

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4816

AN ORDINANCE amending Title 20, the City of Bellevue
Land Use Code.

WHEREAS, the state legislature passed regulatory reform legislation in
1995 including Chapter 347, Laws of 1995; and

WHEREAS, in Chapter 347, Laws of 1995, the state legislature mandated
that each city planning under the Growth Management Act establish an
integrated and consolidated project permit review process and provide for
improved public participation in that process; and

WHEREAS, in Chapter 347, Laws of 1995, the state legislature mandated
that each city planning under the Growth Management Act issue its final notice
of decision on a project permit within 120 days of receipt of a complete
application for such permit; and

WHEREAS, the City of Bellevue must amend its Land Use Code to fulfill
the mandates of Chapter 347, Laws of 1995; and

WHEREAS, the City of Bellevue has conducted its own regulatory reform
program to amend its Land Use Code to improve the clarity of regulatory
standards, omit unnecessary regulation, provide consistency with other codes,
increase efficiency, and foster development that meets City goals, now,
therefore,

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

TABLE OF CONTENTS

	PAGE #
CHAPTER 1 - PROCESS AND LAND USE PERMITS AND APPROVALS	2
CHAPTER 2 - DOWNTOWN DISTRICTS	65
CHAPTER 3 - REDEVELOPMENT AND ADAPTIVE REUSE	126
CHAPTER 4 - USE CHARTS, DIMENSION CHART AND NOTES	130
CHAPTER 5 - SCREENING OF MECHANICAL EQUIPMENT, RECYCLING AND REFUSE COLLECTION AREAS, AND SATELLITE DISH ANTENNAE	171

CHAPTER 6 - SENSITIVE AREAS	176
CHAPTER 7 - LANDSCAPING	203
CHAPTER 8 - EVERGREEN HIGHLANDS DESIGN DISTRICT	214
CHAPTER 9 - MISCELLANEOUS	218

CHAPTER 1: PROCESS AND LAND USE PERMITS AND APPROVALS

Section 101. Chapter 20.35 of the Bellevue City Code (Land Use Code Review and Appeal Procedures) is hereby repealed.

Section 102. A new Chapter 20.35 of the Bellevue City Code is hereby adopted as follows:

20.35.010 Purpose and Scope.

The purpose of this chapter is to establish standard procedures for all land use and related decisions made by the City of Bellevue. The procedures are designed to promote timely and informed public participation, eliminate redundancy in the application, permit review, and appeal processes, minimize delay and expense, and result in development approvals that further City goals as set forth in the Comprehensive Plan. As required by RCW 36.70B.060, these procedures provide for an integrated and consolidated land use permit process. The procedures integrate the environmental review process with the procedures for review of land use decisions and provide for the consolidation of appeal processes for land use decisions.

20.35.015 Framework for Decisions.

A. Land use decisions are classified into four processes based on who makes the decision, the amount of discretion exercised by the decisionmaker, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity.

B. Process I decisions are quasi-judicial decisions made by the Hearing Examiner on project applications. The following types of applications require a Process I decision:

- 1) Conditional Use Permits (CUP) and Shoreline Conditional Use Permits;
- 2) Preliminary Subdivision Approval (Plat); and
- 3) Preliminary Planned Unit Development Approval (PUD).

C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy

Act (SEPA) made by the Environmental Coordinator and Sign Code variances are also Process II decisions. (See the Environmental Procedures Code, section 22.02.034 and Sign Code section 22B.10.180.) The following types of applications require a Process II decision:

- 1) Administrative Amendments
- 2) Administrative Conditional Use
- 3) Binding Site Plan
- 4) Design Review
- 5) Home Occupation Permit
- 6) Interpretation of the Land Use Code
- 7) Preliminary Short Plat
- 8) Shoreline Substantial Development Permit
- 9) Variance and Shoreline Variance
- 10) Wetland Boundary Adjustment

D. Process III decisions are quasi-judicial decisions made by the City Council. The following types of applications require a Process III decision:

- 1) Site-specific or Project-specific Rezone

E. Process IV decisions are legislative non-project decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The following are Process IV decisions:

- 1) Amendments to the text of the Land Use Code or Comprehensive Plan
- 2) Amendments to the Comprehensive Plan Map
- 3) Amendments to the Zoning Map (rezones) on a city-wide or area-wide basis.

F. Other types of land use applications and decisions made by the Director, including those set forth below, are minor or ministerial administrative decisions, exempt from the above land use processes. Notice and an administrative appeal opportunity are not provided. Sections 20.35.020 through 20.35.070, however, apply to all land use applications.

- 1) Boundary Line Adjustment
- 2) Final Plat (also requires Hearing Examiner approval prior to recording)
- 3) Final Short Plat
- 4) Land Use Exemption
- 5) Temporary Use Permit
- 6) Vendor Cart Permit

20.35.020 Preapplication Conferences.

A preapplication conference is required prior to submitting an application for conditional use or shoreline conditional use permits, preliminary subdivision approval, preliminary planned unit developments, and design review projects, unless waived by the Director.

20.35.030 Applications.

A. Who May Apply

Application for the various types of land use decisions may be made by the following parties:

1. The property owner or any agent of the owner with authorized proof of agency may apply for any type of Process I, Process II, or Process III land use decision, or for a site-specific Comprehensive Plan Amendment.
2. A resident of the dwelling may apply for a home occupation permit.
3. The City Council, the Director of Community Development or the Director of the Planning, Neighborhoods, and Economic Development Department, may apply for a project-specific or site-specific rezone or for an area-wide rezone.
4. The Director of Community Development, the Director of the Planning, Neighborhoods, and Economic Development Department, or the Planning Commission or City Council may initiate amendments to the Comprehensive Plan map or text or to the text of the Land Use Code.
5. Any person may request an interpretation of the Land Use Code. In addition, the Director may issue interpretations of the Land Use Code as needed.

B. Submittal Requirements

The Director shall specify submittal requirements, including type, detail, and number of copies for an application to be complete. The Director may waive specific submittal requirements determined to be unnecessary for review of an application. The Director may require additional material such as maps, studies, or models when the Director determines such material is needed to adequately assess the proposed project.

C. Notice of Complete Application

1. Within 28 days after receiving a land use permit application, the Director shall mail, fax, or otherwise provide to the applicant a written determination that the application is complete, or that the application is incomplete and what is necessary to make the application complete.
2. If the Director does not provide a written determination within the 28 days, the application shall be deemed complete as of the end of the

28th day.

3. If additional information is needed to make the application complete, within 14 days after an applicant has submitted the information identified by the Director as being needed, the Director shall notify the applicant whether the application is complete or what additional information is necessary.

4. A land use application is complete for purposes of this section when it meets the submittal requirements established by the Director and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time of the notice of completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.

D. Project Timelines

The Director shall establish reasonable and predictable timelines for review of land use applications and shall provide target dates for decisions on such applications. All land use decisions on applications filed on or after April 1, 1996 shall be made within the time period specified under RCW 36.70B.090. For purposes of calculating timelines and counting days of permit processing, the applicable time period shall begin on the first working day following the date the application is determined to be complete and shall only include the time during which the City can proceed with review of the application as specified in RCW 36.70B.090.

20.35.045 Land Use Decisions.

When a decision is made to approve, conditionally approve, or deny an application, the applicant shall be notified. Administrative land use decisions that are not subject to administrative appeal shall be final at the time of the Director's decision that the application conforms to all applicable codes and requirements. Process I decisions are final upon expiration of any applicable City administrative appeal period, or if appealed, on the date of the City Council's final decision on the application, subject to sections 20.35.150.D.2 and 20.35.165 regarding Community Council jurisdiction. Process II decisions are final upon expiration of any applicable City administrative appeal period, or, if appealed, on the day following issuance of a final City decision on the administrative appeal. Process III and IV decisions are final on the date of the City Council's final decision or action on the application or proposal, subject to sections 20.35.365 and 20.35.450, respectively, regarding Community Council jurisdiction.

20.35.070 Appeal of City Land Use Decisions to Superior Court.

A final City decision on a land use permit application may be appealed to superior court by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

20.35.080 Merger of Process I and III Recommendations and Process II Decisions.

When a single project includes a combination of Process I, Process II, and/or Process III land use applications, review of the project shall combine review of the Process I, Process II, and Process III components. A consolidated report setting forth the Process I and/or Process III recommendation of the Director and the Process II decisions will be issued.

