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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3775

AN ORDINANCE relating to the Land Use Code; establishing the Sensitive Area Overlay District and the regulations and procedures applicable therein; providing for a Protected Area Development Exception and related procedures; providing for a Wetland Boundary Adjustment procedure; adopting new Charts of Dimensional Requirements; Uses in Land Use Districts - Charts and Notes and Uses in Land Use Districts - Dimensional Requirements; amending provisions regarding description of chart of dimensional requirements; minimum lot area; intrusion into required setbacks; designation and measurement of setbacks; accessory structures in residential districts; site landscaping requirements; limitation of landscaping requirements; landscaping - species choice; modification of landscaping requirements; mechanical equipment; non-conforming buildings; preliminary development plans for planned unit developments; establishing provisions regarding sensitive area development exceptions; Land Use Code definitions; adding a new section on setbacks. exceptions for sidewalk and street improvements; adding new sections 20.10.440 and 20.20.020 to the Bellevue City Code (Land Use Code), amending Bellevue City Code (Land Use Code) 20.20.005, 20.20.012, 20.20.025, 20.20.030, 20.20.125, 20.20.520.F, 20.20.520.H, 20.20.520.I, 20.20.520.J.1, 20.20.525.B.3, 20.20.560.D, 20.30D.160.A, 20.30D.170, 20.50.010, 20.50.012, 20.50.014, 20.50.018, 20.50.026, 20.50.040, 20.50.044, 20.50.046 and 20.50.054; adding new Section 20.20.022 and new Parts 20.25H, 20.30P and 20.30Q, and repealing Section 20.10.440, 20.20.010 and 20.30D.155.

WHEREAS, the City Council did on May 6, 1985 adopt the Natural Determinants Element of the Comprehensive Plan; and

WHEREAS, it is desirable to implement the goals, objectives and policies of that Element through the adoption of regulations which both respect private property rights and protect the public health, safety and welfare, and

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WHEREAS, the City of Bellevue 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. The City Council hereby finds that:

A. Development in the floodplain results in:

- increased erosion.
- degraded water quality from increased sedimentation.
- degraded water quality from loss of natural biofiltration resulting from elimination of vegetation.
- water quality degradation resulting in degradation of fishery resources and habitat value of the area modified and downstream areas.
- increased pollutant loading from flooding of impervious surfaces resulting in further water quality and habitat degradation. Pollutant loading stems from typical contaminants associated with impervious surfaces in urban areas - oils, grease, heavy metals, etc.
- increased potential for downstream flooding with a) associated hazards to public health, safety and welfare; b) property damage to buildings, parking lots, roadways and road crossings; c) increased demands for City emergency response services; d) increased debris, erosion and scouring downstream which further exacerbates flooding, damage and water quality degradation.
- increased public costs to alleviate flooding impacts to development inappropriately located in the areas of special flood hazard.
- incremental alteration and modification of floodplains throughout the City which has significantly contributed to surface water peak flow velocities and durations twice that anticipated from engineering analysis conducted on a case-by-case basis. The cumulative impact of the incremental changes City wide exceeds the anticipated impact of any individual modification.

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B. Development in wetlands results in:

- increased erosion.
- degraded water quality from increased sedimentation.
- degraded water quality from loss of natural biofiltration resulting from loss of vegetation.
- elimination of critical habitat. Wetland habitat supports a particularly diverse and unique group of wildlife species. Habitat value is especially productive at the interface between water and land ecosystems. A number of species specifically require and are dependent upon wetland habitats for breeding, nesting, rearing of young and feeding.
- Loss of groundwater discharge and recharge functions.
- loss of detention capacity with resultant flooding impacts.
- loss of slow-release detention function resulting in loss of recharge to base flow of riparian systems during low flow periods and enhanced flooding during major storm events.
- loss of fishery resources from water quality degradation.
- structural damage from differential settlement on peat soils.
- excavation of peat - loss of prime agricultural soils and loss of a prime natural soil resource which is created at the maximum rate of .10 inch per year.
- hydrologic changes impacting ground and surface water base flows with unanticipated impacts to surrounding and downstream properties.
- property damage and increased maintenance resulting from continuous sinking, resulting in increased emergency service needs, continuous disruption of surrounding habitats as maintenance occurs, and loss of property value.
- increased costs of municipal services due to ongoing facility maintenance needs - e.g. broken sewer and utility lines due to ongoing and differential settlement in peaty soils.

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- displacement of peat and groundwater impacting surrounding vegetation and habitats.

- domestication of waterfowl and wildlife species resulting in decreased populations from degradation of breeding habitat and instincts.

C. Development in riparian corridors results in:

- piping of water flow which degrades water quality by eliminating natural vegetation, and thus biofiltration, and by eliminating aeration, thus reducing oxygen availability. Such degradation results in:

- loss of migratory routes for wildlife;

- loss of water resources for wildlife;

- increased potential for downstream flooding by creating constrictions where debris clogs and results in flooding; and

- creation of blockage of fish passage, thus reducing migratory fishery range and thus reducing fishery populations.

- crossing of streams by culverts, which:

- eliminates natural vegetation and associated biofiltration capacity of streams;

- creates constriction points where debris may clog during peak flows and increase flooding;

- increases the potential for wash outs during major storm events, thus creating emergency conditions;

- increases public costs due to increased need for emergency response and repair of damage and correction of conditions; or

- creates fish passage restrictions either from design deficiencies or due to debris clogs.

- construction within streams, which:

- degrades water quality and adversely impacts fisheries by increasing turbidity; and

- may result in flooding and excessive streambed scouring if a major storm event occurs during construction, thus

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resulting in property damage, risk to public health, safety and welfare and fishery resource degradation.

D. Development on steep slopes results in:

- increased erosion.
- sedimentation of surface water systems.
- water quality degradation from increased turbidity and loss of biofiltration from elimination of vegetation.
- risk to public health, safety and welfare because of increased risk of landslides and slumps during construction.
- risk to public health, safety and welfare from reliance upon engineering solutions which may fail during high stress periods or if not maintained properly.
- upland habitat loss which supports functions of lowland habitats (e.g. roosting and perching areas for birds of prey, etc).
- major public expenditures to repair facility damages and protect against future damages due to instability created or exacerbated by development.

The City Council therefore determines that regulation of development in floodplains, wetlands, riparian corridors and on steep slopes is necessary to protect the public health, safety and welfare.

Section 2. Bellevue City Code (Land Use Code) 20.10.440 - Uses in Land Use Districts - Charts and Notes is hereby repealed.

Section 3. Bellevue City Code (Land Use Code) 20.10 is amended by addition of a new Section 20.10.440 - Uses in Land Use Districts - Charts and Notes to read as follows:

NOTES: USES IN LAND USE USE DISTRICTS—RESIDENTIAL

1. A Single-Family Dwelling is permitted only as a subordinate use to a permitted or special use in OLB, LI, GC, CB and CBD-MU districts.
2. No more than 50% of the gross floor area of the structure shall be devoted to residential uses in O districts.
3. A Group Home or Detoxification Center may not be located within 1,000 feet in any direction of any other Group Home or Detoxification Center.
4. A Group Home Class I-A is permitted only as a subordinate use to a permitted or special use in A districts.
5. A Group Home Class II-A is permitted only as a subordinate use to a permitted or special use in A districts.

(Ord. 2945, 2-2-81, Section 5)

CL : 20.10.440
 USES IN LAND USE DISTRICTS

MANUFACTURING

STD LAND USE CODE REF	LAND USE CLASSIFICATION	LAND USE DISTRICTS																									
		G	A	OU	R-1	R-1B	R-25	R-35	R-4	R-5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB	CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
2&3	MANUFACTURING (1) (15)																										
21	FOOD PRODUCTS MFG.																	P	P 2	P 2	P 2						
22	TEXTILE PRODUCTS MFG.																	P									
23	APPAREL, FABRIC & LEATHER GOODS MFG.																	P	P 3		P 3						
24	LUMBER AND WOOD PRODUCTS MFG.																	P	P 4		P 4						
25	FURNITURE & FIXTURES MFG.																	P	P 5		P 5						
28	PAPER PRODUCTS MFG.																	P	P 6								
27	PRINTING, PUBLISHING AND ALLIED INDUSTRIES																	P	P		P 7		P 7	P 7	P 7		
	CHEMICALS & RELATED PRODUCTS MFG.																	P	P 8								
	RUBBER PRODUCTS MFG.																	C									
314	MISC. PLASTIC PRODUCTS MFG.																	P	P		P 9						
321 322 324 325 327	LIGHT STONE, CLAY, AND GLASS PRODUCTS MFG.: GLASS, POTTERY & CHINA CERAMIC PRODUCTS, STONE CUTTING AND ENGRAVING																	P									
329	HANDCRAFTED PRODUCTS MFG.																	P	P		P		P 16	P 16	P 16	P 16	P 16
3427	OFFICE MACHINES & EQUIPMENTS MFG.																	P									
3433 3434 3435 3436 3437	ELECTRICAL EQUIPMENT MFG.: APPLIANCES, LIGHTING, RADIO, TV COMMUNICATIONS, EQUIPMENT AND COMPONENT PARTS																	P	P 10		P 10						
3491 3492 3493 3495 3497	FABRICATED METAL PRODUCTS MFG. CONTAINERS, HAND TOOLS, HEATING EQUIPMENT, SCREW PRODUCTS, COATING AND PLATING																	P	P 11		P 11						
35	PROFESSIONAL, SCIENTIFIC, CONTROL PHOTOGRAPHIC & CLOCKWORK INSTRUMENTS & EQUIPMENT MFG.														P	P	P	P	P 12		P 12						
3997	SIGNS & ADVERTISING DISPLAY MFG.																	P	P 13								
3999	MISC. LIGHT FABRICATION ASSEMBLY & MFG. NOT ELSEWHERE CLASSIFIED																	P	P 14								

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.

(Ordinance 3530, 8-12-85, Section 7)

Key	
P	PERMITTED USE
⊖	CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)
⊕	ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)
⊙	CONDITIONAL USE (see Part 20.30D.)

NOTES: USES IN LAND USE DISTRICTS—MANUFACTURING

1. Manufacturing uses exclude primary metal industries such as foundaries, smelters, blast furnaces and rolling mills.
2. Food Products Mfg. is permitted only as a subordinate use to a permitted or special use in NB, GC and CB districts.
3. Apparel, Fabric and Leather Goods Mfg. is permitted only as a subordinate use to a permitted or special use in GC and CB districts.
4. Lumber and Wood Products Mfg. is permitted only as a subordinate use to a permitted or special use in LI, GC and CB districts.
5. Furniture and Fixtures Mfg. is permitted only as a subordinate use to a permitted or special use in GC and CB districts.
6. Paper Products Mfg. excludes paper and pulp manufacturing in LI districts.
7. Printing is permitted only as a subordinate use to a permitted or special use in CB, CBD-O-1, CBD-O-2 and CBD-MU districts.
8. Manufacture of flammable, dangerous or explosive materials is excluded in LI districts.
9. Misc. Plastic Products Mfg. is permitted only as a subordinate use to a permitted or special use in CB districts.
10. Electrical Equipment Mfg. is permitted only as a subordinate use to a permitted or special use in GC and CB districts.
11. Fabricated Metal Products Mfg. is permitted only as a subordinate use to a permitted or special use in GC and CB districts.
12. Professional, Scientific, Control, Photographic and Clockwork Instruments and Equipment Mfg. is permitted only as a subordinate use to a permitted or special use in GC and CB districts.
13. Signs and Advertising Display Mfg. is permitted only as a subordinate use to a permitted or special use in GC districts.
14. Misc. Light Fabrication Assembly and Mfg. not elsewhere classified is permitted only as a subordinate use to a permitted or special use in GC districts.
15. An office is permitted if accessory and subordinate to a manufacturing use.
16. Subordinate use to a permitted or special use in the CBD.

(Ord. 2945, 2-2-81, Section 5)

20.10.440

USES IN LAND USE DISTRICTS

TRANSPORTATION & UTILITIES

STD LAND USE CODE REF	LAND USE CLASSIFICATION	LAND USE DISTRICTS																			
		GENERAL	AGRICULTURE	OPEN USE	RESIDENTIAL ESTATE	SUBURBAN RESIDENTIAL	URBAN RESIDENTIAL	PROFESSIONAL OFFICE	OFFICE	OFFICE LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	CENTRAL BUSINESS DISTRICT	OFFICE DISTRICT 1	OFFICE DISTRICT 2	MIXED USE DISTRICT	RESIDENTIAL DISTRICT	OLD BELLEVUE DISTRICT	OFFICE AND LIMITED BUSINESS DISTRICT
4	TRANSPORTATION COMMUNICATION AND UTILITIES																				
41	RAIL TRANSPORTATION: RIGHT-OF-WAY, YARDS, TERMINALS, MAINTENANCE SHOPS	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
42 4291	MOTOR VEHICLE TRANSPORTATION: BUS TERMINALS, TAXI HEADQUARTERS																				
4214 422	MOTOR VEHICLE TRANSPORTATION: MAINTENANCE GARAGES & MOTOR FREIGHT SERVICES																				
43	AIRCRAFT TRANSPORTATION: AIRPORTS, FIELDS, TERMINALS, HELIPORTS, STORAGE & MAINTENANCE	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	ACCESSORY PARKING	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	AUTO PARKING: COMMERCIAL LOTS AND GARAGES 3																				
	PARK AND RIDE 7	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
47	COMMUNICATION: EXCHANGES, CENTERS AND STUDIOS																				
479	COMMUNICATION BROADCAST & RELAY TOWERS	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	HIGHWAY AND STREET RIGHT-OF-WAY	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Regional Utility Syst	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.

