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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4086

AN ORDINANCE relating to child care service regulations; amending Sections 20.10.440, 20.20.170, 20.30N.120B, 20.30N.130B, 20.30N.140, 20.50.014, 20.50.016 of the Bellevue City Code (Land Use Code) and repealing Section 20.20.280 of the Bellevue City Code (Land Use Code).

WHEREAS, the City of Bellevue has adopted these regulations to conform to the child care policies of the Comprehensive Plan; and

WHEREAS, the City of Bellevue wishes to encourage the convenient location of child care services throughout the City when compatible with surrounding land uses and development; and

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

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

Section 1. Bellevue City Code (Land Use Code) Section 20.10.440 Services Chart and Notes is amended as follows:

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)) 20.30N.
For definitions of family day care home, mini day care center and day care center, see child care service definition in Section 20.50.014.
* ((Effective only within the jurisdiction of the East Bellevue and Sammamish Community Councils.))
((~~*4. Refers to number of children on premises 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)1E.
* ((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.)

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Section 2. Bellevue City Code (Land Use Code) Section 20.20.170 is amended as follows:

20.20.170 Child Care Service Use

- A. Purpose: Encourage the convenient location of child care service uses throughout the City where compatible with surrounding land uses and development.
- B. Applicability: This Section applies to each child care service use within the City. The requirements of this Section shall be imposed at the initiation of any child care service use, or upon any addition or modification to a child care service use or structure housing that use. Those child care service uses, which on the effective date of this ordinance have not registered with the City of Bellevue, are subject to these requirements.

C. Child Care Service Use in a private residence

The requirements of Home Occupation Class 3 (Section 20.30N) apply to each child care service if located in a private residence. For the requirements for a child care service use in a community facility, see Paragraph E.

D. Child Care Service Use not located in a private residence or in a community facility:

1. General: The requirements of Paragraph D apply to each mini day care center or day care center unless located in a private residence or a community facility. For the requirements for a child care service use in a community facility, see Paragraph E.

2. Review or Registration Required:

- a. If located in an OU, R-10 or R-15 Land Use District, each mini day care center requires an Administrative Conditional Use Permit and each day care center requires a conditional use permit prior to the initiation of the use.
- b. If located in a Land Use District in which the use is a permitted use, each operator of a mini day care center or day care center must register with the Bellevue Department of Design and Development by filing a signed and notarized Child Care Registration Form as provided by the Department prior to the initiation of the use. The operator must certify compliance with all applicable use requirements and conditions of Paragraph D as listed on the Registration Form.

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3. Use Requirements: The following requirements apply to each mini day care center or day care center.
 - a. An on-site vehicle turnaround or separate entrance and exit points, and passenger loading area must be provided. The City shall specifically consider the location and appearance of the proposed turnaround or access in determining compatibility with surrounding uses.
 - b. The child care service use must have received all necessary permits or approvals from the State of Washington Department of Social and Health Services.
 - c. The child care service use must have been inspected by the Bellevue Fire Department, and the operator must have committed to implement all required corrective measures within the stated time period.
 - d. The operator must have granted the City of Bellevue permission to enter the property, and to inspect the child care service use for compliance with the requirements of the Land Use Code, and other applicable city ordinances.
 - e. The operator must have obtained a Registration Certificate as required by B.C.C. 4.08 (Business and Occupation Tax).
 - f. If located in an R-10, R-15, R-20, or R-30 Land Use District --
 - i. A solid fence at least 6' high compatible with neighborhood character must be installed along each side and rear lot line.
 - ii. One sign, not exceeding 4 square feet and 5' in height, is permitted to identify the use notwithstanding the provisions of B.C.C. 22B.10. The sign may not be lighted. The City shall review the color, materials, design, location and character of the sign in determining compatibility with surrounding uses.
4. Conditions:
 - a. The City may impose conditions to mitigate any potential adverse impact on surrounding uses.
 - b. The City shall specifically consider the need to limit the hours of operation of the use.

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- c. The City shall establish the maximum number of children permitted in the child care service use at any one time.

