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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE of the City of Bellevue amending the sign code to incorporate new Bel-Red Land Use Districts, correct references for consistency, and update definitions to reflect departmental changes; amending sections 22B.10.020, 22B.10.025, 22B.10.030, 22B.10.040, and 22B.10.055, of the Bellevue City Code; and establishing an effective date.

WHEREAS, the Sign Code establishes standards for the design, placement size and maintenance of all exterior signs and sign structures in the City; and

WHEREAS, as required under the state Growth Management Act (chapter 36.70A RCW), the City Council adopted the 2008 comprehensive plan amendments on February 17, 2009, which replaced the existing Bel-Red/Northrup Subarea Plan with a new Bel-Red Subarea Plan; and

WHEREAS, the City Council will adopt, concurrent with this amendment, an ordinance for the Bel-Red Subarea to create zoning and development regulations for the Bel-Red Subarea that would enable the subarea to redevelop consistent with the Bellevue Comprehensive Plan, the Growth Management Act, and the land use goals of the City; and

WHEREAS, the development regulations adopted in this ordinance are deemed necessary to by the City to foster development and are further deemed to be in the best interests of the public health, safety, and general welfare of the City and its residents; now, therefore,

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

Section 1. Section 22B.10.020 of the Bellevue City Code is hereby amended as follows:

**22B.10.020 DEFINITIONS.**

**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 as a boulevard to be given urban design treatment shall be 65 feet from the centerline of the right-of-way. However, the

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~~Director of Planning and 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.

**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.

**Director.** The Director of the ~~Department of Community Development~~ Department of Development Services, or his or her designated representative.

**Entertainment/Public Assembly Use.** Those uses permitted in any Downtown or Bel-Red Land Use District classified as Indoor Public Assembly, Motion Picture or Theater by the Bellevue Land Use Code Recreation Use Chart Section 20.10.440.

~~Institution, Major~~ **Major Institution.** 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 or Bel-Red District.

**Office building.** An office building in the PO<sub>1</sub> and O<sub>1</sub> and BR-ORT land use districts as defined by the Bellevue Land Use Code.

Section 2. Section 22B.10.025 of the Bellevue City Code is hereby amended as follows:

## **22B.10.025 DESIGN REVIEW**

### **B. Applicability.**

#### **1. Where Design Review Applies**

- a. **Affected Land Use or Overlay Districts.** The provisions of this section are applicable in the following land use of overlay districts:
  - i. DNTN (All Downtown districts);
  - ii. CB (Community Business);
  - iii. NB (Neighborhood Business);
  - iv. OLB-OS (Office Limited Business --- Open Space); and

- v. Development in Transition Areas as defined in the Land Use Code; and
- vi. Bel-Red Land Use Districts, except BR-G unless design review is available per LUC 20.25D.030.C.1.

Signs within the land use and overlay districts set forth above shall also comply with all other provisions of this Chapter 22B.10 and provisions applicable to signs that are contained in the Land Use Code (Title 20 BCC).

b. **Affected Permits, Approvals and Sign Types.** The provisions of this section also apply to the following permits, approvals and sign types irrespective of the land use district within which they are located:

- i. Signs for any development required to have design review by ordinance (except Factoria);
- ii. Planned Unit Developments;
- iii. Conditional Uses; ~~and~~
- iv. Freeway Corridor Signs;
- v. Administrative Conditional Use; and
- vi. Master Development Plans.

Signs requiring the permits/approvals or signs of the type set forth above shall also comply with all other provisions of this Chapter 22B.10 and provisions applicable to signs that are contained in the Land Use Code (Title 20 BCC).

## 2. When Design Review Applies

- a. Upon adoption of this Code, no sign governed by this Code shall be erected, altered or relocated in any new building(s) or project(s), or on existing building(s) or project(s) located in a design district or originally approved through PUD or conditional use processes pursuant to the Land Use Code, without design review approval as described in this Section.
- b. Signs erected, altered or relocated within an existing building(s) or project(s) outside of any design district and originally approved through any permitting process under the Land Use Code other

than through a PUD or conditional use process shall not be subject to the design review requirements of this Section, but shall comply with all other applicable provisions of this Sign Code.

- c. A property owner or his or her authorized agent may choose at any time to submit an application for design review for an existing building or project where a design review application has not previously been approved.