(Ordinance 3530, 8-12-85, Section 7)

Key	
P	- PERMITTED USE
C	- CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)
PD	- PERMITTED subject to planned unit development only. (see Part 20.30D.)
A	- ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)

NOTES: USES IN LAND USE DISTRICTS—TRANSPORTATION AND UTILITIES

1. Rail Transportation is limited to only Right-of-Way in OU districts.
2. Aircraft Transportation is limited to only Heliports in OU, CBD-O-1, CBD-O-2 and CBD-OLB districts.
3. Commercial lots and garages are those lots and garages which provide vehicular parking for the public generally for a fee and do not include lots and garages which provide the required parking for other uses.
4. Utilities: Local Storage, Distribution & Substations are limited to those utilities serving only the community surrounding them as part of the storage and distribution network. All other utilities are classified Utilities: Production, Generation, Disposal, Processing & Treatment Plants, Regional Storage, Distribution & Substations.
5. Permitted only as a subordinate use to a permitted or special use in CBD-O-1, CBD-O-2, CBD-MU and CBD-OLB districts.
6. The location of an off-site parking facility must be approved by the Director of Design and Development. See Section 20.25A.050H.

(Ord. 2945, 2-2-82, Section 5)

7. Park and Ride. A Park and Pool Lot or other carpool facility is regulated as a Park and Ride. A Park and Ride providing no more than 50 parking spaces, and utilizing the parking of an existing use shall be regulated as an accessory use under Section 20.20.000. Any other Park and Ride requires a conditional use permit.

(Ord. 3690, 8/12/86, Section 1)

Ch 20.10.440
 USES IN LAND USE DISTRICTS

WHOLESALE & RETAIL

STD LAND USE CODE REF	LAND USE CLASSIFICATION	RESIDENTIAL											COMMERCIAL														
		G	A	OU	R-1	R-10	R-25	R-35	R-4	R-5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB	CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
5	TRADE (WHOLESALE & RETAIL)																										
51	WHOLESALE TRADE: GENERAL MERCHANDISE, PRODUCTS, SUPPLIES MATERIALS & EQUIPMENT EXCEPT THE FOLLOWING 1																P	P									
5111 5156 5157 5151 5192	MOTOR VEHICLES, PRIMARY & STRUCTURAL METALS, BULK PETROLEUM 2																P	C									
5193	SCRAP WASTE MATERIALS, LIVESTOCK																										
	RECYCLING CENTERS			C	C	C	C	C	C	C	C	C	C				P	P	P	P		P	P	P	C	C	
521 522 523 524	BULK RETAIL: LUMBER BUILDING MATERIALS, PAINT, GLASS, PLUMBING & ELECTRICAL SUPPLIES																P	P		P							
5251	HARDWARE (RETAIL)																P	P	P	P		P	P	P	P	P	P
	FARM EQUIPMENT, MOBILE HOMES AND RECREATIONAL VEHICLES (RETAIL)																P								P	P	P
53	GENERAL MERCHANDISE: DRY GOODS VARIETY & DEPT. STORES (RETAIL)																			P		P	P	P	P	P	P
54	FOOD (RETAIL)																	P	P	P		P	P	P	P	P	P
5511	AUTOS (RETAIL)																	P		C		P	P	P			
	TRUCKS, MOTORCYCLES																P	P				P	P	P			
	BOATS (RETAIL)			C													P	P				P	P	P			
552	AUTOMOTIVE & MARINE ACCESSORIES (RETAIL)			C													P	P		C				P			
553	GASOLINE SERVICE STATIONS			C																		A	A	P			A
56	APPAREL & ACCESSORIES (RETAIL)															P				P		P	P	P	P	P	P
57	FURNITURE & HOME FURNISHING (RETAIL)																P	P		P		P	P	P	P	P	P
58	EATING AND DRINKING ESTABLISHMENTS			C												P	P	P	C	P		P	P	P	P	P	P
59	OTHER RETAIL TRADE: DRUGS, LIQUOR, ANTIQUES, BOOKS, SPORTING GOODS, JEWELRY, FLORIST & PHOTO SUPPLIES															P	P		P	P		P	P	P	P	P	P
5961	FARM SUPPLIES: HAY, GRAIN, FEED AND FENCING, ETC. (RETAIL)																P	P									
598	RETAIL FUEL YARDS																P	P									
5998	GARDEN SUPPLIES: SMALL TREES, SHRUBS, FLOWERS & LIGHT SUPPLIES AND TOOLS			C													P	P		P			P				
	PET SHOP (RETAIL & GROOMING)																			P		P	P	P	P	P	P

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.

NOTES: USES IN LAND USE DISTRICTS—WHOLESALE AND RETAIL

1. Wholesale Trade includes sales offices for these goods.
 2. Motor Vehicles, Primary & Structural Metals, Bulk Petroleum includes sales offices for these goods and excludes tank farms.
 3. Motor Vehicles, Primary & Structural Metals, Bulk Petroleum excludes the retail sale of autos in LI districts.
 4. Bulk Retail includes sales offices for these goods.
 5. Hardware (Retail) is permitted only as a subordinate use to a permitted or special use in LI districts.
 6. Hardware (Retail) is limited to a maximum 10,000 square feet of gross floor area in NB districts.
 7. Food (Retail) is limited to a maximum 18,000 square feet of gross floor area in NB districts.
 8. Trucks, Motorcycles excludes motorcycles in LI districts.
 9. Boats (Retail) are permitted subject to Planned Unit Development and only as a subordinate use in waterfront areas of the OU district.
 10. Automotive & Marine Accessories (Retail) are permitted only as a subordinate use to a permitted or special use and only if it is marine-related in OU districts.
 11. Automotive and marine Accessories (Retail) is permitted only as a subordinate use to a permitted or special use in LI districts, except that tire sales is a permitted use in LI Districts.
 12. Gasoline Service Stations are permitted only as a subordinate use to a permitted or special use and only if it is marine-related in OU districts.
 13. Apparel & Accessories (Retail) are permitted only as a subordinate use to a permitted or special use in OLB districts.
 14. Furniture and Home Furnishings are limited to uses related to self-hauling of furniture with on-site warehousing in LI districts.
 15. Eating and Drinking establishments are permitted subject to a Planned Unit Development and only as subordinate uses in OU districts.
 16. Eating and Drinking establishments are excluded in Transition Areas in O districts.
 17. Eating and Drinking establishments are permitted in OLB and CBD-OLB districts subject to the following criteria:
 - a. Such uses are integrated within a structure primarily used as a hotel or motel, office building, charitable, social, professional and labor organization, fraternal lodge, recreational facility or institution such as a hospital or public assembly (indoor).
 - b. Such uses do not exceed 20% of the gross floor area of the structure or structures.
 - c. The entire site complex has a unity of design in terms of wall and roof materials, roof slopes and window patterns.
 18. Along those arterials designated by Section 20.20.020 as requiring a 70' setback from the centerline, Eating and Drinking establishments are permitted in LI districts only if located in a multiple use building.
 19. Eating and Drinking establishments may include liquor sales only if operated under a Class A or C liquor license issued by the Washington State Liquor Control Board, and only if such sales are approved as a part of the conditional use. Existing approved conditional uses may not engage in such liquor sales without first obtaining an amendment to such conditional use through the conditional use process.
 20. Other Retail Trade is limited to drugstores only in O districts.
 21. Other Retail Trade is permitted only as a subordinate use to a permitted or special use in OLB districts.
 22. Other Retail Trade is limited to drugstores only in NB districts and said drugstores may contain a maximum of 8,000 square feet of gross floor area.
 23. Garden Supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment in CB and CBD-MU districts.
 24. Limited to a maximum of 1,500 gross square feet per establishment.
 25. Limited to a maximum of 3,000 gross square feet per establishment.
 26. Nonresidential uses are permitted in CBD-R only when developed in a building which contains residential uses.
 27. Display and sales only; no onsite outdoor display or inventory storage.
 28. Motorcycles only.
 29. Permitted only as a subordinate use in CBD-O-1, CBD-O-2 and CBD-OLB districts.
 30. No fast food restaurants permitted.
 31. Drive-in windows are not permitted.
 32. No more than one eating and drinking establishment is permitted in any building.
- Ord. 2966, 1-18-82, Section 2)

Key	
P	- PERMITTED USE
C	- CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)
PD	- PERMITTED subject to planned unit development only. (see Part 20.30D.)
A	- ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)

USES IN LAND USE DISTRICTS

SERVICES

STANDARD LAND USE CODE REF	LAND USE CLASSIFICATION	RESIDENTIAL													COMMERCIAL															
		GENERAL	AGRICULTURE	OPEN USE	RESIDENTIAL ESTATE			SUBURBAN RESIDENTIAL			URBAN RESIDENTIAL			PROFESSIONAL OFFICE	OFFICE	OFFICE/LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD COMMERCIAL	COMMUNITY BUSINESS	CENTRAL BUSINESS DISTRICT	OFFICE DISTRICT 1	OFFICE DISTRICT 2	MIXED USE DISTRICT	RESIDENTIAL DISTRICT	OLD BELLEVUE DISTRICT	OFFICE AND LIMITED BUSINESS DISTRICT			
		G	A	OU	R-1	R-18	R-25	R-35	R-4	R-5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB		CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB		
6	SERVICES																													
61	FINANCE, INSURANCE, REAL ESTATE SERVICES															P	P	P ₁	P		P			P ₁₈	P ₁₈	P	P ₁₆	P ₁₇	P	P
62	PERSONAL SERVICES: LAUNDRY, DRY CLEANING, BARBER & BEAUTY PHOTOGRAPHY STUDIO AND SHOE REPAIR																P ₂	P ₃	P	P	P			P	P	P	P ₁₆	P ₁₇	P	P ₂
6241	FUNERAL & CREMATORY SERVICES															C	C	C												
6242	CEMETERIES	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C									
	CHILD CARE SERVICES Number of Children																													
	1 to 6 4.5			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
	7 to 12 4.5			A	A	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
	13 or more 4.5										C	C	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
629	DAY CARE CENTERS 4★			C	C	C	C	C	C	C	C	C	P	P	P	P	P	P ₅	P ₅	P	P		P	P	P	P	P	P	P	P
63	BUSINESS SERVICES, DUPLICATING & BLUEPRINTING, STENO, ADVERTISING (EXCEPT OUTDOOR) & EMPLOYMENT														P	P	P	P ₆	P		P		P	P	P	P	P ₁₆	P ₁₇	P	P
634	BUILDING MAINTENANCE																	P	P		P									
	WAREHOUSING & STORAGE SERVICES, EXCLUDING STOCKYARDS																	P	P		P ₇									
	RENTAL SERVICES: CARS, TRUCKS, TRAILERS, FURNITURE & TOOLS																P ₈	P ₉	P		P ₁₀			P						P ₈
641	AUTO REPAIR & WASHING SERVICES																	P	P		P					P ₁₁				
649	REPAIR SERVICES: WATCH, T.V., ELECTRICAL, UPHOLSTERY																	P ₁₂	P		P		P	P	P			P ₁₆		
	PROFESSIONAL SERVICES: MEDICAL CLINICS AND OTHER HEALTH CARE RELATED SERVICES			C											P	P	P	P ₂₁	P ₂₁		P		P	P	P	P ₁₆	P ₁₇	P	P ₁₆	
	PROFESSIONAL SERVICES: OTHER			C											P	P	P	P ₁₃	P ₁₃		P		P	P	P	P ₁₆	P ₁₇	P	P ₁₆	
6513	HOSPITALS														C	C	C	C	C		C					C	C			
6516	CONVALESCENT AND NURSING HOMES			C								P	P	P			C				P				P	P	P			
66	CONTRACT CONSTRUCTION SERVICES: BUILDING CONSTRUCTION, PLUMBING, PAVING & LANDSCAPE																	P	P											
671	GOVERNMENTAL SERVICES: EXECUTIVE, LEGISLATIVE & JUDICIAL FUNCTIONS			C					C ₂₂						C	C	C				C		P	P	P	P ₁₆	P ₁₇	P	P ₁₆	A
672 673	GOVERNMENTAL SERVICES: PROTECTIVE FUNCTIONS & RELATED ACTIVITIES EXCLUDING MAINTENANCE SHOPS	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C ₁₄	C ₁₄	C	C					P	C	C	A	
674 675	MILITARY & CORRECTIONAL INSTITUTIONS	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C									
681	EDUCATION: NURSERY PRIMARY, AND SECONDARY★	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		A	A	A	C	C	A		
682	UNIVERSITIES & COLLEGES	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		P	P	P					
683	SPECIAL SCHOOLS: VOCATIONAL, TRADE BUSINESS, ART, MUSIC, DANCE, DRIVING, BARBER AND BEAUTY SCHOOLS															P	P	P	P ₁₅	P		P				P	P ₁₆	P ₁₇	P	P
	RELIGIOUS ACTIVITIES				C	C	C	C	C	C	C	C	C	C	P	P	P		P		P		P	P	P	C	C	P		
(A)	PROFESSIONAL & LABOR ORGANIZATIONS FRATERNAL LODGE			C											C	C	P		P		P		P	P	P	C	C	P		
392 (B)	CHARITABLE & SOCIAL SERVICE ORGANIZATIONS			C	C	C	C	C	C	C	C	C	C	C	C	C	P		P		P		P	P	P	C	C	P		
	OFFICE—GENERAL																	P	P				P	P	P	P ₁₆	P ₁₇	P	P ₁₆	P

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.