E. Child Care Service use Located in a Community Facility:

1. General: The requirements of Paragraph E apply to each child care service use located in a community facility.
2. Review or Registration Required:
 - a. Except as provided in paragraph 2.b, each operator of a mini day care center or day care center housed in a community facility must register with the Bellevue Department of Design and Development by filing a signed and notarized Child Care Registration Form as provided by the Department prior to initiation of the use. The operator must certify compliance with all applicable use requirements and conditions of Paragraph E as listed on the Registration form.
 - b. If the mini day care center or day care center is located in an inactive school facility, and combined with other uses, a Conditional Use Permit is required pursuant to Part 20.30B or Part 20.30C prior to the initiation of the use. This permit shall be obtained as part of a Master Conditional Use Permit pursuant to Section 20.10.440, Note 19: Uses in Land Use Districts - Services.
 - c. If the mini day care center or day care center is located in a facility which required conditional use approval, an amendment to the conditional use is necessary unless the child care service use was approved as part of the original review.
3. Use Requirements: The following requirements apply to each child care service use located in a community facility:
 - a. The child care service use must have received all necessary permits or approvals from the State of Washington Department of Social and Health Services.
 - b. The child care service use must have been inspected by the Bellevue Fire Department, and the operator must have committed to implement all required corrective measures within the stated time period.
 - c. The operator must have granted the City of Bellevue permission to enter the property, and to inspect the child care service use for compliance with the requirements of the Land Use Code, and other applicable City ordinances.

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- d. The operator must have obtained a Registration Certificate as required by B.C.C. 4.08 (Business and Occupation Tax).
- e. The child care service use may not display any sign in excess of the maximum number of signs and the maximum sign area allowed for the community facility in which the child care service use is housed.

4. Conditions:

- a. The City may impose conditions to mitigate any potential adverse impact on surrounding uses.
- b. The City shall specifically consider the need to limit the hours of operation of the use.
- c. The City shall establish the maximum number of children permitted in the child care service use at any one time (Ord. 3095, 5-24-82, Section 3).

Section 3. Bellevue City Code (Land Use Code) Section 20.20.280 is repealed.

Section 4. Bellevue City Code (Land Use Code) Section 20.30N.120B is amended as follows:

- B. Classes of Permit: Class 1 Home Occupation Permits are used for a business which has no external indication of commercial activity. Class 2 Home Occupation Permits are used for all other non-child care service businesses. Class 3 Home Occupation Permits are used for child care services.

Section 5. Bellevue City Code (Land Use Code) Section 20.30N.130B is amended as follows:

B. Class 2 and Class 3 Home Occupation Permits:

1. The City will process applications for a Class 2 and Class 3 Home Occupation Permits through Process II (Section 20.35.200 et. seq.). The Director of Design and Development is the applicable Department Director.
2. The decision of the Director of Design and Development on a Class 2 or Class 3 Home Occupation Permit may be appealed using Process VI, Section 20.35.600 et. seq. The Board of Adjustment shall serve as the Hearing Body.

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Section 6. Bellevue City Code (Land Use Code) Section 20.30N.140 is amended as follows:

20.30N.140 Requirements/Decision Criteria

- A. Class 1 Home Occupation Permit: The following requirements apply to each Class 1 Home Occupation Permit:
1. The business is conducted wholly within a structure and utilizes no more than 25% of the gross floor area of the structure in which it is located, and
 2. No person who is not a resident of the dwelling is participating in the business at the dwelling, and
 3. There is no exterior display, exterior alteration of the property, including expansion of parking, no exterior sign, no exterior storage of materials and other exterior indication of the business, and
 4. There is no variation from the residential character of the premises, and
 5. There is no structural alteration to the interior or exterior of the structure which changes its residential character, and
 6. There is no use of electrical or mechanical equipment which would change the fire rating of the structure or which would create visible or audible interference in radio or television receivers or which would cause fluctuations in line voltage outside the dwelling, and
 7. There is no noise, vibration, smoke, dust, odor, heat or glare produced by the business which would exceed that normally associated with a dwelling, and
 8. There is no demand for parking beyond that required for the residents, and
 9. There are no client visits to the dwelling, and
 10. There is no more than one delivery per week by a private delivery service and no other use of a commercial vehicle other than that normally used by the applicant. No business signing may be displayed on the applicant's vehicle.
 11. The business has been inspected by the Bellevue Fire Department and the applicant commits to implement all required corrective measures within the stated time period.

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12. The applicant grants the City of Bellevue permission to enter the property at reasonable times to inspect the business for compliance with the requirements of the Land Use Code and other applicable City ordinances.