20.35.085 Appeals of Non-Land Use Code Matters.

Certain other appealable administrative decisions are made by City Departments, including but not limited to decisions pursuant to the City's Transportation Improvement Program (BCC 22.16), the Sewer Code (BCC 24.04), the Storm and Surface Water Utility Code (BCC 24.06), the Sign Code (BCC 22B), and the Environmental Procedures Code (BCC 22.02). These types of non-Land Use Code appeals are heard and decided by the City Hearing Examiner. When associated with a consolidated Land Use permit application, the appeal will be heard in conjunction with any appeal on the Land Use application. In some cases, the relevant code modifies the appeal process slightly compared to Land Use Code appeals. (See e.g., Transportation Improvement Program: only applicant may appeal.) In such cases, and as to those codes only, the procedures governing other appeals shall control. In all cases, however, the final City decision on the administrative appeal is made by the Hearing Examiner. Information on non-Land Use Code appeals is available from the Department administering the relevant code and from the City Hearing Examiner.

20.35.100 Process I: Hearing Examiner Quasi-Judicial Decisions.

A. LUC sections 20.35.100 through 20.35.165 contain the procedures the City will use in implementing Process I. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting will be held. If required by the State Environmental Policy Act (SEPA) a threshold determination will be issued by the Environmental Coordinator. The threshold determination may be issued in conjunction with issuance of the Director's

recommendation on the application. If an environmental impact statement (EIS) is required, however, the threshold determination will be issued early and the EIS will be completed prior to issuance of the Director's recommendation. If the requirement to prepare an EIS or a supplemental EIS is appealed by the applicant, that appeal will also be resolved prior to issuance of the Director's recommendation.

B. Following issuance of the Director's recommendation, a public hearing will be held before the City Hearing Examiner. If a SEPA determination of non-significance (DNS) was issued (no EIS required) and an appeal of the DNS has been filed, the appeal hearing on the DNS will be combined with the public hearing on the Director's recommendation. Following the public hearing, the Hearing Examiner will issue a written report, which will set forth a decision to approve, approve with modifications, or deny the application. The Examiner's report will also include a final City decision on any DNS or other Process II appeal.

C. The decision of the Hearing Examiner on a Process I application is appealable to the City Council. The City Council action deciding the appeal and approving, approving with modifications, or denying a project is the final City decision on a Process I application, subject to section 20.35.165 regarding Community Council jurisdiction.

20.35.120 Notice of Application.

A. Within 14 days of issuance of notice of completeness for an application for a Process I land use decision, the Director shall provide notice of the application as follows.

1. Publication of the project description, location, types of City permits or approvals applied for, date of application and location where the complete application file may be reviewed, in a newspaper of general circulation in the city;

2. Mailed notice to owners of real property within 200 feet of the project site including the following information:

- a. The date of application;
- b. The project description and location;
- c. The types of City permits or approvals applied for;
- d. The Director may, but need not, include other information to the extent known at the time of notice of application, such as: the identification of other City permits or approvals required, related permits from other agencies or jurisdictions not included in the City permit process, the dates for any public meetings or public hearings, identification of any studies requested for application review any existing environmental documents that apply to the project, and a statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation.

3. Posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Director shall establish standards for size, color, layout, design, wording and placement of the signs or placards.

4. Mailing notice of the application including at least the information required in section A.1 above to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be the Chair and Vice Chair of each Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens' groups who have requested regular notice of land use actions.

5. Mailing notice of the application including at least the information required in section A.1 above to each member of a Community Council having jurisdiction over an application.

20.35.125 Minimum Comment Period.

A. The Notice of Application shall provide a minimum comment period of 14 days. The Director's recommendation on a Process I application will not be issued prior to the expiration of the minimum comment period.

B. Comments should be submitted to the Director as early in the review of an application as possible and should be as specific as possible.

C. The Director may accept and respond to public comments at any time prior to the closing of the public hearing record.

D. For projects requiring review under the State Environmental Policy Act (SEPA), a single comment letter may be submitted to the Director or the Environmental Coordinator addressing environmental impacts as well as other issues subject to review under the approval criteria for the Process I decision.

20.35.127 Public Meetings.

A. A public meeting is required for all Process I applications. The Director may require the applicant to participate in the meeting to inform citizens about the proposal. Public meetings shall be held as early in the review process as possible for Process I applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

B. Community Council Meetings. If an application is within the jurisdiction of a Community Council pursuant to RCW 35.14, the public meeting shall be held as part of that Community Council's regular meeting. The meeting may be conducted according to the Community Councils rules for a courtesy public hearing or otherwise coordinated with that Council's meeting schedule.

20.35.130 Director's Recommendation.

A written report of the Director making a recommendation to the Hearing Examiner for approval, approval with conditions or with modifications, or for denial shall be prepared. The Director's recommendation shall be based on the applicable Land Use Code decision criteria, shall include any conditions necessary to ensure consistency with City development regulations, and may include any mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).

20.35.135 Public Notice of Director's Recommendation.

A. Notice of Recommendation, SEPA determination, and Hearing Examiner hearing.

1. Public Notice of the availability of the Director's recommendation shall be published in a newspaper of general circulation. If a Determination of Significance (DS) was issued by the environmental coordinator, the notice of the Director's recommendation shall state whether an EIS or Supplemental EIS was prepared or whether existing environmental documents were adopted. If a Determination of Non-Significance (DNS) is issued, the DNS may be issued and published in conjunction with the Director's recommendation except as provided in the Environmental Procedures Code, section 22.02.031 and in 22.02.160. The notice of recommendation shall also include the date of the Hearing Examiner public hearing for the application, which shall be scheduled no sooner than 14 days following the date of publication of the notice.

2. The Director shall mail notice of the recommendation and public hearing to each owner of real property within 200 feet of the project site.

3. The Director shall mail notice to each person who submitted comments during the comment period or at any time prior to the publication of the notice of recommendation.

4. The Director shall mail notice to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be the Chair and Vice Chair of each Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens' groups who have requested regular notice of land use decisions.

5. The Director shall mail notice to each member of a Community Council if the proposal is located within the boundaries of the Community Council.

20.35.137 Hearing Examiner Public Hearing.

A. Participation in Hearing. Any person may participate in the Hearing Examiner public hearing on the Director's recommendation by submitting written comments to the Director prior to the hearing or by submitting written comments or making oral comments at the hearing.

B. Transmittal of File: The Director shall transmit to the Hearing Examiner a copy of the Department file on the application including all written comments received prior to the hearing, and information reviewed by or relied upon by the Director or the Environmental Coordinator. The file shall also include information to verify that the requirements for notice to the public (notice of application, notice of SEPA decision, and notice of Director's recommendation) have been met.

C. Hearing Record. The Hearing Examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.

20.35.140 Hearing Examiner Decision.

A. Criteria for Decision. The Hearing Examiner shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall deny the application.

B. Limitation on Modification. If the Hearing Examiner requires a modification which results in a proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to LUC 20.35.135, the Hearing Examiner shall conduct a new hearing on the proposal as modified.

C. Conditions. The Hearing Examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.

D. Written Decision of the Hearing Examiner. The Hearing Examiner shall within 10 working days following the close of the record distribute a written report supporting the decision. The report shall contain the following:

1. The decision of the Hearing Examiner, and
2. Any conditions included as part of the decision and
3. Findings of facts upon which the decision, including any conditions, was based and the conclusions derived from those facts, and

4. A statement explaining the process to appeal the decision of the Hearing Examiner to the City Council.

E. Distribution: The Office of the Hearing Examiner shall mail the written decision, bearing the date it is mailed, to each person who participated in the public hearing.

20.35.150 Appeal of Hearing Examiner Decision.

A. A Process I decision of the Hearing Examiner may be appealed to the City Council.

1. Who May Appeal. The decision of the Hearing Examiner may be appealed by any person who participated in the public hearing as provided for in section 20.35.137, or by the applicant or the City.

2. Form of Appeal. A person appealing the decision of the Hearing Examiner must file with the City Clerk a written statement of the findings of fact or conclusions which are being appealed and must pay a fee, if any, as established by ordinance or resolution.

3. Time to Appeal. A written statement appealing the decision must be received by the City Clerk, and the appeal fee, if any, must be paid no later than 14 days following the date the decision of the Hearing Examiner was mailed.

4. Hearing Required. The City Council shall conduct a closed record appeal hearing in order to decide upon an appeal of the decision of the Hearing Examiner. The decision on any such appeal shall be made within such time as is required by applicable state law.

5. Closed Record Hearing on Appeal to City Council.

a. Who May Participate. The applicant, the appellant, the applicable Department Director, or representatives of these parties may participate in the appeal hearing.

b. How to Participate. A person entitled to participate may participate in the appeal hearing by: Submitting written argument on the appeal to the City Clerk no later than the date specified in the City Council's Rules of Procedure, or by making oral argument on the appeal to the City Council at the appeal hearing. Argument on the appeal is limited to information contained in the record developed before the Hearing Examiner and must specify the findings or conclusions which are the subject of the appeal, as well as the relief requested from the Council.

c. Hearing Record. The City Council shall make an electronic sound recording of each appeal hearing.

