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WP0521C-ORD
11/22/95

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4818

AN ORDINANCE relating to the size, height, placement, number, maintenance and illumination of all signs within the City; and amending Bellevue City Code, Chapters 22B.10 and 9.11.

WHEREAS, the state legislature passed regulatory reform legislation in 1995, including Chapter 347, Laws of 1995; and

WHEREAS, the City of Bellevue has been reviewing its city codes to simplify the regulatory process, increase clarity of regulatory provisions, improve meaningful public involvement, reduce permit processing time, and foster development that meets City goals, now, therefore,

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

Section 1. Bellevue City Code, Section 22B.10.010, is hereby amended to read as follows:

22B.10.010 GENERAL PROVISIONS

A. **Title.** This chapter shall be known as the Bellevue sign code.

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

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

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

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

It is recognized that the right of a business to identify itself contributes to the economic well-being of the community. This right can be exercised in such a way as to bring great benefit to the public without affecting the welfare of the business. The responsible regulation of signs may, in fact, improve business opportunity and the effectiveness of individual signs as a result of the increased attractiveness of the city's environment.

Section 2. Bellevue City Code, Section 22B.10.020, is hereby amended to read as follows:

22B.10.020 DEFINITIONS.

1. **"Area or surface area of sign"** means 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.
2. **"Architectural blade"** means 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.
3. **"Billboard"** means 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.
4. **"Building line"** (legal building line) means a line established by ordinance defining the limits of buildings and/or signs 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". See BCC 22B.10.140.1.

5. "**Building-mounted sign**" means a single or multiple-faced sign attached to the face of a building or marquee.
6. "**Canopy**" means a freestanding structure affording protection from the elements to persons or property thereunder.
7. "**Canopy sign**" means any sign erected upon, against or directly above a canopy.
8. "**Construction sign**" means an information sign which identifies the architect, engineers, contractors and other individuals, or firms involved with the construction of a building, and/or announces the character of the building or enterprise, and which is erected during the building construction period.
9. "**Directional sign**" means a single or double-faced sign not exceeding six square feet in surface area except as provided in BCC 22B.10.115 for major institutions, major office buildings, and major mixed use complexes and in BCC 22B.10.030 for the downtown, which is designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience.
10. "**Director**" means the Director of the Department of Community Development or his or her designated representative.
11. "**Freestanding sign**" means a single or multiple-faced sign, supported from the ground by one or more columns, uprights or braces.
12. "**Grade**" means 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.
13. "**Height**" or "height of sign" means 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.
14. "**Hospital facility**" means a building or buildings designed and used for medical treatment, surgical diagnosis and housing persons under the care of doctors and nurses. Rest homes, nursing homes, convalescent homes and clinics are not included.

15. **"Illegal sign"** means any sign which does not comply with the requirements of this code within the city limits as they now or hereafter exist, and which does not have a nonconforming sign permit under BCC 22B.10.200.B.2.

16. **"Incidental sign"** means small signs, two square feet or less 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 identify an area or place on the premises of a business building or development by means of a directory designating names and addresses only (see BCC 22B.10.030.F).

17. **"Institution, Major"** is a use such as a hospital, convention center, performing arts center, college, or sports arena, or a major office building or mixed use complex containing 300,000 gross square feet or more, located in the downtown.

18. **"Marquee"** means a covering structure projecting horizontally from and attached to a building, affording protection from the elements to persons or property thereunder.

19. **"Multiple building complex"** means a group of structures housing more than one type of retail business, office or commercial venture and generally under one ownership and control.

20. **"Multiple occupancy building"** means a single structure housing more than one type of retail business office or commercial venture.

21. **"Noncommercial public service sign"** means 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.

22. **"Office building"** means an office building in the PO and O land use districts as defined by the Bellevue Land Use Code.

23. **"Parapet"** means that portion of a building wall which extends above the roof of the building.

24. **"Penthouse"** means a structure on top of a building roof such as houses an elevator shaft or similar form.
25. **"Political sign"** means 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.
26. **"Portable sign"** means 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 BCC 22B.10.130.L or political signs meeting the requirements of BCC 22B.10.120.D.
27. **"Primary sign or signs"** means all signs of a user which are not exempt (see BCC 22B.10.130), or which do not come within the category "incidental signs" (see BCC 22B.10.030.F and definition in this section), or which do not come within the category "directional signs" (see BCC 22B.10.030.G and definition in this section). The term "primary sign" is intended to include virtually all signs of a commercial nature.
28. **"Property line"** means the line denoting the limits of legal ownership of property.
29. **"Readerboard"** means 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.
30. **"Roof sign"** means 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.
31. **"Sign"** means any letters, figures, design, symbol, trademark or device intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever. Sources of light used primarily to illuminate a sign, or a building, or grounds surrounding the building, shall not be considered signs themselves; provided, however, that sources of light used primarily to attract attention to the light itself or as a decorative feature of the display shall be considered as part of the sign. Excluded from the definition are official traffic signs or signals, sheriff's notices, court notices or official public notices and the flag of a government or noncommercial institution, and signs not visible from the street or sidewalk (see BCC 22B.10.130 for more detailed treatment of exempt signs), and religious symbols.

32. **"Single occupancy building"** means 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) it has no part of its roof in common with another building.

33. **"Street"** means any automobile thoroughfare so designated by city ordinance. "Street" includes portions thereof used for parking.

34. **"Subdivision signs"** means signs used to identify a land development which is to be or was accomplished at essentially one time.

35. **"Surface area."** See "area or surface area of sign."

36. **"Surface area or facade"** means 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, including doors and windows, but excluding the roof area and structures for elevators or air conditioning thereon.