★ Existing for Community Councils Only

NOTES: USES IN LAND USE DISTRICTS—SERVICES

1. Finance, Insurance, Real Estate Services are permitted only if commercially or industrially related in LI districts.
2. Personal Services are permitted only as subordinate uses to a permitted or special use in OLB and CBD-OLB districts.
3. Along those arterials designated by Section 20.20.020 as requiring a 70' setback from the centerline, Personal Services are permitted in LI districts only if located in a multiple use building.
- * 4. For day care in private residences, see Home Occupation Section 20.20.430.
- * Effective only within the jurisdiction of the East Bellevue and Sammamish Community Councils.
- ** 4. Refers to number of children on premise at any one time.
- ** Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils.
- * 5. Day Care Center is permitted as a subordinate use to permitted or special use in LI and GC districts.
- * Effective only within the jurisdiction of the East Bellevue and Sammamish Community Councils.
- ** 5. A child care service may be located in a community facility in any Land Use District pursuant to Paragraph 20.20.170.F.
- ** Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils.
6. Along those arterials designated by Section 20.20.020 as requiring a 70' setback from the centerline, Business Services are permitted in LI districts only if located in a multiple use building.
7. Warehousing & Storage Services, Excluding Stockyards are permitted as subordinate uses to a permitted or special use in CB districts.
8. Rental Services are permitted only as subordinate uses to a permitted or special use in OLB and CBD-OLB districts.
9. Rental Services are limited to only trucks in LI districts.
10. Rental Services are limited to only autos and furniture in CB districts.
11. Auto repair and Washing Services are permitted only if washing services are a subordinate use to a permitted or special use in CBD-MU districts.
12. Repair Services include only upholstery in LI Districts. Other repair services are permitted in LI districts only if no portion of the use is visible from a street from the centerline of which Section 20.20.020 requires a 70 foot setback, a sign for the use is located at least 100 feet from the right-of-way of such a street and if principal access to the use is not from such a street.
13. Along those arterials designated by Section 20.20.020 as requiring a 70' setback from the centerline Professional services are permitted in LI and GC districts only if located in a multiple use building.
14. Governmental Services include maintenance shops in LI and GC districts.
15. Only vocational and trade schools are permitted Special School uses in LI districts. All other Special Schools are Conditional Uses.
16. Limited to a maximum of 1,500 gross square feet per establishment.
17. Nonresidential uses are permitted in CBD-R only if developed in a building which contains residential uses.
18. Drive-in facilities may be permitted through Design Review Part 20.30F. at any location in the CBD-O-2 District, or within 200 feet of N.E. 4th Street or N.E. 8th Street in the CBD-O-1 District; but only if all the following criteria are met:
 - a. On site capacity for vehicle stacking of 10 spaces for one drive-up station and 20 spaces for two or more drive-up stations must be provided.
 - b. The design of the vehicular access is compatible with high volume pedestrian walkways and parking access. The vehicular access will not disrupt established retail or service frontages designed to serve pedestrians, nor can the vehicular access lanes be located between the street and the main pedestrian access to the buildings.
 - c. The vehicle stacking lanes must be contained within a structured parking area, or be otherwise screened.
 - d. Landscaping or screening must be provided to mitigate any adverse effects on nearby property. Perimeter walkways and sidewalks must conform to the requirements of Section 20.25A.060.
 - e. Walk up banking service, whether manned or electronically activated customer service stations, must be provided on site during regular daytime business hours for pedestrian business when there is no interior banking service. (Ord. 3530, 8-12-85, Section 8)
19.
 - a. These uses are permitted only in Bellevue School District schools, whether under control of the School District or the City.
 - b. In the review of the proposed use or uses under the conditional use permit application (Part 20.30B), the following criteria shall be considered:
 - i. Consistency of the proposal with the goals and policies of the Comprehensive Plan.
 - ii. Extent to which the physical environment will be modified by the proposal.
 - iii. Ability to provide on-site parking facilities to accommodate intended uses under the proposal.
 - iv. Extent of additional demand on public utilities and public services resulting from the proposal.
 - v. Noise impacts of the proposal.
 - vi. Traffic volumes and street classifications in the area of the proposal.
 - vii. Compatibility of the proposal with surrounding land uses.
 - viii. Impact of the proposal on the visual and aesthetic character of the neighborhood.

In addition, the proposed use or uses shall not be more intensive than if the school were being used as a school.

 - c. A master conditional use permit listing a range of permissible uses from those permitted in the land use district as listed in Section 20.10.440 can be obtained for the entire school by using the conditional use process (Part 20.30B or Part 20.30C). Uses listed in the permit shall be permitted outright and uses not listed but permitted as conditional uses shall obtain a conditional use permit. (Ord. 3530, 8-12-85, Section 9)
20. Along those arterials designated by Section 20.20.020 as requiring a 70' setback from the centerline, office-general is permitted in LI and GC districts only if located in a multiple use building.
21. Only emergency medical clinics intended to serve industrial and commercial uses permitted in the District are permitted.
22. Permitted in inactive elementary school facilities. The following criteria shall be considered:
 - a. Criteria b.i-viii, Note 19—Uses in Land Use Districts—Services.
 - b. Hours of operation.
 - c. Proposed signing.

(Ord. 3095, 5-24-82, Section 2)

Key	
P	PERMITTED USE
C	CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)
PD	PERMITTED subject to planned unit development only. (see Part 20.30D.)
A	ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)

C) 20.10.440
 USE IN LAND USE DISTRICTS

RECREATION

STD LAND USE CODE REF	LAND USE CLASSIFICATION	RESIDENTIAL													COMMERCIAL/INDUSTRIAL/OFFICE													
		G	A	OU	R-1	R-18	R-25	R-35	R-4	R-5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB		CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
7	CULTURAL, ENTERTAINMENT AND RECREATION																											
711	LIBRARY, MUSEUM			C			C ₁	P	P	P				P	P	P	P	A	A	P								
7113	ART GALLERY			C			C	C	C	C	C	C	C	C	P	P	P				P	P	P	P	P ₄	P ₄	P	
712	NATURE EXHIBITIONS: AQUARIUMS, BOTANICAL GARDENS AND ZOOS	C	C	C											C	C	C	C	C		C	P ₆	P ₆	P ₆				
7212 7214 7222 7231 7232	PUBLIC ASSEMBLY (INDOOR); MOTION PICTURE & LEGITIMATE THEATERS, SPORTS, ARENAS, AUDITORIUMS & EXHIBITION HALLS BUT EXCLUDING SCHOOL FACILITIES																P				P	P	P	P	A		P	
7213	DRIVE-IN THEATERS																C	C			C							
7223 73	PUBLIC ASSEMBLY (OUTDOOR) & COMMERCIAL AMUSEMENTS: FAIR-GROUNDS & AMUSEMENT PARKS, PENNY ARCADES, MINIATURE GOLF, GOLF DRIVING RANGES, GO-CART TRACKS																	C			C							
7423 7424 7441 7449	RECREATION ACTIVITIES: GOLF COURSES TENNIS COURTS, COMMUNITY CLUBS, ATHLETIC FIELDS, PLAY FIELDS, RECREATION CENTERS, SWIMMING BEACHES AND POOLS (2)	C		C	C	C	C	C	C	C	C	P	P	P	C	C	C		C	C	C					P	A	A
744	MARINAS, YACHT CLUBS	C		C	C	C	C	C	C	C	C	C	C	C														
7414 7415 7417 7425 7413	RECREATION ACTIVITIES: SKATING BOWLING, GYMNASIUMS & ATHLETIC CLUBS, HEALTH CLUBS															C ₃	C	P ₃	P ₃		P	A	A	P				A
7491 7515	CAMPING SITES & HUNTING CLUBS	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C								
78	PRIVATE LEISURE & OPEN SPACE: AREAS EXCLUDING RECREATION ACTIVITIES ABOVE	C	C	P	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Public/Private Park	C	C	P	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	STABLES & RIDING ACADEMIES	C	C	C	C																							
	BOARDING OR COMMERCIAL KENNELS	C	C	C	C																							

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.

(Ordinance 3530, 8-12-85, Section 7)

Key

- P - PERMITTED USE
- C - CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)
- PD - PERMITTED subject to planned unit development only. (see Part 20.30D.)
- A - ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)

NOTES: USES IN LAND USE DISTRICTS—RECREATION

1. Cultural Activities include only branch libraries in R-2.5, R-3.5, R-4, R-5, R-10, R-15, R-20 and R-30 districts.
2. For Carnivals, see 20.20.160.
3. Recreation Activities do not include athletic clubs in O, LI and GC districts.
4. Limited to a maximum of 2,000 gross square feet per establishment.
5. Nonresidential uses are permitted in CBD-R only when developed in a building which contains residential uses.
6. Excludes zoos.

(Ord. 2945, 2-2-81, Section 5)

Ch 20.10.440
 USES IN LAND USE DISTRICTS

RESOURCES

STD LAND USE CODE REF	LAND USE CLASSIFICATION	RESOURCES																											
		GENERAL	AGRICULTURE	OPEN USE	RESIDENTIAL ESTATE				SUBURBAN RESIDENTIAL				URBAN RESIDENTIAL				PROFESSIONAL OFFICE	OFFICE	OFFICE/LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	CENTRAL BUSINESS DISTRICT	OFFICE DISTRICT 1	OFFICE DISTRICT 2	MIXED USE DISTRICT	RESIDENTIAL DISTRICT	OLD BELLEVUE DISTRICT
		G	A	OU	R-1	R-18	R-25	R-35	R-4	R-5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB		CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB	
8	RESOURCE PRODUCTION (MINERALS, PLANTS, ANIMALS INCLUDING PETS & RELATED SERVICES)																												
81	AGRICULTURE, PRODUCTION OF FOOD & FIBER CROPS, DAIRIES, LIVESTOCK & FOWL, EXCLUDING HOGS	P	P	P	P	P	P ₁	P ₁	P ₁	P ₁	P ₁	P ₁	P ₁	P ₁	P ₁	P ₁	P ₁	P ₁	P ₁	P ₁	P ₁	P ₁							
8192	HORTICULTURAL NURSERIES, TREES SHRUBS, GROUND COVER, FLOWERS AND RELATED SUPPLIES	P	P	P															C	P		P							
821	AGRICULTURAL PROCESSING	C	C																P ₂										
8221	VETERINARY OFFICE			P											P	P			P	P	P					P			
8222	ANIMAL HOSPITALS & POULTRY HATCHERIES			C															P	P									
83	FORESTRY: TREE FARMS & TIMBER PRODUCTION	P	P	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
	FISH HATCHERIES			C	C														P										
	MINING, QUARRYING (INCLUDING SAND AND GRAVEL) OIL & GAS EXTRACTION	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.

(Ordinance 3530, 8-12-85, Section 7)

Key

P - PERMITTED USE

C - CONDITIONAL USE (see Part 20.30B. or Part 20.30C.)

PD - PERMITTED subject to planned unit development only. (see Part 20.30D.)

A - ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E.)

NOTES: USES IN LAND USE DISTRICTS—RESOURCES

1. In the R-2.5, R-3.5, R-4, R-5, R-10, R-15, R-20, R-30, OU, NB, PO, O, OLB, LI, GC and CB districts agriculture is limited to the production of food and fiber crops.
 2. Agricultural processing excludes grain mill products manufacturing and slaughtering in LI districts.
- (Ord. 2945, 2-2-81, Section 5)

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Section 4. 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 Parts of the Code as follows:

- A. Part 20.25B - Transition Areas,
- B. Part 20.25C - OLB Districts,
- C. Part 20.25D - PO Districts,
- D. Part 20.25E - Shoreline Overlay District
- E. Part 20.25F - Evergreen Highlands Design District.
- F. Part 20.25G - Evergreen Highlands Subarea Transportation Improvement Overlay District.
- G. Part 20.25H - Sensitive Area Overlay District.

Section 5. Bellevue City Code (Land Use Code) 20.20.010 - Uses in Land Use Districts - Dimensional Requirements - Chart and Notes is hereby repealed.

