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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2953

AN ORDINANCE regulating signs, and amending Bellevue City Code 22B.10.020, 22B.10.030, 22B.10.040, 22B.10.050, 22B.10.060, 22B.10.080, 22B.10.090, 22B.10.100, 22B.10.160, 22B.10.170, 22B.10.180 and 22B.10.190; and repealing Bellevue City Code 22B.10.015 and 22B.10.070.

WHEREAS, it is desirable to more clearly relate the provisions of the Bellevue Sign Code to existing Land Use District designations; and

WHEREAS, new Land Use Districts have been adopted for the Central Business District; and

WHEREAS, large developments should be permitted more sign area for adequate identification; and

WHEREAS, fees charged for sign permits and appeals under Chapter 22B.10 should accurately reflect the costs to the City in processing those actions; and

WHEREAS, appeals under Chapter 22B.10 should be efficiently processed; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act, and with the City's Environmental Procedure Ordinance; now, therefore,

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

Section 1. Bellevue City Code 22B.10.015 is hereby repealed:

Section 2. Bellevue City 22B.10.020.18 is amended to read as follows:

"Office building" means an office building in the PO and O Land Use Districts as defined by the Bellevue Land Use Code.

Section 3. Bellevue City Code 22B.10.030 is amended to read as follows:

22B.10.030 Business District Signs - Zones OLB, CB, CBD-0-1, CBD-0-2, CBD-R, CBD-OLB and CBD-MU.

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 subsections B through F of this section. No more than one freestanding sign is permitted per single occupancy building unless the building faces on more than one street (See subsection D of this section), and is not a part of the multiple building complex.
 3. Each enterprise in a multiple occupancy building in the business district shall be permitted the primary signs described in subsections B through E of this section and the incidental signs described in subsection F except that no more than one freestanding sign is permitted per multiple occupancy building unless the building faces more than one street (See subsection D), 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 subsections B through E of this section and the incidental signs described in subsection F except that no more than one freestanding sign is permitted per multiple building complex, unless the building faces on more than one street (See subsection D).
 5. Each enterprise shall display and maintain on-premise street address number identification.
- B. Setback Limitations - Freestanding Signs. Except as otherwise provided in this section, the size of 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 square feet
On building line, or behind it	75 square feet

1. Sign Height - Freestanding Signs. Except as otherwise provided in this section, 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 feet
On building line, or behind it	15 feet

2. Facade Limitations, Building-mounted Signs, Roof or Canopy-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:

<u>Relevant Surface Area or Facade As Determined Pursuant to Subsection 22B.10.020(32) (Square Feet)</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. + 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, and the sign displayed by the tenant or user

must be located on the facade used to determine the size of the sign, except as provided in this Section.

Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy building, if --

- a. The applicant files with the City a written statement signed by the tenant or user permitted to utilize that sign area under this Code permitting the applicant to utilize the unused sign surface area.
- b. The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade,
- c. The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this Code do not provide the use with adequate sign display options.

In no case may the maximum sign surface area permitted on a building facade be exceeded.

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 sq. ft.	3
3000 and over	4

Buildings or enterprises with more than three thousand 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 parallel streets, as defined in subsections D1 and D2 following.

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 one hundred 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 subsection B of this section.
 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 subsections B1 and B2 of this section, and the sign number under subsection C 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 one hundred 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 fifteen 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 five 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 or his successors or assigns may not place a freestanding sign on his property within twenty 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 five 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 shall 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 two square feet in 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 20.40.530 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 sixty-five 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 twelve 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 fifteen square feet, or ten percent 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 fifteen square feet, or ten percent 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.

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:

1. Building-mounted signs may project over the building line, but shall not approach a street closer than five feet. Such signs may extend five feet from the face of the building to which attached and shall have a maximum clearance over sidewalk below of eight feet six inches.
2. The total sign surface area for signing of individual legal nonconforming buildings shall not exceed forty square feet.