37. **"Temporary sign"** means a nonpermanent sign intended for use for a limited period of time. Types of temporary signs are: Construction signs, grand opening displays, real estate signs, and political signs. (See BCC 22B.10.120).

38. **"Way open to public"** means any paved or unpaved area on private property open to the general public for driving or parking.

39. **"Window sign"** means all signs located inside and affixed to or within three 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 three feet of a window. (See BCC 22B.10.030.)

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

22B.10.030 BUSINESS, COMMERCIAL, MANUFACTURING AND INSTITUTIONAL DISTRICT SIGNS - ZONES OLB, CB, DOWNTOWN-O-1, DOWNTOWN-O-2, DOWNTOWN-MU, DOWNTOWN-R, DOWNTOWN-OLB, GC, LI AND I.

A. General - The following provisions governing signs in the OLB, CB, Downtown-O-1, Downtown-O-2, Downtown MU, Downtown-R, Downtown-OLB, GC, L and I districts:

1. Signs shall be scaled to the building to which the sign is related. The following sections establish 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; provided, that where Design Review is required by the City of Bellevue Land Use Code, the allowable area, number, and height of signs may be limited as necessary to ensure conformance with the applicable design review criteria.

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 a 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-premises street address number identification.

6. A multiple building complex encompassing at least 15 acres may display one complex identification sign along each right-of-way which provides direct access to the complex. Each sign shall not exceed 75 square feet in area and 15 feet in height.

B. Dimensional Limitations. Signs shall conform with the setback, area, and height limitations set forth in this section.

1. **Setback Limitations - Freestanding Signs.** Except as otherwise provided in this section, the size of any freestanding sign shall not exceed the following limits, based on the setback of the sign from the property line:

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

2. **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 setback of the sign:

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

3. **Sign Area Limitations - Building-mounted, Roof or Canopy-mounted Signs.** The surface area of any building-mounted roof or canopy-mounted signage shall not exceed the figures derived from the following schedule:

Relevant Surface Area or Facade Area As Determined Pursuant to Subsection 22B.10.020 (36) (Sq. Ft)	Maximum Sign Surface Area for that Facade (Sq. Ft)
Below 100 sq. ft.	26 sq. ft.
100 - 199 sq. ft.	26 sq. ft. + 11% of facade area over 100 sq. ft.
200 - 499 sq. ft.	38 sq. ft. + 12% of facade area over 200 sq. ft.
500 - 999 sq. ft.	75 sq. ft. + 11% of facade area over 500 sq. ft.
1,000 - 1,499 sq. ft.	131 sq. ft. + 7.5% of facade area over 1,000 sq. ft.
1,500 - 2,999 sq. ft.	169 sq. ft. + 2.5% of facade area over 1,500 sq. ft.
Over 3,000 sq. ft.	206 sq. ft. + 1.5% of facade area over 3,000 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 way may the maximum sign surface area permitted on a building facade be exceeded.

4. **Sign Height - Building-mounted Signs.** No building-mounted sign shall extend above the height of the building to which it is attached, as measured at the location of attachment.

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 the portion of the building occupied by that user. The permitted number of signs is as follows (not including incidental signs):

Surface Area of Largest Facade	Maximum Number of Signs
Less than 999 sq. ft.	2
1,000 - 2,999 <u>sq. ft.</u>	3
3,000 <u>sq. ft.</u> and over	4

Buildings or enterprises with more than 3,000 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 100 feet measured in a straight line between signs. Otherwise, only one 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 100 feet measured in a straight line between the signs. No more than two freestanding signs are permitted in such case.

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

1. **Freestanding Signs.**

a. Freestanding signs shall be wholly located within the center two-thirds of the frontage of the property on the street or 15 feet from the adjacent property line, whichever provides the longer distance from the closest part of the sign to the adjacent property line; provided, however, that a freestanding sign may be located within 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 or her successors or assigns may not place a freestanding sign on his or her property within 20 feet of the first freestanding sign.

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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 supports or sign elements shall be an integral part of the design. Auxiliary projections or attachments not a part of a single design are prohibited, unless approved through Design Review.

d. A freestanding sign located between the property line and the building line shall only identify the building or tenant it serves. No product or service information may be included. A freestanding sign located at the building line or behind it may include principal product and/or services information in addition to building or tenant identification.

e. Landscaping shall be provided at the base of all freestanding signs, as required by BCC 22B.10.140.F.

2. Building-mounted Signs.

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

b. Building-mounted signs shall only identify the building and the name of the firm, or the major enterprise, and principal product and/or service information.

3. Roof and 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 roof and 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, as defined in Section 22B.10.020, are permitted and are not included in the number of primary signs.

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 Director subject to the same standards required for granting of a variance as set forth in BCC 22B.10.180, where the applicant has demonstrated that his or her 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 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 to 15 square feet, or 10 percent of the window area.

J. Signs for Legally Nonconforming Buildings. All provisions of the sign code for business district signs apply to signs on nonconforming buildings in the business districts, except that building-mounted signs may project over the building or property line, but shall not extend closer than five feet to the back of the curb. Such signs shall extend no more than five feet from the face of the building to which they are attached and shall have a maximum clearance over the sidewalk below of eight feet, six inches. The total sign surface area for signing of individual legal nonconforming buildings shall not exceed 40 square feet.

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

22B.10.040 OFFICE, RESEARCH AND DEVELOPMENT, AND MULTI-FAMILY RESIDENTIAL DISTRICT SIGNS - ZONES PO, O, EH-D, R-10, R-15, R-20, AND R-30.