Section 6. Bellevue City Code (Land Use Code) 20.20 is amended by the addition of a new Section 20.20.010 - Uses in Land Use Districts - Dimensional Requirements - Chart and Notes to read as follows:

SE. ON 20.20.010

USES IN LAND USE DISTRICTS DIMENSIONAL REQUIREMENTS

LAND USE CLASSIFICATION	RESIDENTIAL														COMMERCIAL					BUSINESS						
	G	OU	R-1	R-18	R-2.5	R-3.5	R-4	R-5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB		CBD C-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
DIMENSIONS																					(8)	(8)	(8)	(8)	(8)	(8)
MINIMUM SETBACKS OF STRUCTURES (IN FEET)																										
FRONT YARD (21)(1)(19)	35	35 (12)	35	30	20	20	20	20	20	20	20	20	30	30	50	15	15	30	15							
REAR YARD (18) (21)(1)(19)	25	25 (12)	25	25	25	25	20	20	25	25	25	25	25	25	50	(3)	(3)	30	(3)							
SIDE YARD (18) (21)(1)(19)	10	10 (12)	5	5	5	5	5	5	5	5	5	5	20	20	30	(3)	(3)	30	(3)							
2 SIDE YARDS (TOTAL) (1) (21)	20	20 (12)	20	15	15	15	15	15	15	15	15	15	40	40	60	(3)	(3)	60	(3)							
MINIMUM LOT AREA ACRES (A) OR THOUSANDS OF SQ. FT.(4)	1A	7.2	35	20	13.5	10	8.5	7.2	8.5	8.5	8.5	8.5			2A											
DWELLING UNITS PER ACRE (16)		5	1	1.8	2.5	3.5	4	5	10	15	20	30														
MINIMUM DIMENSIONS (IN FEET)																										
WIDTH OF STREET FRONTAGE	30	30	30	30	30	30	30	30	30	30	30	30			200											
WIDTH REQUIRED IN LOT (5)	150	60	100	90	80	70	65	60	70	70	70	70			200											
DEPTH REQUIRED IN LOT (5)	150	80	150	80	80	80	80	80	80	80	80	80														
MAXIMUM BUILDING HEIGHT (FEET) (11)	30	30	30	30	30	30	30	30	30	30	30	40	20	30	45 (7)	45 (9)	30	20	45							
MAXIMUM LOT COVERAGE BY STRUCTURES (PERCENT) (15) (14)	35	35	35	35	35	35	35	40	35	35	35	35	35	35	35	50		35								

Ordinance 3219, 1-17-83, Section 5

NOTE: Dimensional Requirements for Central Business District are found in Part 20.25A
 Dimensional Requirements for Evergreen Highlands Design District (EH-A, EH-B, EH-C, EH-D) are found in Part 20.25F

NOTES: Uses in Land Use Districts—Dimensional Requirements

- (1) These setbacks control except where street classification in Section 20.20.020 indicates a greater setback.
- (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 feet 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 obtaining a Conditional Use Permit, (Part 20.30B. or Part 20.30C). (Ord. 3530, 8-12-85, Section 10).
- (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.
 - * Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils.
- * (10) The maximum building height may be exceeded upon approval of the Director of Design and Development. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Part 20.30E. Before granting any such approval, the Director of Design and Development 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. (Ord. 3530, 8-12-85, Section 11).
 - * Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in LI Districts shall remain 30 feet.
- * (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.
 - * Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in LI Districts shall remain 30 feet.
- (12) See 20.25H.090 for additional Sensitive Area setbacks.
- (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) Lot coverage is calculated after subtracting all Protected Areas defined by Section 20.25H.070 and all areas of slope equal to or exceeding 40%.
- (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 20.30D.
- (18) If the setback abuts a street right-of-way, access easement or private road, the minimum dimension is 10 feet unless a greater dimension is specified. (Ord. 3498, 5-28-85, Section 2).
- (19) See 20.20.030 for designation and measurement of setbacks.

*(20) Notwithstanding any other provision of this Code, except Part 20.25B or Section 20.20.900-910, as applicable, the allowable building height of an office building may be increased by one story, not to exceed 15 feet if the ground floor of that building is devoted to parking for that building.

*Effective only within Community Council jurisdiction.

(21) See Section 20.25H.090 for additional Sensitive Area Setbacks.

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Section 7. Bellevue City Code (Land Use Code) 20.20.012 is amended to read as follows:

20.20.012 Minimum Lot Area

- A. All of the following are deleted from the gross square footage of a lot for the purpose of determining minimum lot area pursuant to Section 20.20.010:
 1. Public right-of-way, and
 2. Private roads.
- B. The area of an easement, including an access easement, is not subtracted from the gross square footage of a lot.

Section 8. Bellevue City Code (Land Use Code) 20.20.025 is amended to read as follows:

20.20.025 Intrusions into Required Setbacks

- A. Signs, Marquees and Awnings: See Sign Code, Chapter 22B.10.
- B. Garages/Carports on Slopes:
 1. If the topography of a lot is such that the front building line is 8' or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling level, a garage/carport may be built into the bank and set at least 5' back from the front property line.
 2. If the topography of a lot is such that the land drops down steeply from the street level and there is no reasonable way to construct a driveway with a slope less than 15% down to the dwelling level, a garage/carport may be built in the front yard setback (20.20.010) or in the slope setback (20.25H.090.B.4) subject to approval by the Director of Design and Development. The garage/carport must be set at least 5' back from the front lot line, and may not exceed 15' above street level measured to the peak of a pitched roof or 9' above street level measured to the top of a flat roof. The garage/carport and its vehicular access must be located and oriented to minimize disturbance of the slope.

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3. A garage/carport must comply with the street intersection sight obstruction requirements of Section 20.20.830.
4. A garage/carport on property subject to Part 20.25H must comply with the disturbance limits, location, design and construction type requirements of Paragraph 20.25H.110.D.

C. Minor Structural Elements:

Subject to Paragraph 20.20.025.C.3, 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:

1. 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.
2. Any portion of a minor structural element which is less than 30" above finished grade at its location may extend to any lot line.
3. A minor structural element may extend into a setback required by Section 20.25H.090 only if it is above the ground level and if vegetation will be maintained in a healthy condition. Solar access to vegetation must be maintained at least 50% of daylight hours during the normal growing season.

For purposes of Paragraph C, heat pumps, retaining walls at least 30" in height and rockeries at least 30" in height are not minor structural elements.

- D. Underground Buildings: Underground buildings, not higher than 3 feet above finished grade, with their roofs in gardens, lawn or landscaping may intrude into the required setback provided, however, those buildings must comply with the setback required by Section 20.25H.090.

Section 9. Bellevue City Code (Land Use Code) 20.20.030 is amended by the addition of a new Paragraph 20.20.030.E which reads as follows:

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- E. The setback requirements of Section 20.20.020 and Section 20.25H.090 are in addition to the setback requirements of Section 20.20.010 and Section 20.25A.020. The greater setback dimension is required.

Section 10. Bellevue City Code (Land Use Code) 20.20 is amended by the addition of a new Section 20.20.022 which reads as follows:

20.20.022 Setbacks: Exception for Sidewalk and Street Improvements.

Improvements such as but not limited to rockeries and retaining walls which are required by the City as part of street frontage improvements and which are located on a public easement may be constructed in the setback if no feasible alternative exists.

Section 11. Bellevue City Code (Land Use Code) 20.20.125 is amended to read as follows:

20.20.125 Accessory Structures in Residential Districts

Detached accessory buildings, if within the required setback area, in residential districts shall not exceed one story in height (not to exceed fifteen feet), and shall not occupy more than fifty per cent of the area of a required rear or side setback. Accessory buildings shall comply with the front and side 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. However, no accessory structure may be within 10' of a street right of way, access easement or private road or within a setback required by Section 20.25H.090 except as otherwise provided by Paragraph 20.20.025.B.

Section 12. Bellevue City Code (Land Use Code) 20.20.520.F 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 and F.6 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 SUBJECT PROPERTY IS LOCATED ³	STREET FRONTAGE (Type and Minimum Depth)	INTERIOR PROPERTY LINES (Type and 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, 15'
LI, GC, CB	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 , R-10, 15, 20 or 30, then Type I, 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-3.5, 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.

2. Planting Requirements for Specific Uses:
Notwithstanding the provisions of Paragraph F.1 of this Section, the uses listed in this Paragraph require specific landscaping as follows:

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- a. Subject to Paragraph F.6, the following uses require 15' of Type I landscaping on all sides when located above ground and not housed within a building or accessory to another use; and if located outside of a public right-of-way:
- i. Utility sub-station.
 - ii. Sewage pumping station.
 - iii. Water distribution facility.
 - iv. Communication relay station.

Alternative landscaping may be approved by the Director of Design and Development if the requirements of Paragraph J of this Section are met, and if visibility is essential to safety, security, or maintenance access.

- b. Subject to Paragraph F.6, the following uses require 10' of Type II landscaping along the street frontage, and 10' of Type III landscaping along interior property lines unless a more stringent requirement is specified in Paragraph F.1 of this Section:

- i. Church,
- ii. Commercial or public parking lot not serving a primary use,
- iii. Mobile home park,
- iv. Government service building,
- v. Community club,
- vi. School,
- vii. Charitable or fraternal organization,
- viii. Hospital.

Alternative landscaping may be approved by the Director of Design and Development if the requirements of Paragraph J of this Section are met.

- c. Subject to Paragraph F.6, equipment and vehicle storage yards require 15' of Type I landscaping on all sides if in a Transition Area, or visible from a public right-of-way. Alternative landscaping may be approved by the Director of Design and Development if the requirements of Paragraph J of this Section are met.

3. Parking Area Landscaping: Parking areas require landscaping as follows in addition to any site

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perimeter landscaping required by Paragraph F.1, F.2 or F.6 of this Section:

- a. Type V landscaping is required within a parking area.
 - b. A curb or other physical separation is required around each landscape area to separate that area from the parking and circulation area.
4. Landscape features such as decorative paving, sculptures, or fountains are permitted in the required site perimeter landscaping area unless such area is provided pursuant to Paragraph F.6. The area devoted to such a feature may not exceed 25% of the required area.
 5. All plantings and fences required by this Section are subject to the street intersection sight obstruction requirements, Section 20.20.830. All plant materials must be pruned as necessary to comply with Section 20.20.830.
 6. Existing Vegetation in Lieu of Landscape Development: If the proposal is located within the Sensitive Area Overlay District, the Director of Design and Development shall waive the planting requirements of Paragraphs F.1-2 of this Section and shall permit the use of vegetation that exists within a Sensitive Area or within a Sensitive Area Setback required by Section 20.25H.090 in lieu of landscape development if the width of that vegetated area equals at least twice the dimension required by Paragraph 20.20.520.F.1 or F.2. Supplemental landscaping may be added adjacent to a setback to create the necessary width.
 7. The Director will allow the planting requirements of Paragraphs F.1-2 of this Section within a Sensitive Area Setback required by Section 20.25H.090 if erosion control measures and water quality standards described in Paragraphs 20.25H.110.A.9.a and .b are met.

Section 13. Bellevue City Code (Land Use Code) 20.20.520.H is amended to read as follows:

H. Limitation of Landscaping Requirements:

1. The total Buildable Area of the subject property which is required to be landscaped is limited as follows:

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The location of this landscaping within the Buildable Area must meet the purpose and intent of Paragraphs A, F.1 and G of this Section.

- a. Twenty percent of the Buildable Area in a NB, PO, O or OLB Land Use District.
- b. Fifteen percent of the Buildable Area in an LI, GC or CB Land Use District.

These percentages shall be increased by 5% if the Buildable Area is located within a Transition Area.

Section 14. Bellevue City Code (Land Use Code) 20.20.520.I is amended to read as follows:

1. Species Choice:

The applicant shall utilize plant materials which complement the natural character of the Pacific Northwest; provided, however, that if the subject property includes a Sensitive Area subject to Part 20.25H., the applicant shall utilize plant species as specified by the Director of Design and Development and the Director of the Storm and Surface Water Utility which enhance that Sensitive Area.

Section 15. Bellevue City Code (Land Use Code) 20.20.520.J.1 is amended to read as follows:

J. Alternative Landscaping Option:

1. The applicant may request a modification of the landscaping requirements set forth in Paragraphs E through I of this Section; provided, however, that --
 - a. Modification of the provisions of Paragraph F.6 may not allow disturbance of a Protected Area, and
 - b. Street frontage landscaping is maintained.

Section 16. Bellevue City Code (Land Use Code) 20.20.525.B.3 is amended to read as follows:

3. Mechanical equipment located at or below grade and visually screened may be placed within a required rear

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or side setback area unless that setback directly abuts a residential Land Use District or unless that setback is within a Protected Area designated by Section 20.25H.070 or is a Protected Area setback required by Section 20.25H.090.

Section 17. Bellevue City Code (Land Use Code) 20.20.560 D is amended to read as follows:

D. Expansion of a Non-Conforming Building.

The Director of Design and Development may approve an enlargement or reconstruction of an existing non-conforming building if that enlargement or reconstruction conforms to the Land Use Code and the Uniform Building Code; except that the Director of Design and Development may approve any enlargement or reconstruction of any building in any district provided that the setbacks conform to the existing building setbacks and the area affected by the enlargement or reconstruction is not a Protected Area designated by Section 20.25H.070 or a Protected Area setback required by Section 20.25H.090. In all other cases the applicant may seek approval for the expansion of a non-conforming building through a variance provided; however, that a variance to a Protected Area setback is not permitted. (See Part 20.30G, Variance to the Land Use Code or Part 20.30H, Variance to the Shoreline Master program).