Section 4. Bellevue City Code 22B.10.040 is amended to read as follows:

22B.10.040 Office and Apartment District Signs - Zones PO and O

- A. General. This section applies only to office and apartment buildings in PO and O zones of the City. Such buildings in other zones are governed by the sign regulations of the applicable zone. As the PO and O 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 PO and O districts shall not exceed the following limits, based on the sign setback of the sign:

<u>Setback</u>	<u>Maximum Areas</u>
Between property line and building line	25 square feet
On building line, or behind it	35 square feet

1. Sign Height- Freestanding Signs. The height of any freestanding sign in the PO and O 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 feet
On building line, or behind it	10 feet

2. Facade Limitations - Building-mounted Signs, Roof and Canopy-mounted Signs. The surface area of any building-mounted sign and roof or canopy-mounted sign in the PO and O districts shall not exceed the figures derived from the following schedule:

<u>Relevant Surface Area or Facade As Determined Pursuant to Subsection 22B.10.020(32) (Square Feet)</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 square feet

In multiple occupancy the 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, and the sign displayed by that tenant or user must be located on the facade used to determine the size of the sign, except as provided in this Section.

Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy office building if --

- a. The applicant files with the City a written statement signed by the tenant or user permitted to utilize that sign area under this Code permitting the applicant to utilize the unused sign surface area.
- b. The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade.
- c. The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this Code do not provide the use with adequate sign display options.

In no case may the maximum sign surface area permitted on a building facade be exceeded.

3. Sign Height - Building-mounted Signs. No building-mounted sign in the PO and O districts, regardless of type, shall exceed a height of twenty 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 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 PO and O 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 may be freestanding only if they are located on two different streets and are separated more than one hundred feet, measured in a straight line between the signs.

Buildings or building complexes which extend 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 PO and O districts the permissible types of primary signs, their placement and other limitations are as follows:
 1. Freestanding Signs. Requirements are identical to Section 22B.10.030E1 of this code, except that advertising shall not be permitted.
 2. Building-mounted Signs. Requirements are identical to Section 22B.10.030E2 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 six square feet.
 4. The illumination of any sign in the PO and O 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 Section 22B.10.030F of this code. Signs advertising premises for rent are considered primary signs, not incidental. (See subsection D3 of this section.)
6. Street Address Identification. Each building or complex of buildings shall display and maintain on-premises street address number identification.

Section 5. Bellevue City Code 22B.10.050 is amended to read as follows:

22B.10.050 Commercial and manufacturing district signs - Zones GC and LI.

Permissible signs and their limitations in the commercial and manufacturing districts shall be identical to those in the business districts. (Section 22B.10.030.)

Section 6. Bellevue City Code 22B.10.060 is amended to read as follows:

22B.10.060 Neighborhood Retail Business District Signs - Zone NB.

Permissible signs and their limitations in the neighborhood retail business district (Zone NB), shall be identical to those in the business district (Section 22B.10.030) 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 fifty feet from the 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 ten p.m. and six a.m., except that, if the premises are open for business after ten p.m., the illumination shall be turned off at the close of business.

Section 7. Bellevue City Code 22B.10.070 is hereby repealed.

Section 8. Bellevue City Code 22B.10.080 is amended to read as follows:

22B.10.080 Multifamily Residential District Signs - Zones R-10, R-15, R-20, R-30.

Requirements for signs in multifamily residential districts shall be identical to those for office and apartment district zones PO and O as set forth in Section 22B.10.040 of this code.

Section 9. Bellevue City Code 22B.10.090 is amended to read as follows:

22B.10.090 Single Family Residential District Signs - Zones R-5, R-4, R-3.5, R-2.5, R-1.8, R-1, G and 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 Land Use Code, as follows:

1. Such sign may be either freestanding or building-mounted.
2. If freestanding, the sign shall conform to the requirements of Section 22B.10.030E1 of this code in regard to placement and Section 22B.10.040B in regard to size and height.
3. A building-mounted sign shall conform to the requirements of Section 22B.10.030E2 of this code; provided, however, that no sign shall exceed twenty square feet in surface area.

