not installed concurrently with the sign, the applicant for a sign permit shall post a bond or make a cash deposit with the City in a sum sufficient for the City to accomplish the required landscaping if not timely installed by the permittee. If the landscaping is completed within 60 days after completion of the sign installation, the deposit or bond shall be returned to the person who furnished the same. If the required landscaping is not completed within 60 days after completion of the sign installation, the City may hire the work done and retain the deposit or require payment on the bond. The Code Administrator, for reasons of weather, good planting practices, or unforeseeable construction delay may grant a reasonable extension of the time period specified in this subsection.

G. Sign inspection. All sign users shall permit the periodic inspection of their signs by the City upon City request.

H. Conflicting provisions. Whenever two provisions of this Code overlap or conflict with regard to the size or placement of a sign, the more restrictive provision shall apply.

I. Building line. In any area of the City where the applicable building line is located more than 65 feet from the centerline of the City street on which it faces, the building line shall, for purposes of limiting size or placement of signs under this Code, be deemed to begin 65 feet from the centerline of the street and to run parallel thereto.

J. Painted signs--mounting. All painted signs over 10 square feet in surface area shall be painted on plywood or other backing material, as distinguished from painting on the building wall itself, so that the sign can be physically removed from the building.

17.01.120 Prohibited signs.

The following signs or displays are prohibited, except as indicated. Prohibited signs are subject to removal by the City at the owner's or user's expense (see § 17.01.140).

A. Window signs containing material unrelated to the merchandise for sale or service performed by the person or business on whose premises or property the sign is located (except real estate "open house" and subdivision directional signs as governed by §§ 17.01.090C2 and 17.01.090C6 of this Code). Provided, however, on-premises signs may call the attention of the public to public holidays or community events, the time and temperature.

B. Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "caution," "danger," "warning," or similar words.

C. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or radio equipment vehicle; or which obstruct the visibility of any traffic or street sign or signal device.

D. Signs which rotate or have a part or parts which move or revolve except that the movement of the hands of a clock or digital changes indicating time and temperature are permitted.

E. Signs or displays of banners, clusters of flags, posters, pennants, ribbons, streamers, strings of lights, spinners, twirlers or propellers, flashing, rotating or blinking lights, chasing or scintillating lights, flares, balloons, bubble machines, and similar devices of a carnival nature, or containing elements creating sound or smell. Exception: Certain of these devices are permitted on a limited basis as seasonal decorations under § 17.01.100I or for grand openings of new businesses under § 17.01.090B of this Code.

F. Signs identifying, or window signs advertising, activities, products, businesses, or services which have been discontinued for more than 60 days on the premises upon which the signs are located.

G. Private signs on utility poles.

H. Searchlights, except if:

1. They are used by any business or enterprise once yearly only for a maximum period of 7 consecutive days, or for purposes of the grand opening of a new enterprise or an enterprise under new management for a maximum period of 7 consecutive days. (See § 17.01.090B)

2. The beam of the searchlight does not flash against any building or does not sweep an arc greater than 45° from vertical.

I. Signs painted directly on building faces, walls, or building structural components. Painted signs are permitted only upon a backing of plywood or other material which can readily be removed from the building.

J. Political signs on any real property within the City, whether private or public, except as set forth in § 17.01.090D.

K. Billboards.

L. Portable signs, which for the purpose of this Code shall mean a sign which has no permanent attachment to a building or the ground, including A-frame signs, pole attachments, mobile signs, but not including real estate open house signs, or A-frame signs permitted under § 17.01.100L.

M. Roof signs.

N. Canopy signs.

17.01.130 Permits and fees.

A. Permit requirements. No sign governed by the provisions of this Code of more than 4 square feet in surface area shall be erected, altered, or relocated by any person, firm or corporation from and after the date of adoption of this Code without a permit issued by the City. With the exception of subdivision directional signs (§ 17.01.090C6), no permit is required for a sign of 4 square feet or less surface area, but such signs must otherwise comply with this Code. No new permit is required for signs which have permits and which conform with the requirements of this Code on the date of its adoption unless and until the sign is altered or relocated. Signs which, on the date of adoption of this Code, have permits, but do not conform with this Code's requirements may be eligible for characterization as "legal nonconforming" signs and for legal nonconforming sign permits under § 17.01.150 herein.