A. General. The following provisions govern signs in the PO, O, EH-D, R-10, R-15, R-20 and R-30 districts.

B. Dimensional Limitations. Signs shall conform with the setback, area, and height limitations set forth below.

1. Setback Limitations - Freestanding Signs. The size of any freestanding sign shall not exceed the following limits, based on the sign setback of the sign:

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

2. Sign Height - Freestanding Signs. The height of any freestanding sign shall not exceed the following limits, based on the setback of the sign:

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

3. Sign Area Limitations - Building-mounted , Roof and Canopy-mounted Signs. The surface area of any building-mounted, roof or canopy-mounted sign shall not exceed the figures derived from the following schedule:

Relevant Surface Area or Facade	Maximum Sign Surface Area
Below 100 sq. ft.	21 sq. ft.
100 - 199 sq. ft.	21 sq. ft. + 9% of facade area over 100 sq. ft.
200 - 499 sq. ft.	30 sq. ft. + 10% of facade area over 200 sq. ft.
500 - 999 sq. ft.	60 sq. ft. + 9% of facade area over 500 sq. ft.
Over 1000 sq. ft.	105 sq. ft. - Maximum square footage

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 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.

4. **Sign Height - Building-mounted Signs.** No building-mounted sign, regardless of type, shall exceed a height of 20 feet above grade, or the height of the building to which it is attached, as measured at the location of attachment.

5. **Limitation.** Freestanding or building-mounted signs shall only identify the building, the name of the firm or major enterprise, and the principal service or product of that firm or enterprise. No references to prices or other characteristics of the product or services offered may be included.

C. Number of Primary Signs Permitted.

1. Buildings or building complexes facing on one street may have two primary signs, only one of which may be freestanding.

2. Buildings or building complexes on street corner locations are permitted a maximum of three signs. Two of the three signs may be freestanding only if they are located on two different streets and are separated more than 100 feet, measured in a straight line between the signs.

3. 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.

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D. **Types and Placement.** The permissible types of primary signs, their placement and other limitations are as follows:

1. **Freestanding Signs.** Requirements are identical to BCC 22B.10.030.E.1, except that advertising shall not be permitted.

2. **Building-mounted Signs.** Requirements are identical to BCC 22B.10.030.E.2, 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** shall be from a source other than the sign itself. The source of illumination shall be so located, shaded, shielded, or directed that it is not visible from a public street or adjoining residential property; provided, that halo lighting of solid letters shall be permitted.

5. **Street Address Identification.** Each building or complex of buildings shall display and maintain on-premises street address number identification.

Section 5. Bellevue City Code, Section 22B.10.050, is hereby repealed.

Section 6. Bellevue City Code, Section 22B.10.060, is hereby 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 districts (BCC 22B.10.030) with the following exceptions:

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

B. Signs in this district may be internally or externally illuminated. If externally illuminated, the illumination source shall be located, shaded, shielded, or directed so that it is not visible from a public street or adjoining residential property. All sign illumination shall be turned off between the hours of 10:00

p.m. and 6:00 a.m., except that, if the premises are open for business after 10:00 p.m., the illumination shall be turned off at the close of business.

Section 7. Bellevue City Code, Section 22B.10.080, is hereby repealed.

Section 8. Bellevue City Code, Section 22B.10.090, is hereby amended to read as follows:

22B.10.090 SINGLE FAMILY RESIDENTIAL DISTRICT SIGNS - ZONES R-7.5, R-5, R-4, R-3.5, R-2.5, R-1.8, AND R-1.

A. **General.** The following provisions govern signs in the R-7.5, R-5, R-4, R-3.5, R-2.5, R-1.8 and R-1 districts. 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 BCC 22B.10.030.E.1 in regard to placement and BCC 22B.10.040.A in regard to size and height.

3. A building-mounted sign shall conform to the requirements of BCC 22B.10.030.E.2; provided, however, that no sign shall exceed 20 square feet in surface area.

C. **Signs for Noncommercial Uses.**

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1. a. On-Premises Signs for Churches, Schools, Golf Courses, Fire Stations, Police Stations, Noncommercial Use or Public Service, or Other Similar Noncommercial Uses shall conform with the following requirements:

i. Each use identified above shall have no more than one freestanding sign and one building-mounted sign along each street frontage.

ii. Building-mounted signs shall not exceed 20 feet in height or 50 square feet in surface area.

iii. Freestanding signs located between the building line and the property line shall not exceed five feet in height or 25 square feet in surface area.

iv. Freestanding signs located at the building line or behind it shall not exceed 15 feet in height or 35 feet in area.

b. Off-premise signs for noncommercial uses may be approved by the Director 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 is not located on street or freeway right-of-way except when a part of a permanent subdivision or neighborhood designation sign (see paragraph 4 of this subsection).

iv. The sign does not exceed 15 square feet in area nor five feet in height.

v. Not more than two such signs shall be permitted.

2. **Illumination.** Signs in single family residential districts may be internally or externally illuminated. If externally illuminated, the illumination source shall be located, shaded, shielded, or directed so that it is not visible from a public street or adjoining residential property.

3. **House Numbers.** All houses in single family residential districts shall display house numbers visible from the street.

4. **Permanent Subdivision or Neighborhood Designation Signs** Permanent subdivision or neighborhood designation signs shall conform with the following requirements:

a. Signs shall not exceed five feet in height and 25 square feet in surface area.

b. Signs 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 Transportation.

Section 9. Bellevue City Code, Section 22B.10.100, is hereby repealed.

Section 10. Bellevue City Code, Section 22B.10.115, is hereby amended to read as follows:

22B.10.115 DIRECTIONAL SIGNS FOR MAJOR INSTITUTIONS AND MAJOR OFFICE BUILDINGS.