C. Signs for Noncommercial uses.

1. a. On Premises 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 signs shall exceed twenty feet in height and fifty square feet in surface area, and no freestanding sign located between the building line and the property line shall exceed five feet in height and twenty-five square feet in surface area. A freestanding sign located at the building line

or behind it shall not exceed fifteen feet in height or thirty-five square feet in area. No more than one freestanding sign and one building-mounted sign is permitted from the above uses per street frontage.

b. Off premises signs for nonconforming uses may be approved by the Sign Code administrator subject to the following conditions:

- i. The sign is to identify current events or activities.
- ii. The sign or message is for a temporary period of time sufficient to inform the public of the event or activity with a maximum of two weeks.
- iii. The sign shall not be located on street or freeway right-of-way except when a part of a permanent subdivision or neighborhood designation sign (see subdivision 4 of this subsection).
- iv. The sign shall not exceed fifteen square feet in area nor five feet in height.
- v. No more than two such signs shall be permitted.

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.
4. Permanent Subdivision or Neighborhood Designation Signs. 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. Signs shall not exceed five feet in height and twenty-five square feet in surface area, and shall be located between the building line and the property line unless a location on excess City right-of-way is approved by the Director of Public Works.

Section 10. Bellevue City Code 22B.10.100 is amended to read as follows:

22B.10.100 Open Use District Signs.

Permissible signs and their limitations in the open use district shall be identical to those in the single family residential district as set forth in Section 22B.10.090 of this code with the following additions:

- A. Signs for agricultural uses shall be governed by Section 22B.10.090C.
- B. Signs for planned developments and conditional uses shall be governed by Section 22B.10.040, office and apartment district, except as provided in Paragraph C of this Section.
- C. If the OU District abuts Lake Washington the following apply:
 - 1. Advertising is permitted by a waterfront business complex provided such signs are physically oriented internally to the OU District. No water-oriented advertising is permitted.
 - 2. Each waterfront business complex which actually fronts on Lake Washington is permitted one identification sign oriented to the Lake. That sign may identify the business complex itself or gasoline service associated with the complex.
 - a. If located on dry land, the sign shall comply with the size and placement requirements of Section 22B.10.040, and illumination of the sign may be low-level internal illumination.
 - b. If located on a dock, maximum size shall be twenty-five square feet and maximum height ten feet above dock deck, and such sign may not be illuminated.

Section 11. Bellevue City Code 22B.10.160 is amended to read as follows:

22B.10.160 Permit and fees.

- A. Permit Requirements. No sign governed by the provisions of this code more than four 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 (Section 22B.10.120C6), no permit is required for a sign of four 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 day 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 nonconforming signs and for nonconforming sign permits under Section 22B.10.180 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 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. 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 (Section 22B.10.120) shall expire a maximum of twelve months from the date of the sign installation. Such permits are not subject to renewal.
- D. 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 theater marquee, during the period of amortization.
- E. Notice of Permit Denial -- Reasons. When a sign 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.
- F. Sign Permit Appeals.
 - 1. Appeal from Denial of Permit. Appeal may be taken to the Hearing Examiner 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. (Section 22B.10.140A and B.) Appeal procedure is set forth in Section 22B.10.190 of this code.

Appeal from a denial of a sign permit on grounds of noncompliance 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 of the Bellevue City Code.

2. Appeal from Failure of Administrator to Act on Permit Application within Thirty Days. The administrator's failure to either formally grant or deny a sign application within thirty days of the date an application meeting the requirements of subsection B of this section is filed shall be grounds for appeal to the Hearing Examiner under terms of Section 22B.10.190 of this code.

G. Fees.

The applicant shall submit the applicable fee at the time an application.

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| 1. Sign Permit: Under 25 square feet | \$25.00 |
| 25 square feet and over | 50.00 |
| 2. Permit for Nonconforming Sign: | 25.00 |
| 3. Sign Permit Appeal: | 75.00 |

Section 12. Bellevue City Code 22B.10.170 is amended to read as follows:

22B.10.170 Administration, enforcement and sign removal.

- A. Code Administrator. The administrator of this Code is the Planning Director or his/her designee. The administrator is 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" includes his authorized representative.
- B. Inspection of Administrator. The administrator is empowered to enter or inspect any building, structure or premises in the City, 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.

