DCLU Director's Rule 2-95

Applicant: City of Seattle, Department of Construction and Land Use	Page 1 of 4	Supersedes: N/A
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Subject: Off-premises advertising signs	Code and Section Reference: Land Use Code SMC 23.55.014	
	Type of Rule: Code Interpretation	
	Ordinance Authority: 3.06.040 SMC	
Index: Land Use Code	Approved: [signature]	Date: 5/18/95

Relocating Signs That are Located on Sites or In Zones Where They Are Permitted

BACKGROUND

The Sign Code (SMC 23.55) only allows relocation of off-premise advertising signs located on sites or in zones where the Sign Code does *not* permit them. In addition, in each calendar year the Sign Code allows relocation of one advertising sign face located on a site or in a zone where the Sign Code *does* permit it.

RULE

Any citizen, whether or not they reside in Seattle, may submit to the Director of DCLU a written request for the relocation of an advertising sign face located on a site or in a zone permitted by the Sign Code. DCLU will accept requests between January 1 and March 1 of each calendar year. DCLU will only accept one request per advertising sign face. Once DCLU receives a request, the Department will verify that the advertising sign face is located on a site or in a zone where the Sign Code permits it.

Part One: Selecting a Community Request

During the month of March, the Director will review all the relocation requests submitted by citizens or community groups who are not associated with any sign companies who own signs in Seattle. Relocation requests from citizens associated with sign companies who own signs in Seattle will not be reviewed under Part One. If all the signs submitted for relocation requests are owned by the same company, DCLU will give the sign company the option of selecting one of the signs for relocation. If the signs are owned by more than one company, DCLU will select one of the sign companies by lottery. The selected sign company will then have the option of selecting one of the signs that it owns for relocation that is among the relocation requests. If a sign company is willing to relocate a sign through the process described above, DCLU will consider this sign face the "one" during the calendar year that may be moved.

The owner of the selected sign face must comply with the requirements for obtaining Master Use, demolition and construction permits for the proposed new location. If DCLU denies the Master Use Permit or construction permit for the proposed sign/structure location, the sign owner may submit a new application for one new location within 30 days of the notification of the denial or the decision of any appeal therefrom. If the owner of the sign does not apply for the Master Use Permit within 9 months of selection by the Director, then another sign will be chosen following the lottery process as described under Part Two below.

Part Two: Selecting from All Requests

If the sign company chooses not to select a sign as described in Part One above, or does not apply for the Master Use Permit[1] within 9 months of selection by the Director , then all sign requests (including requests by sign companies) will be placed in one pool. The Director will by lottery select one request for relocation and an additional submittal as an alternate from this pool of signs If the owner of the sign face first selected is willing to relocate that sign, DCLU will consider this sign face the "one" sign during the calendar year that may be moved.

The owner of the selected sign face must comply with the requirements for obtaining Master Use, demolition and construction permits for the proposed new location. If DCLU denies the Master Use Permit or construction permit for the proposed sign/structure location, the sign owner may submit a new application for one new location within 30 days of the notification of the denial or the decision of any appeal therefrom. If the owner of the sign does not apply for the Master Use Permit within 9 months of selection by the Director, the owner of the sign selected as the alternate will have the option of applying for the Master Use Permit to relocate the alternate sign. The owner of the sign that DCLU selects as the alternate will have 9 months to apply for a Master Use Permit, beginning on the date that DCLU notifies

[1] The intent of the 9 month maximum time period between selection and application of the selected sign is to begin the permit process for the selected sign during the same year as DCLU selects the sign. Otherwise, sign companies could wait years to apply for the sign relocation. When the Seattle City Council adopted the Sign Code amendment in July 1993, their intent was to limit the number of sign relocations that occurred per year, both those that are and are not located on site s or in zones where the Sign Code permits them. Section 23.55.014 of the Sign Code limits the number of relocated advertising signs to 12 structures or 24 sign faces per year for those signs that are not located on sites or in zones where the Sign Code permits them.

the sign owner that he or she can relocate the alternate sign. If DCLU denies the Master Use Permit or construction permit for the proposed alternate sign/structure location, the sign owner may submit a new application for one new location within 30 days of the notification of the denial or the decision of any appeal therefrom.

If the Director does not receive any written requests for the relocation of advertising signs by March 1, he or she will select the first relocation request submitted during the period March 2 through December 31. If no request is received, there shall be no relocation under this provision for that year. For relocation requests submitted during the years 1993, 1994, and up to May 15, 1995, the Director shall select one request for relocation per year following the process as described above.

Billboard Bank

BACKGROUND

As part of a 1980 agreement, Ackerley Communications, the owner of the majority of advertising signs in Seattle, agreed to move several advertising signs located on sites or in zones where the Sign Code no longer permitted them. The City gave Ackerley a relocation credit for each such sign removal. The City did not require Ackerley to immediately erect new signs for each relocation credit, so the City placed the credits in a "billboard bank." At the time of the agreement, there were only a few advertising signs located on sites or in zones where the Sign Code no longer permitted them. However, the adoption of new commercial zone designations and the redesignation of commercial areas in 1986 further restricted advertising sign locations and created a pool of additional advertising signs located on sites or in zones where the Sign Code did not permit them. Currently, there are still advertising signs in the billboard relocation bank.

With passage of the Sign Code amendment on July 19, 1993, DCLU must now issue construction permits for relocated or reconstructed advertising signs during the pendency of the demolition permit for the existing sign. In other words, before the demolition permit expires, the applicant must apply for and be issued a construction permit. This results in no new credits being added to the billboard bank, leading to its eventual elimination. However, the 1993 amendments do not address using existing credits in the bank in place of demolition permits. Since the relocation credits represent signs that owners have already taken down, owners do not need demolition permits.

RULE

DCLU shall issue construction permits without corresponding demolition permits only if the new advertising sign uses a relocation credit in the billboard bank. The requirements of Section 23.55.014 shall still apply, except for A 1 e (the construction permit for the relocated or reconstructed advertising sign is issued during the pendency of the demolition permit for the existing sign). At the time the construction permit is issued for that sign, DCLU shall assign a registration number to that sign face(s), which must be displayed on the sign face upon its construction. That sign must be included in the report filed on or before the following July 1, at which time the fee for that sign shall be paid.

Use of Sign Changes

BACKGROUND

In some circumstances, a sign structure may have an advertising sign face that becomes an on-premises sign face by the owner changing the use of the sign.

RULE

If DCLU has authorized a sign as an advertising sign, then it does not cease to be an advertising sign because there is on-premises text on the sign. If the structure remains intact, and the size, height and dimensions of the sign do not change, the owner does not need an additional permit to allow on-premises text on the sign. The sign remains an advertising sign and is subject to the requirements that the sign display its registration number and be included in the annual report.

If the owner of the advertising sign wants to terminate the use of the sign as an advertising sign and instead of demolishing the structure wants to transfer ownership or lease the sign to an on-premises business for use of the sign face for an on-premises sign, a change of use permit must be obtained. In this circumstance, a change of use permit for an on-premises sign will require that the sign meets the Land Use Code regulations for on-premises signs. This may require the owner to alter the sign, such as lowering the sign structure or reducing the size of the sign face. In other words, a change of use permit with alterations would be required.

After the change of use permit with or without alterations has been issued, the owner of the former advertising sign may relocate the sign within 18 months but only consistent with the relocation regulations in the Land Use Code. The advertising sign can only be relocated if it was located on a site or in a zone where the Code did not permit it.

If DCLU does not approve the change of use permit for the on-premises sign, the sign will continue to be an advertising sign.