Section 18. Bellevue City Code (Land Use Code) 20.25 and Chapter Contents - Special and Overlay Districts are amended by the addition of a new Part 20.25H as follows:

- 20.25H Sensitive Area Overlay District
 - .010 Scope
 - .020 Applicability
 - .030 Purpose
 - .040 Applicable Procedure
 - .050 Who May Apply
 - .060 Submittal Requirements

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- .070 Designation of Protected Area
- .080 Uses in Land Use Districts
- .085 Provisions for Existing Development
- .090 Dimensional Requirements - Setback
- 100 Density/Intensity Calculation
- .110 Performance Standards for Sensitive Areas
- .120 Records - Required
- 130 Assurance Device
- .140 Protected Area Development Exception

20.25H Sensitive Area Overlay District

20.25H.010 Scope: This Part (20.25H) establishes special standards and procedures that apply to development on any site which is in whole or in part mapped or defined as a Sensitive Area in the City of Bellevue Sensitive Area Notebook. Any such development must be reviewed and approved pursuant to this Part in addition to being subject to all other relevant standards of the Bellevue City Code.

20.25H.020: Applicability: This Part applies to each application for development under the Land Use Code when the subject property is in whole or in part mapped or defined as a Sensitive Area in the City of Bellevue Sensitive Area Notebook. The procedures, standards and criteria apply only to that portion of the subject property which is determined to be a Sensitive Area.

20.25H.030 Purpose: The Sensitive Area Overlay District is a mechanism by which the City recognizes the existence of natural conditions which affect the use and development of property and imposes special regulations on the use and development of that property in order to protect environmentally sensitive areas and the public health, safety and welfare.

20.25H.040 Applicable Procedure:

- A. The Director of Design and Development, in consultation with the Director of the Storm and Surface Water Utility, shall review and decide upon each application for a use or development subject to this Part where the use is permitted by Section 20.10.440 or Section 20.25H.080, except as otherwise specified herein.
- B. If the use requires a Conditional or Administrative Conditional Use or requires a Planned Unit Development, the provisions of this Part will be applied through that review and a decision on such applications may be appealed as specified therein.

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- C. All development, excluding detached dwelling units, in an R-10, R-15, R-20 or R-30 Land Use District requires Design Review (Part 20.30F).

20.25H.050 Who May Apply: The property owner may apply for approval of a use or development pursuant to this Part.

20.25H.060 Submittal Requirements:

- A. The Director of Design and Development shall specify the submittal requirements, including type, detail and number of copies, for a use or development 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.

20.25H.070 Designation and Restriction of Protected Area:

- A. Designation: Except as limited by in Paragraph 20.25H.070.B, the following areas are designated as Protected Areas for purposes of the Bellevue City Code:
1. Areas of Special Flood Hazard (See 20.50.010), and
 2. Riparian Corridors excluding Type C (See 20.50.044), and
 3. Wetlands excluding Type C (See 20.50.054), and
 4. Areas of colluvial or landslide deposit on slopes of 15% or more, and
 5. Slopes of 40% or more.
- B. Exception: Areas of colluvial or landslide deposit on slopes of 15% or more and slopes of 40% or more may be deemed Buildable Areas. To apply for this exception, the applicant must --
1. Demonstrate compliance with all applicable standards and criteria of this Part, and
 2. Provide a geotechnical and stability analysis as required by the City which indicates engineering design acceptable to the City, and
 3. Provide other information necessary for the analysis as required by the Director of the Storm and Surface Water Utility.

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If the Director of the Storm and Surface Water Utility determines that the applicant has demonstrated such compliance, Protected Area status and regulations no longer apply.

- C. Protected Area Restriction: No development, use or activity may occur in a Protected Area or a Protected Area setback except as specifically allowed by this Part 20.25H.

20.25H.080 Uses in Land Use Districts

- A. General: Subject to the restrictions of Paragraph 20.25H.080.B, the uses established by Section 20.10.440 for the applicable Land Use District may be undertaken in the Sensitive Area Overlay District as provided for in that Section.
- B. Protected Area Uses: Only the following uses may be located within a Protected Area designated by Section 20.25H.070 or Protected Area setback required by Section 20.25H.090, regardless of the provisions of Section 20.10.440. Each use is subject to the applicable performance standards of Section 20.25H.110 and the specified permit requirements of this Paragraph:

1.	Communication Broadcast and Relay Tower/Microwave	C
2.	Botanical gardens	C
3.	Camping sites/day camp	A
4.	Parks, public	C
	private	C
5.	Agriculture	P
6.	Horticulture	P
7.	Tree Farm	C
8.	Fish hatchery, aquaculture	C
9.	Accessory sales of items produced on site	P
10.	City of Bellevue Utility Facility	C(1)
11.	Any other Utility Facility	C(1)
12.	Local Utility System	P(1)
13.	Regional Utility System	C(1)(2)
14.	Right-of-Way	P(1)

P = Permitted Use

A = Administrative Conditional Use. See Part 20.30E

C = Conditional Use. See Parts 20.30B/20.30C

(1) Must constitute an Essential Public Utility defined by Section 20.50.018.

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20.25H.085 Provisions for existing development

- A. General: All residential and commercial development located in Riparian Corridors and in existence or for which the development rights are vested on the effective date of this ordinance is conforming as to the use requirements in Section 20.25H.080 and the setback requirements in Section 20.25H.090.B.3 and is not subject to the nonconforming provisions of Section 20.20.560 with respect to use and setback requirements.
1. Residential Development: A residential development described in Paragraph A. may be expanded into a Protected Area or a Protected Area Setback required by Section 20.25H.090 through Process III. This section allows only one expansion and limits that expansion to a 20% increase of total square footage.
 2. Commercial Development: No commercial development may expand into a Protected Area or Protected Area Setback required by Section 20.25H.090. Any commercial reconstruction or vertical expansion in Protected Areas or Protected Area Setbacks must meet the restoration provisions in Storm Drainage Development Standards Section 2B-04.
- B. Hold Harmless: Property owners who submit development applications to the City for expansion or reconstruction in a Protected Area or Protected Area Setback shall execute a hold harmless agreement in a form approved by the City Attorney which releases the City from liability for any damage arising from the location of improvements within the Protected Area or Protected Area Setback.

20.25H.090 Dimensional Requirements

- A. General: The requirements of this Section apply along with any other dimensional requirements of the Land Use Code (see 20.20.010, 20.20.020, 20.20.130, 20.20.190, 20.25A-G). The most restrictive dimension controls.
- B. Minimum Setback of Structures and Land Alteration:
1. General: Any structure and any land alteration must be setback as required by Paragraphs 20.25H.090.B.2 through B.5; provided, however, that the setback of Paragraph 20.25H.090.B.3 applies only to structures. Setbacks are required in order to --
 - a. Minimize long-term impacts of development adjacent to Sensitive Areas, and

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- b. Protect Sensitive Areas from adverse impacts during construction, and
- c. Preserve the edge adjacent to the Sensitive Area for its habitat value, or
- d. Prevent loading of potentially unstable slope formations.

Provided; however, that land alteration for necessary access, supplemental planting and approved land uses (20.25H.080) is permitted.

2. Wetlands as defined in Section 20.50.054:

- a. Type A: 50' from the wetland boundary determined pursuant to the City of Bellevue Sensitive Area Notebook.
- b. Type B: 25' from the wetland boundary determined pursuant to the City of Bellevue Sensitive Area Notebook.

3. Riparian Corridor as defined in Section 20.50.044:

- a. Type A: 20' from the Corridor boundary determined pursuant to the City of Bellevue Sensitive Area Notebook.
- b. Type B: 10' from the Corridor boundary determined pursuant to the City of Bellevue Sensitive Area Notebook.
- c. Type C: 15' from the Corridor boundary determined pursuant to the City of Bellevue Sensitive Area Notebook.

Provided; however, that the setback required by Paragraph 20.25H.090.B.3 applies only to structures and not to other land alteration.

- d. Riparian Corridor Setback Modification: The Director of Design and Development and the Director of the Storm and Surface Water Utility may waive or modify the Riparian Corridor setback of Paragraph B.3 if the applicant demonstrates that --

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- i. Water quality will not be adversely affected, and
 - ii. Riparian Corridor vegetation will be maintained in a healthy condition. Solar access to vegetation must be maintained at least 50% of daylight hours during the normal growing season.
4. Slopes:
- a. Top of Slope:
 - i. 50' from top of a slope designated as a Protected Area by Section 20.25H.070 and having a grade difference from top to bottom of at least 10'.
 - ii. 25' from the top of a slope which is not a Protected Area and which is greater than 15%.
 - b. Toe of Slope: 75' from toe of a slope where historic or potential mass slope movement occurs as determined by the Director of the Storm and Surface Water Utility.
 - c. Measurement: The distance from the top of a slope or the toe of a slope is measured as specified by the City of Bellevue Development Standards.
 - d. Slope Setback Modification: The Director of Design and Development and the Director of the Storm and Surface Water Utility may waive or modify the slope setback of Paragraph B.4 if the applicant demonstrates that--
 - i. The proposed construction method will, as demonstrated in the required geotechnical analysis, improve or not adversely impact the stability of the slope and reduce erosion potential, and
 - ii. The proposal uses construction techniques which minimize disruption of the existing topography and vegetation, and
 - iii. The proposal adequately addresses the

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existing geological constraints of the site including soils and hydrology.

5. Area of Special Flood Hazard Extension: Any setback required by Paragraphs 20.25H.090.B.1-3 is increased to the edge of the Area of Special Flood Hazard (20.50.010) if the requirements of those Paragraphs otherwise result in a lesser setback.
6. Setback Adjustment Process: When the combination of opposite setback requirements for structures and land alteration pursuant to the Land Use Code equals more than 50% of the property dimension which includes those setbacks and when a Sensitive Area setback required by this Part is required in that determination, the Director of Design and Development may adjust setback requirements as follows:
 - a. When a side setback and a Sensitive Area Setback are combined, the side setback may be reduced to a figure equal to the perimeter landscape development requirement of Section 20.20.520 but in no case less than 5'.
 - b. When a rear setback and a Sensitive Area Setback are combined, the rear setback may be reduced to a figure equal to the perimeter landscape development requirement of Section 20.20.520 but not less than 10' unless a lower requirement exists in Section 20.20.010.
 - c. When a front setback and a Sensitive Area Setback are combined, the front setback may be reduced to 20' or to the minimum setback required by Section 20.20.010 if less than 20'.
 - d. When any other setback requirement of this Code is combined with a Sensitive Area Setback, that other setback may be reduced to 5'.
 - e. A setback adjustment beyond that authorized in Paragraph 20.25H.090.B.6 will be processed as a variance pursuant to Part 20.30G or 20.30H but in no case may a variance to the setback requirements of Paragraph 20.25H.090.B.1-5 be approved, except pursuant to the provisions of Part 20.30.P., relating to Protected Area Development Exceptions.

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- C. Transition Area: Development within the Sensitive Area Overlay District is exempt from the provisions of Part 20.25B. or Section 20.20.900-910.

20.25H.100 Density/Intensity Calculation:

- A. General: Except as provided for Protected Areas in this Section, the number of dwelling units per acre and the maximum floor area ratio for office space pursuant to Section 20.20.010 apply to a Sensitive Area.