Any sign which is not in compliance with all the provisions of this code is 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 is declared to be unlawful.
 - a. Injunction and Abatement. The City, 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 or the erector, owner or user of an unlawful sign of the owner of property on which an unlawful sign is located shall be subject to a maximum civil penalty of two hundred fifty dollars for each day 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 uncomplished with for more than thirty 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 or the allowing of the permitting of, or the suffering of the erection, use or display of any unlawful sign is a misdemeanor; and upon conviction, the violator shall be punished by a fine of not more than two hundred fifty dollars and shall be required to remove the unlawful sign. Each day or portion thereof upon which a violation occurs constitutes a separate offense.
3. Removal of Unlawful Sign.
 - a. Any unlawful sign which has not been removed within thirty days after conviction of violation or imposition of civil penalty, may be removed by the City and the

costs charged to the violator. If removal costs have not been paid and the sign reclaimed within thirty 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 shall be paid to the owner of the sign.

- b. Signs which the administrator finds upon public streets, sidewalks, rights-of-way or other public property, or which wheresoever located present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the administrator without prior notice.

D. Procedure upon Appeals to Hearing Examiner

1. Delivery of Sign Application to Hearing Examiner. Upon the filing of a notice of appeal with the Planning Department (Section 22B.10.190D1), the administrator shall promptly transmit to the Hearing Examiner 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 thirty days, the administrator shall, in addition to the foregoing, furnish the Hearing Examiner 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 Hearing Examiner 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 Hearing Examiner at least ten 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.

Section 13. Bellevue City Code 22B.10.180 is amended to read as follows:

22B.10.180 Nonconforming Signs.

- 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 nine 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. Nonconforming Signs.

1. Notification of Nonconformity or Illegality. 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 or illegal, the administrator shall use reasonable efforts to so notify, either personally or in writing, the sign user or owner of the sign and where practicable the owner of the property on which the sign is located of the following: provided that the business licensee of the business with which the sign is associated shall be presumed to be the sign user under this code:

- a. The sign's nonconformity or illegality;
- b. Whether the sign may be eligible for a nonconforming sign permit.

If the identity of the sign user, owner of the sign, 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 Nonconforming Sign Permit. 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 does not conform with the provisions of this code, is eligible for characterization as a nonconforming sign provided it meets the following requirements:
 - a. The sign was covered by a sign permit on the date of adoption of this code, if one was required under applicable law; or
 - 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 Section 22B.10.120 of this code, prohibited signs, as defined by Section 22B.10.150, or incidental signs, as defined by Section 22B.10.030F, shall be eligible for characterization as nonconforming signs.

3. Number of Nonconforming Signs Permitted. Each sign user within the City having existing nonconforming signs meeting the requires of Section 22B.10.180B2 shall be permitted to designate one (only) of such signs for characterization as nonconforming for each street upon which the business premises fronts. Such designation shall be made in the application for a nonconforming sign permit.
4. Permit for Nonconforming Signs. A nonconforming sign permit is required for each nonconforming sign designated under Section 22B.10.180B3. The permit shall be obtained by the sign user or the sign owner, or the owner of the property upon which the sign is located within sixty days of notification by the City (under Section 22B.10.180B1) that the sign is nonconforming. The permit shall be issued for a fee as provided for in Section 22B.10.160G, and shall expire at the end of the applicable amortization period prescribed in Section 22B.10.180D2.

Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon 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 sixty day period shall within six 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 Section 22B.10.180C herein.

5. Loss of Nonconforming Status. A nonconforming sign shall immediately lose its nonconforming designation if:
 - a. The sign is altered in any way in structure or copy (except for changeable copy and normal maintenance described in Section 22B.10.180E), which tends to or makes the sign less in compliance with the requirements of this code than it was before the alteration; or
 - b. The sign is relocated to a position making it less in compliance with 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 nonconforming sign; or
- e. No application for nonconforming sign permit is filed by the sign user, sign owner or owner of the property upon which the sign is located within sixty days following notification by the City (under Section 22B.10.180A1) that the sign is nonconforming and that a permit must be obtained.