B. Permit applications. Applications for permits shall contain the name and address of the owner and user of the sign, the name and address of the owner of the property on which the sign is to be located, the location of the sign structure, drawings or photographs showing the design and dimensions of the sign and details of its proposed placement, and such other pertinent information as the Administrator of this Code may require to insure compliance with this Code and other applicable ordinances. Permit applications shall be available for inspection by the public upon request.

C. Fees. Fees for sign permits shall be based upon the size of the sign as follows.

<u>Surface Area (Sq. Ft.)</u>	<u>Fee</u>
Under 25 sq. ft.	\$ 5.00
Over 25 sq. ft.	10.00

The above fees do not include an electrical permit fee when applicable.

D. Expiration of permits. A sign permit shall become null and void if the work for which the permit was issued has not been completed within one year of its issuance. Permits for temporary or special signs (§ 17.01.090) shall expire a maximum of 12 months from the date of the sign installation. Such permits are not subject to renewal.

E. Permit exceptions. No new permit shall be required:

1. For repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign structure or content is not modified in any way.

2. For the changing of the advertising copy or message on an approved readerboard or theatre marquee, during the period of amortization.

F. Notice of permit denial--reasons. When a sign permit is denied by the Administrator, he shall give written notice of the

denial to the applicant, together with a brief written statement of the reasons for the denial.

G. Sign permit appeals.

1. Appeal from denial of permit. Appeal may be taken to the Board of Adjustment from the Administrator's denial of a sign permit for reasons other than failure to meet the requirements of the Uniform Sign Code, or the National Electrical Code (§§ 17.01.110A and 17.01.110B). Appeal procedure is set forth in § 17.01.160 of this Code.

Appeal from a denial of a sign permit on grounds of non-compliance with the Uniform Sign Code, the Uniform Building Code, or the National Electrical Code shall be taken to the Building Code Board of Appeals and shall be governed by the procedures of Chapter 3.50, Bellevue Municipal Code.

2. Appeal from failure of Administrator to act on permit application within 30 days. The Administrator's failure to either formally grant or deny a sign application within 30 days of the date an application meeting the requirements of § 17.01.130B is filed shall be grounds for appeal to the Board of Adjustment under terms of § 17.01.160 of this Code.

17.01.140 Administration, enforcement and sign removal.

A. Code Administrator. The Administrator of this Code shall be appointed and removed by the City Manager. The Administrator is hereby authorized and directed to enforce and carry out all provisions of this Code, both in letter and spirit, with vigilance and with all due speed. To that end, the Administrator is authorized to formulate procedures consistent with the purposes of this Code. The Administrator is further empowered to delegate the duties and powers granted to and imposed upon him under this Code. As used in this Code, "Administrator of this Code" or "Administrator" shall include his authorized representative.

B. Inspection by Administrator. The Administrator is hereby empowered to enter or inspect any building, structure, or premises in the City of Bellevue, upon which, or in connection with which a sign, as defined by this Code, is located, for the purpose of inspection of the sign, its structural and electrical connections, and to insure compliance with the provisions of this Code. Such inspections shall be carried out during business hours, unless an emergency exists.

C. Code violations and enforcement. The remedies provided in this section for violations of or failure to comply with provisions of this Code, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law. It is intended that the civil penalty described herein shall be used in preference to the criminal penalty, except in cases of repeated, malicious, willfully prolonged, or flagrant violations of this Code.

Any sign which is not in compliance with all the provisions of this Code is referred to herein as an "unlawful" sign.

1. Civil remedies. The violation of or failure to comply with any of the provisions of this Code, or the erection, use or display of any sign not in compliance with all of the provisions of this Code shall be and hereby is declared to be unlawful.

a. Injunction and abatement. The City of Bellevue, through its authorized agents, may initiate injunction or abatement proceedings or other appropriate action in the courts against any person who violates or fails to comply with any provision of this Code, or against the erector, owner or user of an unlawful sign or the owner of the property on which an unlawful sign is located, to prevent, enjoin, abate or terminate violations of this Code and/or the erection, use or display of an unlawful sign.

b. Civil penalty. Any person who violates or fails to comply with any of the provisions of this Code of the erector, owner, or user of an unlawful sign or the owner of property on which an unlawful sign is located shall be subject to a civil penalty of \$250 for each week or portion thereof that the use or display of the unlawful sign has continued, except that the owner of property on which an unlawful sign is located, who is not also the owner or user of the unlawful sign, shall be subject to the penalty only if demand for removal or alteration of the unlawful sign shall have been mailed to said owner at his last known address by registered mail, return receipt requested, and the demand has remained uncomplied with for more than 30 days.

