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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3145

AN ORDINANCE relating to land use regulations, and amending Bellevue City Code (Land Use Code) 20.10.020, 20.10.040, 20.10.060, 20.10.100, 20.10.120, 20.10.160, 20.10.180, 20.10.200, 20.10.220, 20.10.240, 20.10.260, 20.10.280, 20.10.300, 20.10.320, 20.10.340, 20.10.360, 20.10.400, 20.20.005, 20.20.010, 20.20.030, 20.20.040, 20.20.125, 20.20.190, 20.20.255.A, 20.20.510, 20.20.520.D, 20.20.520.E, 20.20.520.F.1, 20.20.520.J.6, 20.20.520.K, 20.20 (Moorage), 20.20.590.E, 20.20.590.F, 20.20.590.H, 20.20.590.J, 20.20.590.L, 20.20.680, 20.20.950.E, 20.20.950.F, 20.25 (Chapter Contents), 20.25A.080, 20.25B.020.A, 20.30.010, 20.30.070, 20.30.160, 20.30.330.C, 20.30.356.H, 20.30.396, 20.30.570, 20.30.660, 20.40.010, 20.40.405, 20.50.020, 20.50.022, 20.50.028, 20.50.034, repealing Bellevue City Code (Land Use Code) 20.10.140, 20.10.380, 20.10.390, 20.20.019, 20.20.025, 20.20.290, 20.20.750, 20.30.480, 20.30.482, 20.30.484, 20.30.486, 20.30.525, 20.30.526, 20.30.527, 20.30.528, 20.30.529; and adopting new Sections to the Bellevue City Code (Land Use Code) 20.20.130, 20.20.140, 20.20.200, 20.20.700, 20.25C.010 - .070, 20.25D.010 - .020, 20.25E.010 - .080.

WHEREAS, it is desirable that land use regulations be clearly organized and unambiguous; and that procedures be effecient for the City and the applicant; and

WHEREAS, it is desirable to provide flexibility to applicants while still maintaining high standards of development; and

WHEREAS, reorganization of the Land Use Code will improve its usability both by the City and the public; and

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

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

Section 1. Bellevue City Code (Land Use Code) 20.10.020 is amended to read as follows:

20.10.020 Establishment of Land Use Districts

NOTES: DIMENSIONAL REQUIREMENTS BY LAND USE DISTRICT

- (1) These setbacks control except where street classification in Section 20.20.020 indicates a greater setback. All setbacks are measured from the property line.
- (2.) Side yard setback in R-30 districts increases to 20 ft. on any side yard where structure exceeds 30 ft. above finished grade.
- (3) All rear and side yards shall contain landscaping as required by Section 20.20.520.
- (4) See Section 20.20.012.
- (5) See Section 20.20.015.
- (6) The maximum allowable building height in R-20 districts is 40 feet if the ground floor of such building is devoted to parking.
- (7) The maximum allowable building height is 75 ft. on any property designated OLB which lies within 475 feet of the right-of-way of I-405, between I-90 and SR-520, subject to Conditional Use Procedures and Standards.
- (8) Dimensional requirements for CBD Land Use Districts are listed in Section 20.25A.020.
- ★ (9) Any office building or any office portion of a building shall comply with the definition of "low intensity" contained in the Comprehensive Plan.
- ★ (10) The maximum building height may be exceeded upon approval of the Planning Director. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Section 20.30.610. Before granting any such approval, the Planning Director must find that:
 - a) The height increase is only to accommodate equipment, structures or buildings that contain special equipment primarily related to light manufacturing, wholesale, trade and distribution use, and is not for office or bulk retail use; and
 - b) There is functional need for a height increase; and
 - c) The overall site development will minimize adverse impacts caused by the height increase.

Notwithstanding the provisions of this Note, no height increase is permitted within a Transition Area as defined in Part 20.25B.

*** (11) Except in transition areas, the allowable building height of any office building located in a PO, O, OLB, GC, NB CB or OU district may be increased by one story, but not to exceed 15 feet, if the ground floor of that building is devoted to parking for that building.**

*** Note: Per East Bellevue Community Council Resolution No. 137-A, passed April 1, 1980 and Sammamish Community Council Resolution 136-A, passed April 8, 1980, disapproving City Ordinance No.2808, the maximum building height in LI Districts shall remain 30 feet, and footnotes (9), (10) and (11) are not in effect within their respective jurisdictions.
(Resolution 137-A, 8-1-80)
(Resolution 136-A, 8-8-80)**

- (12) At least 80% of the net area of the site must be devoted to natural vegetation, landscape development, ponds, watercourses, or outdoor recreation areas except as otherwise provided in Note 14.**
- (13) For each square foot of lot area devoted to open space in excess of 30% of the total lot area, one square foot is added to the lot area for the purpose of calculating density.**
- (14) In a Planned Unit Development pursuant to 20.30.390 West of I-405 and south of I-90. maximum lot coverage by structures is 35% if the proposal contains marine related activities.**
- (15) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.**
- (16) If there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls.**
- (17) Dwelling units per acre is determined pursuant to Section 20.30.330.**

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Land Use Districts in the City are hereby established as follows:

<u>District</u>	<u>Designation</u>
General	G
Open Use	OU
Residential Estate	R-1 R-1.8
Suburban Residential	R-2.5 R-3.5 R-4 R-5
Urban Residential	R-10 R-15 R-20 R-30
Professional Office	PO
Office	O
Office & Limited Business	OLB
Light Industrial	LI
General Commercial	GC
Neighborhood Business	NB
Community Business	CB
Central Business District	CBD
- Office District 1	CBD-0-1
- Office District 2	CBD-0-2
- Multiple Use District	CBD-MU
- Residential District	CBD-R
- Old Bellevue District	CBD-OB
- Office & Limited Business District	CBD-OLB

Section 2. Bellevue City Code (Land Use Code) 20.10.040 is amended to read as follows:

20.10.040 Land Use District Map

The designation, location and boundaries of the Land Use Districts and Shoreline Overlay District established by this Code are as shown and depicted on the official land use map(s) of the City, which shall be maintained as such and which are hereby incorporated herein by reference as part of this Code, and given Clerk's Receiving No. 4972.

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Section 3. Bellevue City Code (Land Use Code) 20.10.060 is amended to read as follows:

20.10.060 Interpretation of Map Boundaries

When uncertainty exists as to the boundaries of any Use District established on the City's land use map(s), the following rules of construction shall apply:

- A. Where district boundaries are indicated as approximately following the centerline of streets, alleys or highways, the actual centerline shall be construed to be the boundary.
- B. Where district boundaries are indicated as running approximately parallel to the centerline of a street, the boundary line shall be construed to be parallel to the centerline of the street.
- C. Where district boundaries are indicated as approximately following lot or tract lines, the actual lot or tract lines shall be construed to be the boundary lines of such use district.
- D. Unmapped shorelands shall be considered to be within the same land use district as the adjacent upland as shown on the use district map(s).
- E. Where a public street or alley is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion shall revert, shall apply to such vacated or abandoned street or alley.
- F. In case uncertainty exists which cannot be determined by application of the foregoing rules, the Planning Commission shall recommend, and the City Council shall determine, the location of such use district boundaries.

S-0 Overlay District boundaries are as described in Section 20.25E.010, and are not subject to these rules of construction.

Section 4. Bellevue City Code (Land Use Code) 20.10.100 is amended to read as follows:

20.10.100 District Descriptions:

Sections 20.10.120 through 20.10.370 of this Chapter describe the purpose and scope of the City's Land Use Districts. These Sections may be used to guide the interpretation of the regulations associated with each District. Related policies from the Comprehensive Plan are referenced in each description.

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Section 5. Bellevue City Code (Land Use Code) 20.10.120 is amended to read as follows:

20.10.120 General District (G):

General Districts are applied to outlying rural and undeveloped areas, unsuitable for long-term agricultural uses and lacking urban services, in order to maintain the low intensity character and uses until transition to suburban or urban land uses is found to be in accordance with the City's Comprehensive Plan. (21.B.005, B.040)

Section 6. Bellevue City Code (Land Use Code) 20.10.140 is hereby repealed.

Section 7. Bellevue City Code (Land Use Code) 20.10.160 is amended to read as follows:

20.10.160 Open Use District (OU):

Open Use Districts provide areas for uses and activities which avoid significant negative impacts on environmentally sensitive areas and areas of open space which represent a valuable aesthetic asset to the community. Special standards which protect life, property or natural systems, which prevent hazards or damage that might result from development and which safeguard or enhance the natural character of these areas shall be applied. (21.B.010, B.015, D.150, D.155, D.250, D.255, D.280, D.305, D.310, D.350, D.400, D.405, H.060, H.100, H.110, H.115, H.120 and H.125(d)(e)).

Section 8. Bellevue City Code (Land Use Code) 20.10.180 is amended to read as follows:

20.10.180 Residential Estate Districts (R-1, R-1.8):

Residential Estate Districts provide for a low density residential environment (1 and 1.8 dwellings per acre) which may serve to protect steep slopes or unstable land from overdevelopment and may include agricultural uses and activities compatible with low residential density. (21.B.010, D.255, D.400 and G.020).

Section 9. Bellevue City Code (Land Use Code) 20.10.200 is amended to read as follows:

20.10.200 Suburban Residential Districts (R-2.5, R-3.5, R-4, R-5):

Suburban Residential Districts provide for residential area of low to moderate densities (2.5, 3.5, 4 and 5 dwelling per acre), and permit compatible, related activities (21.B.010, G.020(a)).