A major institution may display no more than one freestanding directional sign for every 200 feet of street frontage, in conformance with the following requirements:

A. **Number Allowed.** Only the minimum number of signs determined by the Director to be necessary to direct vehicular and pedestrian traffic may be displayed.

B. **Sign Content.** Only the name or symbol of the institution or office building shall be displayed; provided, that directional signs may change to state whether a parking garage is full.

C. **Location - General.** Directional signs must be placed at primary vehicular or pedestrian access points.

D. **Location - On Sidewalks.** Directional signs may be placed on a sidewalk in the public right-of-way pursuant to BCC 14.30.080, or on other perimeter sidewalks adjacent to and owned by the major institution, with the prior approval of the Director; provided that directional signs must be located so as to not inhibit pedestrian movement.

E. **Maximum Area.** Directional signs shall be no greater than 25 square feet in area.

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F. **Maximum Height.** Directional signs shall be no greater than five feet in height.

Section 11. Bellevue City Code, Section 22B.10.120, is hereby amended to read as follows:

22B.10.120 TEMPORARY SIGNS.

Temporary signs may be allowed subject to the following limitations:

A. **Construction Signs.** These signs shall be of rigid and durable material, and shall only identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and announce the character of the building, or the purpose for which the building is intended. Such signs may be displayed only after issuance of a construction permit and only until final inspection for the construction permit. Only one such sign (which may be double-faced) is permitted per construction project adjacent to each public street upon which the project fronts.

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

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

B. **Grand Opening Displays.** Temporary signs, posters, banners, strings of lights, clusters of flags, blinking lights, balloons and searchlights are permitted for a period of one week only to announce the opening of a completely new enterprise or the opening of an enterprise under new management. All such materials shall be removed immediately upon the expiration of one week (seven consecutive days). Use of the above-described devices within the limits specified shall be an exception to the general prohibition on these devices in BCC 22B.150.E. For further limitations on searchlights, see BCC 22B.10.150.H. Such displays are not exempt from permit requirements and are permitted only in districts where the enterprise so advertised is allowed under district zoning regulations.

C. Real Estate Signs. All exterior real estate signs must be of wood or plastic or other rigid and durable material, and are permitted subject to the following limitations:

1. **Residential "For Sale" and "Sold" Signs.** Signs shall be limited to one single or double-faced sign oriented to each street upon which the advertised property fronts. The sign may not exceed four square feet in surface area, and must be placed wholly on the property for sale. The "for sale" sign may remain up until the property sale closes.

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

3. **Undeveloped Commercial or Industrial Property "For Sale or Rent" Signs.** Signs advertising undeveloped commercial or industrial property "For Sale or Rent" shall be limited to one single or double-faced sign per street frontage. Signs may be displayed while the property is actually for sale or rent. The sign may not exceed 16 square feet in surface area. If freestanding, the sign may not exceed five feet in height and shall be located more than 15 feet from any abutting interior property line and wholly on the property for sale or rent.

4. **Developed Commercial or Industrial Property "For Sale or Rent" Signs.** Signs advertising developed commercial or industrial property "For Sale or Rent" shall be limited to one single or double-faced sign per street frontage. Signs may be displayed while the building is actually for rent or sale. The sign may not exceed 16 square feet in surface area. If freestanding, the sign may not exceed five feet in height, and shall be located more than 15 feet from any abutting side or rear property line, and wholly on the property for sale or rent. Apartment building "for rent" signs are governed by BCC 22B.10.040 and not by this subsection.

5. **Residential Land Subdivision Signs.** Signs advertising residential subdivisions are permitted, subject to the following:

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- a. Each sign shall be limited to 32 square feet in surface area;
- b. Only one sign is permitted per subdivision, except in either of the following instances:
 - i. If a subdivision abuts only one street, two signs are permitted provided that the two signs must be placed at least 200 feet part;
 - ii. If a subdivision abuts more than one street, one sign may be erected along each street frontage.

In no case shall more than a total of two such signs be allowed.
- c. No sign shall project beyond the building line;
- d. Each sign must be placed at least 30 feet from the abutting owner's property line;
- e. Such signs shall not exceed a height of 12 feet;
- f. Such signs shall be removed by the end of one year or when 75 percent of the houses in the subdivision are sold or occupied, whichever first occurs; and
- g. Permanent subdivision or neighborhood designation signs shall be as approved by the Director, as set forth in BCC 22B.10.090.C.

6. Subdivision Directional Signs Designating New Developments. Signs advertising the direction to a subdivision shall be furnished and placed only by the developer or residents of the subdivision, but at locations designated by the city. Signs shall be of the dimensions 12 inches by 36 inches, shall bear only the name of the subdivision and a directional arrow (no name of realtor permitted), and be limited in number to four. The city will designate placement of the signs at street intersections a maximum of one mile from the nearest subdivision entrance. The signs shall be maintained by the developer and removed when 75 percent of the subdivision is occupied.

7. Undeveloped Multifamily Property "For Sale" Signs"For sale" signs for undeveloped multifamily property shall be regulated pursuant to the provisions of BCC 22B.10.120.C.3.

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8. **Undeveloped Single Family Acreage "For Sale" Signs** Signs for undeveloped, unsubdivided single family property which may be legally divided into four or more single lots shall be regulated pursuant to the provisions of BCC 22B.10.120.C.3.

D. Political Headquarters Signs.

1. **Party Headquarters.** On-premises political signs are permitted on the premises of political headquarters located in the business, commercial, manufacturing, and institutional districts (BCC 22B.10.030), and on office buildings in the office and apartment districts (BCC 22B.10.040), so long as the signs meet the requirements of those districts.

