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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3582

AN ORDINANCE relating to the provision of public notice under the Land Use Code; amending Bellevue City Code (Land Use Code) 20.30C.140.C.2, 20.30D.220.E.2, 20.30H.140.C.2, 20.35.130.B.2, 20.35.175.B.6.b, 20.35.230.B.2, 20.35.255.B.6.b, 20.35.330.E.2, 20.35.340.B.2, 20.35.430.B.2; adding a new Part 20.30N; and repealing Section 20.20.430.

WHEREAS, it is desirable to provide public notice in a manner which involves affected citizens and which is efficient and practical; and

WHEREAS, the City has complied with the State Environmental Policy Act and with 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 Bellevue City Code (Land Use Code) 20.20.430 is hereby repealed.

Section 2. Bellevue City Code (Land Use Code) 20.30C.140.C.2 is amended to read as follows:

2. Means of Notice: The Director of Design and Development shall provide notice of the public hearing by --
 - a. Publishing notice of the public hearing in a newspaper printed and published within the City for two consecutive weeks, on the same day of the week. The final publication shall be at least 30 calendar days prior to the date of the public hearing, and
 - b. Posting notice of the public hearing at each official posting place of the City (See Bellevue City Code 1.08), and
 - c. Requiring the applicant to erect public information signs in conformance with Bellevue City Code 2.14, and
 - d. Mailing notice of the public hearing to each owner of real property within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership, and

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- e. Mailing notice of the public hearing addressed to occupant/tenant to each address within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership. Notice is mailed to those described above and in addition notice is mailed to each "occupant/tenant" of the subject property and of the applicant's contiguous property. "Occupant/tenant" must be addressed by unit in a multiple unit building but need not be identified by name, and
- f. Mailing notice of the public hearing to each person who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable department Director, and
- g. Mailing notice of the public hearing to each member of a Community Council.

Section 3. Bellevue City Code (Land Use Code) 20.30D.220.E.2 is amended to read as follows:

- 2. Provision of Notice: The applicable Department Director shall mail notice of the proposed decision to --
 - a. The applicant, and
 - b. Each owner of real property within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership, and
 - c. Each address, addressed to "occupant/tenant" within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership. Notice is mailed to those described above and to each "occupant/tenant" of the subject property and of the applicant's contiguous property. "Occupant/tenant" must be addressed by unit in a multiple unit building but need not be identified by name, and
 - d. Each person who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable Department Director, and
 - e. Each member of a Community Council in whose jurisdiction the proposal takes place.

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Section 4. Bellevue City Code (Land Use Code) 20.30H.140.C.2 is amended to read as follows:

2. Means of Notice: The Director of Design and Development shall provide notice of the public hearing or proposed decision by --
 - a. Publishing notice of the public hearing or proposed decision in a newspaper printed and published within the City for two consecutive weeks, on the same day of the week. The final publication shall be at least 30 calendar days prior to the date of the public hearing or the date by which an objection may be filed (See BCC 1.08), and
 - b. Posting notice of the public hearing or proposed decision at each official place location of the City (See BCC 1.08), and
 - c. Requiring the applicant to erect public information signs in conformance with B.C.C. 2.14, and
 - d. Mailing notice of the public hearing or proposed decision to each owner of real property within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership, and
 - e. Mailing notice of the public hearing or proposed decision addressed to occupant/tenant to each address within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership. Notice is mailed to those described above and in addition notice is mailed to each "occupant/tenant" of the subject property and of the applicant's contiguous property. "Occupant/tenant" must be addressed by unit in a multiple unit building but need not be identified by name, and
 - f. Mailing notice of the public hearing or proposed decision to each person who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable Department Director, and
 - g. Mailing notice to each member of a Community Council.