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Section 10. Bellevue City Code (Land Use Code) 20.10.220 is amended to read as follows:

20.10.220 Urban Residential Districts (R-10, R-15, R-20, R-30):

Urban Residential Districts provide areas for attached residential dwellings of low density (10 units per acre) and of moderate density (15, 20 and 30 dwellings per acre). The R-20 and R-30 districts are intended to be convenient to centers of employment and have primary access to arterial streets. The R-10 and R-15 districts are more restrictive and may be utilized as a buffer between Suburban Residential districts and moderate density residential or commercial districts. (21.B.005, G.020(c), (d), (e)).

Section 11. Bellevue City Code (Land Use Code) 20.10.240 is amended to read as follows:

20.10.240 Professional Office District (PO):

Professional Office Districts provide areas for low-intensity office uses. Structures shall have exterior designs which are compatible with surrounding developments, vegetation and topography. The Professional Office District may act as a buffer between residential and more intensively developed properties. (21.B.005, B.010, B.015, F.150, F.165, F.190 and F.195.)

Section 12. Bellevue City Code (Land Use Code) 20.10.260 is amended to read as follows:

20.10.260 Office District (O):

Office Districts provide areas for business, financial and professional service offices, located on arterial or commercial access streets. In the proximity of other major business and commercial districts, this district may serve as a buffer between residential areas and more intensive commercial districts. (21.B.005, B.010, F.105, F.185 and F.195.)

Section 13. Bellevue City Code (Land Use Code) 20.10.280 is amended to read as follows:

20.10.280 Office and Limited Business District (OLB):

Office and Limited Business Districts provide areas for the location of integrated complexes made up of offices, hotels or motels, eating establishments and retail sales accessory to permitted uses. Such districts are located in areas that abut and have convenient access to freeways and major highways. (21.B.005, B.010, F.105, F.150, F.160, F.185 and F.195)

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Section 14. Bellevue City Code (Land Use Code) 20.10.300 is amended to read as follows:

20.10.300 Light Industrial District (LI):

Light Industrial Districts provide areas for the location of light manufacturing, wholesale trade and distribution, offices which generate little traffic to the district by the general public and bulk retail businesses. (21.B.005, B.010 and F.150)

Section 15. Bellevue City Code (Land Use Code) 20.10.320 is amended to read as follows:

20.10.320 General Commercial District (GC):

General Commercial Districts provide for the location of commercial establishments involving bulk or heavy retail sales, wholesale trade, business and repair services, light manufacturing, assembly and processing associated with sales and other compatible and supportive enterprises. (21.B.005, B.010, F.105, F.175 and F.185)

Section 16. Bellevue City Code (Land Use Code) 20.10.340 is amended to read as follows:

20.10.340 Neighborhood Business District (NB):

Neighborhood Business Districts provide for small commercial areas that offer retail and service businesses to serve the needs of the surrounding population, front on designated primary or secondary arterial streets and meet the requirements of the Comprehensive Plan for neighborhood business districts. It is the intent of the City that any such district encompass no more than 50,000 square feet of gross floor area in any one neighborhood and that such district shall contain a minimum of three uses. (21.B.005, B.010, B.030, F.165(a)(b) and F.195)

Section 17. Bellevue City Code (Land Use Code) 20.10.360 is amended to read as follows:

20.10.360 Community Business District (CB):

Community Business Districts serve community markets and provide areas for the location of services and retail outlets, other than the Central Business District. (21.B.005, B.010, B.030, F.150 and F.160)

Section 18. Bellevue City Code (Land Use Code) 20.10.380 is hereby repealed.

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Section 19. Bellevue City Code (Land Use Code) 20.10.390 is hereby repealed.

Section 20. Bellevue City Code (Land Use Code) 20.10.400 is amended to read as follows:

20.10.400 Use Chart Described:

In Chart 20.10.440, land use classifications and standard land use code reference numbers are listed on the vertical axis. City of Bellevue Land Use Districts are shown on the horizontal axis.

- A. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain short-term uses (see Temporary Use Permits, Section 20.30.400 and those following;
- B. If the symbol "P" appears in the box, at the intersection of the column and the row, the use is permitted subject to general requirements for the use and the use district;
- C. If the symbol "C" appears in the box, at the intersection of the column and the row, the use is permitted subject to the Conditional Use provisions as specified in Sections 20.30.600 and those following, and to general requirements for the use and the use district;
- D. If the symbol "A" appears in the box at the intersection of the column and the row, the use is permitted subject to the Administrative Conditional Use provisions as specified in Section 20.30.610.D, and to general requirements for the use and the use district;
- E. If the symbol "PD" appears in the box, at the intersection of the column and the row, the use is permitted subject to the Planned Residential Unit Development or Planned Unit Development provisions as specified in Sections 20.30.300 and those following, and to general requirements for the use and the use district;
- F. If a number appears in the box, at the intersection of the column and the row, the use is permitted through the applicable review process and subject to the special limitation indicated in the corresponding Note.
- G. A land use which is not listed in Chart 20.10.440, may be permitted pursuant to the provisions of Section 20.10.420.

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Section 21. Bellevue City Code (Land Use Code) 20.20.005 is amended to read as follows:

20.20.005 Chart of Dimensional Requirements Described

Chart 20.20.010 sets forth the dimensional requirements for each Land Use District except the CBD Land Use Districts. All structures and activities in the City not located in the CBD Land Use Districts shall conform to the dimensional requirements in Chart 20.20.010. Dimensional requirements for the CBD Land Use Districts are found in Section 20.25A.020. Additional special dimensional requirements for designated areas of the City are contained in other Sections of the Code as follows:

- A. Part 20.25B - Transition Areas,
- B. Part 20.25C - OLB Districts,
- C. Part 2.25D - PO Districts,
- D. Part 20.25E - Shoreline Overlay District.

Section 22. Bellevue City Code (Land Use Code) 20.20.010, Dimensional Requirements by Land Use District, is amended as indicated in Exhibit A, attached hereto, and by this reference incorporated herein.

Section 23. Bellevue City Code (Land Use Code) 20.20.019 is hereby repealed.

Section 24. Bellevue City Code (Land Use Code) 20.20.025 is hereby repealed.

Section 25. Bellevue City Code (Land Use Code) 20.20.030 is amended to read as follows:

20.20.030 Setbacks: Signs, Marquees and Awnings - See Sign Code, Chapter 22B.10.

Section 26. Bellevue City Code (Land Use Code) 20.20.040 is amended to read as follows:

20.20.040 Setbacks: Exceptions: Minor Structural Elements

Minor structural elements including patios, platforms, eaves, trellises, open beams, fireplace chimneys, decks, porches, balconies, lanais, bay windows, greenhouse windows and similar elements of a minor character may intrude into a required setback as follows:

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- A. Any portion of a minor structural element which equals or exceeds 30" above finished grade at its location may intrude into a required setback a distance no greater than 20% of the minimum dimension of that setback, or at least 18", whichever is greater.
- B. Any portion of a minor structural element which is less than 30" above finished grade at its location may extend to any lot line.

For purposes of this section, heat pumps are not minor structural elements.

Section 27. Bellevue City Code (Land Use Code 20.20.125 is amended to read as follows:

20.20.125 Accessory Structures:

Detached accessory buildings, if outside the required setback lines, in residential districts shall not exceed one story in height (not to exceed fifteen feet), and shall not occupy more than fifty percent of the area of a required rear or side yard. Accessory buildings shall comply with the front and side yard setbacks required for the main building and shall include a five foot setback from the rear lot line, except that a detached accessory building can be built to the side or rear lot line provided a written mutual agreement of the abutting property owners of the property lines affected be filed with the City Clerk.

Section 28. Bellevue City Code (Land Use Code) 20.20 is amended by the addition of a new section which reads as follows:

20.20.130 Animals

- A. The housing for small animals or fowl shall not exceed in floor area one-half per cent of the lot area and neither the building nor the fence area where they are roaming shall be closer than twenty-five feet to a property line except by mutual recorded agreement of adjacent owners. Enclosed roaming areas shall be limited to rear yards. The keeping of mink, goats, foxes or hogs is prohibited.
- B. The accessory building area for the housing of horses or other large animals shall not exceed one hundred square feet in stall area and two hundred square feet in total area in the R-3.5 and R-2.5 Districts and two hundred square feet in stall area in the R-1.8 District and shall not be located less than twenty-five feet from a property line, except that such barns and paddocks may be built to the side or rear line provided a wirtten mutual agreement of the abutting property owners on the property lines affected be

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filed with the City Clerk. Roaming areas for horses or other large animals shall be fenced. The keeping of horses shall not be permitted on properties of less than 10,000 square feet.

Section 29. Bellevue City Code (Land Use Code) 20.20 is amended by the addition to a new section which reads as follows:

20.20.140 Boarding House

Rooms may be rented to not more than two persons other than those occupying a single-family dwelling, provided there is compliance with health and building code requirements. The owner of the rooms to be rented shall provide off-street parking for such rooms at the rate of at least one parking stall for each room.

Section 30. Bellevue City Code (Land Use Code) 20.20.190 is amended to read as follows:

20.20.190 Churches, Clubs and Similar Use Structures

In G, OU or R districts, churches, institutions, clubs and community recreation buildings shall have side and rear yard required setbacks of a minimum of 50' each. Automobile traffic to and from such a use and its parking area shall be from an arterial street.