2. **Headquarters for Candidate or Ballot Issue.** On-premises political signs are permitted on the premises of the headquarters of a candidate for public elective office (whether partisan or nonpartisan) or on the headquarters of persons supporting or opposing a public issue decided by ballot, when such headquarters are located in the business, commercial, manufacturing, and institutional districts (BCC 22B.10.030), and in office buildings in the office and apartment districts (BCC 22B.10.040), so long as the signs meet the requirements of those districts and so long as the signs remain for a period no longer than six months. Such signs shall be removed within seven days after the general election.

E. Political Signs.

1. **Political signs promoting or publicizing candidates for public office or issues** that are to be voted upon in a general or special election may be displayed on private property.

Such signs shall be removed within seven days following the election; provided, that signs promoting successful candidates in a primary election may remain displayed on private property until seven days following the immediately subsequent general election.

2. **Political Signs Not Allowed on Public Utility Poles or Public Buildings or Structures.** It is unlawful for any person to paste, paint, affix or fasten a political sign on any utility pole or on any public building or structure.

3. **Political Signs Within Public Right-of-Way.** Political signs may be posted within public right-of-way only if the sign does not create a traffic obstruction or hazard. Political signs in the right-of-way are limited to a

maximum surface area of six square feet and a maximum height of five feet. A political sign must be removed within seven days following an election; provided that political signs promoting successful candidates in a primary election may remain displayed until seven days following the immediately subsequent general election.

4. **Responsibility for Removal of Signs Following Election.** It shall be the responsibility of the above campaign officer or responsible official to have the signs removed.

5. **Public Notices Unaffected.** Nothing in this section shall be construed to prohibit the placement of public notices required by law.

6. **The display of any political sign in violation of BCC 22B.10.120.E, or any portion or part thereof, shall be presumed to have been done at the direction and request of the campaign officer or responsible official.**

Section 12. Bellevue City Code, Section 22B.10.125, is hereby amended to read as follows:

22B.10.125 SIGNS WITHIN STREET RIGHTS-OF-WAY.

A. **General.** Signs for the purpose of identification only, which contain no advertising, may be located upon the street right-of-way only where view-obstructing acoustical protective devices such as acoustical walls, berms or solid fences have been legally installed with city approval at the property line thereby making building mounted or conforming freestanding signs ineffective.

B. **Design and Materials.** The proposed design and materials to be utilized in the construction of signs permitted by this section shall be approved in advance of the issuance of any sign permit by the Director.

C. **Types of Signs Permitted.** Only signs identifying the use being maintained or operated upon the immediately abutting property and incidental signs indicating the appropriate entrance to and exit therefrom are permitted upon the public right-of-way under this section; provided that "vacancy" signs no larger than three square feet in surface area may be installed as an addition to the identification sign.

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D. **Sign Location.** Signs permitted upon the street right-of-way shall not be installed or emplaced on the top of acoustical protective devices, nor shall such signs be installed upon or attached to acoustical protective devices constructed by the city.

E. **Sign Dimensions.** Signs permitted within the street right-of-way shall have a maximum height of five feet above the existing grade located directly below the sign, and a maximum surface area of 15 square feet.

F. **Sign Illumination.** Signs permitted within the street right-of-way shall be from a source other than the sign itself and shall comply with the illumination requirements of the district in which the property identified by the sign is located.

G. **Permit Requirements.** Signs permitted within the street right-of-way signs are subject to all general requirements of this code; provided, that no such sign may be erected without a permit regardless of the size of the sign; and provided further, that any application for a permit to place a sign within the street right-of-way is subject to the approval of the Director of Transportation.

H. **Political Signs.** For requirements governing political signs, see Section 22B.10.120.

Section 13. Bellevue City Code, Section 22B.10.130.I, is hereby amended to read as follows:

22B.10.130 EXEMPT SIGNS OR DISPLAYS

. . . .
I. Reasonable seasonal decorations within the appropriate public holiday season. However, such displays shall be removed within five days following the end of the public holiday season;

. . . .

Section 14. Bellevue City Code, Section 22B.10.140, is hereby amended to read as follows:

22B.10.140 REQUIREMENTS APPLICABLE TO ALL SIGNS

A. **Structural Requirements.** The structure and erection of signs within the city shall be governed by Chapters 2 and 4 of the Uniform Sign Code, 1985 Edition (or by superseding edition adopted by the city), and the Uniform Building Code, 1985 Edition (or any superseding edition adopted by the city), Volume I

(including appendices), as promulgated by the International Conference of Building Officials, which are adopted and made a part hereof by this reference. Not less than one copy of said codes are on file in the office of the city clerk. Compliance with the Uniform Sign Code and Uniform Building Code shall be a prerequisite to issuance of a sign permit under BCC 22B.10.160.

B. Electrical Requirements. Electrical requirements for signs within the city shall be governed by the National Electrical Code, 1984 Edition (or any superseding edition adopted by the city), promulgated by the National Fire protection Association, which is adopted and made a part hereof by this reference. Compliance with the National Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under BCC 22B.10.160.

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

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

E. Sign Obstructing View or Passage. No sign shall be located so as to physically obstruct any door, window or exit from a building. No sign shall be located so as to be hazardous to a motorist's or pedestrian's ingress and egress from parking areas or any way open to the public. All signs shall comply with the sight distance requirements of the Land Use Code (LUC 20.20.830).

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

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If the landscaping is not installed concurrently with the sign, the applicant for a sign permit shall provide a performance assurance device in accordance with Bellevue City Code (Land Use Code) Section 20.40.490. All required landscaping must be installed within 60 days of completion of the sign installation, unless the Director grants an extension in writing for reasons of weather, good planting practices, or unforeseeable construction delay.