- B. Dwelling Units per Acre: The maximum number of dwelling units per acre for a site which contains a Protected Area designated by Section 20.25H.070 is equal to the dwelling units per acre as specified in Section 20.20.010 times the Buildable Area in acres plus the dwelling units per acre times the Protected Area in acres times the Development Factor derived from Paragraph 20.25H.100.D:

$$[(DU/ACRE)(BUILDABLE AREA)] + [(DU/ACRE)(PROTECTED AREA)(DEVELOPMENT FACTOR)] = \text{MAXIMUM DWELLING UNIT POTENTIAL.}$$

- C. Floor Area Ratio for Office Space:

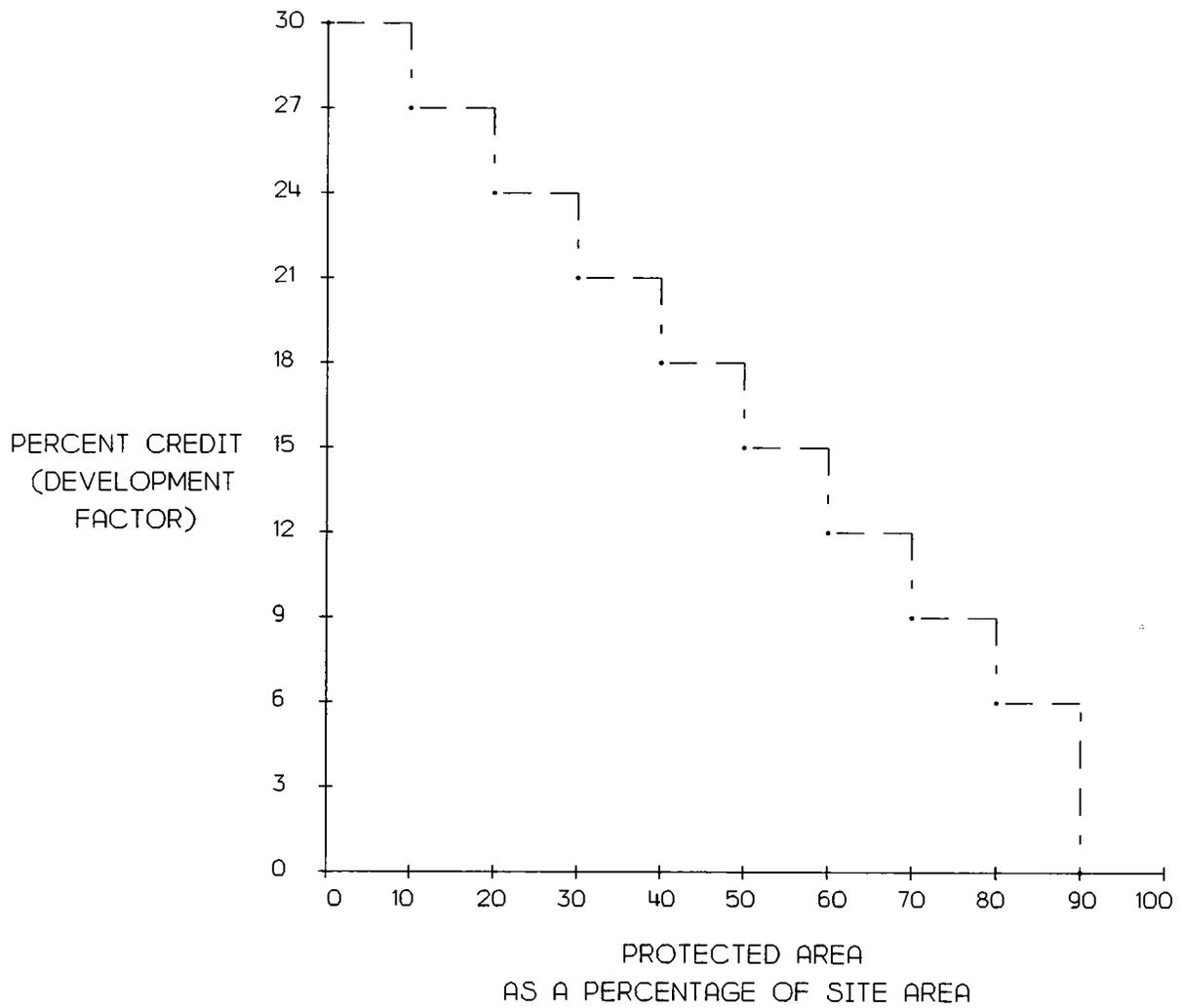
1. The maximum allowable office floor area for a site which contains a Protected Area designated by Section 20.25H.070 is equal to 0.5 times the Buildable Area plus 0.5 times the Protected Area times the Development Factor derived from Paragraph 20.25H.100.D:

$$0.5 \times \text{BUILDABLE AREA} + 0.5 \times (\text{PROTECTED AREA} \times \text{DEVELOPMENT FACTOR}) = \text{MAXIMUM OFFICE DEVELOPMENT POTENTIAL}$$

2. A property which contains a Protected Area designated by Section 20.25H.070 is exempt from the sliding scale FAR requirement of Land Use Code 20.20.010, Footnote 9 (Notes: Uses in Land Use Districts - Dimensional Requirements). The applicable maximum Floor Area Ratio for the Buildable Area is 0.5 regardless of building square footage.

- D. Development Factor: The development factor, consisting of a "percent credit," to be used in computing the number of dwelling units per acre or the maximum allowable office floor area for a Protected Area designated by Section 20.25H.070 is derived from the following table:

ON-SITE DENSITY CREDIT
DEVELOPMENT FACTOR



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20.25H.110 Performance Standards for Sensitive Areas:

A. Area of Special Flood Hazard

1. Restricted Use and Development: No use, development or activity may occur in an Area of Special Flood Hazard except as specifically allowed by Part 20.25H. All use, development or activity which is allowed is subject to the performance standards of Paragraph 20.25H.110.A. No alteration of the flood carrying capacity, configuration or volume of the Area of Special Flood Hazard is permitted except as specifically permitted by Part 20.25H.
2. Existing Development Declared Legal Nonconforming. All development within the Area of Special Flood Hazard (20.50.010) constructed or for which a vested building permit application exists prior to the effective date of Part 20.25H and which fails to comply with the requirements of Part 20.25H is legal nonconforming development. Any change to a legal nonconforming development is subject to the performance standards of Paragraph 20.25H.110.A.
3. Review Required:
 - a. In order to assure that proposed development will be safe from flooding, the Director of the Storm and Surface Water Utility, the Director of Design and Development and the Fire Marshall shall review and must approve, approve with conditions or deny new development under Part 20.25H and the substantial improvement of existing development within the Area of Special Flood Hazard. The Director of the Storm and Surface Water Utility shall determine that all necessary permits have been obtained from federal, state, or local agencies prior to approval.
 - b. The Director of Design and Development shall obtain and transmit to the Director of the Storm and Surface Water Utility the elevation in relation to mean sea level of the lowest habitable floor including basement, of a new or substantially improved structure permitted by this Part.
 - c. The Director of Public Works and Utilities shall review and must approve all plans and

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specifications for new or replacement water and sanitary sewage systems permitted by Part 20.25H to assure compliance with the regulations of this Part and to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law or agency regulation

4. Definitions: The following definitions apply to the Area of Special Flood Hazard regulated under Paragraph 20.25H.110.A:
- a. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from--
 - i. The overflow of inland or tidal waters; or
 - ii. The unusual and rapid accumulation or runoff of surface waters from any source.
 - b. Flood Insurance Rate Map: The map delineating special flood hazard areas effective December, 1978, that was prepared by the Federal Insurance Administration for the City or as subsequently revised by the Federal Emergency Management Agency.
 - c. Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
 - d. Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."
 - e. One Hundred-Year Flood: The flood having a one percent chance of being equaled or exceeded in any given year as determined by customary methods of statistical analyses defined in the Storm and Surface Water Utility Code (Bellevue City Code 24.06).

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- f. Structure: A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.
 - g. Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places.
5. Intrusion Allowed: In addition to the uses and activity permitted by Section 20.25H.080, any structure may intrude over the Area of Special Flood Hazard if --
- a. The intrusion is located above existing grade, does not alter configuration of the Area of Special Flood Hazard; and
 - b. The intrusion is at an elevation and orientation which maintains the existing vegetation of the Area of Special Flood Hazard in a healthy condition. Solar access to vegetation must be maintained at least 50% of daylight hours during the normal growing season.

No pile supported or other structural element may be located in the Area of Special Flood Hazard except as required for those uses and activities permitted by Section 20.25H.080.

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6. Construction Standards:

- a. Within the Area of Special Flood Hazard, any new development permitted by Part 20.25H and any substantial improvement of existing development which is permitted must --
- i. Be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure; and
 - ii. Be constructed with materials and utility equipment resistant to flood damage; and
 - iii. Be constructed by methods and practices that minimize flood damage; and
 - iv. Be constructed by methods and practices that minimize disturbance of the Area of Special Flood Hazard and retain its natural character; and
 - v. Be designed and constructed so that electrical heating, ventilation, plumbing and air conditioning equipment and other services are elevated or otherwise located to prevent water from entering or accumulating within the components during conditions of flooding; and
 - vi. Be elevated at least two feet above existing grade where floodplain data or other reliable historical flooding elevations are not available. Adequacy of historical data shall be determined by the Director of the Storm and Surface Water Utility; and
 - vii. The cumulative effect of any proposed development adjacent to, or encroaching within the Area of Special Flood Hazard, when combined with all other existing and proposed development, may not increase the water surface elevation of the base flood.

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b. Residential Construction.

- i. The substantial improvement of an existing residential structure must result in the lowest floor (including basement) elevation being at or above the elevation of the one hundred-year flood; and
- ii. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed flood area subject to flooding must be provided; and
 - (2) The bottom of all openings may be no higher than one foot above grade; and
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. Nonresidential Construction.

- i. New development permitted by Part 20.25H or the substantial improvement of an existing nonresidential structure must --
 - (1) Result in the lowest floor (including basement) elevation being at or above the elevation of the one hundred-year flood; or
 - (2) Together with attendant utility and sanitary facilities, be designed so that below the elevation of the one

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hundred-year flood the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Minimum floodproofing standards are contained within Sections 210.2.1 and 210.2.2 of the U.S. Army Corps of Engineers publication entitled "Floodproofing Regulations," June 1972. Additionally, no perceptible change in the flood elevation upstream or downstream may occur and no change in the quantity, quality or velocity of flow leaving the site may occur; and

- ii. Where floodproofing is utilized for a nonresidential structure, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood; and
- iii. Nonresidential structures that are elevated, and not floodproofed, must meet the same standards for space below the lowest floor as set forth in 20.25H.110.A.4.b.ii; and
- iv. Applicants floodproofing nonresidential buildings shall be notified by the Director of the Storm and Surface Water Utility that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

7. Roads and Utilities:

- a. The Director of the Storm and Surface Water Utility must approve road and utility crossings within the Area of Special Flood Hazard and must find that the utility facility, system or road is

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an essential public utility, and that a crossing will provide essential public access or service which cannot be made feasibly in a location which is not an Area of Special Flood Hazard. The crossing must be by bridging the Area of Special Flood Hazard and designed for shared road and utility facilities in order to minimize adverse impacts. No more than one crossing may occur on a site unless required for safe emergency access; and

- b. All new and replacement water supply systems must be essential public utilities and designed to minimize or eliminate infiltration or exfiltration of floodwaters into the systems; and
- c. All new and replacement sanitary sewage systems must be essential public utilities and designed to minimize or eliminate infiltration or exfiltration of floodwaters into the systems and discharges from the systems into floodwaters; and
- d. All on-site waste disposal systems must be essential public utilities and located to avoid impairment to them or contamination from them during flooding.

8. Subdivisions and Other Proposed New Developments

- a. All plat and short plat proposals and other proposed new development must:
 - i. Be consistent with the need to minimize flood damage; and
 - ii. Provide for the location and construction of public utilities and facilities, such as sewer, gas, electrical, and water systems, so as to minimize flood damage; and
 - iii. Provide adequate drainage to reduce exposure to flood hazards.
- b. All plat and short plat proposals and other new development proposals must provide one hundred-year flood elevation data.

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9. Agricultural Uses:

- a. Erosion control measures, such as crop rotation, mulching, strip cropping and contour cultivation must be used in conformance with guidelines and standards established by the Soil Conservation Service, U.S. Department of Agriculture; and
- b. Areas of Special Flood Hazard must be protected from significant impacts of agricultural chemicals and pesticides as required by the Storm and Surface Water Utility Code (Bellevue City Code 24.06.085) and must meet the water quality standards of Paragraph 24.06.060.9.

B. Wetlands:

1. Restricted Use and Development: No use, development or activity may occur in a wetland except as specifically allowed by Part 20.25H. All use, development or activity which is allowed is subject to the Performance Standards of Paragraph 20.25H.110.B.
2. Agricultural Uses:
 - a. Erosion control measures, such as crop rotation, mulching, strip cropping and contour cultivation must be used in conformance with guidelines and standards established by the Soil Conservation Service, U.S. Department of Agriculture; and
 - b. Wetland areas must be protected from significant impacts of agricultural chemicals and pesticides as required by the Storm and Surface Water Utility Code (Bellevue City Code 24.06.085) and must meet the water quality standards of Paragraph 24.06.060.9.
3. Aquaculture Uses:
 - a. Aquaculture development must be conducted in a way which does not adversely affect the aesthetic or environmental quality of the wetland and interrelated stream habitat; and
 - b. Aquaculture must to the extent feasible use underwater structures for fish rearing facilities.

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4. Essential Public Utilities:

- a. Essential public utilities must be constructed to minimize or where possible avoid wetland disturbance; and
- b. All construction must be designed to protect the wetland against erosion, uncontrolled drainage, restriction of groundwater movement, slides, pollution, aesthetic loss, habitat disturbance, excessive excavation or fill detrimental to the environment; and
- c. Upon completion of installation of essential public utilities, wetlands must be restored to pre-project configuration, replanted as required by the Clearing and Grading Code and provided with maintenance care until newly planted vegetation is established; and
- d. All crossings must be designed for shared facilities in order to minimize adverse impacts and reduce the number of crossings.

5. Roads:

- a. Essential public roads must be designed and maintained to prevent erosion and not restrict the natural movement of groundwater; and
- b. Essential public roads must be located to conform to the topography so that minimum alteration of natural conditions is necessary. The number of crossings is limited to those necessary to provide essential public access; and
- c. Essential public roads must be constructed in a way which does not adversely affect the aesthetic and hydrologic quality of the wetland and interrelated stream habitat. Where feasible, crossings must be by bridging the wetland and must allow for combination with other essential public utilities; and
- d. Upon completion of construction, the area affected must be restored to an appropriate grade, replanted as required by the Clearing and

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Grading Code and provided with maintenance care until newly planted vegetation is established.