B. Class 2 Home Occupation Permit: The Director of Design and Development may approve or modify and approve a Class 2 Home Occupation Permit if the following decision criteria are met:

1. The business is conducted wholly within a structure and utilizes no more than 25% of the gross floor area of the structure in which it is located, and
2. No more than one person who is not a resident of the dwelling is participating in the business at the dwelling, and
3. There is no exterior display, exterior alteration of the property, including expansion of parking, no exterior sign, no exterior storage of materials or other exterior indication of the business, and
4. There is no variation from the residential character of the premises, and
5. There is no structural alteration to the interior or exterior of the structure which changes its residential character, and
6. There is no use of electrical or mechanical equipment which would create visible or audible interference in radio or television receivers or which would cause fluctuations in line voltage outside the dwelling, and
7. There is no noise, vibration, smoke, dust, odor, heat or glare produced by the business which would exceed that normally associated with a dwelling, and
8. In addition to parking required for the residents, there are no more than two vehicles parked on or in the vicinity of the property as a result of the business at any one time, and
9. There are no more than six client visits per day and there is not more than one client on the premises at any one time. One client does include a family arriving in a single vehicle, and

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10. There are no more than two deliveries per week by a private delivery service and no other use of a commercial vehicle other than that normally used by the applicant or an employee.
- C. 1. Class 3 Home Occupation Permit: The Director of Design and Development may approve or modify and approve a Class 3 Home Occupation Permit for child care service if the following decision criteria are met:
 - a. No more than two persons who are not residents of the dwelling are participating in the business at the dwelling; and
 - b. There is no exterior display, exterior alteration of the property, including expansion of parking, no exterior sign and no exterior storage of materials, except for play area and equipment; and
 - c. There is no variation from the residential character of the premises; and
 - d. There is no structural or decorative alteration to the interior or exterior of the primary structure which changes its residential character; and
 - e. The subject property is landscaped in a manner compatible with surrounding residences; and
 - f. There is a solid board fence or sight-obscuring vegetation, at least 6' in height and compatible with surrounding neighborhood character, surrounding any outdoor play areas; and
 - g. The outdoor play area is located where it has the least noise impact on surrounding properties; and
 - h. In addition to parking needed by the residents and, except for vehicles parking temporarily to drop-off or pick-up children, there are no more than two vehicles parked on or in the vicinity of the property as a result of the business at any one time, and
 - i. There is a safe passenger loading area; and
 - j. The child care service use has received all necessary permits or approvals from the State of Washington Department of Social and Health Services; and

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- k. The child care service use has been inspected by the Bellevue Fire Department, and the operator commits to implement all required corrective measures within the stated time period; and
 - l. The operator has granted the City of Bellevue permission to enter the property, and to inspect the child care service use for compliance with the requirements of the Land Use Code, and other applicable City ordinances; and
 - m. The operator has obtained a Registration Certificate as required by B.C.C. 4.08 (Business and Occupation Tax).
2. In addition to criteria in paragraph C.1, the Director of Design and Development may impose conditions to mitigate any potential adverse impacts on surrounding uses and shall specifically consider the need to limit the hours of operation or the permissible hours for outdoor play.
 3. The definitions set forth in Bellevue City Code (Land Use Code) Section 20.50.014 for a family day care home and a mini day care center will determine the maximum permissible number of children on the premises at any one time.
- D. In approving, conditioning or denying an application for a Class 2 or Class 3 Home Occupation Permit, the City may consider, in addition to the criteria in Paragraphs B and C, the following:
1. The location of the proposed home occupation in relation to traffic impacts and safety concerns to the adjacent neighborhood; and
 2. The impacts the proposed home occupation may have on the residential character of the neighborhood; and
 3. The cumulative impacts of the proposed home occupation in relation to other City-approved home occupations in the immediate vicinity; and
 4. The imposition of a condition under which the City reserves the right to impose additional conditions or to reconsider the home occupation within a certain timeframe from approval date, based on complaints filed with the City.

Section 7. Bellevue City Code (Land Use Code) Section 20.50.014 is amended as follows:

*CHILD CARE SERVICE. A use providing regular care and training for children, generally for less than 24 hours, outside of the immediate

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family, or K through 12 education system. This use includes family day care homes (1-10 children), mini day care centers (11-12 children) and day care centers (more than 12 children) as defined by the Department of Social and Health Services in WAC 388-73 as that section reads on the effective date of this ordinance. Also included are preschool and nursery school facilities which are not part of the K through 12 education program. Not included are uses solely for religious purposes.

Section 8. Bellevue City Code (Land Use Code) Section 20.50.016 is amended by the deletion of the following definition:

*DAY CARE CENTER. Any person, firm, partnership, association, corporation or facility which regularly provides care for a group of children for periods of less than 24 hours.

*Effective only within the jurisdiction of the East Bellevue and Sammamish Community Councils.

Section 9. This ordinance shall take force and be in effect five days after passage and legal publication.

PASSED by the City Council this 27th day of November, 1989, and signed in authentication of its passage this 27th day of November, 1989.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard G. Sidley
Richard Gidley, Deputy City Attorney

Attest:

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

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