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

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

I. Building Line - General. Except as otherwise provided in this code, the building line for signs shall be the setback required for the property by Land use Code Section 20 20.010, Dimensional Requirements Chart or Section 20.25A.020, Dimensional Requirements in Downtown Districts. In any area of the city, except the Downtown, where the applicable line is located more than 65 feet from the centerline of the city street on which it faces, the building line shall, for purposes of limiting size or placement of signs under this code, be deemed to begin 65 feet from the centerline of the street and run parallel thereto.

Building Line - Downtown. The building line for signs for any property within the limits of the downtown and abutting a street classified by Land Use Code Section 20.25A.115, Design Guidelines - Building/Sidewalk Relationships, shall be 25 feet from the property line. However, the Director of community development may administratively approve a modification of the required building line if the result of such modification would be consistent with the Urban Design policies of the Comprehensive Plan and the requirements of Land Use Code Section 20.25.A.

Building Line - Boulevards for Urban Design Treatment. The building line for signs for any property outside the limits of the Downtown and abutting a street designated by the Urban Design Element of the Comprehensive Plan a boulevard to be given urban design treatment shall be 65 feet from the centerline of the right-of-way. However, the Director of community development may administratively approve a modification of the required building line if the result of such modification would be consistent with the policies of the Urban Design Element of the Comprehensive Plan.

J. **Painted Signs - Mounting.** Painted signs may be painted on plywood or other backing material or directly on the building wall itself.

Section 15. Bellevue City Code, Section 22B.10.150, is hereby amended to read as follows:

22B.10.150 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 BCC 22B.10.170).

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 BCC 22B.10.120.C.2 and C.6); 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 or national market indices which do not advertise a specific company or commodity, or indicating whether a parking garage is full 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 BCC 2B.10.130.I or for grand openings of new businesses under BCC 22B.10.120.B;

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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 or public property, except as provided in 22B.10.120.E and 22B.10.125;

H. Searchlights, except if used for a maximum period of seven consecutive days and if:

1. They are used by any business or enterprise once yearly only; or
2. They are used in conjunction with the grand opening of a new enterprise or an enterprise under new management (see BCC 22B.10.120.B).

The beam of the searchlight shall not flash against any building or sweep an arc greater than 45 degrees from vertical;

I. Billboards; J. Portable signs, except for real estate open-house signs or A-frame signs permitted under BCC 22B.10.130.L, and political signs, provided such political signs must meet the requirements of BCC 22B.10.120.D and E, where applicable;

K. Signs for which a permit has been granted under conditions with which the permittee does not comply;

L. Signs for which a permit has been granted and subsequently revoked for cause by the Director;

M. Directional signs, except where specifically authorized under provisions of this code;

N. Signs erected, altered or relocated without a permit issued by the city or any other governmental agency which requires a permit by law.

Section 16. Bellevue City Code, Section 22B.10.160, is hereby amended to read as follows:

22B.10.160 PERMITS AND FEES

A. Permit Requirements. Except as provided in Section D below, no sign governed by this code shall be erected, altered or relocated from and after the date of adoption of this code without a permit issued by the city.

B. Permit Applications. Applications for permits shall contain the name and address of the owner and user of the sign, the name and address of the owner of the property on which the sign is to be located, the location of the sign structure, drawings or photographs showing the design and dimensions of the sign and details of its proposed placement, and such other pertinent information as the Director 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 (BCC 22B.10.120) shall expire a maximum of 12 months from the date of the sign installation. Such permits are not subject to renewal.

D. Permit Exceptions. The following signs and sign alterations do not require a permit, but shall comply with all other applicable requirements of this code:

a. Signs having four square feet or less of surface area; provided, that this exemption shall not apply to subdivision directional signs (BCC 22B.120.C.6);

b. 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;

c. Signs which, on the date of adoption of this code, have permits but do not conform with this code's requirements and are determined by the Director to be nonconforming signs and for which a nonconforming sign permit is issued pursuant to BCC 22B.10.200.B.4;

d. 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;

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e. Changing of 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 permit is denied by the Director, he or she shall give written notice of the denial to the applicant, together with a brief written statement of the reason for the denial.

Section 17. Bellevue City Code, Section 22B.10.170.A, is hereby amended to read as follows:

22B.10.170 ADMINISTRATION, ENFORCEMENT AND SIGN REMOVAL.

A. Administration. The Director shall be responsible for administration of this code. The Director may adopt rules for the implementation of this code; provided, the Director shall first hold a public hearing. The Director shall publish notice of intent to adopt any rule, and a the date, time and place of the public hearing thereon in a newspaper of general circulation in the city at least 14 days prior to the hearing date. Any person may submit written comment to the Director in response to such notice, and any person may speak at the public hearing. Following the public hearing, the Director shall adopt, adopt with modifications, or reject the proposed rule.

B. Inspection of Director. The Director 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. Violation - Penalty.

1. The violation of or failure to comply with any provision of this chapter is declared to be unlawful.

2. Any violation of any provision of this chapter is a civil violation as provided for in Chapter 1.18 BCC, for which a monetary penalty may be assessed and abatement may be required as provided therein.

3. In addition to or as an alternative to any other penalty provided by this chapter or by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor.

Section 18. Bellevue City Code, Section 22B.10.180, is hereby amended to read as follows:

22B.10.180 VARIANCE FROM SIGN CODE.