2. Criminal penalty. The violation of or failure to comply with any of the provisions of this Code or the erection, use, or display of any sign not in compliance with all of the provisions of this Code is a misdemeanor; and, upon conviction, the violator shall be punished by a fine of not more than \$250 and shall be required to remove the unlawful sign.

3. Removal of unlawful sign. If an unlawful sign has not been removed within 30 days after conviction of violation or imposition of civil penalty, the City may cause the sign to be removed and charge the costs to the violator. If removal costs have not been paid and the sign reclaimed within 30 days of its removal by the City, the City may sell or otherwise dispose of the sign and apply the proceeds toward costs of removal. Any proceeds in excess of costs of removal shall be paid to the owner of the sign.

Signs which the Administrator finds present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the Administrator without notice.

Neither the City nor any of its agents shall be liable for any damage to the sign when removed under this section.

D. Procedure upon appeals to Board of Adjustment.

1. Delivery of sign application to Board. Upon the filing of a notice of appeal with the City Clerk (§ 17.01.160D1), the Administrator shall promptly transmit to the Board of Adjustment, the appropriate application for a sign permit, the written notice of denial with reasons therefor, together with all plans, specifications and other papers pertaining to the application. When the appeal is from failure of the Administrator to grant a permit within 30 days, the Administrator shall, in addition to the foregoing, furnish the Board with a brief written statement of the reasons for the failure.

2. Statement in support of Administrator's position. Upon any appeal, the Administrator may, in his discretion, furnish the Board with a written statement of his position on the appeal and may therein reply to the position of the appellant. Such statements must be filed with the Board of Adjustment at least 10 days in advance of the hearing on the appeal.

3. Administrator's appearance at the hearing. The Administrator or his representative shall attend and state his position at any appeal or variance hearing.

E. Advice from Board of Adjustment. The Administrator may seek the advice of the Board of Adjustment on novel or difficult situations, signs, or questions that arise under this Code. However, such advice given shall not bind the Administrator.

17.01.150 Nonconforming signs--amortization period.

A. General. To ease the economic impact of this Code on businessmen with substantial investment in signs in existence on the date of adoption of this Code, this section provides for up to 9 years of continued use of a nonconforming sign in its existing state. During this period, it is expected that the sign may be amortized on federal income taxes; however, whether it may be so amortized shall not affect the application of this section. Similar treatment is accorded signs in areas annexed to the City after the Code's enactment.

B. Legal nonconforming signs.

1. Notification of nonconformity.

The Sign Code Administrator shall, as soon as practicable, survey the City for signs which do not conform to the requirements of this Code. Upon determination that a sign is nonconforming, the Administrator shall use reasonable efforts to so notify either personally or in writing the user or owner of the sign and the owner of the property on which the sign is located of the following.

- a. The sign's nonconformity.
- b. Whether the sign is eligible for characterization as legal nonconforming.
- c. The Administrator's estimate of whether the sign's replacement cost is less than or greater than \$250.
- d. If the sign's replacement cost is greater than \$250, the Administrator's estimate of whether the expenditure required to bring the sign into conformity is less than or greater than \$250.

If the identity of the sign owner, user, or owner of the property on which the sign is located cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated.

2. Signs eligible for characterization as "legal nonconforming." With the exceptions herein provided, any on-premises

primary sign located within the City limits on the date of adoption of this Code, or located in areas annexed to the City thereafter, which do not conform with the provisions of this Code, are eligible for characterization as "legal non-conforming" signs, provided it also meets the following requirements.

a. The sign has a replacement value of more than \$250.

b. The sign cannot be brought into compliance with an expenditure of \$250 or less.

c. The sign was covered by a sign permit on the date of adoption of this Code, if one was required under applicable law.

d. If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this Code.