C. **Applicable Procedure.** A design review application is reviewed and approved by the Department of ~~Planning and Community Development~~Development Services through the design review process described in LUC 20.30F. Requests to amend a previously-approved sign master plan, as well as proposals for new signage which are regulated by an existing sign master plan, require approval of a Land Use Exemption (LUX).

D. **Design Review Application Submittal Requirements.** Applications for design review shall include the following elements:

1. Location;
2. Lighting;
3. Letter size, type & style;
4. Type (i.e. blade, neon, individual letter);
5. Color(s);
6. Material(s);
7. Sign placement (relationship of all signs to one another on building and/or tenant facades); and
8. Overall signage concept for Construction Period, Initial Lease-up Period, and Permanent Signs.

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

E. **Design Criteria.** Applications for design review are evaluated according to the following criteria:

1. **General Requirements.**
  - a. Signs shall enhance the overall appearance, image and design character of the building and site.
  - b. Signage shall be simple and clear so as not to distract moving traffic.

- c. Signs shall be architecturally integrated by relating scale, location, sign type, style and materials to the architectural style and size of the building or tenant facade.
- d. Signage is prohibited at the upper levels of high rise buildings, with exceptions for hotel/motel or Hospital when the design is compatible with building architecture, and for enterprises occupying at least 180,000 net sq. ft. of building floor area in the downtown, as permitted by 22B.10.030.E.
- e. Placement of signage shall not obscure or overlap architectural elements.
- f. Signs in commercial development with multiple businesses shall be compatible.
- g. Signs shall provide information and be consistent with the character of the community.
- h. Signs shall be incorporated into commercial and public centers that make them appear and function cohesively.
- i. Perimeter areas of major commercial and public centers shall use appropriate signs to blend with surrounding development and to be compatible with surrounding residential neighborhoods.
- j. Any awning which projects less than 3 feet from the face of a building is classified as a sign. The entire awning face will be calculated as sign area.
- k. Glass buildings shall incorporate a sign band into the building design to avoid difficult and impractical application of signage to spandrel glass.
- l. Application of multiple signs to one building shall be consolidated or arranged so as not to result in a scattered appearance.
- m. Illuminated signs shall be oriented away from adjoining residential development.
- n. Signage shall be in accord with the Comprehensive Plan.
- o. Individual letter signage is preferred. Other types of signage may be approved if the design of the sign, including the quality and

durability of materials used, is determined to achieve an equivalent result.

In addition to the above, signs located within the land use districts below must also comply with the criteria set forth for such district.

3. **Downtown and Bel-Red Districts (All DNTN and BR).**

- a. The primary signage for any building or business shall comply with the appropriate Design Guidelines for the Downtown and Bel-Red District: Building/Sidewalk Relationships now or as hereafter amended pursuant to the procedures set forth therein.
- b. Pedestrian oriented signage shall use lettering and graphics no larger than 24 inches and shall be located within the first two floor levels of the building. 24 inches may be an average size when upper and lower case lettering is used. Logos and first-letter capitals may be up to 30" if consistent with applicable design review criteria.
- c. Illumination shall be coordinated in multi-sign or multi-tenant buildings.
- d. Upper-level ~~h~~High rise signs (other than hotel/motel or a Hospital). Signs permitted at the upper levels of high rise buildings in the downtown pursuant to Section 22B.10.030 shall comply with the following requirements:
  - i. Signs shall not project above the top of the surface to which they are affixed, nor beyond the edge of any surface to which they are affixed;
  - ii. Signs shall use logos and lettering no larger than 8 feet in height;
  - iii. Cabinet and box signs are prohibited;
  - iv. Signs shall be mounted to the building with a mounting system that is not visible beyond the edges of the sign elements;
  - ~~v.~~vii. Signs shall be designed and located to preserve the integrity of the building roof form; and

- vi. Sign illumination shall be limited to halo lighting with a white light source; provided that signs may be internally illuminated when the surface on which the sign is mounted is made of glass or other highly reflective material that would interfere with the appearance of the sign if halo-lit. Internal illumination is limited to only those letters or sign elements that will appear white when lit. Any illumination shall be designed to ensure no exposed lighting source or raceway. The light source shall be no brighter than the equivalent of 30 milliamp neon tubing behind a diffuser panel. The applicant shall provide a signed certification from the sign manufacturer declaring that the illumination meets the limits of this subsection.