- A. **Scope.** This section establishes the procedure and criteria that the city will use in making a decision upon an application for a variance from the provisions of the sign code.
- B. **Applicability.** This section applies to each application for a variance from the provisions of the sign code except as otherwise provided in BCC 22B.10.200 relating to exemptions from the sign amortization program.
- C. **Purpose.** A variance is a mechanism by which the city may grant relief from the provisions of the sign code where practical difficulty renders compliance with the provisions of that code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of that code can be fulfilled.
- D. **Who May Apply.** The property owner or his or her authorized agent may apply for a variance from the provisions of the sign code.
- E. **Applicable Procedure.** The city will process an application for a variance from the provisions of the sign code through Process II, Bellevue City Code (Land Use Code) Section 20.35.200 et seq.
- F. **Submittal Requirements.**
1. The Director shall specify the submittal requirements, including type, detail and number of copies, for a variance application to be deemed complete and accepted for filing.
 2. The Director may waive specific submittal requirements determined to be unnecessary for review of an application.
- G. **Decision Criteria.** The Director may approve or approve with modifications an application for a variance from the provisions of the sign code if:
1. The variance will not constitute a grant of special privilege inconsistent with the limitation upon signage and uses of other properties in the same vicinity and zone; and

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2. Such variance is necessary because of special circumstances, which are not the result of voluntary actions of the applicant, 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 same vicinity and zone; and

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same vicinity zone; and

4. The variance is the minimum necessary to meet the need of the applicant.

H. Limitation on Authority. The Director may not grant a variance to:

1. Any dimensional requirement of the sign code to the extent of greater than 15 percent of that dimension, or

2. The number of signs permitted, or

3. Any provision of the sign code which, by the terms of that code, is not subject to a variance.

I. Time Limitation. A variance automatically expires and is void if the applicant fails to file for a sign permit or other necessary development permit within three years of the effective date of the variance. The Director may extend a sign variance, not to exceed two years, if:

1. Unforeseen circumstances or conditions necessitate the extension of the variance, and

2. Termination of the variance would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay, and

3. The extension of the variance will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.

4. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed, and

5. Conditions in the immediate vicinity of the subject property have not changed substantially since the variance was first granted.

J. Assurance Device. The Director may require a reasonable performance or maintenance assurance device in conformance with Bellevue City Code (Land Use Code) Section 20.40.490 to assure compliance with the provisions of the sign code and the variance as approved.

Section 19. Bellevue City Code, Section 22B.10.190, is hereby amended to read as follows:

22B.10.190 APPEALS.

The decision of the Director approving, approving with modifications or denying a sign permit or interpreting the provisions of the sign code may be appealed using the appeal provisions of Process II, Bellevue City Code Section 20.35.200 et seq.

Section 20. Bellevue City Code, Section 22B.10.200, is hereby amended to read as follows:

22B.10.200 NONCONFORMING SIGNS.

A. **General.** To ease the economic impact of this code on businesses 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 Director 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 Director 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;

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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. Any sign which does not conform with the provisions of this code is eligible for a nonconforming sign permit provided it meets all of the following requirements:

a. The sign is either located within the city limits on the date of adoption of this code, or located in areas annexed to the city thereafter; and

b. The sign must be an on-premise sign;

c. The sign must be a primary sign;

d. The sign must not be a temporary sign;

e. The sign must not be a sign prohibited by BCC 22B.10.150;

f. The sign must not be an incidental sign; and

g. Either:

(i) The sign was covered by a sign permit on the date of adoption of this code, if one was required under applicable law; or

(ii) 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.

3. Number of Nonconforming Signs Permitted. Each sign user having nonconforming signs meeting the requirements of paragraph (2) of subsection (B) of this section shall be permitted to retain one (only) such sign along each street upon which the business premises fronts. A nonconforming sign permit must be obtained for each sign to be retained.

4. **Permit for Nonconforming Signs.** A nonconforming sign permit is required for each nonconforming sign designated under paragraph (3) of subsection (B) of this section. 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 60 days of notification by the city (under paragraph (1) of subsection (B) of this section) that the sign is nonconforming. The permit shall be issued for a fee and shall expire at the end of the applicable amortization period prescribed in paragraph (2) of subsection (D) of this section.

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 Director may require to ensure 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 six months be brought into compliance with the code or be removed. Failure to comply shall subject the sign user, sign owner or owner of the property on which the sign is located to the remedies and penalties of subsection (C) of this section.

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 subsection (E) of this section), 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 a nonconforming sign permit is filed by the sign user, sign owner, or owner of the property upon which the sign is located within 60 days following notification by the city (under paragraph (1) of subsection (A) of this section) that the sign is nonconforming and that a permit must be obtained.

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If a sign loses its nonconforming status pursuant to subparagraphs a, b, c, d, or e, any permit or designation for what had been designated as a nonconforming sign shall become void, the Director 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. Any 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 a nonconforming sign permit under BCC 22B.10.200.B.2 may be immediately removed by the city if the sign is 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 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, subject to subsection (F) of this section, 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 BCC 22B.10.200.B.5); 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 authorization provision of this code shall not apply to signs the advertising or informative content 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 BCC 22B.10.140, and from the provisions on prohibited signs, contained in BCC 22B.10.150; 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 less in compliance with the

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requirements of this code, or the sign will lose its nonconforming status. (See paragraph (5) of subsection (B) of this section.)

F. Sign Amortization Exemption Process.

1. **Applicability.** This subsection (F) applies to each sign which is required to be removed pursuant to subsection (D) of this section following the amortization period.

2. **Purpose.** A sign amortization exemption is a mechanism by which the city may provide relief from the effect of the sign amortization program when its enforcement would fail to noticeably improve the appearance of the neighborhood and the city.