Exceptions: No temporary or special signs, as defined by § 17.01.090 of this Code, prohibited signs, as defined by § 17.01.120, or incidental signs, as defined in § 17.01.030F, shall be eligible for characterization as "legal nonconforming signs."

3. Characterization as "legal nonconforming." Each sign user within the City having existing nonconforming signs meeting the requirements of § 17.01.150B2 shall be permitted to designate one (only) of such signs for characterization as "legally nonconforming," for each street upon which the business premises fronts. Such designation shall be made in the application for a legal nonconforming sign permit.

4. Permit for legal nonconforming signs. A legal nonconforming sign permit is required for each legal nonconforming sign designated under § 17.01.150B3. The permit shall be obtained by the sign user or the sign owner, or the owner of the property on which the sign is located within 60 days of notification by the City (under § 17.01.150B1) that the sign is nonconforming. The permit shall be issued without fee and shall expire at the end of the amortization period prescribed in § 17.01.150D2.

Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and, if available, the owner of the property on which the sign is located and such other pertinent information as the Administrator may require to insure compliance with the Code, including proof of the date of installation of the sign.

A nonconforming sign for which no permit has been issued within the 60-day period shall within 6 months be brought into compliance with the Code or be removed. Failure to comply shall subject the sign user, owner, or owner of the property on which the sign is located to the remedies and penalties of § 17.01.140C herein.

5. Loss of legal nonconforming status. A legal nonconforming sign shall immediately lose its legal nonconforming designation if:

a. The sign is altered in any way in structure or copy (except for readerboards and normal maintenance described in § 17.01.150F), which tends to or makes the sign more nonconforming to the requirements of this Code than it was before the alteration; or

b. The sign is relocated to a position making it more nonconforming to the requirements of this Code; or

c. The sign is replaced; or

d. Any new primary sign is erected or placed in connection with the enterprise using the legal nonconforming sign.

On the happening of any one of a, b, c, or d, the permit for what had been designated as a legal nonconforming sign shall become void, the Administrator shall notify the sign owner or user of cancellation of the permit, and the sign shall be immediately brought into compliance with this Code with a new permit secured therefor, or shall be removed.

C. Illegal nonconforming signs. An illegal nonconforming sign is any sign which does not comply with the requirements of this Code within the City limits as they now or hereafter exist; and,

1. Which has a replacement value of \$250 or less; or

2. Which has a replacement value of more than \$250 but which may be brought into conformity with an expenditure of \$250 or less; or

3. Which has a replacement value of more than \$250 but is not eligible for characterization as legal nonconforming under § 17.01.150B2.

D. Amortization period for nonconforming signs.

1. Illegal nonconforming signs. Illegal nonconforming signs as defined in § 17.01.150C above, may remain in a nonconforming state for 6 months after the date of notification of nonconformity by the City (§ 17.01.150B1). Thereafter, such signs shall be brought into conformity with this Code with a permit issued therefor or be removed.

2. Legal nonconforming signs. Legal nonconforming signs, as defined in § 17.01.150B above, for which a legal nonconforming sign permit has been issued, may remain in a nonconforming state for 9 years after the date of installation of the sign, or 6 years after notification by the City of the sign's nonconformity, whichever is longer. Thereafter, the sign shall be brought into conformity with this Code with a permit issued therefor or be removed. Provided, however, that the amortization period established by this section may be used only so long as the sign retains its legal nonconforming status (see § 17.01.150B5); and, provided further, that upon any change in land use or occupancy, or change in business name, such legal nonconforming signs shall, within 6 mos, be brought into conformity with this Code with a permit issued therefor or be removed.

E. Fixing of "replacement value" and "expenditure to bring into conformity." Replacement value of a sign as used herein is the expenditure required for replacement of the sign in question by a reputable

sign maker, as estimated by the Administrator of this Code. The Administrator may use the valuation fixed by the County Assessor as a basis of his valuation.

Expenditure to bring a sign into conformity is that expenditure required for a reputable sign maker to bring the sign in question into conformity with the provisions of this Code, as estimated by the Administrator.

The Administrator's estimate may be appealed to the Board of Adjustment by the sign owner, user, or owner of the property on which the sign is located if notice of appeal is given within 60 days of the date on which written notice of the estimate is given under § 17.01.150B1.