6. City Council Decision on Appeal.

a. Criteria. The City Council may grant the appeal or grant the appeal with modifications if the appellant has carried the burden of proof and the City Council finds that the decision of the Hearing Examiner is not supported by a preponderance of the evidence. In all other cases, the appeal shall be denied. The City Council shall accord substantial weight to the

decision of the Hearing Examiner.

b. Conditions. The City Council may impose conditions as part of the granting of an appeal or granting of an appeal with modifications to ensure conformance with the criteria under which the application was made.

c. Findings. The City Council shall adopt findings and conclusions which support its decision on the appeal.

d. Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote of the membership of the City Council. Any other vote constitutes denial of the appeal.

B. Following resolution of any Process I appeal, the City Council shall take final action to approve, approve with modifications, or deny the project.

1. Conditions. The City Council may, based on the record, include conditions in any ordinance approving or approving with modifications an application in order to ensure conformance with the approval criteria specified in the code or process under which the application was made.

2. Findings of Fact and Conclusions. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the ordinance approving or approving with modifications the application. The City Council may by reference adopt some or all of the findings and conclusions of the Hearing Examiner.

C. Required Vote. The City Council shall adopt an ordinance which approves or approves with modifications the application by a majority vote of the membership of the City Council.

D. Effect of Decision.

1. The decision of the City Council on the application is the final decision of the City and may be appealed to Superior Court as provided in LUC section 20.35.070, except that an appeal of a shoreline conditional use decision shall be filed with the State Shoreline Hearings Board as set forth in RCW 90.58.180.

2. For City Council decisions that are subject to the jurisdiction of a Community Council pursuant to RCW 35.14, the decision of the City Council shall be final upon the date of Community Council action or upon the end of the sixtieth (60th) day following City Council decision.

E. Commencement of Activity.

Subject to LUC 20.35.165 and 20.35.070 the applicant may commence activity or obtain other required approvals authorized by the Process I decision the day following the effective date of the ordinance approving the project or approving it with modifications. Activity commenced prior to the expiration of the full appeal period (LUC 20.35.070) is at the sole risk of the applicant.

20.35.165 Community Council Review and Decision.

A. If the City Council approves or approves with modifications, a proposal within the jurisdiction of a Community Council pursuant to RCW 35.14, that decision is not effective within the jurisdiction of the Community Council until the Community Council votes to approve the ordinance, or the Community Council fails to disapprove the ordinance within 60 calendar days of the enactment of that ordinance or resolution.

B. Notice. The applicable Department Director shall prepare and distribute notice of the public meeting at which the Community Council will take action as provided for in the Rules of Procedure of the Community Council.

20.35.200 Process II: Administrative Decisions.

A. LUC sections 20.35.200 through 20.35.250 contain the procedures the City will use in implementing Process II. A Process II land use decision is an administrative decision made by the Director of the Department of Community Development. Process II applications go through a period of public notice and an opportunity for public comment. An informational meeting may be held for projects of significant impact or for projects involving major changes to the expected pattern of development in an area. The Director then makes a decision based upon the decision criteria set forth in the Code for each type of Process II application. Public notice of the decision is provided, along with an opportunity for administrative appeal of the decision.

B. If required by the State Environmental Policy Act (SEPA), a threshold determination will be issued by the Environmental Coordinator. The threshold determination is also a Process II decision and may be issued in conjunction with the Director's decision on the accompanying land use decision. If an environmental impact statement (EIS) is required, however, the threshold determination will be issued early and the EIS will be completed prior to the issuance of the accompanying land use decision. If the requirement to prepare an EIS or a supplemental EIS is appealed by the applicant, that appeal will be resolved prior to the issuance of the land use decision. (See 22.02.031 and 22.02.160 regarding timing of issuance of the Threshold Determination.)

C. Process II decisions of the Director, and SEPA threshold determinations are final decisions, effective on the day following the expiration of any associated administrative appeal period. If an administrative appeal is filed, the decision is not final until the appeal is heard and decided by the City Hearing Examiner.

20.35.210 Notice of Application.

A. Notice of application for Process II land use decisions shall be

provided within 14 days of issuance of a notice of completeness as follows.

TABLE 20.35.210.A

APPLICATION TYPE	PUBLISH	MAIL	SIGN
ADMINISTRATIVE AMENDMENT	X	X	X
ADMINISTRATIVE CONDITION USE	X	X	X
BINDING SITE PLAN	X		X
DESIGN REVIEW	X	X	X
HOME OCC	X	X	
INTERPRETATION OF LAND USE CODE	X		
LARGE GROUP HOME PERMIT	X	X	
PRELIMINARY SHORT PLAT	X		X
SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT	X	X	
VARIANCE, SHORELINE VAR.	X	X	
WETLAND BOUNDARY ADJUST.	X		X

1. When required by Table 20.35.210.A, publishing shall include publication of the project description, location, types of City permits or approvals applied for, date of application and location where the complete application file may be reviewed, in a newspaper of general circulation in the city;

2. Mailing shall include mailed notice to owners of real property within 200 feet of the project site including the following information:

- a. The date of application;
- b. The project description and location;
- c. The types of City permit(s) or approval(s) applied for;
- d. The Director may, but need not, include other information to the extent known at the time of notice of application, such as: the identification of other City permits required, related permits from other agencies or jurisdictions not included in the City permit process, the dates for any public meetings or public hearings, identification of any studies requested for application review any existing environmental documents that apply to the project, and a statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation.

3. If signs are required, two signs or placards shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Director shall establish standards for size, color, layout, design, wording and placement of the signs or placards.

4. Mailings shall also include mailing notice of the application including at least the information required in section A.1 above to each person who has requested such notice for the calendar year and paid any fee as established by the Director. This mailing shall also include the Chair and Vice-Chair of each Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens groups who have requested notice of land use activity.

20.35.225 Minimum Comment Period.

A. The Notice of Application shall provide a minimum comment period of 14 days. The Director's decision on a Process II application will not be issued prior to the expiration of the minimum comment period.

B. Comments should be submitted to the Director as early in the review of an application as possible and should be as specific as possible.

C. The Director may accept and respond to public comments at any time prior to making the Process II decision.

D. For projects requiring review under the State Environmental Policy Act (SEPA), a single comment letter may be submitted to the Director or the Environmental Coordinator addressing environmental impacts as well as other issues subject to review under the approval criteria for the Process II decision.

20.35.227 Public Meetings.

The Director may require the applicant to participate in a public meeting to inform citizens about a proposal. When required, public meetings shall be held as early in the review process as possible for Process II applications. For projects located within the boundaries of a Community Council, the public meeting may be held as part of that Community Council's regular meeting or otherwise coordinated with that Council's meeting schedule. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

20.35.230 Director's Decision.

A written record of the Process II decision shall be prepared in each case. The record may be in the form of a staff report, letter, the permit itself, or other written document and shall indicate whether the application has been approved, approved with conditions or denied. The Director's decision shall be based on the applicable Land Use Code decision criteria, shall include any conditions to ensure consistency with City development regulations, and may include mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).

20.35.235 Notice of Decision.

A. Public notice of all Process II decisions shall be published in a newspaper of general circulation.

B. The Director shall mail notice of the decision to each person who submitted comments during the public comment period or at any time prior to issuance of the decision.

C. The Director shall mail notice to each member of a Community Council if the proposal is located within the boundaries of the Community Council.

D. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director. Included in this mailing shall be the Chair and Vice-Chair of each Community Council and a representative from each of the neighborhood groups, community clubs, and other citizens' groups who have requested regular notice of land use decisions.

20.35.250 Appeal of Process II Decisions.

A. Process II decisions, except for shoreline permits, may be appealed as follows:

1. Who may appeal. The project applicant or any person who submitted written comments prior to the date the decision was issued may appeal the decision.

2. Form of Appeal. A person appealing a Process II decision must file a written statement setting forth:

a. Facts demonstrating that the person is adversely affected by the decision,

- b. A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria,
- c. The specific relief requested, and
- d. Any other information reasonably necessary to make a decision on the appeal.

The appellant must pay such appeal fee, if any, as established by ordinance or resolution at the time the appeal is filed.

3. Time to Appeal. The written appeal and the appeal fee, if any, must be received by the Department of Community Development no later than 5:00 p.m. on the fourteenth (14th) day following the date of publication of the decision of the Director; except that if the Director's decision is consolidated with a threshold determination of non-significance under the State Environmental Policy Act for which a comment period pursuant to WAC 197-11-340 must be provided, the appeal period for the consolidated decision shall be 21 days.

B. Shoreline Permit Appeals.

An appeal of a shoreline substantial development permit or a shoreline variance shall be to the State Shoreline Hearings Board and shall be filed within 21 days as set forth in RCW 90.58.180.