Section 31. Bellevue City Code (Land Use Code) 20.20 is amended by the addition of a new section which reads as follows:

20.20.200 Commuter Parking Facility.

- A. The applicant may propose a Commuter Parking Facility providing no more than 50 parking spaces and utilizing the parking area of an existing use through the administrative conditional use process (Section 20.30.610.D).
- B. The Planning Director may approve a Commuter Parking Facility described in Paragraph A of this Section only if he/she finds that:
 1. The Commuter Parking Facility is proposed as part of a transportation program.
 2. The number of parking spaces proposed for the Commuter Parking Facility is in excess of the actual parking demand for the primary use during overlapping hours of operation.
 3. The subject property abuts and gains access from a major, secondary, or collector arterial as defined by the Public Works Department.

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4. Signage proposed in conjunction with the Commuter Parking Facility is adequate to identify the facility and in keeping with the general character of the immediate vicinity.
 5. The location of a Commuter Parking Facility on the subject property will have no significant adverse impact on uses in the immediate vicinity.
- C. The Planning Director may impose a time limit upon the validity of the administrative conditional use permit granted pursuant to this Section in order to insure periodic review of the Commuter Parking Facility.

Section 32. Bellevue City Code (Land Use Code) 200.20.255.A is amended to read as follows:

- A. Single family dwelling in G, R-1, R-1.8, R-2.5, R-3.5, R-4 and OU districts are exempt from the provisions of this section.

Section 33. Bellevue City Code (Land Use Code) 20.20.290 is hereby repealed:

Section 34. Bellevue City Code (Land Use Code) 20.20.510 is amended to read as follows:

20.20.510 Kennel, Hobby

Hobby Kennels are permitted as accessory uses in any G, OU, R-1, R-1.8, R-2.5, or R-3.5 district and are subject to Animal Regulations, Chapter 8.06 of the Bellevue City Code.

Section 35. Bellevue City Code (Land Use Code) 20.20.520.D is amended to read as follows:

- D. Minimum Application Information: The applicant shall submit the following information with any application within the applicability of this Section. If the subject property exceeds one acre, the information required by Paragraphs D.1.g and D.2 must be approved by a privately retained registered landscape architect, Washington Certified Nurseryman, or Washington Certified Landscaper.

1. Site Plan(s)/Landscape Plan(s), including --
 - a. Scale: 1/16" = 1'-0" to 1" = 100'
 - b. Property lines.

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- c. Project limit boundaries.
 - d. Identify existing significant trees and tree canopies in project limit.
 - e. Significant trees and tree canopies to remain.
 - f. Location, areas and sections of proposed land alterations.
 - g. New landscaping - location, species, diameter or size of materials - (trees, shrubs and ground covering).
 - h. Buildings (structures) - new & existing.
 - i. Parking, circulation, walks.
 - j. Setback lines.
 - k. Legal description.
 - l. Topography - maximum 5' contour intervals.
2. Tree Protection Techniques: Identify protection techniques to be used.

Section 36. Bellevue City Code (Land Use Code) 20.20.520.E is amended to read as follows:

E. Preservation of Significant Trees:

1. In the required perimeter landscaping area, the applicant shall retain all significant trees which will not contribute a safety hazard. Area devoted to access and sight areas as defined in this Code, and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement.
2. Outside of the required perimeter landscape area, the applicant must retain at least 15% of the significant trees existing in this area. Special attention shall be given to the preservation of the following:
 - a. The preservation of healthy significant trees over 60' in height.
 - b. The preservation of significant trees which form a continuous canopy.

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- c. The preservation of significant trees which constitute to the character of the environment, and do not constitute a safety hazard.
3. The applicant shall utilize tree protection techniques approved by the Planning Director during land alteration and construction in order to provide for the continued healthy life of retained significant trees.
4. Reduced Parking Bonus: If the proposed landscape plan incorporates the retention of significant trees above that required by this Section, the Planning Director may approve a reduction of up to 10% of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on the subject property.

Section 37. Bellevue City Code (Land Use Code) 20.20.520.F.1 is amended to read as follows:

F. Site Landscaping:

1. Perimeter Landscaping Requirements for Use Districts: The applicant shall provide site perimeter landscaping either according to the following chart and subject to Paragraph F.2. of this Section; or in conformance with Paragraph J of this Section:

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Perimeter Landscaping Requirements for Use Districts

LAND USE DISTRICT IN WHICH THE SUBJECT PROPERTY IS LOCATED ³	STREET FRONTAGE (Type & Minimum Project)	INTERIOR PROPERTY LINES (Type & Minimum Depth) ¹
R-10, 15, 20, 30	Type III, 10' but if located in a Transition Area, and directly abutting S/F ² , then Type II, 10'	Type III, 8' but if located in a Transition Area, and directly abutting, S/F ² , then Type II, 15'
NB, PO, O, OLB	Type III, 10' but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, then Type II, 10'	Type III, 10' but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, then Type II, 10'
LI, GC, CB	Type III, 10' but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, then Type II, 10'	Type III, 8' but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, then Type II, 15'

Note 1: If the property which abuts the subject property is in the same or a more intensive Land Use District than the subject property, the landscaping required along that common interior property line may be reduced by 25% in area. The remaining 75% of the required landscaping may be relocated.

Note 2: S/F includes the G, OU, R-1, R-1.8, R-2.5, R-3, R-4 and R-5 Land Use Districts.

Note 3: Notwithstanding the provisions of this Paragraph, Landscape Development requirements for specific uses are listed in Paragraph F.2 of this Section.

Section 38. Bellevue City Code (Land Use Code) 20.20.520.J.6 is hereby amended to read as follows:

6. Landscape Professional Required: Notwithstanding the

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provisions of Paragraph D of this Section, any landscape development proposal submitted under Paragraph J of this Section must be approved by a privately retained registered landscape architect, Washington Certified Nurseryman, or Washington Certified Landscaper prior to submittal of the proposal to the Planning Department.

Section 39. Bellevue City Code (Land Use Code) 20.20.520.K is amended to read as follows:

K. Maintenance of Plant Materials:

1. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material.
2. The Planning Director shall require a maintenance assurance device for a period of one year from the completion of planting in order to insure compliance with the requirements of this Section. The value of a maintenance assurance device must equal at least 10% of the replacement cost of the landscape materials, and shall be utilized by the City to perform any necessary maintenance, and to reimburse the City for documented administrative costs associated with action on the device.
3. If a maintenance assurance device is required under Paragraph K.2 of this Section, the property owner shall provide the City with a nonrevocable notarized agreement granting the City and its agents the right to enter the property and perform any necessary work.
4. Upon completion of the one year maintenance period, and if maintenance is not required, the City shall promptly release the maintenance assurance device.

Section 40. Bellevue City Code (Land Use Code), Moorage, is amended to read as follows:

Moorage. See Shoreline Use Regulations, 20.25E.

Section 41. Bellevue City Code (Land Use Code) 20.20.590.E is amended to read as follows:

- E. Parking Area Improvements - to be installed prior to occupancy; standards:

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An occupancy permit for a new building or for a change of occupancy in an existing building, for which additional parking spaces are required, shall not be issued until all surfacing, landscaping and traffic control devices such as parking stripes designating car stalls, directional arrows or signs, guard rails, curbs, and other developments are installed and completed as shown on the approved plans. Hard-surfaced parking areas shall use paint or similar devices to delineate car stalls and directional arrows. Gravel parking areas shall use wood or concrete guard rails or wheelstops and posted signs to delineate car stalls and direction of traffic. Where pedestrian walks are provided in parking lots, they shall be curbed, or raised 6" above the lot surface. All driveways and off-street parking areas immediately adjacent to a public street shall be hard-surfaced with a minimum of two inches of asphaltic concrete for a driving distance of at least fifty feet from said public street. Parking areas, service yards or other vehicle area which slope down to adjoining properties or streets, or such areas which have a drop-off grade separation in relation to adjoining properties or streets, shall provide a wall, sturdy railing or other installation which will prevent a slow-moving or driverless vehicle from escaping such areas.

Section 42. Bellevue City Code (Land Use Code) 20.20.590.F is amended to read as follows:

F. EXCEPTIONS for Retirement Apartments.

1. Approved building plans must show 2 spaces per dwelling unit, and shall also show which spaces are not to be initially installed. The additional spaces plus required landscaping shall be installed if at any time the structure is not used for Retirement Apartment purposes.
2. The requirement of 1 space per dwelling unit may be reduced to no less than 1 space for every 3 dwelling units as determined by the Planning Director. The Planning Director shall base the decision on the following:
 - a. Availability of private, convenient, regular transportation services to meet the needs of the Retirement Apartment occupant;
 - b. Accessibility to and frequency of public transportation;
 - c. Pedestrian access to health, medical and shopping facilities.

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Section 43. Bellevue City Code (Land Use Code) 20.20.590.H is amended to read as follows:

H. Parking Area and Circulation Design.

1. Entrances and exits to parking areas:

The City Public Works Department shall have the authority to fix the location, width and manner of approach of vehicular ingress or egress from a building or parking area to a public street and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare. (See Section 20.20.255)

2. Internal circulation: Internal circulation of the lot shall be so designed as to minimize in-and-out driving time, idling time and time spent looking for a parking space.