F. Nonconforming sign maintenance and repair. Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this Code regarding safety, maintenance and repair of signs, contained in § 17.01.110 of this Code, and from the provisions on prohibited signs, contained in § 17.01.120 herein.

Provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming or the sign may lose its legal nonconforming status. (See § 17.01.150B5)

17.01.160 Board of Adjustment jurisdiction and power.

A. The Board of Adjustment shall have the power and duty to:

1. Hear and decide appeals by a sign permit applicant from the decision of the Administrator of this Code denying, or failing to grant a sign permit within 30 days of application.
2. Grant a variance from the requirements of this Code as part of the disposition of an appeal from action of the Code Administrator denying or failing to grant a sign permit (see § 17.01.150B2).
3. Hear and decide appeals by a sign owner, user, or owner of the property on which a sign is located from characterization of a sign as legal nonconforming or illegal nonconforming under § 17.01.150, and the Administrator's fixing of the replacement value of a nonconforming sign or the expenditure to bring a nonconforming sign into conformity under § 17.01.150.
4. Make recommendations to the City Council for changes to this Code.
5. Give advice to the Sign Code Administrator when asked.

The Board shall not have jurisdiction to hear appeals from the denial of a sign permit on grounds of noncompliance with requirements of the Uniform Sign Code, Uniform Building Code, or National Electrical Code, required under §§ 17.01.110A and 17.01.110B of this Code. Such appeals shall be heard and determined by the Building Code Board of Appeals created by Chapter 3.50, Bellevue Municipal Code.

B. Criteria for Board decision.

1. Appeals without petition for variance. In appeals to the Board from decision of the Code Administrator denying a sign permit in connection with which no petition for variance has been filed, the Board's scope of review shall be limited to determining whether or not the Code Administrator's decision is in accordance with the requirements of this Code and accordingly affirm or reverse his decision. If the Code Administrator's decision is reversed, the Board shall direct the Administrator to issue the permit in accordance with its decision. If the Administrator fails to do so for 5 days from receipt of the direction from the Board, the Board may issued the permit.

In appeals from failure of the Administrator to grant a permit within 30 days of application, the Board shall determine whether the sign and the application meet the requirements of this Code. If so, the Board shall grant the permit; if not, the Board shall deny the permit. In the absence of a petition therefor, no variance from the requirements of the Code shall be granted or allowed.

2. Appeals with petition for variance. In appeals from decision of the Code Administrator denying or refusing to grant a sign permit in connection with which the appealing party or any other interested party has filed a Petition for Variance, the Board shall have the power and duty described in § 17.01.160C1 and, in addition, shall have the power to hear, decide and grant or deny the requested variance from the provisions or requirements of this Code.

The Board may grant a variance from the provisions or requirements of this Code only where:

- a. The literal interpretation and strict application of the provisions and requirements of this Code would cause undue and unnecessary hardship to the sign user because of unique or unusual conditions pertaining to the specific building or parcel of property in question.
- b. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
- c. The unusual conditions applying to the specific property do not apply generally to other properties in the City.
- d. The granting of the variance will not be contrary to the general objective of this Code of moderating the size, number and obtrusive placement of signs and the reduction of clutter.

In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this Code in the public interest.

C. Perfection of appeal.

1. An appeal with or without petition for variance may be considered by the Board only if:

a. Written notice of appeal, with or without petition for variance, is filed with the City:

(1) Within 10 days of the decision of the Code Administrator denying a sign permit;

(2) Within 40 days of the submission of a sign permit application which the Administrator has neither granted nor denied within 30 days; and

(3) Within 60 days of the Administrator's characterization of a sign as "nonconforming" or fixing the sign's replacement value or expenditure to bring into compliance under § 17.01.150B4, which period shall begin to run with the mailing or delivery or notice of such characterization to the sign user or sign owner, or owner of the property on which the sign is located; or the posting of the notice on the sign or the associated business premises.

b. The notice of appeal is accompanied by a fee of \$25.

c. The appellant serves upon the Board of Adjustment a written statement of the reasons in support of his position 5 days before the hearing on the appeal.

2. The Board shall, on its own motion, or on the motion of any interested party, dismiss an appeal for failure of the appellant to meet any of the requirements of § 17.01.160C1 or for failure of the appellant to otherwise diligently prosecute the appeal, or if the Board finds the appellant has made any knowingly false or misleading statement or representation in his sign application or appeal.