Section 5. Bellevue City Code (Land Use Code) 20.30 is amended by the addition of a new Part 20.30N which reads as follows:

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20.30N Home Occupation Permit

- .110 Scope: This Part (20.30N) establishes the procedure and criteria that the City will use in making a decision upon an application for a Home Occupation Permit.
- .115 Applicability: This Part applies to each application for a Home Occupation Permit.
- .120 Purpose:
- A. General: A Home Occupation Permit is a mechanism by which the City may permit a business to be conducted in a dwelling by a resident of that dwelling. The business must be largely incidental to use of the premises as a dwelling. In a non-residential Land Use District either a Home Occupation permit must be obtained or all commercial development standards must be met.
 - B. Classes of Permit: Class 1 Home Occupation Permits are used for a business which has no external indication of commercial activity. Class 2 Home Occupation Permits are used for all other businesses.
- .125 Who May Apply: A resident of the dwelling may apply for a Home Occupation Permit.
- .130 Applicable Procedure:
- A. Class 1 Home Occupation Permit: The applicant for a Class 1 Home Occupation Permit must register with the Department of Design and Development by filing a signed and notarized Registration Form as provided by the Department prior to initiation of the use. The applicant must certify compliance with the requirements of Paragraph .140.A as listed on the Registration Form.
 - B. Class 2 Home Occupation Permit:
 - 1. The City will process an application for a Class 2 Home Occupation Permit through Process II (Section 20.35.200 et. seq.). The Director of Design and Development is the applicable Department Director.
 - 2. The decision of the Director of Design and Development on a Class 2 Home Occupation Permit

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may be appealed using Process VI, Section 20.35.600 et. seq. The Board of Adjustment shall serve as the Hearing Body.

.135 Submittal Requirements:

- A. The Director of Design and Development shall specify the submittal requirements, including type, detail and number of copies, for a Home Occupation Permit application to be deemed complete and accepted for filing.
- B. The Director of Design and Development may waive specific submittal requirements determined to be unnecessary for review of an application.

.140 Requirements/Decision Criteria:

- A. Class 1 Home Occupation Permit: The following requirements apply to each Class 1 Home Occupation Permit:
 - 1. The business is conducted wholly within a structure and utilizes no more than 25% of the gross floor area of the structure in which it is located, and
 - 2. No person who is not a resident of the dwelling is participating in the business at the dwelling, and
 - 3. There is no exterior display, exterior alteration of the property, including expansion of parking, no exterior sign, no exterior storage of materials or other exterior indication of the business, and
 - 4. There is no variation from the residential character of the premises, and
 - 5. There is no structural alteration to the interior or exterior of the structure which changes its residential character, and
 - 6. There is no use of electrical or mechanical equipment which would change the fire rating of the structure or which would create visible or audible interference in radio or television

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receivers or which would cause fluctuations in line voltage outside the dwelling, and

7. There is no noise, vibration, smoke, dust, odor, heat or glare produced by the business which would exceed that normally associated with a dwelling, and
 8. There is no demand for parking beyond that required for the residents, and
 9. There are no client visits to the dwelling, and
 10. There is no more than one delivery per week by a private delivery service and no other use of a commercial vehicle other than that normally used by the applicant. No business signing may be displayed on the applicant's vehicle.
 11. The business has been inspected by the Bellevue Fire Department and the applicant commits to implement all required corrective measures within the stated time period.
 12. The applicant grants the City of Bellevue permission to enter the property at reasonable times to inspect the business for compliance with the requirements of the Land Use Code and other applicable City ordinances.
- B. Class 2 Home Occupation Permit: The Director of Design and Development may approve or modify and approve a Class 2 Home Occupation Permit if the following decision criteria are met:
1. The business is conducted wholly within a structure and utilizes no more than 25% of the gross floor area of the structure in which it is located, and
 2. No more than one person who is not a resident of the dwelling is participating in the business at the dwelling, and
 3. There is no exterior display, exterior alteration of the property, including expansion of parking, no exterior sign, no exterior storage of

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materials or other exterior indication of the business, and

4. There is no variation from the residential character of the premises, and
5. There is no structural alteration to the interior or exterior of the structure which changes its residential character, and
6. There is no use of electrical or mechanical equipment which would change the fire rating of the structure or which would create visible or audible interference in radio or television receivers or which would cause fluctuations in line voltage outside the dwelling, and
7. There is no noise, vibration, smoke, dust, odor, heat or glare produced by the business which would exceed that normally associated with a dwelling, and
8. In addition to parking required for the residents, there are no more than two vehicles parked on or in the vicinity of the property as a result of the business at any one time, and
9. There are no more than six client visits per day and there is not more than one client on the premises at any one time. One client does include a family arriving in a single vehicle, and
10. There are no more than two deliveries per week by a private delivery service and no other use of a commercial vehicle other than that normally used by the applicant or an employee.

