

**CITY COUNCIL AGENDA TOPIC**

Council Initiation of a Bellevue City Code Amendment to update the Sign Code consistent with legal requirements and contemporary sign design techniques.

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**EXECUTIVE SUMMARY**

**DIRECTION** Initiate work on a Bellevue City Code Amendment (BCCA) to comprehensively update the City's Sign Code, Bellevue City Code (BCC) Chapter 22B.10.

**RECOMMENDATION**

Initiate work on a BCCA to comprehensively update the City's Sign Code, Chapter 22B.10 BCC.

**BACKGROUND/ANALYSIS****Background**

In 2015, the United States Supreme Court decided in *Reed v. Town of Gilbert et al.* that all sign regulations must be content neutral. The court has dictated that the content of the sign generally may not be regulated and, importantly, that signs of the same type generally may not be regulated differently based on the content of the sign. For example, the City may not regulate a temporary directional sign differently than a temporary political sign or regulate a freestanding church sign differently than a freestanding public notice sign. Both temporary signs and freestanding signs are examples of sign types, while the other distinctions noted are examples of content which generally cannot be regulated or variations within one sign type which must generally be treated the same.

The City may regulate different sign types differently, as long as the regulations are not based on the content of the signs. For example, the City may continue to regulate temporary and freestanding signs differently as long as those regulations remain content neutral (e.g.: form, location, and timing of the sign can be regulated). To ensure compliance with constitutional requirements, the current Sign Code requires a comprehensive update. Subsequent higher court decisions will also require legal analysis to ensure the new code meets any standards set by the courts. As the project requires high levels of legal analysis the Department of Development Services (DSD) Code and Policy team will be co-managing the project with the City Attorney's Office. As the area of sign regulations is also specialized, staff recommend contracting a consultant with sign code experience to assist with the code writing portion of the project if initiated by Council.

In addition to the legal requirements, the Sign Code update will provide the City with an opportunity to

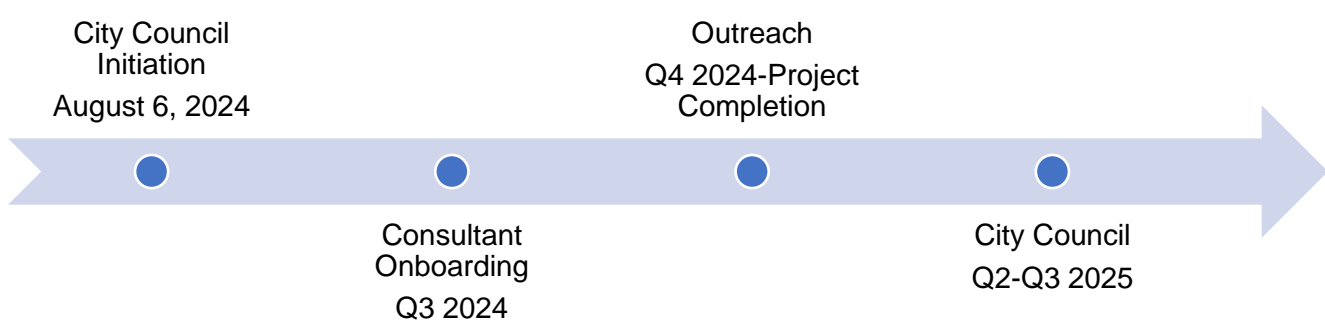
ensure the provisions of the sign code meet the needs of the community and allow for contemporary sign design, technology, and construction methods. Both the public and review team have identified difficulties interpreting and administering the code and the update will look to simplify and streamline the code while ensuring the design desires of the community are upheld.

### **BCCA Overview**

To ensure compliance with past legal decisions and to streamline and simplify the code, staff anticipates that the project will require a complete rewrite of the existing code. The BCCA will be a cross-departmental effort between the Code and Policy team and City Attorney’s Office. In addition to hiring a consultant to assist with the code writing, staff will work with the City’s Economic Development team and business community to ensure that the form and design standards of the sign code are updated to meet their needs and can accommodate contemporary sign design techniques. The DSD Land Use team will be consulted to ensure the updated code is simple to administer and understand, both for the reviewer and public.

As the updates are required to be content neutral, the BCCA will focus on setting form, location, and lighting standards for distinct sign types (e.g.: freestanding signs, wall signs, directional signs). These standards will apply uniformly across all signs of a single type. Temporary signs will also require new standards to establish the time period they are allowed to be displayed. Staff will work with the community to ensure that the size and form standards meet the needs of businesses and aesthetic desires of the greater community.

### **Project Timeline**



### **Public Engagement**

Staff has developed a public engagement plan with three modes of outreach to ensure the public, stakeholders, and interested parties have the opportunity to be informed and to provide comments.

- **BCCA Process.** Public input will be solicited by a notice of application and through City Council study sessions.
- **Direct Engagement and Feedback.** Engagement with the Bellevue Development Committee, residents and Bellevue’s business community in collaboration with Economic Development.
- **Online Presence.** City webpage to provide the public information about the project, who to direct questions to, and how to submit comments.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

The BCCA will amend the BCC. The amendments will be consistent with the ongoing Comprehensive Plan Update, specifically the Urban Design element, and the recently completed Retail Study.

### **Fiscal Impact**

There is no fiscal impact associated with implementing the amendments.

## **OPTIONS**

1. Initiate work on the BCCA to comprehensively update the Sign Code, Chapter 22B.10 BCC.
2. Provide alternative direction to staff.

## **ATTACHMENTS**

N/A

## **AVAILABLE IN COUNCIL LIBRARY**

N/A