D. Board procedure.

1. Notice of hearing. The Board shall hear and decide appeals within 41 days of the filing of the notice of appeal. Notice of the hearing on an appeal shall be given by the Board not less than 10 days prior to the hearing to:

a. The appellant, in writing, at the address given on the notice of appeal.

b. The Code Administrator, in writing.

c. To any person filing a written statement in opposition to the appellant's position taken in the appeal.

d. Any person filing a written request with the City for special notice of Board hearings in the 6 months following giving of the request.

e. To the public by posting a copy of the notice of hearing in a conspicuous place within the City Hall.

f. To the property owner and property owners in the vicinity of the property which is concerned in the appeal by posting 3 placards in conspicuous places on or within 50 feet of the property concerned. Such notice and placards shall be in a form prescribed by the Board and shall set forth the time, place and purpose of the hearing.

2. Hearing. All hearings of the Board shall be open to the public, and those in attendance shall be afforded an opportunity, the length and conditions of which shall be prescribed by the Board, to address the Board on the issues to be determined. The appellant and Code Administrator or his representative shall be afforded an opportunity to address the Board on any matter at issue. Any party or interested person may be represented by another at the hearing.

3. Hearing minutes and decision. The Board shall keep minutes of its proceedings, shall cause to be kept a verbatim record or tape recording of the hearing on any appeal or petition for variance, and shall prepare a notice of its decision on any appeal together with its findings of fact in support of that decision, all of which shall be open to public inspection. Copies of the Board's decisions on appeals and petitions for variances shall be mailed or delivered to the applicant, to the Code Administrator, and to persons filing requests for special notice of hearings.

E. Superior court review of Board decisions. Review or appeal of any Board decision relating to this Sign Code may be taken by any interested person to the Superior Court of King County, by application to said court, within 10 days from the date of Board decision for a writ of certiorari, a writ of prohibition, or a writ of mandamus, as provided by Revised Code of Washington, Section 35A.63.110.

Service of a copy of the request for superior court review shall be made upon the City, which shall be sufficient service on the Board.

The record transmitted by the City to the Clerk of the Superior Court shall include the verbatim record or tape recording of the hearing in its untranscribed form and the City shall not be required to pay for the transcription.

17.01.170 Conflict, severability, and effective date.

A. Conflict. If any provision of this Code is found to be in conflict with any other provision of any zoning, building, fire, safety or health ordinance or code of the City of Bellevue, the provision which establishes the higher standard shall prevail.

B. Severability. If any section, subsection, sentence, clause or phrase of this Code or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this Code, or the application of the provision to other persons or circumstances is not affected and shall remain in full force and effect.

C. Effective date. Sections 17.01.150B through 17.01.150F of this ordinance shall take effect and be in force January 1, 1974.

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7-2-73

The remainder of this ordinance shall take effect and be in force five days after its passage, approval and legal publication.

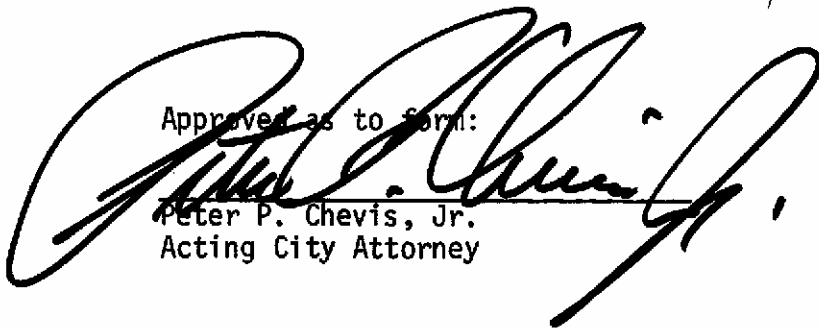
PASSED by the City Council this 6 day of August, 1973, and signed in authentication of its passage this 6 day of August, 1973.

(SEAL)



Richard M. Foreman
Mayor

Approved as to form:



Peter P. Chevis, Jr.
Acting City Attorney

Attest:



Patricia K. Weber
City Clerk

Published August 16, 1973