*C. Special Decision Criterion for Home Day Care: The Director of Design and Development may approve or modify and approve a Class 2 Home Occupation Permit for a home day care use if a license from the Department of Social and Health Services has been issued. The criteria of Paragraph 145.A and Paragraph 145.B do not apply.

*This Section applies only within the jurisdiction of the East Bellevue and Sammamish Community Council.

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- .145 Conditions: The Director of Design and Development may impose conditions to mitigate any potential adverse impact on surrounding uses.
- .150 Time Limitation: The Director of Design and Development may establish a time limitation on the effectiveness of a Home Occupation Permit in order to provide for periodic review of business activity in a dwelling.
- .155 Quarterly Report: The Director of Design and Development shall send a report listing all Home Occupation Permits by number and address and describing the status of each, at least quarterly, to --
- A. Each person who has requested public notices for the calendar year and who has paid the fee established by the Director of Design and Development, and
- B. Each member of a Community Council.
- .160 Revocation of Home Occupation Permit: Upon a determination that there has been a violation of any decision criteria or condition of approval, the Director of Design and Development may give written notice to the permit holder describing the alleged violation. Within 17 calendar days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 17 day period, the Director of Design and Development shall sustain or revoke the permit. When a home occupation permit is revoked, the Director of Design and Development shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a home occupation permit will be processed using Process VI (Section 20.35.600 et. seq.).
- .165 Assurance Device: In appropriate circumstances, the Director of Design and development may require a reasonable performance or maintenance assurance device in conformance with Section 20.40.490 to assure compliance with the provisions of the Land Use code and the Home Occupation Permit as approved.

Section 6. Bellevue City Code (Land Use Code) 20.35.130.B.2 is amended to read as follows:

2. Means of Notice: The applicable Department Director shall provide notice of the public hearing by --

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- a. Publishing notice of the public hearing in a newspaper printed and published within the City (see Bellevue City Code 1.08), and
- b. Posting notice of the public hearing at each official posting place of the City (see Bellevue City Code 1.08), and
- c. Requiring the applicant to erect public information signs in conformance with Bellevue City Code 2.14, and
- d. Mailing notice of the public hearing to each owner of real property within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership, and
- e. Mailing notice of the public hearing addressed to "occupant/tenant" to each address within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership. Notice is mailed to those described above and to each "occupant/tenant" of the applicant's contiguous property. "Occupant/tenant" must be addressed by unit in a multiple unit building but need not be identified by name, and
- f. Mailing notice of the public hearing to each person who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable Department Director.
- g. Mailing notice to each member of a Community Council.

Section 7. Bellevue City Code (Land Use Code) 20.35.175.B.6.b is amended to read as follows:

- b. Provision of Notice: The applicable Department Director shall mail notice of the proposed decision to --
 - i. The applicant, and
 - ii. Each owner of real property abutting or directly across a public right-of-way from all contiguous property owned by the applicant determined by projecting the property line of that property, and
 - iii. Each address addressed to "occupant/tenant" abutting or directly across a public right-of-way from all

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contiguous property owned by the applicant determined by projecting the property line of that property. Notice is mailed to those described above and to each "occupant/tenant" of the applicant's contiguous property. "Occupant/tenant" must be addressed by unit in a multiple unit building but need not be identified by name, and

- iv. Each person who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable Department Director, and
- v. Each person who can be identified from existing City records as having participated in the original decision if that decision was made on or after August 21, 1985, and
- vi. Each member of a Community Council.

Section 8. Bellevue City Code (Land Use Code) 20.35.230.B.2 is amended to read as follows:

- 2. Means of Notice: The applicable Department Director shall provide notice of an upcoming decision on the application by --
 - a. Posting notice of the upcoming decision at each official posting place of the City (see Bellevue City Code 1.08), and
 - b. Requiring the applicant to erect public information signs in compliance with Bellevue City Code 2.14 or, if public information signs are not required, then by posting at least three notices of the upcoming decision on or in the vicinity of the subject property, and
 - c. Mailing notice of the upcoming decision to each owner of real property within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership, and
 - d. Mailing notice of the upcoming decision addressed to "occupant/tenant" to each address within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership. Notice is mailed to those described above and to each "occupant/tenant" of the applicant's contiguous property. "Occupant/tenant" must be addressed by unit

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in a multiple unit building but need not be identified by name, and

- e. Mailing notice of the upcoming decision to each person who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable Department Director, and
- f. Mailing notice of the upcoming decision to each member of a Community Council.

