

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4066

AN ORDINANCE relating to conditional use, shoreline conditional use, and administrative conditional use permit modification procedures; amending Bellevue City Code (Land Use Code) Chapter 20.30B, 20.30C, 20.30E and 20.50.040, and adding Sections 20.30B.165, 20.30B.170, 20.30C.105, 20.30C.200, 20.30E.165 and 20.30E.170.

WHEREAS, The City Council wishes to establish a procedure for modifying conditional use, shoreline conditional use and administrative conditional use permits where the use has changed or intensified; and

WHEREAS, permits issued for conditional uses which have ceased or been abandoned or obtained by fraud should be revoked; and

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

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

Section 1. Bellevue City Code (Land Use Code) Chapter 20.30B is amended by the addition of Section 20.30B.165 as follows:

20.30B.165 Periodic Review

The City may impose periodic review requirements as a condition of permit approval.

Section 2. Bellevue City Code (Land Use Code) Chapter 20.30B is amended by the addition of Section 20.30.170B as follows:

20.30B.170 Modification/Revocation

- A. Modification. The City may initiate a modification to an approved conditional use permit. A modification will be processed through Process I (Section 20.35.100 et. seq.). Through the modification procedure, the City Council may delete, modify or impose additional conditions upon finding that the use for which such approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.

- B. Revocation. The City Council may revoke an approved permit through Process I (Section 20.35.100 et. seq.) only upon finding that:
1. The use for which the approval was granted has been abandoned for a period of at least one year; or
 2. Approval of the permit was obtained by misrepresentation of material fact; or
 3. The permit is being exercised contrary to the terms of approval.

Section 3. Bellevue City Code (Land Use Code) Chapter 20.30C is amended by the addition of Section 20.30C.195 as follows:

20.30C.195 Periodic Review

The City may impose periodic review requirements as a condition of permit approval.

Section 4. Bellevue City Code (Land Use Code) Chapter 20.30C is amended by the addition of Section 20.30C.200 as follows:

20.30C.200 Modification/Revocation

- A. Modification. The City may initiate a modification to an approved shoreline conditional use permit. A modification will be processed through Process I (Section 20.35.100 et. seq.). Through the modification procedure, the City Council may delete, modify or impose additional conditions upon finding that the use for which such approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.
- B. Revocation. The City Council may revoke an approved permit through Process I (Section 20.35.100 et. seq.) only upon finding that:
1. The use for which the approval was granted has been abandoned for a period of at least one year; or
 2. Approval of the permit was obtained by misrepresentation of material fact; or
 3. The permit is being exercised contrary to the terms of approval.

Section 5. Bellevue City Code (Land Use Code) Chapter 20.30E is amended by the addition of Section 20.30E.165 as follows:

20.30E.165 Periodic Review

The City may impose periodic review requirements as a condition of permit approval

Section 6. Bellevue City Code (Land Use Code) Chapter 20.30E is amended by the addition of Section 20.30E.170 as follows:

20.30E.170 Modification/Revocation

- A. Modification. The City may initiate a modification to an approved administrative conditional use permit. A modification will be processed through Process I (Section 20.35.100 et. seq.). Through the modification procedure, the City Council may delete, modify or impose additional conditions upon finding that the use for which such approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.
- B. Revocation. The City Council may revoke an approved permit through Process I (Section 20.35.100 et. seq.) only upon finding that:
 - 1. The use for which the approval was granted has been abandoned for a period of at least one year; or
 - 2. Approval of the permit was obtained by misrepresentation of material fact; or

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3. The permit is being exercised contrary to the terms of such approval.

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

PASSED by the City Council this 23rd day of October, 1989, and signed in authentication of its passage this 23rd day of October, 1989.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley
Richard Gidley, Deputy City Attorney

Attest:

Marie K. O'Connell
Marie K. O'Connell, City Clerk

Published October 27, 1989