C. Notice of Appeal Hearing.

If a Process II decision is appealed, a hearing before the City Hearing Examiner shall be set and notice of the hearing shall be provided in the same manner as was done for the notice of decision (see section 20.35.235); except that if the Process II decision has been consolidated with a recommendation on a Process I or Process III application, any appeal of the Process II decision shall be consolidated with the Process I or Process III public hearing. No separate notice of a Process II appeal will be provided if a public hearing has already been scheduled for the Process I or Process III component of an application.

D. Hearing Examiner Hearing.

The Hearing Examiner shall conduct an open record hearing on a Process II appeal. The appellant, the applicant, and the City shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information; provided that the Examiner may allow non-parties to present relevant testimony if allowed under

the Examiner's Rules of Procedure.

E. Hearing Examiner Decision.

Within 10 working days after the close of the record for the Process II appeal, the Hearing Examiner shall issue a decision to grant, grant with modifications, or deny the appeal. The Examiner may grant the appeal or grant the appeal with modifications if:

1. The appellant has carried the burden of proof, and
2. The Examiner finds that the Process II decision is not supported by a preponderance of the evidence.

F. Appeal of Hearing Examiner Decision.

A final decision by the Hearing Examiner on a Process II application may be appealed to superior court as set forth in section 20.35.070.

G. Time Period to Complete Appeal Process.

In all cases except where the parties to an appeal have agreed to an extended time period, the administrative appeal process shall be completed within 90 days from the date the original administrative appeal period closed. Administrative appeals shall be deemed complete on the date of issuance of the Hearing Examiner's decision on the appeal.

20.35.300 Process III: City Council Quasi-Judicial Decisions.

LUC sections 20.35.300 through 20.35.365 contain the procedures the City will use in implementing Process III. The process is similar to Process I, except that the Hearing Examiner makes a recommendation to the City Council following the public hearing. The City Council acts as the final decisionmaker even when no appeal of the Hearing Examiner recommendation is filed.

20.35.320 Notice of Application.

A. Within 14 days of issuance of notice of completeness for an application for a Process III land use decision, the Director shall provide notice of the application as follows.

1. Publication of the project description, location, types of City permits or approvals applied for, date of application and location where the complete application file may be reviewed, in a newspaper of general circulation

in the city;

2. Mailed notice to owners of real property within 200 feet of the project site including the following information:

- a. The date of application;
- b. The project description and location;
- c. The types of City permits or approvals applied for;
- d. The Director may, but need not, include other information

to the extent known at the time of notice of application, such as: the identification of other City permits or approvals required, related permits from other agencies or jurisdictions not included in the City permit process, the dates for any public meetings or public hearings, identification of any studies requested for application review; any existing environmental documents that apply to the project, and a statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation.

3. Posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Director shall establish standards for size, color, layout, design, wording and placement of the signs or placards.

4. Mailing notice of the application including at least the information required in section A.1 above to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be the Chair and Vice Chair of each Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens groups who have requested regular notice of land use actions.

5. Mailing notice of the application including at least the information required in section A.1 above to each member of a Community Council having jurisdiction over an application pursuant to RCW 35.14.

20.35.325 Minimum Comment Period.

A. The Notice of Application shall provide a minimum comment period of 14 days. The Director's recommendation on a Process III application will not be issued prior to the expiration of the minimum comment period.

B. Comments should be submitted to the Director as early in the review of an application as possible and should be as specific as possible.

C. The Director may accept and respond to public comments at any time prior to the closing of the public hearing record.

D. For projects requiring review under the State Environmental Policy Act (SEPA), a single comment letter may be submitted to the Director or the Environmental Coordinator addressing environmental impacts as well as other issues subject to review under the approval criteria for the Process III decision.

20.35.327 Public Meetings.

A. A public meeting is required for all Process III applications. The Director may require the applicant to participate in the meeting to inform citizens about the proposal. Public meetings shall be held as early in the review process as possible for Process III applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

B. Community Council Meetings. If an application is within the jurisdiction of a Community Council pursuant to RCW 35.14, the public meeting shall be held as part of that Community Council's regular meeting. The meeting may be conducted according to the Community Council's rules for a courtesy public hearing or otherwise coordinated with that Council's meeting schedule.

20.35.330 Director's Recommendation.

A written report of the Director making a recommendation to the City Council for approval, approval with conditions or with modifications, or for denial shall be prepared. The Director's recommendation shall be based on the applicable Land Use Code decision criteria, shall include any conditions to ensure consistency with City development regulations, and may include any mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).

20.35.335 Public Notice of Director's Recommendation.

A. Notice of Recommendation, SEPA determination, and Hearing Examiner hearing.

1. Public Notice of the availability of the Director's recommendation shall be published in a newspaper of general circulation. If a Determination of Significance (DS) was issued by the environmental coordinator, the notice of the Director's recommendation shall state whether an Environment Impact Statement (EIS) or Supplemental EIS was prepared or whether existing environmental documents were adopted. If a Determination of Non-significance (DNS) is issued, the DNS may be issued and published in conjunction with the Director's recommendation. The notice of

recommendation shall also include the date of the Hearing Examiner public hearing for the application, which shall be scheduled no sooner than 14 days following the date of publication of the notice.

2. The Director shall mail notice of the recommendation and public hearing to each owner of real property within 200 feet of the project site.

3. The Director shall mail notice to each person who submitted comments during the comment period or at any time prior to the publication of the notice of recommendation.

4. The Director shall mail notice to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be the Chair and Vice Chair of each Community Council and a representative from each of the neighborhood associations, community clubs, or other citizens groups who have requested notice of land use actions.

5. The Director shall mail notice to each member of a Community Council if the proposal is located within the boundaries of the Community Council.

20.35.337 Hearing Examiner Public Hearing.

A. Participation in Hearing. Any person may participate in the Hearing Examiner public hearing on the Director's recommendation by submitting written comments to the Director prior to the hearing or by submitting written comments or making oral comments at the hearing.

B. Transmittal of File: The Director shall transmit to the Hearing Examiner a copy of the Department file on the application including all written comments received prior to the hearing, and information reviewed by or relied upon by the Director or the Environmental Coordinator. The file shall also include information to verify that the requirements for notice to the public (notice of application, notice of SEPA decision, and notice of Director's recommendation) have been met.

C. Hearing Record. The Hearing Examiner shall create for the City Council a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.

20.35.340 Hearing Examiner Recommendation.

A. Criteria for Recommendation. The Examiner shall recommend approval or approval with conditions or modification if the applicant has demonstrated that the proposal complies with the applicable decision criteria of

11/27/95

the Bellevue City Code. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall recommend denial of the application.

B. **Limitation on Modification.** If the Hearing Examiner recommends a modification which results in a proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to LUC 20.35.335, the Hearing Examiner shall conduct a new hearing on the proposal as modified.

C. **Conditions:** The Hearing Examiner may include conditions to ensure the proposal conforms to the relevant decision criteria.

D. **Written Recommendation of the Hearing Examiner.** The Hearing Examiner shall within 10 working days following the close of the record distribute a written report including a recommendation on the public hearing. The report shall contain the following :

1. The recommendation of the Hearing Examiner, and
2. Any conditions included as part of the recommendation, and
3. Findings of facts upon which the recommendation, including any conditions, was based and the conclusions derived from those facts, and
4. A statement explaining the process to appeal the recommendation of the Hearing Examiner, and
5. The date on which the matter has been scheduled for consideration by the City Council and information on how to find out whether the Examiner's recommendation has been appealed.

E. **Distribution:** The Office of the Hearing Examiner shall mail the written recommendation, bearing the date it is mailed, to each person who participated in the public hearing.

20.35.350 Appeal of Hearing Examiner Recommendation.

A. A recommendation of the Hearing Examiner may be appealed to the City Council.

1. **Who May Appeal.** The recommendation of the Hearing Examiner may be appealed by any person who participated in the public hearing as provided for in section 20.35.337, or by the applicant or the City.

2. **Form of Appeal.** A person appealing the recommendation of the Hearing Examiner must file with the City Clerk a written statement of the findings of fact or conclusions which are being appealed and must pay a fee, if

11/27/95

any, as established by ordinance or resolution.

3. **Time to Appeal.** A written statement appealing the recommendation of the Hearing Examiner must be received by the City Clerk, and the appeal fee, if any, must be paid no later than 14 calendar days following the date the recommendation of the Hearing Examiner was mailed.

4. **Hearing Required.** The City Council shall conduct a closed record appeal hearing and shall decide upon an appeal of the recommendation of the Hearing Examiner prior to or in conjunction with taking final action on the application pursuant to LUC 20.35.355. The decision on any appeal of the Hearing Examiner's recommendation and final action on the application shall be made within such time as is required by applicable state law.