On the happening of any one of a, b, c, d, or e any permit or designation for what had been designated as a nonconforming sign shall become void, the administrator shall notify the sign user, sign owner or owner of the property upon which the sign is located of cancellation of the permit or designation and the sign shall immediately be brought into compliance with this code and a new permit secured therefor, or shall be removed.

- C. **Illegal Signs.** An illegal 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 which is not eligible for characterization as nonconforming under Section 22B.10.180. The City may immediately remove all illegal sign located on City property or right-of-way. The City may remove an illegal sign located on private property no less than 10 days following the mailing of notice to the property owner or person in charge of the premises that the sign is illegal and must be removed.
- D. **Amortization Period for Nonconforming Signs.** Nonconforming signs, as defined in Section 22B.10.180B above, for which a nonconforming sign permit has been issued, may remain in a nonconforming state for nine years after the date of installation of the sign, or six 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 obtained 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 nonconforming status (see Section 22B.10.180); and, provided further that upon any change in land use or occupancy, or change in business name, such nonconforming signs shall, within six months, be brought into conformity with this code with a permit obtained therefor or be removed. The amortization provisions of this code shall not apply to signs the advertising or informative contents of which are oriented toward and visible from the main traveled portion of the interstate system or other state highway.

- E. Nonconforming Sign Maintenance and Repair. Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this code regarding safety, maintenance and repair of signs, contained in Section 22B.10.140 of this code, and from the provisions on prohibited signs, contained in Section 22B.10.150; provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall modify the sign structure or copy in any way which makes it less in compliance with the requirements of this code or the sign will lose its nonconforming status. (See Section 22B.10.180B5.)

Section 14. Bellevue City Code 22B.10.190 is amended to read as follows:

22B.10.190 Hearing Examiner Jurisdiction and Power.

A. The Hearing Examiner 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 within thirty 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 Section 22B.10.180B2);
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 nonconforming or illegal under Section 22B.10.180;

The Hearing Examiner shall not have jurisdiction to hear appeals from 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 Section 22B.10.140A and B. Such appeals shall be heard and determined by the Building Code Board of Appeals created by Chapter 3.50, Bellevue City Code.

B. Criteria for Hearing Examiner Decision.

1. Appeals without Petition for Variance. In appeals to the Hearing Examiner from decision of the code administrator denying a sign permit in connection with which no petition of variance has been filed, the Hearing Examiner'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

such decision. If the code administrator's decision is reversed, the Hearing Examiner shall direct the administrator to issue the permit in accordance with its decision. If the administrator fails to do so for five days from receipt of the direction of the Hearing Examiner, the Hearing Examiner may issue the permit.

In appeals from failure of the administrator to grant a permit within thirty days of applications, the Hearing Examiner shall determine whether the sign and the application meet the requirements of this code. If so, the Hearing Examiner shall grant the permit; if not, the Hearing Examiner 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 decisions 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 Hearing Examiner shall have the power and duty described in Section 22B.10.190A1 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 Hearing Examiner may grant a variance no greater than fifteen percent (rounded to the nearest foot or square foot as applicable) from the provisions or requirements of this code only where practical difficulties exist rendering compliance with the provisions of this code impractical, and such compliance would create unnecessary hardships to the user or owner of the sign or signs, the Hearing Examiner may grant a variance in harmony with the general purpose and intent of this code by varying the application of rules, regulations or provisions so long as the spirit and benefits of this code will be preserved; provided, however, no variance may be granted from the number of signs authorized by this code. The Hearing Examiner shall not vary any of the rules, regulations or provisions of this code unless the Hearing Examiner, upon due and diligent investigation and after public hearing, shall make specific findings that all of the following conditions exist in such cases:

- a. The variance will not constitute a grant of special privilege inconsistent with the limitation upon signage and uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located;

- b. That such variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with signage use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
- c. That the granting of such variance will not be materially detrimental to the public welfare of inurious to the property or improvements in the vicinity and in the zone in which the subject property is situated; and
- d. Owing to the special circumstances found under subdivision B, a strict enforcement of the rules, regulations or provisions of this code will result in unnecessary hardship to the sign user or owner or property owner applying for the variance, and such special circumstances are not the result of the voluntary action of the applicant or its agents.