Section 3. Section 22B.10.030 of the Bellevue City Code is hereby amended as follows:

**22B.10.030 BUSINESS, COMMERCIAL, MANUFACTURING AND MEDICAL INSTITUTION DISTRICT SIGNS - ZONES OLB, OLB-OS, CB, DOWNTOWN-O-1, DOWNTOWN-O-2, DOWNTOWN-MU, DOWNTOWN-R, DOWNTOWN-OB, DOWNTOWN-OLB, GC, LI, AND MI, AND BEL-RED LAND DISTRICTS, EXCEPT BR-ORT.**

- A. **General** - The following provisions govern signs in the OLB, OLB-OS, CB, all Downtown, GC, LI, ~~and MI, LI,~~ and all Bel-Red Land Use Districts, except BR-ORT, and the provisions may be modified through design review as described in Section 22B.10.025.

~~I-districts, and may be modified through design review as described in Section 22B.10.025.~~

1. **Sign Scale.** Signs shall be scaled to the building to which the sign is related.
2. **Sign Allocation – Single Occupancy Buildings.** Any single occupancy building in the above districts shall be permitted the number of primary signs described in subsection C of this section. No more than one of the allowed primary signs may be a freestanding sign unless the single occupancy building faces on more than one street. If the single occupancy building faces on more than one street, see subsection D of this section to determine the number of allowed freestanding signs.

3. **Sign Allocation – Multiple Occupancy Buildings:** Each enterprise with an exterior entrance in a multiple occupancy building in the above districts shall be permitted the number of primary signs described in subsection C of this section. No more than one freestanding sign is permitted per multiple occupancy building facing on only one street. If the multiple occupancy building faces on more than one street, see subsection D of this section to determine the number of allowed freestanding signs.
4. **Address Number.** Each enterprise shall display and maintain on premises street address number identification. Such identification shall not be included in the number of primary signs.
5. **Multiple Buildings on 15 Acres or More:** 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.** Except as otherwise specifically allowed herein, all signs shall conform with the setback, area, and height limitations set forth in this section.

3. **Sign Area Limitations: Building mounted, upper-level high rise, roof or canopy-mounted signs.** Unless otherwise provided in this section, the surface area of any building-mounted, upper-level high rise, roof or canopy-mounted signage shall not exceed the figures derived from the following schedule.

<b>Relevant Surface Area or Facade Area As Determined Pursuant to Subsection 22B.10.020</b>	<b>Maximum Sign Surface Area for that Facade</b>
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. to a maximum of 300 sq. ft.

- a. \_\_\_\_\_ For other than upper-level high rise signs and signs for an Entertainment/Public Assembly Use, in multiple occupancy buildings the facade area for each enterprise is derived by measuring only the surface area of the exterior facade of the premises actually used by the enterprise, and the sign displayed by the enterprise shall be located on the facade used to determine the size of the sign, except as provided in this section.
  - b. \_\_\_\_\_ For upper-level high rise signs, sign size may be up to 300 square feet, regardless of façade size. For Entertainment/Public Assembly Use signs, the Director may approve through design review sign area not to exceed a maximum of 400 square feet per sign, provided that the total sign area of building-mounted signs on Entertainment/Public Assembly Uses shall not exceed 35 percent of the surface area of the enterprise's façade on which the signs are located.
  - c. \_\_\_\_\_ Unused sign surface area for a facade may be used by any enterprise within the same multiple occupancy building, or by any enterprise within the same multiple building complex located within a Downtown Land Use District and Bel-Red OR-1, OR-2, RC-1, RC-2, and MO-1 Land Use Districts, if:
    - a*i*. The applicant files with the City a written statement signed by the enterprise that earned the sign area under this code permitting the applicant to utilize the unused sign surface area.
    - b*ii*. The display of a sign on that facade by the applicant will not create a significant adverse impact on other users of that facade.
    - c*iii*. The display of the applicant's sign is necessary to reasonably identify the enterprise, and the provisions of this code do not provide the enterprise with adequate sign display options.
    - d*iv*. In no event may sign surface area transferred under this provision be used for an upper-level high rise sign. Unused upper-level high rise sign or Entertainment/Public Assembly Use sign surface area may not be transferred for use for any other sign, regardless of enterprise or location.
4. **Sign Height: Building-mounted Signs.** No building-mounted sign shall be placed on the upper levels of a high rise building, installed on the

rooftop, or extend above the height of the building to which it is attached; ~~except: , provided that hotels~~ Hotels and motels may have signs at upper levels of a high rise building, rooftop mounted signs, and signs extending above the height of the building, and ~~further provided that signs~~ complying with Section 22B.10.030.E may be placed at the upper levels of high rise buildings.