6. Public Use and Access:

- a. Public access must be located in areas which have the lowest sensitivity to human disturbance or alteration; and
- b. Public access must be specifically developed for interpretive, educational or research purposes by, or in cooperation with, the City or as part of the adopted non-motorized trail linkage program; and
- c. No interpretive center may be constructed in a wetland of less than 150 acres. Additionally, an interpretive center must be located in either that portion of a wetland which is degraded or in an intermittent wetland having the lowest sensitivity to human disturbance or alteration; and
- d. No motorized vehicle is allowed within a wetland or its setback required by Section 20.25H.090 except as required for necessary maintenance, agricultural management or security; and
- e. Any public access or interpretive facility developed in a wetland must, to the extent possible, be connected with a park, recreation or open-space area; and
- f. Vegetative edges, structural barriers, signs or other measures must be provided wherever necessary to protect Sensitive Areas by limiting access to designated public use or interpretive areas; and
- g. Access trails must incorporate design features and materials which protect water quality and allow adequate surface and ground water movement; and
- h. Consolidated area for nesting, breeding, and rearing must be preserved in the wetland area and its setback required by Section 20.25H.090 to protect sensitive plant and wildlife species; and

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- i. Dredging or filling within a wetland may occur only for the following purposes:
 - i. Maintenance of an existing water body, or
 - ii. Enhancement or restoration of habitat in conformance with City of Bellevue standards adopted by the Director of Design and Development and the Director of the Storm and Surface Water Utility, or
 - iii. Natural system interpretation, education or research when undertaken by, or in cooperation with, the City, or
 - iv. Flood control or water quality enhancement by the City of Bellevue.

C. Riparian Corridors:

1. Restricted Use and Development: No use, development or activity may occur in a Riparian Corridor or Riparian Corridor setback except as specifically allowed by Part 20.25H. All use, development or activity which is allowed is subject to the Performance Standards of Paragraph 20.25H.110.C.
2. Essential Public Utilities:
 - a. Essential public utilities must be constructed to minimize and where possible avoid Riparian Corridor disturbance; and
 - b. All construction must be designed to protect the Riparian Corridor against erosion, uncontrolled drainage, slides, pollution, aesthetic loss, habitat disturbance, excessive excavation or fill detrimental to the environment; and
 - c. Upon completion of installation of essential public utilities, the Riparian Corridor must be restored to pre-project configuration, replanted with native species and provided with maintenance care until newly planted vegetation is established; and
 - d. All crossings must be designed for shared facilities in order to minimize adverse impacts and reduce the number of crossings.

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3. Roads:

- a. Essential public roads must be designed and maintained to prevent erosion and not restrict the natural movement of groundwater; and
- b. Essential public roads must be located to conform to the topography so that minimum alteration of natural conditions is necessary. The number of crossings is limited to those necessary to provide essential public access; and
- c. Essential public roads must be constructed in a way which does not adversely affect the aesthetic and hydrologic quality of the wetland and interrelated stream habitat. Where feasible, crossings must be by bridging the wetland and must allow for combination with other essential public utilities; and
- d. Upon completion of construction, the area affected must be restored to an appropriate grade, replanted as required by the Clearing and Grading Code and provided with maintenance care until newly planted vegetation is established.

4. Public Use and Access:

- a. Public access must be located in areas which have the lowest sensitivity to human disturbance or alteration; and
- b. Public access must be specifically developed for interpretive, educational or research purposes by, or in cooperation with, the City or as part of the adopted non-motorized trail linkage program; and
- c. No motorized vehicle is allowed within a Riparian Corridor or its setback required by Section 20.25H.090 except as required for necessary maintenance, agricultural management or security or as part of an approved recreational activity; and
- d. Any public access or interpretive facility developed in a Riparian Corridor must, to the

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extent possible, be connected with a park, recreation or open-space area; and

- e. Vegetative edges, structural barriers, signs or other measures must be provided where necessary to protect Sensitive Areas by limiting access to designated public use or interpretive areas; and
- f. Access trails must incorporate design features which protect water quality and allow adequate surface and ground water movement; and
- g. Consolidated area for nesting, breeding and rearing must be reserved in the riparian corridor area and its setback required by Section 20.25H.090 to protect sensitive plant and wildlife species; and
- h. Dredging or filling within a Riparian Corridor may occur only for the following purposes:
 - i. Maintenance of an existing corridor, or
 - ii. Enhancement or restoration of habitat in conformance with City of Bellevue standards adopted by the Director of Design and Development and the Director of the Storm and Surface Water Utility, or
 - iii. Natural system interpretation, education or research when undertaken by or in cooperation with the City, or
 - iv. Flood control or water quality enhancement by the City of Bellevue.

D. Sensitive Earth Conditions: The provisions of Paragraph 20.25H.110.D apply to each use or development on property including a slope equal to or greater than 15%.

1. Disturbance Limitations.

- a. Basic Requirement: Development on property including a slope equal to or greater than 15% must:

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- i. Consolidate all areas of disturbance on the areas of least slope, and
- ii. Minimize changes in grade, cleared area and volume of cut or fill on the site, and
- iii. Comply with a limitation on disturbance of the subject property calculated as set forth in the following chart.

Slope Categories	Percent Disturbance Allowed
40% and greater	30%
25 to 40%	45%
15 to 25%	60%

Slope Disturbance Allowed

Disturbance Chart

(sq. ft. of site 0-15% slope) x 100% +
 (sq. ft. of site 15-25% slope) x 60% +
 (sq. ft. of site 25-40% slope) x 45% +
 (sq. ft. of site 40% plus slope) x 30% =

Total amount of disturbance on site allowed

- b. Alternative Review: The applicant may propose a development plan which does not comply with the basic requirement of Paragraph 1.a. The Director of Design and Development and the Director of the Storm and Surface Water Utility may approve such a plan if --
 - i. The increase in disturbance on a specific slope is necessary to preserve a significant environmental feature of the site, such as but not limited to an area of vegetation valuable for habitat or

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aesthetic reasons, a ridgeline which constitutes an areawide visual amenity or a view from a public park, and

- ii. The development is consolidated resulting in the least amount of coverage by buildings and other impervious surface feasible, and
- iii. The increased disturbance or cut and fill will not result in greater erosion than that which would otherwise occur and proposed erosion control measures are practically and readily maintainable.

2. Location

- a. Development must be located to minimize disturbance and removal of vegetation; and
- b. Structures must be clustered to retain as much open space as possible and the natural topographic character of the slope; and
- c. Structures must conform to the natural contour of the slope. The foundation must be tiered to conform to the existing topography of the site; and
- d. Development must be located so as to preserve the most sensitive portion of the site and its natural landforms or to protect vistas from public spaces.

3. Design

- a. Development must minimize the footprint of buildings and other disturbed areas. The least number of buildings is desirable in order to consolidate the development; and
- b. Development must retain consolidated areas of natural vegetation; and
- c. Development must be designed with a foundation type that is compatible with existing slope conditions and that minimizes topographic modification. Where feasible, earth retention

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measures should be incorporated into the structure; and

- d. Standard prepared building pads, i.e., slab on grade, resulting in grading more than 10' outside the building footprint area are prohibited; and
- e. Development must be designed to minimize the amount of impervious surface; and
- f. Use of common access drives and utility corridors is required where feasible; and
- g. Development must be designed to minimize lot coverage and must, with the exception of detached single family structures, incorporate under-structure parking and multi-level structures where permitted; and
- h. Roads, walkways and parking areas must be designed parallel to contours with consideration to maintaining consolidated areas of natural topography and vegetation. Access must be located in the least sensitive area feasible; and
- i. Use of retaining walls which allow the maintenance of existing natural slope areas is preferred over graded artificial slopes.

4. Construction Types

- a. Use of foundation walls as retaining walls is preferable to rock or concrete walls built separately and away from the building. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation; and
- b. Use of pole-type construction which conforms to the existing topography is required where feasible. The structure must be tiered to conform to the existing topography and to minimize topographic modification; and
- c. Change in grade, cleared area and volume of cut or fill on the site must be minimized; and

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- d. Piled deck support structures are preferred for parking or garages over fill-based construction types.

20.25H.120 Recording Required: The property owner receiving approval of a use or development pursuant to this Part shall record a site plan clearly delineating the Protected Area designated by Section 20.25H.070 with the King County Division of Records and Elections and with the Bellevue City Clerk. The site plan must include a statement that the provisions of this Part as now or hereafter amended control use and development of the subject property.

20.25H.130 Assurance Device: In appropriate circumstances, the City may require a performance or maintenance assurance device in conformance with Section 20.40.490 to assure compliance with the provisions of this Part and adequate protection of a Sensitive Area designated by the City of Bellevue Sensitive Area Notebook.

20.25H.140 Protected Area Development Exception: If more than 90% of a property is within a Protected Area designated by Section 20.25H.070 or within a Protected Area setback required by Section 20.25H.090, and if no use listed in Paragraph 20.25H.080.B constitutes a reasonable potential use of the property; the property owner may request a Protected Area Development Exception pursuant to Part 20.30P.

Section 19. Bellevue City Code (Land Use Code) 20.30D.155 is repealed.

Section 20. Bellevue City Code (Land Use Code) 20.30D.160.A is amended to read as follows:

20.30D.160 Preliminary Development Plan--Open and Recreation Space Requirement

- A. General: Within a Planned Unit Development including residential uses --
1. At least 40% of the gross land area, which includes any Protected Area, of the subject property must be retained or developed as open space as defined by Section 20.50.038, and
 2. At least 20% of the gross land area, which includes any Protected Area, of the subject property must be retained or developed as recreation space as defined by Section 20.50.044, provided, however, that recreation

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space may be reduced to 10% of the Buildable Area minus the area of slope which equals or exceeds 40% if the total of Protected Area and Protected Area setback equals at least 40% of the gross land area; and

3. Recreation Space as required by Paragraph .160.A.2 may be included in the Open Space required by Paragraph .160.A.1 if--
 - a. The Recreation Space meets the definition of Open Space (Section 20.50.038), and
 - b. At least 20% of the gross land area is non-recreation Open Space.

Provided, however, that Recreation Space may not occur in a Protected Area or a Protected Area setback.

Section 21. Bellevue City Code (Land Use Code) 20.30D.170 is amended to read as follows:

20.30D.170 Preliminary Development Plan--Limitation on Authority to Modify Zoning:

The following provisions of the Land Use Code may not be modified pursuant to Section 20.30D.165:

- A. Any provision of this Part, 20.30D, Planned Unit Development, or
- B. Any provision of Section 20.10.440--Uses in Land Use Districts, or
- C. The maximum density and site coverage for development in an OU Land Use District. (Section 20.20.020), or
- D. Any provision of Part 20.25E, the Shoreline Overlay District, or
- E. Any provision of the Land Use Code which specifically states that it is not subject to modification, or
- F. The procedural, enforcement and administrative provisions of the Land Use Code or any other applicable City Code, or
- G. Any provision of Part 20.25H, the Sensitive Area Overlay District, except as specifically provided for in that Part.

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Section 22. Bellevue City Code (Land Use Code) 20.30 is amended by the addition of a new Part 20.30P which reads as follows:

20.30P. Protected Area Development Exception

20.30P.110 Scope: This Part (20.30P) establishes the procedures and criteria that the City will use in making a decision upon an application for a Protected Area Development Exception.

20.30P.115 Applicability: This Part applies to each application to approve a use or development on a site which contains more than 90% Protected Area defined by Section 20.25H.070 or Protected Area setback defined by Section 20.25H.090.

20.30P.120 Purpose: A Protected Area Development Exception is a mechanism by which the City may approve limited use and disturbance of a Protected Area defined by Section 20.25H.070 when no other use of the property constitutes a reasonable alternative. This approval also serves to modify the dimensional standards of Section 20.20.010 and the dimensional and density/intensity standards of Part 20.25H as necessary to accommodate the appropriate level of use or development.

20.30P.125 Who May Apply: The property owner may apply for a Protected Area Development Exception.

20.30P.130 Applicable Procedure: The City will process a Protected Area Development Exception through Process I (Section 20.35.100 et. seq.); provided, however, that an Exception for a lot of less than 30,000 gross square feet will be processed through Process III (Section 20.35.300 et. seq.) The Director of Design and Development and the Director of the Storm and Surface Water Utility serve as the applicable Department Director and the Hearing Examiner is the Hearing Body.

20.30P.135 Submittal Requirements:

- A. The Director of Design and Development shall specify the submittal requirements, including type, detail and number of copies, for a Protected Area Development Exception 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.