3. Driveway dimensions: When off-street parking is provided in the rear of a building and a driveway or lane alongside the building provides access to the rear parking area, such driveway or lane shall be minimum width of 12' with a 3' minimum width sidewalk adjoining the building and curbed or raised 6" above the driveway surface.

4. Landscaping: Parking areas shall include landscaping as required by Section 20.20.520 and Section 20.20.590L.

5. Access in Urban Residential Districts:

a. The applicant shall provide adequate right of way for internal vehicular and pedestrian circulation.

b. Driveways shall be combined wherever practical. Wherever available, access shall be onto streets which do not abut G, OU, R-1, R-1.8, R-2.5, R-3.5, R-4 and R-5 districts.

6. Parking and Circulation in NB Districts:

a. All Neighborhood Business Districts shall provide internal circulation systems separated from automobile circulation and parking by grade separation, bull rails and/or marked crosswalks.

b. Bicycle racks to which bicycles may be locked shall be provided within the NB district. Racks shall be located under cover and not obstruct pedestrian circulation.

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- c. Prior to the issuance of a building permit, the applicant shall submit access plans to the Public Works Department for review. Notwithstanding any other provision of the Bellevue City Code, where gross floor area is less than 10,000 square feet, only one access drive shall be permitted. Where gross floor area exceeds 10,000 square feet, additional access points may be permitted. The applicant's plans shall coordinate the access points of his plans with the street circulation system and permit channelization of traffic.

Section 44. Bellevue City Code (Land Use Code) 20.20.590.J is amended to read as follows:

- J. Up to 50% of all required parking spaces may be designed and constructed for use by compact cars.

Section 45. Bellevue City Code (Land Use Code) 20.20.590.L is amended to read as follows:

- L. Minimum Dimensions:

Off-street parking area dimensions shall not be less than as shown on the following plates, except as otherwise approved by the Planning Director:

Section 46. Bellevue City Code (Land Use Code) 20.20.680 is amended to read as follows:

20.20.680 Public Transportation Shelters

- A. Public transportation shelter stations may be located on public rights-of-way provided the Public Works Director determines that the location and the structure is safe and will best serve the need for a shelter station in the area. A permit for the shelter must be obtained from the Public Works Department.
- B. Public transportation shelter stations may be located in a required front yard setback subject to the street intersection site obstruction requirements of Section 20.20.830.

Section 47. Bellevue City Code (Land Use Code) 20.20 is amended by the addition of a new section which reads as follows:

20.20.700 Rooming House.

The requirements of Section 20.20.140 apply to rooming houses.

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Section 48. Bellevue City Code (Land Use Code) 20.20.750 is hereby repealed:

Section 49. Bellevue City Code (Land Use Code) 20.20.950.E is amended to read as follows;

- E. Use Classification Change, Plats, Planned Unit Development.
1. As a condition of approval of final plats or subdivisions and final plans for planned unit developments and planned residential unit developments, the applicant shall be required to provide for installation of the permanent improvements described in Section 20.20.950D, above.
 2. Subject to the limitations and exceptions set forth in Section 20.20.950F, the installation of curbs, gutters, sidewalks and storm drainage facilities conforming to standards and guidelines of the Public Works Department shall be required for all property where there is a change in use classification and actual use from G, OU, Residential Estate or Suburban Residential Districts to any other classification and use.

Section 50. Bellevue City Code (Land Use Code) 20.20.950.F is amended to read as follows:

F. Limitations and Exceptions.

When at the time of issuance of a building permit for new construction or remodeling construction adjacent to business or arterial streets, or at the time of a zoning and actual use change from G, OU, Residential Estate or Suburban Residential Districts:

1. The traveled way of the street is less than thirty-two feet; or
2. No final profile grade and elevation for the street can be established by the Department of Public Works of the City based on then existing knowledge of planned street widening or improvements; or
3. When unsolved problems relating to drainage or other street construction factors prevent or make impracticable final sidewalk construction on said street at a time prior to the expected completion date of the construction for which the permit is sought, then the improvements referred to in Section 20.20.950D, shall not be required upon issuance of a building permit, or prior to a zoning and actual use change from G, OU, Residential Estate or Suburban Residential. However, the

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property owner, or the permittee prior to issuance of a certificate of occupancy, shall be required to grade, either by cutting or filling or a combination thereof, the public right-of-way from the nearest edge of the existing traveled way to the right-of-way margin of the street adjacent to the property at a negative two percent grade relative to the existing centerline grade of the street, providing for drainage, or in accordance with the standards developed by the Department of Public Works.

The applicant or property owner shall also agree in a signed written and subsequently recorded agreement to install permanent sidewalk improvements at his sole cost at such time, if any, as the street is widened and conditions permit said construction, as directed by the Department of Public Works or its authorized representative.

Section 51. Bellevue City Code (Land Use Code) 20.25, Chapter Contents, is amended to read as follows:

CHAPTER CONTENTS

20.25 DEVELOPMENT REQUIREMENTS IN OVERLAY AND SPECIAL DISTRICTS

20.25A CENTRAL BUSINESS DISTRICT

- .010 General
- .020 Dimensional Requirements
- .030 FAR Amenity Incentive System
- .040 Landscape Development
- .050 Parking Requirements
- .060 Walkways and Sidewalks, Perimeter
- .070 CBD Old Bellevue District
- .080 CBD - Office Limited Business District
- .090 Transition Areas
- .100 CBD Core Design District
- .110 Design Review Criteria
- .120 Application Information

20.25B TRANSITION AREAS

- .010 Purpose
- .020 Definitions
- .030 Development Requirements
- .040 Modification
- .050 Application Information

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20.25C OFFICE AND LIMITED BUSINESS (OLB) DISTRICT

- .010 All Uses/Structures Subject to Design Review
- .020 Area and Dimensional Requirements
- .030 Design Standards in OLB Districts
- .040 Application
- .050 Planning Director Approval
- .060 Appeal of Planning Director Decision

20.25D PROFESSIONAL OFFICE (PO) DISTRICT

- .010 Design Review Required
- .020 Appeal

20.25E SHORELINE OVERLAY DISTRICT

- .010 Definition of District
- .020 Authority and Purpose
- .030 Interpretation; Administration by City
- .040 Substantial Development Permit Required
- .050 Exemptions from Substantial Development Permit System
- .060 Use Regulations and Policies Governing Permits
- .070 Special Use Permits
- .080 Shoreline Use Regulations

Section 52. Bellevue City Code (Land Use Code) 20.25A.080 is amended to read as follows:

20.25A.080 CBD-Office Limited Business District.

- A. General: The provisions of Sections 20.25C.030-.040 apply to the CBD-OLB Land Use District.
- B. Review Required: All development within the CBD-OLB Land Use District must be reviewed by the Planning Director using the Administrative Design Review Process, 20.30.475.

Section 53. Bellevue City Code (Land Use Code) 20.25B.020.A is amended to read as follows:

- A. Single Family District: For purposes of this Part, a Single Family District is --
 - 1. A Land Use District designated as G, OU, R-1, R-1.8, R-2.5, R-3.5, R-4 or R-5 on this official zoning map, or
 - 2. A Land Use District outside of the City boundaries which permits no more than five dwelling units per acre, and which is

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classified as a residential district.

Section 54. Bellevue City Code (Land Use Code) 20.25. is amended by the addition of a new Part which reads as follows:

20.25C. Office and Limited Business (OLB) District:

20.25C.010 All Uses Structures Subject to Design Review: Building permits shall not be issued for new construction in the OLB district, nor shall occupancy permits for new businesses be issued, except when the Planning Director, using the Administrative Design Review Process (20.30.475) has certified that complete plans of the structure and/or any changes in the exterior of the structure have been submitted and reviewed, and are in the Director's judgment in conformance with the following:

- A. All plans shall conform to 20.25C.040.
- B. All applicants shall follow the procedures set forth in 20.25C.050-.070.

20.25C.020 Area and Dimensional Requirements: Only one structure may occupy a site of not less than the minimum lot size (two acres). Two structures may occupy a site of four acres and for each increment of minimum lot size (two acres), an additional structure may be added structures on four acres or more may be clustered. All structures shall conform to these requirements.

20.25C.030 Minimum Yard Dimensions in OLB District.

In OLB Districts required side yards may be reduced equally to permit building on 50% of the total property dimension measured from one side property line tottthe other. The combined dimension of the rear and front yards need not be more than 50% of the total property dimension measured from front to rear property line, and may be adjusted as follows:

- A. Where the required front and rear yard dimensions combined is more than 50% of the total property dimension, measured from front to rear, the location of the rear building line may first be adjusted by measuring from the required front building line a dimension equal to 50% of the total property dimension.
- B. Where the required front yard dimension is greater than 50% of the total property dimension, measured from front to rear and after making the maximum adjustment of the rear yard, the location of the front yard building line may be adjusted by measuring from the rear property line a dimension equal to 50% of the total property dimension, and no rear yard shall be required.