5. **Closed Record Hearing on Appeal to City Council.**

a. **Who May Participate.** The applicant, the appellant, the applicable Department Director or representatives of these parties may participate in the appeal hearing.

b. **How to Participate.** A person entitled to participate may participate in the appeal hearing by: Submitting written argument on the appeal to the City Clerk no later than the date specified in the City Council's Rules of Procedure or by making oral argument on the appeal to the City Council at the appeal hearing. Argument on the appeal is limited to information contained in the record developed before the Hearing Examiner and must specify the findings or conclusions which are the subject of the appeal, as well as the relief requested from the Council.

c. **Hearing Record.** The City Council shall make an electronic sound recording of each appeal hearing.

6. **City Council Decision on Appeal.**

a. **Criteria.** The City Council may grant the appeal or grant the appeal with modifications if the appellant has carried the burden of proof and the City Council finds that the recommendation of the Hearing Examiner is not supported by a preponderance of the evidence. In all other cases, the appeal shall be denied. The City Council shall accord substantial weight to the recommendation of the Hearing Examiner.

b. **Conditions.** The City Council may impose conditions as part of the granting of an appeal or granting of an appeal with modifications to ensure conformance with the criteria under which the application was made.

c. **Findings.** The City Council shall adopt findings and conclusions which support its decision on the appeal.

d. **Required Vote.** A vote to grant the appeal or grant the appeal with modifications must be by a majority vote of the membership of the City Council. Any other vote constitutes denial of the appeal.

20.35.355 City Council Decision on the Application.

A. General.

The City Council shall, at a public meeting, consider and take final action on each Process III application. If an appeal of the Hearing Examiner recommendation was filed, the City Council will consolidate and integrate the appeal hearing and decision into their consideration of the application.

B. Elements to be Considered. The City Council shall not accept new information, written or oral, on the application, but shall consider the following in deciding upon an application:

1. The complete record developed before the Hearing Examiner, and
2. The recommendation of the Hearing Examiner, and
3. The comments of a Community Council with jurisdiction pursuant to RCW 35.14, and
4. The City Council decision on any appeal of the recommendation of the Hearing Examiner.

C. Decision.

The City Council shall either:

1. Approve the application, incorporating its decision on any appeal pursuant to LUC 20.35.350; or
2. Approve the application with modifications, also incorporating its decision on any appeal pursuant to LUC 20.35.350; or
3. Remand the application to the Hearing Examiner and the Director for an additional hearing limited to specific issues identified by the Council; or
4. Deny the application.

D. Ordinance.

1. Conditions. The City Council may, based on the record, include conditions in any ordinance approving or approving with modifications an application in order to ensure conformance with the criteria under which the application was made.
2. Findings of Fact and Conclusions. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the ordinance approving or approving with modifications the application. The City Council may by

reference adopt some or all of the findings and conclusions of the Hearing Examiner.

E. Required Vote.

The City Council shall adopt an ordinance which approves or approves with modifications the application by a majority vote of the membership of the City Council. Any other vote constitutes a denial of the application.

F. Distribution.

The City Clerk shall mail a letter, bearing the date it is mailed, indicating the content of the final decision of the City to any person who participated in the public hearing before the Hearing Examiner on the application.

G. Effect of Decision.

1. The decision of the City Council on the application is the final decision of the City and may be appealed to Superior Court as provided in LUC section 20.35.070.

2. For City Council decisions that are subject to the jurisdiction of a Community Council pursuant to RCW 35.14, the decision of the City Council shall be final upon the date of Community Council action or upon the end of the sixtieth (60th) day following City Council action.

H. Commencement of Activity. Subject to LUC 20.35.365 and 20.35.070 the applicant may commence activity or obtain other required approvals authorized by the Process III decision the day following the effective date of the Ordinance approving the project or approving it with modifications. Activity commenced prior to the expiration of the full appeal period (LUC 20.35.070) is at the sole risk of the applicant.

20.35.365 Community Council Review and Decision.

A. If the City Council approves, or approves with modifications, an application within the jurisdiction of a Community Council pursuant to RCW 35.14, that approval is not effective within the jurisdiction of the Community Council until the Community Council votes to approve the ordinance, or the Community Council fails to disapprove the ordinance within 60 days of the enactment of that ordinance.

B. The applicable Department Director shall prepare and distribute

notice of the public meeting at which the Community Council will take action in accordance with the Community Council's Rules of Procedure.

C. The decision of the Community Council may be appealed to Superior Court as provided for in state law under the Land Use Petition act, Chapter 36.70C RCW.

20.35.400 Process IV: City Council Legislative Actions.

Land Use Code sections 20.35.400 through 20.35.450 contain the procedures the City will use to make legislative land use decisions (Process IV actions). The process usually includes a hearing and recommendation by the Planning Commission and an action by the City Council. Alternatively, the City Council may hold its own hearing regarding proposals to change the text of the Land Use Code. Review under the State Environmental Policy Act (SEPA) and the Bellevue Environmental Procedures Code may be required. An action by a Community Council may also be required, in which case, the Community Council may hold a courtesy public hearing at any time prior to the City Council action.

20.35.410 Planning Commission Procedure.

A. General.

Process IV proposals will usually be introduced to the Planning Commission, which may schedule study sessions as needed to consider the proposal. Prior to making a recommendation, the Planning Commission shall schedule a public hearing. After the public hearing, and after any further study sessions as may be needed, the Planning Commission shall transmit its recommendation to the City Council through the applicable Department Director and the City Clerk. Alternatively, the City Council may conduct its own process and hold its own hearing when the proposal is for a change to the text of the Land Use Code.

B. Criteria.

The Planning Commission may recommend the Council adopt or adopt with modifications a proposal if it complies with the applicable decision criteria of the Bellevue City Code. In all other cases, the Planning Commission shall recommend denial of the proposal.

C. Limitation on Modification.

If the Planning Commission recommends a modification which results in a proposal not reasonably foreseeable from the notice provided pursuant to LUC 20.35.420, the Planning Commission shall conduct a new public hearing on the proposal as modified.

D. Required Vote.

A vote to recommend adoption of the proposal or adoption with modification must be by a majority vote of the Planning Commission members present and voting.

20.35.420 Public Hearing Notice.

A. Content.

When the Planning Commission or City Council has scheduled a public hearing on a Process IV proposal, the applicable Department Director shall prepare a notice containing the following information:

1. The name of the applicant, and if applicable, the project name;
2. If the application involves specific property, the street address of the subject property, a description in non-legal terms sufficient to identify its location, and a vicinity map indicating the subject property;
3. A brief description of the action or approval requested;
4. The date, time and place of the public hearing; and
5. A statement of the right of any person to participate in the public hearing as provided for in LUC section 20.35.430.

B. Provision of Notice.

1. The applicable Department Director shall provide for notice of the public hearing to be published in a newspaper of general circulation in the city at least 14 days prior to the date of the public hearing.
2. If the proposal involves specific property, rather than an area-wide or zone-wide change, two signs or placards shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorists using the adjacent streets.
3. If the proposal involves specific property, rather than an area-wide or zone-wide change, notice of the public hearing shall be mailed to each owner of real property within 200 feet of any boundary of the subject property.

4. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director. Included in this mailing shall be the Chair and Vice-Chair of each Community Council and a representative from each of the neighborhood groups, community clubs, and other citizens' groups who have requested regular notice of land use actions.

5. Notice shall be mailed to each member of a Community Council having jurisdiction over the application.

20.35.430 Public Hearing.

A. Participation.

Any person may participate in the public hearing by submitting written comments to the applicable Department Director prior to the hearing or by submitting written or making oral comments to the Planning Commission or the Council at the hearing. All written comments received by the applicable Department Director shall be transmitted to the Planning Commission or City Council not later than the date of the public hearing.

B. Hearing Record. The Planning Commission or City Council shall compile written minutes of each hearing.

20.35.435 Community Council Courtesy Hearing.

A. If the proposal is subject to jurisdiction of a Community Council pursuant to RCW 35.14, the Community Council may hold a courtesy public hearing at any time prior to the City Council action. Comments from the Community Council on the proposal may be forwarded to the Planning Commission or directly to the City Council.

B. The applicable Department Director shall prepare and distribute notice for the courtesy hearing as set forth in the Community Council Rules of Procedure

20.35.440 City Council Action.

A. General. The City Council shall consider at a public meeting each recommendation transmitted by the Planning Commission and each proposal before the Council at the Council's own direction. The Council shall take legislative action on the proposal in accordance with state law.

B. City Council Action. The City Council may take one of the following actions:

1. Adopt an ordinance or resolution adopting the proposal or adopting the proposal with modifications; or
2. Adopt a motion denying the proposal; or
3. Refer the proposal back to the Planning Commission for further proceedings, in which case the City Council shall specify the time within which the Planning Commission shall report back to the City Council with a recommendation.