3. **Who May Apply.** The property owner or the person displaying the sign which is required to be removed pursuant to subsection D of this section may apply for a sign amortization exemption.

4. **Special Filing Requirement.** The applicant must submit a completed application for a sign amortization exemption by June 22, 1987, or is thereafter barred from making such application. If a completed application is not filed, the sign is illegal and in violation of this code.

5. **Applicable Procedure.** The City will process an application for a sign amortization exemption through Process II, Bellevue City Code (Land Use Code) Section 20.35.200 et seq.

6. Submittal Requirements.

a. The Director shall specify the submittal requirements, including type, detail and number of copies, for a sign amortization exemption application to be deemed complete and accepted for filing.

b. The Director may waive specific submittal requirements determined to be unnecessary for review of an application.

7. **Decision Criteria.** The Director may approve or approve with modifications an application for a sign amortization exemption if:

a. The sign is compatible with the architectural design of structures on the subject property; and

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b. The sign substantially complies with the requirements of the sign code for the land use district in which it is located, and

c. The sign complies with Bellevue City Code (Land Use Code) Section 20.20.830 (Street intersection sight obstruction), and

d. If illuminated, the sign is oriented away from residentially developed or zoned property or is adequately screened so that the source of light is not directly visible.

8. **Effect of Exemption.** If the Director approves or approves with modification a sign amortization exemption, that sign may remain until removal is required pursuant to subsections (B)(5) or (C) of this section.

9. **Assurance Device.** The Director may require a reasonable performance or maintenance assurance device in conformance with Bellevue City Code (Land Use Code) Section 20.40.490 to assure compliance with the provisions of the sign code and exemption as approved.

10. **Fee.** The applicant shall pay a fee upon application which is equal to that land use review and processing fee required for a variance to the sign code.

Section 21. Bellevue City Code, Section 9.11.030, is hereby amended to read as follows:

9.11.030 Prohibited conduct.

A. **Deposit in Public Places.** No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city except in litter receptacles or in official county transfer stations.

B. **Deposit on Private Property.** No person shall throw or deposit litter on any private property within the city, whether owned by such person or not, except that the owner or person in control of the private property may maintain private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements onto any street, sidewalk or other public place or onto any other private property.

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C. Deposit in Parks. No person shall throw or deposit litter in any park within the city except in litter receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements onto any part of the park or onto any street or other public place. Where litter receptacles are not provided, all such litter shall be carried away and properly disposed of elsewhere as provided in this chapter.

D. Deposit in Water. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the city.

E. Throwing from Vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place or upon private property within the city.

F. Litter from Vehicle. No person shall drive or move any vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place or private property. Any person owning or operating a vehicle from which any litter has fallen or escaped, which would constitute an obstruction or damage to a vehicle or otherwise endanger travel upon such public street shall immediately cause such public street to be cleaned of all such litter or other objects and shall pay any cost thereof.

G. Litter from Construction Sites.

1. No individual or person in charge of a construction site in the city shall cause or allow any litter from the site to be deposited by the elements or otherwise upon any adjacent public or private property. During such time as the construction site is not actually being used, all litter shall be stored or deposited in containers or receptacles in such a manner as to prevent the litter from being deposited upon adjacent property by the elements or otherwise.

2. No person in charge of any construction site in the city shall cause or allow any mud, dirt, sticky substances, road surfacing materials or other litter from said construction site to be deposited by any vehicles, the wheels or tires of any vehicles, the elements or otherwise upon any street, alley or other public place; provided, however, if a construction site and adjacent public streets and sidewalks are maintained under a clean-up program approved by the department of public works, then this paragraph shall not apply.

H. **Sweeping into Gutters.** No person shall sweep into or deposit in any gutter, stormwater drain, street or other public place within the city, an accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying any real property within the city shall keep the sidewalk in front of or adjacent to said property free of litter.

I. **Dropping Litter or Handbills from Aircraft.** No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object.

J. **Handbills - Prohibited Placement.**

1. **Depositing in Public.** No person shall throw, deposit, or post any handbill in or upon any sidewalk, street or other public place within the city; provided however, this section shall not prohibit the posting of commercial or noncommercial bills on posting boards designated for such purposes; and provided further, this section shall not apply to political signs as permitted pursuant to BCC 22B.10.120.E.

2. **Placing on Vehicles.** No person shall throw or deposit any handbill in or upon any vehicle without the permission of the owner of such vehicle; provided, however, that it is not unlawful in any public place for a person to hand out or distribute a handbill without charge to the receiver thereof.

3. **Deposit on Vacant Property.** No person shall throw, deposit, post or distribute any commercial or noncommercial handbill in or upon any private property which is temporarily or continuously uninhabited or vacant.

4. **Distribution on Posted Premises.** No person shall throw, deposit, post or distribute any handbill upon any private property if requested by the owner or person in control of such property to refrain from doing so or if there is placed on the property in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any manner that the occupants of the premises do not desire to have any such handbills left upon such premises; provided, however, that in case of inhabited private premises which are not posted as provided in this section, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, in such a manner as to prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations; provided

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further, that this chapter shall not be construed to permit solicitation as prohibited by BCC 10.12.140.

Section 22. This ordinance shall take effect and be in force thirty (30) days after passage by the City Council.

PASSED by the City Council this 27th day of November, 1995, and signed in authentication of its passage this 27th day of November, 1995.


(SEAL)



Donald S. Davidson, DDS, Mayor

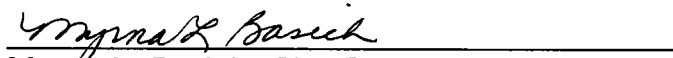
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published December 1, 1995