20.25C.040 Design Standards in OLB Districts:

- A. The entire site complex shall have a unity of design in terms of wall and roof materials, roof slopes and window patterns, in order to reduce adverse visual impacts to those and along major access routes and to mitigate adverse impacts from major access routes on nearby, less intensive land uses.
- B. Special landscaping standards
1. A minimum of 15% of the property area of each site shall be in landscaped open space. For each per cent that a structure's ground floor area exceeds 15%, the landscaping requirements for that site shall be increased by 0.5% to a maximum of 20% of the property area of the site.
 2. Detailed landscaping plans showing location, initial size and name of plant material shall be submitted with the building plans when applying for a building permit. Areas not devoted to plants and trees or parking shall be maintained in lawn. Service yards shall be sight-screened from adjoining property or streets or highway by a solid planting of evergreen trees and shrubs. Parking areas shall include plantings using major scale tree and shrub materials within the parking area at approximately 35' on-center parallel to the aisle or shall be screened as a service yard using similar materials.
 3. When property abuts the right-of-way for I-90, I-405, or SR-520 highways, or abuts parallel frontage roads of said highways, major scale plant material shall be planted and spaced in a planting area a minimum of 10 feet wide at intervals of no greater than 35 feet on center along that right-of-way. At the time of planting, the major scale plant materials shall have a minimum caliper of 3 inches, a minimum box size of 24 inches and a minimum trunk height of 6 feet. The ultimate height of the major scale plant material shall be approximately equivalent to the building height. The type of plant material selected shall provide year round screening. Wherever possible, when major scale plant material having a caliper of at least 3 inches exists on the property at the time of application to the City for development, that plant material shall be retained.
 4. Trees installed as part of general site landscaping shall be a minimum of 15 gallons and measure at least 1-1/2 inches in caliper.
 5. All landscaped areas shall be reasonably maintained with respect to pruning, trimming, watering or other requirements to create

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an attractive appearance. Any plant materials not surviving shall be replaced within 6 months of its demise. Lack of maintenance shall constitute a violation of this code.

C. Special lighting standards

1. A lighting plan shall be submitted of the building exterior and or the entire site including parking area. Luminaires shall be shielded from the view of persons in the streets and abutting properties. Lighting standards shall be less than 20 feet in height. Building wall and roof surfaces may be flood-lit, if, in the judgment of the Planning Director, the effect is discrete and restrained.
2. Illuminated Signs on the property or on buildings within these districts shall be so oriented that they face away from an adjoining G, OU, R-1, R-1.8, R-2.5, R-4, R-5, R-10, R-15, R-20 or R-30 districts or O districts containing residentially-developed properties. Developments which face on such districts shall limit signs on that side to one, not to exceed 32 square feet in area, located at or near the entrance to the building or property. This signs may be illuminated but shall not be a source of light. All signs shall be an integral part of the architectural design. Necessary safety lighting and directional signs for traffic shall be permitted.

20.25C.050 Application.

- A. An applicant for a building permit for any structure to be constructed in OLB districts shall apply to the Planning Director on a form provided by the Planning Department, for a review of the site plan, landscaping, and building design of the proposal. Review and approval by the Planning Director of the proposed site plan, landscaping and building design shall be a prerequisite to the issuance of a building permit.
- B. In addition to the application form, the application shall include:
 1. A legal description of the property;
 2. A site plan of all structures on the subject property and on adjoining properties to show the relationship of proposed uses and structures to existing developments;
 3. A landscaping plan to indicate all areas to be landscaped and fenced and materials to be used;
 4. Design of ingress and egress;

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5. Off-street parking and loading facilities;
6. Drawing or sketches of the exterior elevations, and/or perspective drawings of the structures under consideration;
7. Additional materials as the Planning Director may require to fully delineate the physical and environmental aspects of the proposal.

20.25C.060 Planning Director Approval: The Planning Director shall review and may approve, approve with modifications or disapprove site development plans including landscaping, lighting and design of the proposal based upon the requirements and standards of this Code.

20.25C.070 Appeal of Planning Director Decision.

- A. Any person whose property rights would be significantly affected by the Planning Director's determination may appeal the decision of the Planning Director, or the Director's designee, to the Planning Commission within twenty (20) calendar days of written notification of the decision. Such appeal shall be in writing, filed with the Planning Department and shall identify those portions of the administrative decision which are being appealed. The Planning Commission may review only those portions of the administrative decision being appealed. If the Planning Commission determines that the administrative decision was in accord with the requirements and standards of this Code, it shall so find and affirm the Planning Director's decision. If the Planning Commission determines that the administrative decision was not in accord with the requirements and standards of this Code, it shall:
 1. Make specific findings stating which requirements and standards of this Code are not met; and
 2. Remand to the Planning Director for a decision in accordance with these findings.
- B. The decision of the Planning Commission may be appealed to Superior Court within twenty (20) days of the date of the Commission's decision. At the expiration of said twenty (20) day period, if no appeal has been filed, the decision of the Commission shall become final and any appeal is thereafter barred.

Section 55. Bellevue City Code (Land Use Code) 20.25. is amended by the addition of a new Part which reads as follows:

20.25D. Professional Office (PO) District:

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20.25D.010 All Structures Subject to Design Review: The City shall not issue building permits for new construction in the PO District unless the Planning Director using the Administrative Design Review Process (20.30.475) has reviewed the building plans and has certified that in his judgment the plans for the structure's exterior, including finish material, color and landscaping, are visually harmonious and compatible with the surrounding land uses, vegetation and topography to promote quality design, reduce the adverse impact of uncoordinated development and protect and enhance surrounding neighborhoods.

20.25D.020 Appeal: Appeal from the determination of the Planning Director shall be to the Hearing Body utilizing the forms and procedures and requiring the same fees as the Modification of Transition Area Requirements (20.25B.040).

Section 56. Bellevue City Code (Land Use Code) 20.25. is amended by the addition of a new Part which reads as follows:

20.25E. Shoreline Overlay District:

20.25E.010 Definition of District: The Shoreline Overlay District encompasses those lake waters exceeding twenty (20) acres and those stream waters with a mean annual water flow exceeding twenty (20) cubic feet per second, the lands underlying them, and associated wetlands, and specifically, the shoreline of the waters listed below as defined in RCW 90.58.030(2)(d), not including any area outside the City's boundary lines.

Lake Washington - The lake waters, underlying lands and the area two hundred (200) feet landward of the line of ordinary high water, elevation fourteen (14) feet (based on the U.S. Coast and Geodetic Survey Datum Plane), plus associated wetlands.

Lake Sammamish - The lake waters, underlying lands and the area two hundred (200) feet landward of the line of ordinary high water, elevation twenty-seven (27) feet (based on the U.S. Geodetic Survey Datum Plane), plus associated wetlands.

Lower Kelsey Creek - The creek waters, underlying lands, and territory between two hundred (200) feet on either side of the top of the banks, plus associated wetlands.

Phantom Lake - The lake waters, underlying lands and the area two hundred (200) feet landward of the line of ordinary high water, plus associated wetlands.

20.25E.020 Authority and Purpose: The Shoreline Overlay District for the City is hereby adopted by authority of Chapter 90.58 RCW, the Shoreline Management Act of 1971 as amended, the same being incorporated herein by

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this reference as though fully set forth in this title, and more particularly, to fulfill the public purpose preserving the State's and City's important shoreline natural resources, and further, to protect and promote the public health, safety and general welfare.

20.25E.030 Interpretation; Administration by City: The Bellevue Shoreline Overlay District is supplementary to the underlying Land Use Districts. When conflict arises between regulations of the Shoreline Overlay District and underlying Land Use Districts, regulations of the Shoreline Overlay District shall prevail.

20.25E.040 Substantial Development Permit Required: A Substantial Development Permit is required for all development within the Shoreline Overlay District, with the exceptions noted in Section 20.25E.050 below. Procedures for securing a Substantial Development Permit shall be in accordance with those set forth in Chapter 173.14 of the Washington Administrative Code. All information reasonably required to enable the City to make a full evaluation of proposed development in shoreline areas shall be provided by applicants for a Substantial Development Permit.

20.25E.050 Exemptions from Substantial Development Permit System; Letter of Exemption Required: The following developments shall not require Substantial Development Permits so long as they are consistent with the policy of the State Shoreline Management Act, Chapter 173.14 of the Washington Administrative Code and the City's Shoreline Master Program. However, a Letter of Exemption from the City shall be required for any such development, to be forwarded to the Department of Ecology and the Attorney General's Office when required by Section 173-14-115 of the Washington Administrative Code. Exemptions from the Substantial Development Permit System are as follows:

- A. Any development of which the total cost or fair market value, whichever is higher, does not exceed \$1,000, if such development does not materially interfere with the normal public use of the water or shorelines of the City.
- B. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.
- C. Construction of the normal protective bulkhead common to single family residences;
- D. Emergency construction necessary to protect property from damage by the elements;
- E. Construction of a barn or similar agricultural structure on wetlands. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural

service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

- F. Construction or modification of navigational aids, such as channel markers or anchor bouys;
- G. Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence, and/or accessory structure thereto, for his own or his family use which does not exceed a height of 35 feet above average grade level;
- H. Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of a single family residence, for which the cost or fair market value, whichever is higher, does not exceed two thousand five hundred (\$2,500) dollars.
- I. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;
- J. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- K. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.
- L. Any project with certification from the governor pursuant to Chapter 80.50 RCW.
- M. The construction of up to 500 feet of one and only one road or segment of a road, for forest practices, provided such road does not enter the shoreline more than once. Such exemption from said permit

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requirements shall be limited to a single road or road segment for each forest practice and such road construction shall be subject to the requirements of Chapter 76.09 RCW, the Forest Practices Act and regulations adopted pursuant thereto and to the prohibitions or restrictions of this code. The provisions of this section shall not relate to any road which crosses over or through a stream, lake, or other water body subject to Chapter 90.58 RCW which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

The above exceptions shall not exempt a project from other City of Bellevue ordinance or permit regulations.