Section 9. Bellevue City Code (Land Use Code) 20.35.255.B.6.b is amended to read as follows:

- b. Provision of Notice: The applicable Department Director shall mail notice of the proposed decision to --
 - i. The applicant, and
 - ii. Each owner of real property abutting or directly across a public right-of-way from all contiguous property owned by the applicant determined by projecting the property line of that property, and
 - iii. Each address, addressed to "occupant/tenant" abutting or directly across a public right-of-way from all contiguous property owned by the applicant determined by projecting the property line of that property. Notice is mailed to those described above and to each "occupant/tenant" of the applicant's contiguous property. "Occupant/tenant" must be addressed by unit in a multiple unit building but need not be identified by name; and
 - iv. Each person who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable Department Director, and
 - v. Each person who can be identified as having participated in the original decision if that decision was made on or after August 21, 1985, and
 - vi. Each member of a Community Council.

Section 10. Bellevue City Code (Land Use Code) 20.35.330.E.2 is amended to read as follows:

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2. Provision of Notice: The applicable Department Director shall mail notice of the proposed decision to --
 - a. The applicant, and
 - b. Each owner of real property within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership, and
 - c. Each address addressed to "occupant/tenant" within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership. Notice is mailed to those described above and to each "occupant/tenant" of the applicant's contiguous property. "Occupant/tenant" must be addressed by unit in a multiple unit building but need not be identified by name, and
 - d. Each person who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable Department Director, and
 - e. Each member of a Community Council.

Section 11. Bellevue City Code (Land Use Code) 20.35.340.B.2 is amended to read as follows:

2. Means of Notice: The applicable Department Director shall provide notice of the public hearing by --
 - a. Publishing notice of the public hearing in a newspaper printed and published within the City (see Bellevue City Code 1.08), and
 - b. Posting notice of the public hearing at each official posting place of the City (see Bellevue city Code 1.08), and
 - c. Requiring the applicant to erect public information signs in conformance with Bellevue City Code 2.14, or if public information signs are not required, then by posting at least three notices of the public hearing on or in the vicinity of the subject property, and
 - d. Mailing notice of the public hearing to each owner of real property within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership, and

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- e. Mailing notice of the public hearing addressed to "occupant/tenant" to each address within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership. Notice is mailed to those described above and to each "occupant/tenant" of the applicant's contiguous property. "Occupant/tenant" must be addressed by unit in a multiple unit building but need not be identified by name, and
- f. Mailing notice of the public hearing to each person who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable Department Director.
- g. Mailing notice to each member of a Community Council.

Section 12. Bellevue City Code (Land Use Code) 20.35.430.B.2 is amended to read as follows:

- 2. Means of Notice: The applicable Department Director shall provide notice of the public hearing by --
 - a. Publishing notice of the public hearing in a newspaper printed and published within the City (See Bellevue City Code 1.08), and
 - b. Posting notice of the public hearing at each official posting place of the City (See Bellevue City Code 1.08); and
 - c. If the application involves specific property rather than an area or zone-wide change --
 - i. Requiring the applicant to erect public information signs in conformance with Bellevue City Code 2.14, and
 - ii. Mailing notice of the public hearing to each owner of real property within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership, and
 - iii. Mailing notice of the public hearing addressed to "occupant/tenant" to each address within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's

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ownership. Notice is mailed to those described above and to each "occupant/tenant" of the applicant,s contiguous property. "Occupant/tenant" must be addressed by unit in a multiple unit building but need not be identified by name, and

- iv. Mailing notice of the public hearing to each person who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable Department Director, and
- v. Mailing notice of the public hearing to each member of a Community Council.

Section 13. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 16th day of December 1985, and signed in authentication of its passage this 16th day of December 1985.

(SEAL)


Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published December 21, 1985