20.35.450 Community Council Review and Action.

A. If the City Council adopts or adopts with modifications, a proposal within the jurisdiction of a Community Council pursuant to RCW 35.14, that action is not effective within the jurisdiction of the Community Council until the Community Council votes to approve the ordinance or resolution, or the Community Council fails to disapprove the ordinance or resolution within 60 days of the enactment of that ordinance or resolution.

B. Notice. The applicable Department Director shall prepare and distribute notice of the public meeting at which the Community Council will take action as provided for in the Rules of Procedure of the Community Council.

Section 103. Section 20.25C.010 of the Land Use Code is amended as follows:

20.25C.010 Applicability of site development and design standards.

All new development and substantial remodels are subject to the site development and design standards of Part 20.25C. (Ord. 3530, 8-12-85, § 57)

Section 104. Section 20.25C.030 of the Land Use Code is hereby amended as follows:

20.25C.030 Minimum yard dimensions in OLB district.

A. In OLB Districts required side yards may be reduced equally to permit building on 50 percent of the total property dimension measured from one side property line to the other.

B. The combined dimension of the rear and front yards need not be more than 50 percent of the total property dimension measured from front to rear property line, and may be adjusted as follows:

1. Where the required front and rear yard dimensions combined is more than 50 percent of the total property dimension, measured from front to rear, the location of the rear building line may first be adjusted by measuring from the required front building line a dimension equal to 50 percent of the total property dimension.

2. Where the required front yard dimension is greater than 50 percent of the total property dimension, measured from front to rear and after making the maximum adjustment of the rear yard, the location of the front yard building line may be adjusted by measuring from the rear property line a dimension equal to 50 percent of the total property dimension, and no rear yard shall be required.

Section 105. Section 20.25C.040 of the Land Use Code is hereby amended as follow:

20.25C.040 Design standards in OLB districts.

A. Building Design Standards

1. The entire site complex shall have a unity of design by use of similar wall and roof materials, roof slopes and window patterns, in order to reduce adverse visual impacts to those on and along major access routes and to mitigate adverse impacts from major access routes on nearby, less intensive and uses.

2. Rooftop equipment shall be visually screened pursuant to LUC 20.20.525. The design and color of rooftop mechanical screening should be integrated with the building architectural style.

3. The building should include architectural elements that provide weather protection such as overhangs and recesses at building entrances.

B. Landscaping Design Standards.

1. A minimum of 15 percent of the property area of each site shall be in landscaped open space. For each percent that a structure's ground floor area exceeds 15 percent, the landscaping requirements for that site shall be increased by 0.5 percent to a maximum of 20 percent of the property area of the site.

2. Service yards and at-grade mechanical equipment shall be sight-screened from adjoining property or streets or highway by a solid planting of evergreen trees and shrubs at least as high as the equipment or use being screened within two years from the time of planting.

3. Parking areas shall include plantings using trees of three inches caliper or 14-16 feet high and 42-inch high shrubs at approximately 35 feet on-center parallel to the aisle, or shall be screened as a service yard using similar materials. Other parking lot landscaping shall meet LUC. 20.20.590 requirements for Type V landscaping.

4. When property abuts the right-of-way for I-90, I-405, or SR 520 highways, or abuts parallel frontage roads of said highways, plant material shall be planted and spaced in a planting area a minimum of 10 feet wide. Deciduous trees shall have a minimum caliper of three inches, evergreen trees shall have a minimum height of 14-16 feet tall and shall be at intervals of no greater than 35 feet on center along the right-of-way. No more than 30 % of the trees shall be deciduous. Trees shall have a minimum mature height of 45 feet. Shrubs shall be a minimum of 42 inches high.

5. Trees installed as part of general site landscaping shall be a minimum of 1-1/2 inches in caliper or 8-12 Ft. high.

6. Accessible outdoor gathering areas should be provided for the employees, general public and visitors to the site.

C. Signs:

All signs shall be an integral part of the architectural design consistent with the scale and architecture of the building. Signs shall meet the requirements of BCC.22B.10, Bellevue Sign Code.

Section 106. Section 20.25B.040 of the Land Use Code is hereby amended as follows:

20.25B.040 Development standards.

Pursuant to LUC 20.25B.030, all development activity within a transition area must comply with the following:

A. Building Height.

1. Definition. For purposes of this chapter, building height shall be measured from average existing grade around the building to the highest point of a flat roof or parapet or to the mean height between the eaves and ridge of a pitched roof. Mechanical equipment and satellite dish antennas are included in building height calculations, except that mechanical equipment may extend into the upper one-half of a pitched roof form not to exceed 10 feet above maximum building height. This additional 10 feet is for equipment or screening purposes only and not to obtain additional habitable space.

Specifically excluded from this definition are slender structural elements not intended for human habitation and not exceeding 10 feet above the maximum building height including chimneys, smoke ventilation stacks, antennas, and flagpoles. This definition supersedes the building height definition in LUC 20.50.012 for purposes of this chapter only.

2. Maximum Height. The following chart sets forth the height limitation of any building within a transition area and the maximum height which may be achieved through bonuses as indicated in paragraph 3:

Zone	Height Limitation (Underlying Zone)	Maximum Height w/Bonuses Limitation
OU	30'	40'
R-10	30'	30'
R-15	30'	30'
R-20	30'	40'
R-30	30'	40'
PO	20'	30'
O	30'	40'
OLB	30'	45'
LI	30'	45'
GC	30'	40'
NB	20'/30' ¹	35' ²
CB	30'	45'

Note 1. In the NB District, the 30-foot height limit may be achieved only when the development is in compliance with LUC 20.20.010, Note 25.

Note 2. The 35-foot height limit may be achieved only when the development is in compliance with LUC 20.20.010, Note 25 and achieves a 5-foot height bonus as indicated in paragraph 3.

3. Allowable Height Increase. Except in an R-10 or R-15 district, the height limitation may be increased up to maximum height with bonuses limitation indicated in paragraph 2, only if one or more of the following items is provided, the decision criteria for Administrative Design Review are met, and the intent of the transition area design district is maintained.

Item	Increase Allowed
a. Underbuilding parking:	5-foot increase
b. Underground parking:	10-foot increase
c. Pitched roof:	5-foot increase
d. Top floor stepback on all sides of at least 10 feet:	5-foot increase
e. No mechanical equipment on the roof:	5-foot increase
f. Existing grade at the proposed building line is at 10 feet below the existing grade at the property line of the property receiving transition:	5-foot increase

For purposes of this section, "underground" is defined the same as a basement in LUC 20.50.012.

4. Modification to Height. The maximum building height allowed in LUC 20.25B.040.A.2 may be modified through the Administrative Design Review process only if the following conditions are met:

a. When the location of the building pad is at least 20 feet below the existing grade at the property line of the property receiving transition; and

b. The modified building height does not exceed the maximum height permitted by the underlying land use district for properties outside transition areas; and

c. The project, with the height modification will provide the same or better transition to the property receiving transition as with the maximum height permitted in paragraph A.2.

B. Setbacks.

1. Setback for Primary Structures. Primary structures must be located a minimum of 30 feet from the property line of the district receiving transition.

2. Distance between Primary Structures. Primary structures must be located a minimum of 20 feet from other primary structures.

C. Landscaping, Open Space and Buffers.

1. Landscaping. All landscaping shall comply with standards set forth in LUC 20.20.520. The provisions of LUC 20.20.520.J (Alternate Landscaping Option) are applicable and, in addition, may be used to modify up

to 10 feet of required street frontage landscaping.

2. Buffer.

a. A landscaped buffer, at least 20 feet in width, shall be provided along the entire street frontage where any portion of the street frontage is abutting a district receiving transition and along the interior property line abutting the district receiving transition.

b. All significant trees within 15 feet of the property line shall be retained as required by LUC 20.20.520.E.

c. The buffer shall be planted with the following:

i. Evergreen and deciduous trees, of which no more than 40 percent can be deciduous. There shall be a minimum of five trees per 1,000 square feet of buffer area, which shall be a minimum of 10 feet high at planting, along with the evergreen shrubs and living groundcover as described in (ii) and (iii) to effectively buffer development from adjacent residential properties; and

ii. Evergreen shrubs, a minimum 42 inches in height at planting, at a spacing no greater than three feet on center; and

iii. Living groundcover planted to cover the ground within three years.

iv. Alternatively, where the street frontage landscaping will be planted to buffer a building elevation and not a parking area, driveway or site development other than a building, lawn no less than five feet in width may be substituted for the shrubs and groundcover required in paragraphs c.(ii) and c.(iii). This paragraph does not apply in LI and GC districts.

d. Where an LI, GC or CB zoned property abuts a residential district on an interior property line, an evergreen hedge a minimum of four feet in height at planting and capable of achieving a continued visual screen with a height of five feet within a three-year period or a combination of shrubs and fence shall be added within the required planting area to achieve the effect of a hedge.

e. Patios and other similar ground level features and trails may be incorporated into the buffer area, except that no more than 20 percent of the area may be used for such features. Patios shall not be located within 10 feet of the property line.