20.30P.140 Decision Criteria: The City may approve or approve with modifications an application for a Protected Area Development Exception if - -

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- A. Limiting use of the property to those uses provided in Paragraph 20.25H.080.C is not reasonable given the physical characteristics of the property, its location and surrounding development potential, and
- B. The Protected Area exception is the minimum necessary to fulfill the purpose of this Part, and
- C. The proposal results in no more than 10% of the site being disturbed by structure or other land alteration including but not limited to grading, utility installation, and landscaping; provided, however, that if the subject property is a lot of less than 30,000 gross square feet, a total area of up to 3,000 sq. ft. may be disturbed. (Mitigation measures required by the applicable decisionmaker are not included in this calculation), and
- D. The proposal is compatible in design, scale and use with other development or potential development in the immediate vicinity of the subject property in the same zone and with similar site constraints, and
- E. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the Protected Area, and
- F. The proposal incorporates the performance standards of Section 20.25H.110 to the maximum extent possible, and
- G. The proposal is consistent with the purpose and intent of the Land Use Code.

20.30P.145 Limitation on Authority: The City may not grant a Protected Area Development Exception to -

- A. The provisions of Section 20.10.440 establishing the allowable uses in each Land Use District, or
- B. The provisions of Chapter 20.30, 20.35 or any other procedural or administrative provision of the Land Use Code, or
- C. Any provision of the Land Use Code within the primary approval jurisdiction of another decision maker as established by the Bellevue City Code, or
- D. Any provision of the Land Use Code which, by the terms of that Code, is not subject to a variance.

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20.30P.150 Time Limitation:

A Protected Area Development Exception automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within one year of the effective date of the Exception unless -

- A The applicant has received an extension for the Exception pursuant to Section 20.30P.155, or
- B The Exception approval provides for a greater time period.

20.30P 155 Extension:

- A. The Director of Design and Development may extend a Protected Area Development Exception, not to exceed one year, if -
 - 1 Unforeseen circumstances or conditions necessitate the extension of the Exception, and
 - 2. Termination of the Exception would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay, and
 - 3. The extension of the Exception will not cause substantial detriment to existing uses or Sensitive Areas in the immediate vicinity of the subject property.
- B. The Director of Design and Development may grant no more than one extension.

20.30P.160 Assurance Device: In appropriate circumstances, the City 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 Exception as approved.

Section 23. Bellevue City Code (Land Use Code) is amended by the addition of a new Part 20.30Q which reads as follows:

20.30Q Wetland Boundary Adjustment

20.30Q.110 Scope: This Part (20.30Q) establishes the procedures and criteria that the City will use in making a decision upon an application for a Wetland Boundary Adjustment.

20.30Q.115 Applicability: This Part applies to each application for a Wetland Boundary Adjustment.

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20.30Q.120 Purpose: A Wetland Boundary Adjustment is a mechanism by which the City may approve a minor adjustment to the configuration of a wetland boundary in order to prevent undue hardship when developing the Buildable Area.

20.30Q.125 Who May Apply: A property owner whose total site is at least 75% Protected Area but not more than 90% Protected Area may apply for a Wetland Boundary Adjustment.

20.30Q.130 Applicable Procedure: The City will process a Wetland Boundary Adjustment through Process III (Section 20.35.300 et. seq.). The Director of Design and Development and the Director of the Storm and Surface Water Utility are jointly the applicable Department Director.

20.30Q.135 Submittal Requirements:

- A. The Director of Design and Development and the Director of the Storm and Surface Water Utility shall specify the submittal requirements, including type detail and number of copies, for a Wetland Boundary Adjustment application to be deemed complete and accepted for filing.
- B. The Director of Design and Development and the Director of the Storm and Surface Water Utility may waive specific submittal requirements determined to be unnecessary for review of an application.

20.30Q.140 Decision Criteria: The City may approve or approve with modifications an application for a Wetland Boundary Adjustment if the proposed adjustment --

- A. Disturbs no more than 10% of the wetland or 1 acre, whichever is less, and
- B. Does not affect any habitat type which is unique in that wetland when considering the entire wetland, both on and off site, and
- C. Will not result in short or long term adverse impact on water quality, and
- D. Does not reduce the diversity of habitat found in the wetland, and
- E. Is the minimum necessary to accommodate reasonable development of the property, and

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- F. Incorporates the best available construction, design and development techniques which result in the least impact on the Protected Area, and
- G. Incorporates a proposed development configuration which will result in less total coverage by impervious surface than would otherwise be required for reasonable development of the property, and
- H. Is not necessary because of actions by the applicant in segregating the property and creating the unusual configuration, and
- I. Does not result in a decrease in the water storage capacity of the wetland.

20.30Q.145 Mitigation Required:

- A. General: Prior to disturbance of a wetland pursuant to this Part, the applicant must establish an area of wetland on site of at least equal size, habitat and hydrologic value to the affected area. The Wetland mitigation area must be adjacent to the wetland boundary.
- B. Condition Preceding Development: The wetland mitigation area must be established for at least 3 growing seasons and must receive final approval by the Director of Design and Development and the Director of the Storm and Surface Water Utility prior to any actual wetland disturbance approved pursuant to this Part.
- C. Reports Required: The applicant must provide the City with funds sufficient to retain a qualified wetlands biologist. A report by that biologist must be submitted at least twice yearly and following the minimum 3 growing season waiting period.
- D. Final Approval: The Director of Design and Development and the Director of the Storm and Surface Water Utility may grant final approval to a wetland mitigation area if the final report submitted pursuant to Paragraph 20.30Q.145.C documents to their satisfaction that the area has achieved habitat, water quality and water storage conditions at least equal to those of the area to be disturbed. Final approval authorizes the applicant to proceed with development permits necessary to alter the wetland boundary. Failure to receive final

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approval results in the Wetland Boundary Adjustment becoming void for failure to comply with the requirements of Part 20.30Q.

20 30Q.150 Time Limitation: A Wetland Boundary Adjustment for which final approval of the wetland mitigation area has been granted automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within one year of final approval unless -

- A. The applicant has received an extension pursuant to Section 20 30Q.155, or
- B. The Adjustment approval provides for a greater time period.

20.30Q.155 Extension:

- A. The Director of Design and Development and the Director of the Storm and Surface Water utility may extend the time allowed to file the necessary development permit, not to exceed one year, if -
 - 1. Unforeseen circumstances or conditions necessitate the extension, and
 - 2. Termination of the time allowed would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay, and
 - 3. The extension will not cause substantial detriment to existing uses or Sensitive Areas in the immediate vicinity of the subject property.
- B. The Director of Design and Development may grant no more than one extension.

20.30Q.160 Assurance Device. In appropriate circumstances, the City 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 Adjustment as approved.

Section 24. Bellevue City Code (Land Use Code) 20.50.010 as amended by the addition of a new definition which reads as follows:

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain subject to a one percent or greater chance of flooding in any given year as calculated in the Storm and Surface Water Utility Code (BCC

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24.06). This area is identified in an engineering report entitled "Flood Insurance Study - City of Bellevue, Washington" dated June 1978 and revised February 23, 1982. This area is also shown in the City of Bellevue Sensitive Area Notebook.

Section 25. Bellevue City Code (Land Use Code) 20.50.012 is amended by the addition of new definitions which reads as follows:

BEST AVAILABLE TECHNOLOGY. The most effective method, technique or product available which is generally accepted in the field and which is demonstrated to be reliable and effective, which requires a low level of maintenance and which is responsive to the needs of the specific situation in which it is proposed to mitigate adverse impacts on the natural system.

BUILDABLE AREA. That area of a property remaining after area defined as a Protected Area pursuant to Section 20.25H.070 has been subtracted from the gross land area.

Section 26. Bellevue City Code (Land Use Code) 20.50.014 - Coverage is amended to read as follows:

COVERAGE. The percentage of a lot which is built upon subject to the exclusions listed in Section 20.20.012. Underground buildings, not higher than 3 feet above finished grade, with their roofs in gardens, lawns or landscaping are not buildings for the purpose of calculating coverage.

Section 27. Bellevue City Code (Land Use Code) 20.50.018 is amended by the addition of a new definition which reads as follows:

ESSENTIAL PUBLIC UTILITY. A utility facility, utility system or right-of-way where no feasible alternative location exists based on an analysis of technology and system efficiency.

Section 28. Bellevue City Code (Land Use Code) 20.50.026 is amended by the addition of a new definition which reads as follows:

INTERPRETIVE CENTER. A public park facility designed to increase the community's understanding and appreciation of natural and cultural history which may include components such as exhibit, display, educational and research facilities; interpretive kiosks, wildlife viewing areas; scenic overlooks; self-guided trails and interpretive signs and labels.

Section 29. Bellevue City Code (Land Use Code) 20.50.040 is amended by the addition of a new definition which reads as follows:

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PROTECTED AREA. That area designated by Section 20.25H.070 where use or development is subject to special limitations due to its physical characteristics.

Section 30. Bellevue City Code (Land Use Code) 20.50.044 is amended by the addition of a new definition and the amendment of the definition of Road, Private, as follows:

RIPARIAN CORRIDOR. The area mapped or defined as a riparian corridor in the City of Bellevue Sensitive Area Notebook. Riparian corridors are classified as one of three types as follows:

- A. Type A Riparian Corridors: Are stable and established corridors which have an established floodplain as mapped by FEMA National Flood Insurance Program, or generally satisfy the following conditions:
1. Include Riparian habitat, as distinguished from other terrestrial habitats, which includes a vegetation community that is integrated with the stream ecosystem and provides food, shelter, breeding and rearing areas for aquatic and terrestrial animals. Type A Riparian Corridors are measured from the top of each stream bank and extend away from the stream on each side a distance of fifty feet.
 2. May contribute to or establish a natural open space character, and
 3. Scored 40 or less on the City of Bellevue Storm and Surface Water Utility Department Comprehensive Watercourse Inventory, or are bounded upstream and downstream by corridor reaches with scores of 40 or less (unless the subject reach is longer than the sum of the lengths of the adjacent upstream and downstream reaches).
- B. Type B Riparian Corridors: Are Riparian Corridors with perennial watercourses which are not rated as Type A Riparian Corridors and that scored between 41 and 60 on the City of Bellevue Storm and Surface Water Utility Department Comprehensive Watercourse Inventory, or are bounded upstream and downstream by corridor reaches with scores between 41 and 60 (unless the subject reach is longer than the sum of the lengths of the adjacent upstream and downstream reaches). Type B Riparian Corridors are measured from the top of each stream bank and extend away from the stream on each side a distance of twenty-five feet.

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- C. Type C Riparian Corridors: Are Riparian Corridors not rated as Types A and B, including all seasonal or intermittent flows or ponding, that are not mapped as wetlands by the City of Bellevue, which are fed by groundwater seepage or stormwater runoff, or corridors which scored 61 or greater on the City of Bellevue Storm and Surface Water Utility Department Comprehensive Watercourse Inventory, or are bounded upstream and downstream by corridor reaches with scores greater than 60 (unless the subject reach is longer than the sum of the lengths of the adjacent upstream and downstream reaches). Type C Riparian Corridors consist of a conveyance channel, open or closed, and extend to the top of bank of the open channel or swale or the sides of a pipe or culvert.

ROAD, PRIVATE. A way open to vehicular ingress and egress established as a separate tract for the benefit of certain adjacent properties. This definition shall not apply to driveways.

Section 31. Bellevue City Code (Land Use Code) 20.50.046 is amended by the addition of a new definition and the definition of Structure is amended to read as follows:

SENSITIVE AREA. An area mapped or defined in the City of Bellevue Sensitive Area Notebook as a Sensitive Area including Areas of Special Flood Hazard, Wetlands, Riparian Corridors and Slopes equal to or exceeding 15%.

STRUCTURE. A combination of materials constructed and erected permanently on or under the ground or attached to something having a permanent location on or under the ground. Not included are residential fences, retaining walls less than 30" in height, rockeries less than 30" in height and similar improvements of a minor character.

Section 32. Bellevue City Code (Land Use Code) 20.50.054 - Wetlands is amended to read as follows:

WETLANDS. The area mapped or defined as a wetland in the City of Bellevue Sensitive Area Notebook; provided, however, that for purposes of Part 20.25E (Shoreline Overlay District) the definition of wetland pursuant to the Shoreline Management Act is used. A wetland is classified as one of three types as follows:

- A. Type A: Those wetlands which include, are adjacent to, or are hydrologically related with a Type A or B riparian corridor.

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- B. Type B: Those wetlands with an area exceeding 7,200 square feet which do not include, are not adjacent to, or are not otherwise hydrologically interdependent with a Type A or B riparian corridor.
- C. Type C: Those wetlands with an area of less than 7,200 square feet which do not include, are not adjacent to, or are not otherwise hydrologically related with a Type A or B riparian corridor.

Section 33. This ordinance shall be published in accordance with law and shall take effect and be in force on June 25, 1987.

PASSED by the City Council this 26th day of May, 1987, and signed in authentication of its passage this 26th day of May, 1987.

(SEAL)



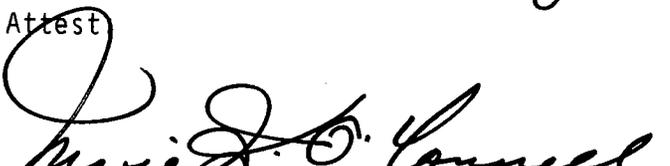
Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest


Marie K. O'Connell, City Clerk

Published May 30, 1987