20.25E.060 Use Regulations and Policies Governing Permits: General Use regulations applying to all permits and specific regulations for certain types of uses are found in Section 20.25E.080 of this Code, "Shoreline Use Regulation". In addition, all uses and permits must be in conformance with the Shoreline Master Program Policy Element of the Bellevue Comprehensive Plan.

20.25E.070 Special Use Permits: Variances and Conditional Use Permits in an S-0 district require special procedures, found in Sections 20.30.650 and those following (Conditional Uses) and 20.30.150 and those following (Variances).

20.25E.080 Shoreline Use Regulation.

A. Policy and Administration.

The Shoreline Master Program Use Regulations, as adopted by the City of Bellevue by Resolution 2441, as amended by this Code, and as required by RCW Chapter 98.58, regulate development in the Shoreline Overlay District.

The use regulations developed for the Lake Washington, Lake Sammamish, lower Kelsey Creek and Phantom Lake shorelines are derived directly from state policies pertaining to applicable activity. Some of the conditions are designated as mandatory requirements for the various use activities, while others are regarded as factors to guide discretionary decisions.

The City through the administration of this Code must advise affected parties, upon application for permits, of the need for compliance with Federal and State law when their existence is known and further must advise the applicants when there is a probability of the existence of regulations administered by other agencies with suspected jurisdiction.

B. General Regulations Applicable to all Land Use Districts and Activities.

1. Where applicable, all Federal and State water quality and effluent standards shall be met.
2. If a property extends into the Shoreline Overlay District, the Shoreline Master Program Policies and these Use Regulations shall apply only to that portion of the property lying within the Shoreline Overlay District.
3. All development within the Shoreline Overlay District shall be accompanied by a plan indicating methods of preserving shoreline vegetation and for control of erosion during and following construction in accordance with City of Bellevue Excavation, Clearing and Grading regulations (Bellevue City 23.10.140), Section 20.20.515 of this Code and the Comprehensive Plan.
4. Special care shall be exercised to preserve vegetation in wetland and water course bank areas in order to prevent soil erosion.
5. Maximum height limitation for any proposed structure within the Shoreline Overlay District shall be thirty-five (35) feet, except in land use districts with more restrictive height limitations. The method of measuring the maximum height is described in WAC 173-14-030(6). Variances to this height limitation may be granted by the Board of Adjustment subject to the provisions contained in RCW 90.58.320.
6. The Bellevue Shoreline Master Program, in conjunction with existing Bellevue land use ordinances and comprehensive plan policies, shall guide all land use decisions in the Shoreline Overlay District.
7. Any development within the Shoreline Overlay District shall comply with all applicable Bellevue ordinances, including but not limited to the Bellevue Land Use Code, Sign Code, and clearing and grading regulations.
8. The dead storage of water craft seaward of the ordinary highwater mark of the shoreline is prohibited.
9. Where applicable, State and Federal standards for the use of herbicides, pesticides and/or fertilizers shall be met, unless superseded by City of Bellevue ordinances.
10. Adequate storm drainage and sewer facilities must be operational

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prior to construction of new development within the Shoreline Overlay District. Storm drainage facilities shall be separated from sewage disposal systems.

C. Agricultural Use Regulations.

1. Minimum lot dimensions for a single family dwelling within those areas of the Shoreline Overlay District designated Agriculture shall be two hundred (200) feet, length and width. Minimum setback requirements: front yard, fifty (50) feet minimum; side and rear yards, twenty-five (25) feet minimum. All structures, accessory buildings and ancillary facilities (e.g., manure stockpiles, retention ponds and storage ponds) shall be set back a minimum of twenty-five (25) feet from the ordinary highwater mark.
2. In those areas of the Shoreline Overlay District in which agricultural uses are permitted, habitable structures and accessory buildings may not exceed thirty-five (35) percent of the lot area, and may not exceed a height maximum of thirty-five (35) feet.
3. All structures, accessory buildings and ancillary facilities shall be built and located in such a manner so as to prevent agricultural wastes from entering ground and surface water.
4. Unless superseded by stricter City of Bellevue ordinances, erosion control measures shall be applied in accordance with the applicable guidelines and standards established by the Soil Conservation Service, U.S. Department of Agriculture.

D. Aquaculture Regulations.

1. When construction of aquaculture structures is permitted, it shall be done with minimum disturbance to the existing shorelines.
2. The quality of water discharged into water courses from rearing ponds shall not adversely affect the quality of the recipient waters or associated wetlands.
3. No structure which might reasonably hinder the passage of anadromous fish shall be permitted within the Shoreline Overlay District.

E. Bulkhead Regulations.

1. The use of bulkheads shall be limited to protection of upland

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areas or facilities, and not for the purpose of creating land by filling behind such bulkheads.

2. Construction of or improvements to bulkheads shall not extend into the lakes beyond the ordinary highwater mark, except in case of an approved landfill, and shall be completed within a timely manner.
3. Bulkheads shall be designed to minimize the transmission of wave energy to other properties.

F. Breakwaters, Jetties and Groins Regulations.

1. Solid landfill breakwaters shall be prohibited within the Shoreline Overlay District.
2. The builder of a jetty or groin structure shall be responsible for determining in advance any possible adverse effects to the property of others caused by his construction. Alternative means for protecting the shoreline shall be outlined by the builder prior to issuance of a Substantial Development Permit.

G. Clearing and Grading Regulations.

1. All clearing, grading, excavating, and fill in the Shoreline Overlay District shall comply with the provisions of Section 23.10.140 of the Bellevue City Code.
2. No clearing, grading, excavating, or fill shall be allowed within twenty-five (25) feet of the ordinary highwater mark except as permitted by this Part, 20.25E.
3. Wherever the City determines that the act or intended act of clearing, grading, excavation or fill has become or will constitute a hazard in life or limb, or endangers property, or adversely affects the safety, use of, or stability of a public way, drainage channel or natural watercourse, including siltation and sedimentation therein, the owner of the property upon which the clearing, excavation or fill is located or other person or agent in the City shall, within the period specified therein terminate such clearing, grading, excavation, embankment or fill, or eliminate the same from the development plan, or modify the plans, as may be required so as to eliminate the hazard and be in conformance with the requirements of this Code.

H. Commercial Development Regulations.

1. Commercial development is not permitted on the City's Lake

Sammamish shoreline.

2. The maximum building height in areas of the Shoreline Overlay District which are zoned for commercial uses shall be thirty-five (35) feet, except in those zoning districts with more restrictive height limitations.
 3. Tanks for the distribution and sale of petroleum products are not permitted in the Shoreline Overlay District except for marinas. When permitted, such tanks shall be located on dry land, and designed to preclude and contain spills. Such tanks shall not be permitted in corrosive soil areas.
 4. Any commercial development located within the Shoreline Overlay District shall be equipped to contain and clean up pollutant spills, as required by State and Federal regulations.
 5. Commercial parking facilities shall not be permitted over water or within twenty-five feet of the ordinary highwater mark. Parking areas shall be permitted only when accessory to commercial uses. Provisions must be made to control and cleanse surface water run-off from the parking areas in order to comply with State water quality standards.
 6. Commercial development along shorelines shall provide for erosion control.
 7. Commercial development permitted within the Shoreline Overlay District, other than that related to water use, shall be set back a minimum of twenty-five (25) feet from the ordinary highwater mark.
 8. Commercial development in the Shoreline Overlay District oriented to the use of water craft shall provide restrooms and hook-ups for toilet facilities. No water craft shall flush toilet refuse into the lake at such locations. For the purposes of this Section, commercial development shall include yacht clubs, commercial and private marinas, boat repair shops, fueling facilities and other similar uses.
- I. Dredging Regulations.
1. Dredging for the sole purpose of obtaining fill or construction material is prohibited.
 2. Dredging shall be permitted only in the following cases:
 - a. To maintain navigability; or

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- b. To improve water flow or water quality; or
 - c. To mitigate conditions which could endanger public health or safety; or
 - d. To create or improve recreational opportunities; or
 - e. To provide for the drainage of surface waters for approved development purposes.
3. Dredging spoils shall be so managed as to prevent them from reentering the water at the dredging site. The lateral spread of resuspended sediment created by a dredging operation shall be contained within previously approved limits.
 4. Dredging spoils shall be deposited at dumping sites which are set back an adequate distance to prevent impairment of water quality. Dumping sites shall not be allowed except in areas designated by the City of Bellevue.
 5. Shoreline vegetation disturbed by dredging projects shall be restored to its original or an improved condition through use of indigenous vegetation.

J. Ecological and Historical Sites.

1. The designation of historical sites and related preservation activities is permitted in the Shoreline Overlay District.
2. Water fowl and wildlife preserves are a permitted use within the Shoreline Overlay District.

K. Landfill Regulations.

(Note: Prohibited landfill materials are defined by the Bellevue Uniform Building Code.)

1. Landfills within the wetland environment of the Shoreline Overlay District shall be controlled to prevent significant adverse alteration in the storage and flow characteristics of the wetlands.
2. Landfills which do not meet the requirements of this code and the Bellevue Building Code as amended are prohibited (Uniform Building Code 7010).
3. Landfill shall not be permitted except where necessary for:

- a. Maintenance of shoreline property, subject to the regulations contained herein.
- b. Improvement of water quality in the event no other possible alternatives are available.
- c. Replenishment of sand on public and private beaches.

