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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2045

AN ORDINANCE governing the size, height, placement, number, maintenance and illumination of all signs within the City; and amending Section 2 of Ordinance No. 1875; and Bellevue City Code, Sections 17.01.020, .030, .040, and .120.

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

Section 1. Section 2 of Ordinance No. 1875 and Bellevue City Code, Section 17.01.020 are hereby amended to read as follows:

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.~~

B. Surface Area or Facade: The surface area, or facade, shall be the area of that continuous front, side or back surface, including doors and windows, but excluding any roof area and structures or elevators or air-conditioning equipment thereon.

Provided, that in the case of a roof sign, the surface area, or facade, shall be the area of that continuous, front, side or back surface immediately beneath the roof to which the sign is attached, including doors and windows, but excluding the roof area and structures for elevators or air-conditioning thereon.

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, but not including directional signs as defined herein.

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".

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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 not exceeding six square feet in surface area designed to guide or direct pedestrian or vehicular traffic, to an area, place, or convenience.

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.~~

X. Roof sign. Any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building, including a sign affixed to any structure erected upon a roof, including a structure housing building equipment.

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

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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 for 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)

HH. Architectural Blade: A roof sign or projecting sign with no exposed legs or braces, designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

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II. Penthouse. A structure on top of a building roof such as houses, an elevator shaft or similar form.

JJ. Canopy Sign. Any sign erected upon, against, or directly above a canopy.

Section 2. Section 2 of Ordinance No. 1875 and the Bellevue City Code, Section 17.01.030 are hereby amended to read as follows:

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 and roof or canopy-mounted sign shall not exceed the figures derived from the following schedule.

Surface-Area-of-Building
Facade-to-Which-Sign-Is
Attached-(Sq.-Ft.)

Relevant Surface Area or
Facade As Determined
Pursuant to 17.01.020B
(Sq. Ft.)

Maximum Sign Surface Area for
That Facade (Sq. Ft.)

Below 100	26 sq. ft.
100 - 199	26 sq. ft. + 11% of facade area over 100 sq. ft.
200 - 499	38 sq. ft. + 19% 12% 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 free-standing 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.

3. Roof signs.

a. All such signs must be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be a part of the building itself.

b. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure.

4. Canopy signs.

a. All such signs must be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be a part of the building itself.

b. All canopy signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure.

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.~~

G. Directional signs. Directional signs shall not exceed six square feet in sign surface area, and may be located only on the premises to which the sign is intended to guide or direct pedestrian or vehicular traffic, except that off-premises directional signs may be approved by the Sign Administrator subject to the same standards required for granting of a variance as set forth in section 3.54.060 of the Bellevue City Code, where the applicant has demonstrated that his premises are so located that on-premises directional signs are inadequate to reasonably apprise the public of the location of the premises.

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 freestanding 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 remains 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 non-conforming 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.

Section 3. Section 2 of Ordinance No. 1875 and the Bellevue City Code, Section 17.01.040 are hereby amended to read as follows:

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 sign and roof or canopy-mounted sign in the O and OL districts shall not exceed the figures derived from the following schedule.

Surface-Area-of-Building
Facade-to-Which-Sign-Is
Attached-(Sq.-Ft.)

Relevant Surface Area or
Facade As Determined
Pursuant to 17.01.020B

Maximum Sign Surface
Area for That Facade
(Sq. Ft.)

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 free-standing. 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 free-standing 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.

Section 4. Section 2 of Ordinance No. 1875 and the Bellevue City Code, Section 17.01.120 are hereby amended to read as follows:

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).

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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 or 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.: Other than as provided for in Section 17.01.030 (E) (3) of this code.

N. Canopy signs.: Other than as provided for in Section 17.01.030 (E) (4) of this code.

O. Directional signs.: Except where specifically authorized under provisions of this code.

Section 5. Section 2 of Ordinance No. 1875 and Bellevue City Code, Section 17.01.150 are hereby amended to read as follows:

A. General. To ease the economic impact of this Code on businessmen with substantial investment in signs in existence on the date of the 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-esti-
mate-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 con-
spicuous place on the sign or on the business
premises with which the sign is associated.

2. Signs eligible for characterization
as "legal non-conforming". 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 a. The sign was covered by a sign
permit on the date of the adoption of this
Code, if one was required under applicable law.

d b. 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, pro-
hibited signs, as defined by § 17.01.120, or inci-
dental signs, as defined in § 17.01.030F, shall
be eligible for characterization as "legal
nonconforming signs".

3. Characterization as "legal noncon-
forming". 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 non-
conforming", 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.

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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 and which 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.~~

E. E. 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)

Section 6. Section 2 of Ordinance No. 1875 and Bellevue City Code, Section 17.01.160 are hereby amended to read as follows:

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.

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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~~ City 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 issue 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.

Section 7. This ordinance shall take effect and be in force five days after its passage, approval and legal publication.

PASSED by the City Council this 18th day of March, 1974, and signed in authentication of its passage this 18th day of March, 1974.

(SEAL)


Richard M. Foreman, Mayor

Approved as to form


Lee Kraft, City Attorney

Attest:


Sharon S. Stewart, Deputy City Clerk

Published March 28, 1974