D. Site Design Standards.

1. Surface parking lots shall be screened from street level views and from ground level views of an abutting residential district of a lower intensity by berms, hedges, walls or combinations thereof. In appropriate circumstances, surface parking lots should be located away from adjacent residential properties.

2. Site features such as fences, walls, refuse enclosures, light fixtures, carports and storage units shall be designed to be integrated with the

architectural design of the primary structure.

E. Mechanical Equipment. Mechanical equipment which is located on the roof shall be incorporated into the pitched or stepped roof form, and not appear as a separate penthouse or box.

F. Refuse Containers. All refuse and recycling containers within a transition area shall be contained within structures enclosed on all four sides and utilize lids made of molded plastic or other sound buffering material.

G. Signs. Building design shall provide for architecturally integrated signage consistent with the scale and architecture of the building. Signs shall meet the requirements of BCC.22B.10, Bellevue Sign Code.

Section 107. Section 20.25B.050 of the Land Use Code is hereby amended as follows:

20.25B.050 Design guidelines.

Pursuant to LUC 20.25B.030, all development activity within a transition area must comply with the following guidelines:

A. Site Design Guidelines.

1. Whenever possible, vehicular access should be designed so that traffic is not directed through an abutting residential district of lower intensity.

2. Loading and refuse collection areas should be on the side of a building facing away from an abutting residential district of a lower intensity, but not in a front yard setback.

3. In addition to the minimum requirements of LUC 20.20.520, site development should maximize the retention of existing significant vegetation in order to soften the visual impact on adjacent residential uses.

4. Surrounding vegetation, topography, street patterns, parking configuration and building massing should be considered in order to result in a compatible fit between the proposed development and existing residential development.

B. Building Design Guidelines.

1. Building surfaces facing abutting residential districts should be clad with materials which are similar to or compatible with surrounding uses, and which minimize reflected lighting.

2. Building facades should incorporate elements such as

stepbacks, offsets, angled facets, deep roof overhangs, recesses and other architectural features which serve to break down the scale. The larger the building, the greater the number and variety of such elements that may be necessary to achieve the effect of diminishing scale.

3. Within transition areas, pitched roof forms are preferred in order to enhance the compatibility with nearby residential areas. However, under certain circumstances, a stepped roof form could achieve a similar effect.

4. Communication dishes greater than two feet in diameter should not be visible from adjacent residential districts.

5. Within transition areas, materials and colors used on the building facades should be compatible with nearby residential buildings and the surrounding natural environment; however, colors and materials used for the purpose of accent may be approved.

Section 108. Section 20.25I.010 of the Land Use Code is hereby amended as follows:

20.25I.010 Purpose.

The purpose of the Community Retail Design District is to ensure that development within the retail districts outside the Downtown exhibits a high quality of design in support of their role as the retail/service centers of the surrounding residential areas. Development in the district should incorporate architectural, landscape and pedestrian features, which are compatible with and provide identification for the surrounding area.

Section 109. Section 20.25I.030 of the Land Use Code is hereby amended as follows:

20.25I.030 Design Review required.

All development activity within the Community Retail Design District must be reviewed by the Director of Community Development using the Design Review Process, Part 20.30F.

Section 110. Section 20.25I.040 of the Land Use Code is hereby amended as follows:

20.25I.040 Design guidelines.

The following design guidelines apply to development in the Community

Retail Design District:

A. Building Design Guidelines.

1. All buildings within a multi-building complex should achieve a unity of design through the use of similar architectural elements, such as roof form, exterior building materials, colors, and window pattern.
2. Individual buildings should incorporate similar design elements, such as surface materials, color, roof treatment, windows and doors, on all sides of the building to achieve a unity of design.

B. Site Design Guidelines.

1. Where a perimeter landscape area required under LUC 20.20.520.F may be relocated under Note 1 of that section, some or all of the relocated area should be used to provide a landscaped courtyard. Any relocated landscape area should be visible from the public street. The courtyard should be protected from wind on two sides and in sun during part of the day. Seating shall be provided.
2. Parking areas should be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping should be used to define and separate parking, access, and pedestrian areas within parking lots.
3. The landscape design for the site should include plantings which emphasize the major points of pedestrian and vehicular access to the site.
4. Site features such as fences, walls, refuse and recycle enclosures, and light fixtures should be designed to be consistent with the scale and architectural design of the primary structure(s). Such site features should be designed and located to contribute to the pedestrian environment of the site development.
5. Loading areas should not be located between the building and the street unless there is no alternative location possible. Loading areas, if located between the building and the street, should be oriented away from the street and screened to minimize views of the loading area from the street and sidewalk. Loading areas should not be located on the side of a building which faces toward a residential use.
6. In multiple building complexes, buildings should be located to facilitate safe and comfortable pedestrian movement between buildings. On sites which are adjacent to other properties within the Community Retail Design District, building location should be chosen to facilitate pedestrian and vehicular connections to buildings on those adjacent properties.
7. In locations and districts specifically described in the Comprehensive Plan Urban Design Element Figure UD.1 consideration should be given to locating buildings closer to the public street with entrances to the buildings from the public sidewalk, with no intervening parking or driving area.

Corner locations are particularly appropriate for this treatment.

8. Opportunities should be found for safe, convenient, and pleasant pedestrian connections to existing transit facilities. Where needed, shelters and lay-bys for transit vehicles should be incorporated into the site development.

Section 111. Section 20.25I.050 of the Land Use Code is hereby amended as follows:

20.25I.050 Design standards.

A. Special Corner Feature.

If the property is located at the intersection of two arterial streets, the site development shall incorporate a special corner feature at the corner of the site. A special corner feature can be a landscape feature, seasonal color planting area, sculpture or water feature. The feature should provide a visual landmark and some amount of seating area. If the property is not located at an intersection, a similar feature should be considered in conjunction with a transit stop or at the primary access point to the site.

B. Building Design Standards.

1. The design of buildings shall incorporate elements such as special architectural details, distinctive color schemes, special art and other features, which are sensitive to and enhance the surrounding area and serve to distinguish the complex from other retail complexes in the city.

2. The sides of a building which face toward a public street shall include public entrances to the building and windows to provide visual access to the activity within the building.

3. The sides of a building which face toward an adjoining property, but not toward a public street, shall include elements such as windows, doors, color, texture, landscaping or wall treatment to provide visual interest and prevent the development of a long continuous blank wall.

4. Building design shall provide for architecturally integrated signage. Signs shall be in proportion to the development and oriented to the main direction access and to pedestrian movement. Signs shall meet the requirements of BCC. 22B.10, Bellevue Sign Code.

C. Internal Walkways. The following design standards apply within the Community Retail Design District:

1. Walkways, of six feet in width minimum, shall be provided from the public sidewalk or right-of-way to the building. At a minimum, walkways

shall be located to connect focus points of pedestrian activity such as transit stops and street crossings to the major building entry points.

2. Walkways shall be provided to connect with walkways or potential walkway locations on adjoining properties in the District to create an integrated internal walkway system along the desired lines of pedestrian travel. The width of the walkway should be commensurate with the anticipated level of pedestrian activity along the connecting walkway.

On the sides of the building which provide public access into the building, the walkway should be wide enough to allow for sidewalk seating area or window gazing as well as pedestrian travel. Weather protection of the building walkway should be provided at a minimum at the entrance area and, if appropriate, along the entire building walkway.

3. Internal walkway surfaces shall be designed to be visually attractive and distinguishable from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort.

D. Other Development Standards.

1. Rooftop equipment shall be visually screened pursuant to LUC 20.20.525. The design and color of rooftop mechanical equipment should be integrated with the building architectural style.

2. The outdoor display of building materials and similar bulky products shall be screened from views from the public street, sidewalk, and properties outside the District with a durable, solid wall or fence, or an evergreen hedge or a combination of the above. The screening requirement does not apply to the display of seasonal products of a decorative nature such as bedding plants, Halloween pumpkins, and holiday greens.

3. Bicycle racks shall be provided on site. Facilities for a minimum of 10 bicycles shall be provided for developments having 100 or fewer parking stalls. For each 100 additional stalls, facilities for five additional bicycles shall be provided. (Ord. 4654, 6-6-94, § 53)

Section 112. Section 20.30F.116 of the Land Use Code is hereby amended as follows:

20.30F.116 City Council design review.. Notwithstanding any provisions of the Code requiring that design review be conducted under this Part 20.30F, all projects for which a City Council-approved design competition in which an opportunity for public comment has been provided, shall be exempt from the design review process, but must comply with the applicable design review criteria and standards of this Code.