In such cases, landfill may be permitted provided there is no net reduction of the water surface area of the Shoreline Overlay District water bodies and no significant adverse impact upon fish, wildlife and adjacent property. Landfill shall not be permitted below the ordinary highwater mark.

4. In those limited instances where landfill is permitted, the waterside perimeter of the fill shall be stabilized with vegetation.
5. Applicants for landfills within the Shoreline Overlay District must also secure and perform in accordance with fill permits under the City's clearing and grading regulations (Bellevue City Code Section 23.10.140).
6. Landfills shall be permitted only when they are in complete conformance with an approved site development plan.

L. Mining Regulations.

Mining is not a permitted activity within the Bellevue Shoreline Overlay District.

M. Outdoor Advertising, Sign and Billboard Regulations.

1. Signs in residential areas of the Shoreline Overlay District shall be for identification only, noncommercial, unobtrusive in character and nonilluminated. Lighting from an external source shall be shielded from view.
2. Signs in the Shoreline Overlay District shall not obstruct the shoreline views of upland properties.
3. Signs in that portion of the Shoreline Overlay District which permit commercial activities shall be permitted provided such signs are physically oriented internally to the district and meet the requirements of the Bellevue Sign Code. No water-oriented advertising is permitted.

4. Any permitted use within that portion of the Shoreline Overlay District which permits commercial activities and which actually fronts on Lake Washington, will be permitted one identification sign oriented to the lake. Such sign may identify the business complex itself or gasoline service associated with the complex.
 - a. If located on dry land, the signs shall comply with the size and placement requirements of the Bellevue Sign Code and illumination of the sign may be low-level internal illumination.
 - b. If such sign is located on a pier, maximum size shall be twenty-five (25) square feet and maximum height ten (10) feet above pier deck, and such sign may not be illuminated.
 5. In those portions of the wetland environment of the Shoreline Overlay District where commercial development is permitted, signs shall be for identification only.
 6. In wetland environment commercial development areas, internally illuminated signs shall be low-level, and external lighting sources shall be shielded from view.
 7. Off-premise signs, non-appurtenant, illuminated and freestanding signs extending above the roof line are not permitted in the Shoreline Overlay District.
 8. Sign structures must meet all other conditions of the Bellevue Sign Code.
- N. Pier Regulations.
1. The height of covered moorage and docking facilities shall not exceed a maximum of sixteen (16) feet above the ordinary highwater mark.
 2. The covered portion of a moorage or pier shall be restricted to the area lying within an equilateral triangle, the base of which shall be a line drawn between the points of intersection of the property sidelines with the line of normal highwater, except that covered moorage shall not extend beyond 100' from the center of the base of such triangle, the covered portion of such moorage or pier shall be restricted to the area lying within an isosceles triangle of which the base is the line drawn between the points of intersection with the respective sidelines of such property and the line of normal highwater with the vertex thereof 100' from the center of said base. The required 12' setback from the property sidelines shall be deducted from the

triangle area.

3. Area requirements: Covered moorage structure in no event shall cover more than fifty (50) percent of the permitted covered moorage area as outlined in (2) above. Where a shared covered moorage is build pursuant to the agreement of adjoining owners, the covered moorage area shall be deemed to include, subject to the limitations of such joint agreement, all of the combined building areas included within the triangles extended upon said adjoining properties as augmented by the inverted triangle situated between the aforesaid triangles having as its base a line drawn between the vertices of the respective triangles or the intersection of the sides of the triangles with the 100' limitation line aforementioned.
4. Uncovered Piers in Meydenbauer Bay: The length of uncovered piers for public or semipublic moorage shall be within the following boundary line: All Azimuths being South; commencing at the E 1/4 Sec. corner of Sec. 31 T 25N, R 5E, W.M., whose "X" coordinate is 1,661,520.58 and whose "Y" coordinate is 225,661.29 of the Washington Coordinate System, North Zone, and running thence on an Az of 78°51'17" a distance of 963.76 feet to a point whose coordinate is "X" 1,660,575.00, "Y" 225,475.00 of said coordinate system; thence on an Az of 37°26'00" for a distance of 60 feet to a point being the true beginning of this description; thence on an Az of 316°19'15" a distance of 495.14 feet; thence on an Az of 2°21'10" a distance of 42.52 feet; thence on an Az of 312°06'17" a distance of 415.00 feet; thence on an Az of 37°24'19" a distance of 118.06 feet to an intersection with the northwesterly extension of the northwesterly line of Reserve "A" at the N. end of Ronda Street between Blocks 29 and 38, Plat of Moorlands, as recorded in Vol. 4 of Plats, Page 103, records of King County, Washington, said point of intersection being the terminum of this line description.
5. Covered Moorage in Meydenbauer Bay: The extent of covered structures for public or semipublic moorage shall comply with the following limitations: On the common line of adjoining private properties, covered moorage structures shall observe a 2'6" setback; on public street lines, in the water, no setback shall be required; no covered moorage shall extend out in the bay farther than the limits of the following boundary line: All Azimuths being South; commencing at the E 1/4 Sec. corner of Sec. 31, T 25N, R 5E, W.M., whose "X" coordinate is 1,661,520.58 and whose "Y" coordinate is 225,661.29 of the Washington Coordinate System, North Zone, and running thence on an Az of 78°51'17" a distance of 936.76 feet to a point being the true

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beginning whose coordinate is "X" 1,660,575.00, "Y" 225,475.00 referred to said coordinate system: thence on an Az of 316°19'15" a distance of 999.87 feet; thence on an Az of 370°24'19" a distance of 217.23 to an intersection with the northwesterly extension of the northwesterly line of Reserve "A" at the N. end of Ronda Street between Blocks 29 and 38, Plats of Moorlands as recorded in Vol. 4 of Plats, Page 103, records of King County, Washington, said point of intersection being the terminum of this line description.

6. No private pier shall be closer than twelve (12) feet to any adjacent property line except when a mutual agreement of adjoining property owners is recorded with the King County Auditor, and the Bellevue City Clerk.
7. Private Pier Length:
 - a. Except as provided in Paragraph 7.b, a private pier may not extend more than 80 feet beyond the ordinary high water line.
 - b. A private pier may extend more than 80 feet beyond the ordinary high water line and to the point at which ten feet of water depth exists at mean low water, if approved through the procedures of Section 20.30.610.D and only if --
 - i. The pier does not extend beyond the point necessary to obtain a reasonable and safe moorage;
 - ii. The increased length will not interfere with the public use and enjoyment of the water, or create a hazard to navigation; and
 - iii. The increased length will not unreasonably interfere with the use of adjacent piers.
 - c. In no case may a private pier extend more than one hundred fifty (150) feet beyond the ordinary high water line.
8. Boat moorage for semipublic and public use shall be permitted as a conditional use only, and will require the review and approval by the Hearing Body.
- O. Ports and water-related industries are not a permitted use within the Shoreline Overlay District.
- P. Recreation Activities Regulations.

1. Swimming shall be separated from public or semipublic boat launching area.
2. Public street ends in the Shoreline Overlay District may be developed for public recreational activities.
3. Recreational activities within the Shoreline Overlay District shall be permitted when designed subject to the provisions of the Bellevue Shoreline Master Program and its use regulations.

Q. Residential Development Regulations.

1. For purposes of this Section, a single family residence and/or accessory structures thereto shall include swimming pools, tennis courts, fences, greenhouses and similar facilities.
2. No boat, houseboat or water craft moored seaward of the ordinary high-water mark shall be used as a permanent residence.
3. All structures, accessory buildings and ancillary facilities, other than those related to water use (such as docks, piers and boat houses) shall be set back a minimum of twenty-five (25) feet from the ordinary highwater mark.
4. Maximum building height in those areas of the Shoreline Overlay District which are zoned for residential uses shall be thirty-five (35) feet, except in land use districts where more restrictive height limitations exist.
5. All residential development shall be accompanied by a plan indicating methods for preserving shoreline vegetation and control of erosion during and following construction as required by City of Bellevue Excavation, Clearing and Grading Regulations (Bellevue City Code Section 23.10.140) Section 20.20.515 of this Code and the Comprehensive Plan.

R. Road and Railroad Designs and Construction Regulations.

1. Construction of new railroad corridors in the Shoreline Overlay District is prohibited. Repair and reconstruction of existing facilities is permitted.
2. Motorized vehicles including off-trail vehicles, are prohibited within publicly-owned portions of the Shoreline Overlay District except for authorized public service vehicles.
3. Development of pedestrian and bicycle pathways within the Shoreline Overlay District shall avoid those areas which are too

fragile for normal trail construction. When development design is shown to mitigate adverse impact, it may be permitted.

4. Run-off from City streets and roads within the Shoreline Overlay District should be cleansed of sediment and toxic materials before entering watercourses of the Shoreline Overlay District.
5. New parking facilities within the Shoreline Overlay District shall not be permitted over water or within twenty-five (25) feet of the ordinary highwater mark. Provisions must be made to control and cleanse surface water run-off from parking areas in order to comply with state water quality standards.
6. Parking facilities shall be set back a sufficient distance from the ordinary highwater mark so as not to require the creation or protection of such parking facilities by shoreline protective measures.