**C. Number of Primary Signs.**

1. General. The permissible number of signs for each single occupancy building is dependent upon the surface area of the largest single facade of the building. The permissible number of signs for each enterprise in a multiple occupancy building is dependent upon the surface area of the largest single facade of the portion of the building occupied by the enterprise applying for the sign permit. An enterprise in a multiple occupancy building must have an exterior entrance to be allowed primary signage pursuant to this section C, except as provided in subsections 2 and 3. The permitted number of signs is as follows:

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

2. Upper-level high rise signs. One enterprise occupying at least 180,000 net square feet in a single high-rise building within the downtown may earn two upper-level high rise signs for placement on the building in which such enterprise is located, regardless of whether such enterprise has an exterior entrance. Such signs shall comply with section 22B.10.030.E.2. Such signs are in addition to other signs allowed under this section 22B.10.030. Both signs must be used by the same enterprise.
3. Transfer of Unused Allotment. In multiple occupancy buildings, or multiple building complexes located within any Downtown Land Use District or within Bel Red Land Use Districts BR-OR-1, BR-OR-2; RC-1, RC-2 and MO-1, unused primary sign allotment for one enterprise may be used by any enterprise within the same multiple occupancy building, or by any enterprise within the same multiple building complex located within a Downtown Land Use District or Bel Red Land Use District listed above, if:

- a. The applicant files with the City a written statement signed by the enterprise that earned the primary sign under this code permitting the applicant to utilize the unused primary sign allotment.
- b. The display of a sign by the applicant will not create a significant adverse impact on the primary signs of other enterprises in the building.
- c. The display of the applicant's sign is necessary to reasonably identify the enterprise, and the provisions of this code do not provide the enterprise with adequate sign display options.
- d. In no event may unused primary sign allotment transferred under this provision be used for an upper-level high rise sign. Unused upper-level high rise or Entertainment/Public Assembly Use sign allotment may not be transferred for use for any other sign, regardless of enterprise or location.
- e. Unused allotments may not be transferred between Downtown Land Use Districts and Bel-Red Land Use Districts.

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

H. **Window Signs.** The total surface area of all window signs shall not exceed 15 square feet, or 10 percent of the window area, whichever is smaller. Such signs shall not be included in determining the number of primary signs, nor in determining the permissible sign area for each façade; provided, that such signs shall not exceed an area total to 15 square feet, or 10 percent of the window area.

Section 4. Section 22B.10.040 of the Bellevue City Code is hereby amended 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, AND BEL-RED BR-ORT.**

Section 5. Section 22B.10.055 of the Bellevue City Code is hereby amended as follows:

**22B.10.055 FACTORIA AREA - FREESTANDING, AND FREEWAY-ORIENTED SIGNS - MULTIPLE TENANTS - ADDITIONAL SIGNS.**

- A. This section applies only within the Factoria annexation area, as legally described in Section 1 of Ordinance No. 4620 and to Factoria Land Use Districts F1, F2, and F3 as defined in the Land Use Code.
  - 1. For the purpose of accommodating multiple tenants any existing freestanding sign may be enlarged or altered, but may not exceed the size limits contained in the Sign Code, provided that if the sign is a freeway-oriented sign the enlargement and/or altering of the sign pursuant to this section will be allowed only in exchange for an agreement to amortize the resulting enlarged or altered sign over a reasonable period of time as determined by the Director ~~of the Department of Planning and Community Development~~. Within the amortization period multiple enlargements and/or alterations to a sign may be made which meet the requirements of this section without establishing a new amortization period. No

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enlargement or alteration is allowed which would cause the sign to violate Bellevue City Code 22B.10.150, prohibiting signs which rotate or have a part or parts which move or revolve.

Section 6. Section 22B.10.140 of the Bellevue City Code is hereby amended 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~~International Building Code, ~~1985~~2006 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~~these codes are on file in the office of the city clerk. Compliance with the Uniform Sign Code and ~~Uniform~~International 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~~2008 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](#).

Section 7. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2009 and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

(SEAL)

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Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

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Lacey Madche, Assistant City Attorney

Attest:

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Myrna L. Basich, City Clerk

Published \_\_\_\_\_