In granting a variance, the Hearing Examiner 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 of moderating the size, number and obtrusive placement of signs and reduction of clutter in the public interest.

C. Perfection of Appeal.

- 1. An appeal with or without petition for variance may be considered by the Hearing Examiner only if:
 - a. Written notice of appeal, with or without petition for variance, is filed with the Planning Department:
 - (1) Within ten days of decision of this code administrator denying a sign permit; or
 - (2) Within forty days of the submission of a sign permit application which the administrator has neither granted nor denied within thirty days; or
 - (3) Within sixty days of the administrator's characterization of the sign as nonconforming or illegal, which period shall begin to run with the mailing of notice of such characterization to the sign user or the sign owner, or owner of the property on which the sign is located; or the

posting of such notice on the sign or the associated business premises.

- b. The notice of appeal is accompanied by a fee as required by Section 22B.10.160G.
- c. The Hearing Examiner shall, on his/her own initiative or on the motion of any interested party, dismiss an appeal for failure of the appellant to meet any of the requirements of Section 22B.10.190C1 or for failure of the appellant to otherwise diligently prosecute the appeal, or if the Hearing Examiner finds the appellant has made any knowingly false or misleading statement or representation in his sign application or appeal.

D. Hearing Examiner Procedure.

- 1. Notice of Hearing. The Hearing Examiner shall hear and decide appeals within forty-one days of the filing of the notice of appeal. Written notice of the hearing on an appeal shall be given by the Hearing Examiner not less than ten days prior to the hearing to:
 - a. The appellant at the address given on the notice of appeal;
 - b. The code administrator;
 - c. To any person filing a written statement in opposition to the appellant's position taken in the appeal;
 - d. To the public by posting a copy of the notice of hearing in a conspicuous place within the City Hall;
 - e. To the property owner and property owners in the vicinity of the property which is concerned in the appeal by posting three placards in conspicuous places on or within fifty feet of the property concerned. Such notice and placards shall be in a form prescribed by the Hearing Examiner and shall set forth the time, place and purpose of the hearing.
- 2. Hearing. All hearings of the Hearing Examiner 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 Hearing Examiner, to address the Hearing Examiner on the issues to be determined. The appellant and code administrator or their representatives 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 Decisions. The Hearing Examiner shall keep minutes of the proceedings, shall cause to be kept a verbatim record or tape recording of the hearing of any appeal or petition for variance, and shall prepare a notice of the 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 Hearing Examiner'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 notice of the decision on an appeal or petition for variance.

- E. Superior Court Review of Hearing Examiner Decisions. Review or appeal of any Hearing Examiner 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 twenty days from the date of Hearing Examiner decision for a writ of certiorari, a writ of prohibition, or a writ of mandamus.

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

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.

Section 15. This ordinance shall be effective retroactively from the initiation of the Land Use District designations referenced herein,

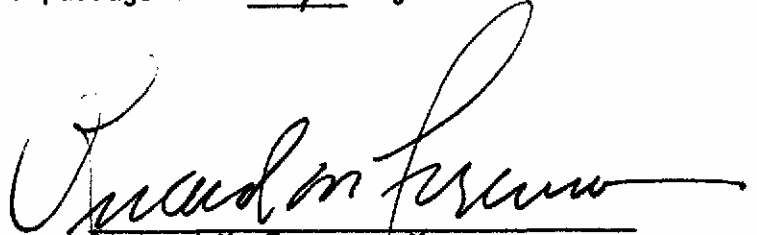
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provided that no permit issued prior to the effective date of this Ordinance will be invalidated by any provision of this Ordinance.

Section 16. This ordinance shall be published by posting in the official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 9 day of March, 1981,
and signed in authentication of its passage this 9 day
of March, 1981.

(SEAL)


Richard M. Foreman, Mayor

Approved as to form:


Richard Gidley, Acting City Attorney

Attest:


Patricia K. Weber, City Clerk

Published March 11, 1981