S. Shoreline Protection Regulations.

1. New development in the wetland environment of the Shoreline Overlay District shall utilize design and construction methods and practices which will protect such development from damage resulting from a 100 year flood.
2. New development within the wetland environment of the Shoreline Overlay District shall provide for the routing of flood waters and shall avoid reducing the flood water storage capacity of the wetlands.
3. Riprapping and bank stabilization measures should be a sloping design, and should be left ungrouted. Riprapping shall be limited to the urban environment of the Shoreline Overlay District.
4. Development within the wetland environment of the Shoreline Overlay District shall exclude those uses which reduce the floodway area to the extent that they either cause a backwater on upstream property or increase the velocity on downstream property.

T. Solid Waste Regulations.

1. The disposal of nuisance materials, as defined by the City of Bellevue Nuisance Ordinance, Bellevue City Code 9.10, within the Shoreline Overlay District is prohibited.
2. The dumping of toxic materials within the Shoreline Overlay

District is prohibited.

U. Utilities Regulations.

1. When utilities are located within the wetlands environment of the Shoreline Overlay District, sufficient measures must be taken to adequately mitigate all related substantial adverse impacts.
2. Compatible utilities shall be consolidated within a single right-of-way. After construction, all areas shall be restored to their pre-project configuration, replanted with suitable vegetation, and provided maintenance until newly planted vegetation is established.

V. Variances: Special Procedures.

Where there is a Shoreline Overlay District, variances from the requirements of the underlying use district regulations shall follow the requirements and procedures specified in Sections 20.30.100 through 20.30.125. A variance from the Shoreline Master Program shall not be required in addition to the variance from the requirements of the underlying use district unless the proposal would constitute a variance from the Shoreline Master Program. Where the variance sought is from the requirements of the Shoreline Master Program, the procedures and requirements specified in Sections 20.30.150 through 20.30.180 shall be followed.

W. Conditional Uses: Special Procedures.

Uses which are shown as Conditional Uses on Chart 20.10.440 for the underlying use district shall, where there is also a Shoreline Overlay classification on the property, follow the requirements and procedures of Section 20.30.650 through 20.30.680.

X. Administration and Enforcement.

The administration and enforcement of this section shall be in conformance with the rules and procedures set forth in Chapter 20.40 and with those found in WAC 173-14-180 or its successor. When conflict arises between regulations of the Shoreline District and underlying Land Use Districts, regulations of the Shoreline Overlay District shall prevail.

Section 57. Bellevue City Code (Land Use Code) 20.30.010 is amended to

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read as follows:

20.30.010 Purpose

This Chapter establishes permits, review procedures and decisional criteria which implement the development standards of the Land Use Code. The Chapter also incorporates procedures and decisional criteria related to various land use decisions.

Section 58. Bellevue City Code (Land Use code) 20.30.070 is amended to read as follows:

20.30.070 Establishment of Permits and Procedures.

The following special development permits and procedures are hereby established:

Appeals of Administrative Determination
Variances
Variances for Shorelines Master Plan or Shorelines Overlay District
Planning Residential Unit Developments
Planned Unit Developemnts
Temporary Property Uses
Administrative Design Review
Establishment of Interim and Official Land Use Districts
Vacation of Public Right-of-Way
Conditional Use
Conditional Use in Shorelines Overlay Districts
Reclassification

Section 59. Bellevue City Code (Land Use Code) 20.30.160 is amended to read as follows:

20.30.160 Application to be Filed

Any person seeking a Shoreline Variance shall file with the Planning Department an application for a Shoreline Variance pursuant to Section 20.30.115 and, in addition, an application for a Substantial Development Permit pursuant to Section 20.25E.040.

Section 60. Bellevue City Code (Land Use Code) 20.30.330.C is amended to read as follows:

- C. The perimeter of the project shall be compatible with the land use of adjoining properties. Compatibility includes, but is not limited to, size, scale, mass and architectural design. Any part of a project in a designated Transition Area must meet the Transition Area requirements (20.25B), or the criteria of Paragraph 20.25B.040.B.

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Section 61. Bellevue City Code (Land Use Code) 20.30.356.H. is amended to read as follows:

- H. The special lot coverage requirements for the Open Use District have not been modified or waived (See Section 20.20.010).

Section 62. Bellevue City Code (Land Use Code) 20.30.396 is amended to read as follows:

20.30.396 Additional Standards

In addition to the standards required by 20.30.394, all applications for a Planned Unit Development in Open Use Districts shall conform to the following:

- A. The special lot coverage requirements for this district shall not be modified or waived.
- B. The buildings and other development shall be located on that portion of the site where the natural environment is least disturbed thereby.
- C. Building design, clearing and grading of the site and location of parking and access should retain the site's quality as a visual amenity to the community.
- D. The proposal shall be in conformance with the goals and policies of the Comprehensive Plan (Title 21 of the Bellevue City Code), including those policies governing the location of office or retail or wholesale trade land uses of comparable physical size.
- E. Offices, retail trade, industrial and wholesale trade uses shall meet the requirements for Transition Areas if any such use, including associated parking access, is within 300 feet of the property line for a residential use. (See Part 20.25B.)

Section 63. Bellevue City Code (Land Use Code) 20.30.480 is hereby repealed:

Section 64. Bellevue City Code (Land Use Code) 20.30.482 is hereby repealed:

Section 65. Bellevue City Code (Land Use Code) 20.30.484 is hereby repealed:

Section 66. Bellevue City Code (Land Use Code) 20.30.486 is hereby repealed:

Section 67. Bellevue City Code (Land Use Code) 20.30.525 is hereby

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repealed:

Section 68. Bellevue City Code (Land Use Code) 20.30.526 is hereby repealed:

Section 69. Bellevue City Code (Land Use Code) 20.30.527 is hereby repealed:

Section 70. Bellevue City Code (Land Use Code) 20.30.528 is hereby repealed:

Section 71. Bellevue City Code (Land Use Code) 20.30.529 is hereby repealed:

Section 72. Bellevue City Code (Land Use Code) 20.30.570 is amended to read as follows:

20.30.570 Notice of Hearing

Upon passage of the resolution fixing the time for a public hearing, the City Clerk shall cause a written notice of the pendency of the petition to be posted, at least 20 calendar days prior to the date set for hearing, in three public places in the City as determined in Chapter 1.08 of the Bellevue City Code and a like notice to be posted in a conspicuous place on that portion of the street or alley sought to be vacated, and copies of such notice shall be mailed, at least 20 calendar days prior to date of hearing, to each owner of abutting property, including the petitioners, at his local address if a resident of the City, otherwise to the last address showing on the records of the county treasurer. Such notice shall contain a statement that a petition has been filed to vacate the portion described in the notice together with a statement of the time and place fixed for the hearing of the petition and inviting interested persons to appear and be heard for or against the granting thereof or to submit written comment prior to that date.

Section 73. Bellevue City Code (Land Use Code) 20.30.660 is amended to read as follows:

20.30.660 Application to be Filed

Any person seeking a Shoreline Conditional Use shall file with the Planning Department an application for a Shoreline Conditional Use pursuant to Section 20.30.810 and, in addition, an application for a Substantial Development Permit pursuant to Section 20.25E.040.

Section 74. Bellevue City Code (Land Use Code) 20.40.010 is amended to

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read as follows:

20.40.010 Purpose

The purpose of this chapter is to set forth the provisions for the interpretation, general administration and enforcement of the Land Use Code.

Section 75. Bellevue City Code (Land Use Code) 20.40.405 is amended to read as follows:

20.40.405 Conflict of Provisions

Should a conflict occur between the provisions of this code or between this Code and the laws, regulations, codes or rules promulgated by other authority having jurisdiction within the City, the most restrictive requirement shall be applied, except when constrained by federal or State law, or where specifically provided otherwise in this Code.

Section 76. Bellevue City Code (Land Use Code) 20.50.020 is amended to read as follows:

FENCE. A barrier, including supporting posts, enclosing or separating a field, yard, or other real property. This definition includes solid and open fences. A fence may be constructed of wood, masonry, or any other material. For purposes of this Code, plant material is not considered a fence.

Section 77. Bellevue City Code (Land Use Code) 20.50.022 is amended by a new definition which reads as follows:

GUEST COTTAGE, GUEST HOUSE. A dwelling unit on a residential lot, separate from the main residential building, which is used to accommodate nonpaying guests of the residents or domestic employees of the residents, and which is not rented.

Section 78. Bellevue City Code (Land Use Code) 20.50.028 is amended by a new definition which reads as follows:

JETTY. An artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excessive sediment.

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Section 79. Bellevue City Code (Land Use Code) 20.50.034 is amended by new definitions which reads as follows:

MOORAGE. Any device or structure used to secure a vessel for temporary anchorage, but which is not attached to the vessel such as a pier or buoy.

Section 80. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 27th day of Sept, 1982, and signed in authentication of its passage this 27th day of Sept., 1982.

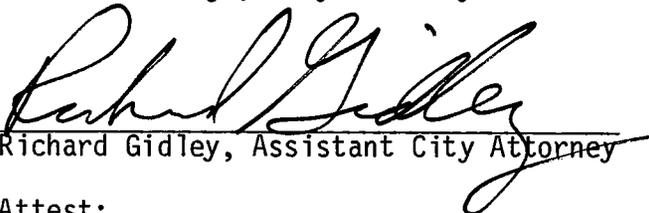
(SEAL)



Roy A. Ferguson, Mayor

Approved as to form:

Linda M. Youngs, City Attorney



Richard G. Bidley, Assistant City Attorney

Attest:



Marie K. O'Connell, Acting City Clerk

Published October 2, 1982