WP0520C-ORD
11/27/95

Section 113. Section 20.30F.130 of the Land Use Code is hereby repealed.

Section 114. Section 20.30F.135 of the Land Use Code is hereby repealed.

Section 115. Section 20.30F.145 of the Land Use Code is hereby amended as follows:

20.30F.145 Decision criteria.

The Director may approve or approve with modifications an application for Design Review if:

- A. The proposal is consistent with the Comprehensive Plan, and
- B. The proposal complies with the applicable requirements of this Code, and
- C. The proposal addresses all applicable design guidelines or criteria of this Code in a manner which fulfills their purpose and intent, and
- D. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity , and
- E. The proposal will be served by adequate public facilities including streets, fire protection, and utilities.

Section 116. Section 20.30F.150 of the Land Use Code is hereby repealed.

Section 117. Section 20.30F.155 of the Land Use Code is hereby repealed.

Section 118. Section 20.30F.160 of the Land Use Code is hereby repealed.

Section 119. Section 20.30F.170 of the Land Use Code is hereby amended as follows:

20.30F.170 Planning commission design review.

The authority designated in a land use approval or concomitant agreement for the Bellevue Planning Commission to review a design review proposal is transferred to the Director to review said design review proposal under Part 20.30F.

Section 120. A new Section 20.30F.175 of the Land Use Code is hereby added as follows:

20.30F.175 Modification or Addition to an approved design review project or decision.

A. There are two ways to modify or add to an approved project or decision: process as a new decision, or process as a Land Use Exemption.

B. General. Except as provided in subsection C below, an amendment of a previously approved project or decision is treated as a new application.

C. Land Use Exemption for Design Review Approval.

1. The Director may determine that an addition or modification to a previously approved project or decision is exempt from further review or review as a new application, provided the following criteria are met:

a. The proposal does not result in any significant adverse impact beyond the site, and

b. The proposal is consistent with the general scope of the purpose and intent of the original approval; and

c. The proposal complies with applicable Land Use Code requirements; and

d. The proposal does not add more than 20 percent gross square footage; and

e. If an addition or expansion has been approved within the preceding 24 month period, the combined additions will not exceed 20 percent gross square footage.

2. The Director may determine that a new development outside the Downtown is exempt from review as a new application, provided that the building form and scale of the new building or addition, regardless of size, is not visible from the right-of-way, a public park or zoned and developed single family residential property.

WP0520C-ORD
11/27/95

D. Conditions. The Director may impose conditions on a Land Use Exemption to ensure that the applicable decision criteria and any conditions of the original approval are met.

Section 121. Section 20.45A.040 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.040 Definitions specific to the platting and subdivision chapter. As used in this chapter, the following definitions apply.

A. Development Standards. Currently effective Community Development, Transportation, and Utility Departments' Development and Engineering Standards.

B. Lot. A fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area.

C. Right-of-Way. A strip of land dedicated for public use for utilities, vehicular and/or pedestrian travel, access to adjoining properties, or other use involving maintenance by a public agency.

D. Subdivider, Developer or Platter. Any person, firm or corporation or authorized representative undertaking the subdividing or resubdividing of a lot, tract, block, or other parcel of land. (Ord. 3937, 7-18-88)

Section 122. Section 20.45A.050 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.050 General requirements.

A. All subdivisions of land shall comply with all applicable goals, regulations and standards of the Bellevue City Code and RCW Title 58 (Boundaries and Plats). Subdivisions shall also be in accord with the policies of the City's Comprehensive Plan.

B. A proposed subdivision shall be considered under all applicable land use regulations as provided in LUC Section 20.40.500.

Section 123. Section 20.45A.060 of the Bellevue Land Use Code is hereby repealed.

Section 124. Section 20.45A.090 of the Bellevue Land Use Code is hereby repealed.

Section 125. Section 20.45A.110 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.110 Preliminary plat - Special notice requirement.

A. General. The notice requirements of this section are in addition to the notice requirements of LUC 20.35.120.

B. Means of Notice. The Director of Community Development shall provide notice of the public hearing by:

1. Mailing notice of the public hearing to appropriate city or town officials if the plat includes the use of any city or town utility or is adjacent to or within a mile of the boundaries of that city or town, and

2. Mailing notice of the public hearing to appropriate county officials if the plat is adjacent to the Bellevue city boundary, and

3. Mailing notice of the public hearing to the State Secretary of Transportation if the plat is adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport.

4. Mailing notice of the public hearing to owners of real property within 300 feet of the proposed subdivision site.

Section 126. Section 20.45A.120 of the Bellevue Land Use Code is hereby repealed.

Section 126. Section 20.45A.140 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.140 Preliminary plat - Time limitation.

A preliminary plat automatically expires and is void if the applicant fails to file for approval of the final plat within five years of the effective date of the preliminary plat approval unless the plat is a phased development and the applicant has received an extension for the preliminary plat pursuant to LUC 20.45A.150.

Section 128. Section 20.45A.150 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.150 Preliminary plat - Extension for phased development.

The Director of Community Development may extend a preliminary plat for a phased development, but not including the initial phase or division one improvements, for up to three additional years beyond the period provided in LUC 20.25A.140, above, if:

A. A written request for extension is filed at least 30 days before the expiration of the preliminary plat, and

B. Unforeseen circumstances or conditions which are not the result of voluntary actions of the applicant necessitate the extension of the preliminary plat, and

C. Conditions in the immediate vicinity of the subject property have not changed substantially since the preliminary plat was first approved, and

D. An extension of the preliminary plat will not cause substantial detriment to existing uses in the immediate vicinity of the subject property or to the community as a whole, and

E. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed, and

F. The preliminary plat substantially complies with applicable City Code provisions in effect on the date that the application for extension was made.

Section 129. Section 20.45A.160 of the Bellevue Land Use Code is hereby repealed.

Section 130. Section 20.45A.170 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.170 Preliminary plat - Effect of approval.

A. The approval of a preliminary plat by the Hearing Examiner is approval of the general acceptability of the layout and its relation to adjoining properties. Engineering detail remains subject to the approval of the Departments of Community Development, Transportation, and Utilities.

B. After final approval of engineering drawings for public facilities within an approved preliminary plat, permits for the development of plat

improvements may be issued and work commenced. Such permits shall be contingent upon compliance with the conditions specified on the approval of the preliminary plat, conformance with City of Bellevue Development and Engineering Standards, the payment of all fees, and the submittal of assurance devices as may be required.

Section 131. Section 20.45A.180 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.180 Final plat - General.

The applicant must submit the final plat within five years of the effective date of the preliminary plat or the extension date if an extension was granted pursuant to LUC 20.45A.150.

Section 132. Section 20.45A.190 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.190 Final plat - Applicable procedure.

The City will process an application for a final plat as provided in LUC 20.45A.200 through 20.45A.260. The Director of Community Development is the applicable Department Director.

Section 133. Section 20.45A.200 of the Bellevue Land Use Code is hereby repealed.

Section 134. Section 20.45A.210 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.210 Final plat - Hearing Examiner review and approval.

A. Report to Hearing Examiner. The Director of Community Development shall submit a written report to the Hearing Examiner evaluating compliance with the preliminary plat and with any conditions imposed on the preliminary plat. The Director shall respond to Community Council comments on the final plat in the report to the Hearing Examiner.

B. Hearing Examiner Action. The Hearing Examiner shall consider the report and approve or deny the final plat. Modifications to preliminary plat approval will be processed as provided in LUC 20.45A.250.

WP0520C-ORD
11/27/95

Section 135. Section 20.45A.220 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.220 Final plat - Decision criteria.

Except as provided in LUC 20.45A.250, the Hearing Examiner shall approve a final plat if it conforms to the preliminary plat and to all conditions of approval of the preliminary plat. (Ord. 3937, 7-18-88)

Section 136. Section 20.45A.230 of the Bellevue Land Use code is hereby amended as follows.

20.45A.230 Final plat - Community council review.

Prior to the final action by the Hearing Examiner on any final plat which is in an area over which a Community Council has jurisdiction, the Department of Community Development shall transmit a copy of the final plat application to the Community Council for its review. Any comments or recommendations by the Community Council as to whether the final plat meets the requirements of the preliminary plat approval shall be submitted in writing to the Director of Community Development within 14 days of receipt of the final plat application by the Community Council.

Section 137. Section 20.45A.240 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.240 Final plat - Phased development.

Portions of an approved preliminary plat may be processed separately for recording in divisions provided that all divisions are approved within the prescribed time limits for the preliminary plat and provided that the division does not violate the intent of the preliminary plat. Prior to the approval of a division of a final plat the Departments of Transportation, Utilities or Community Development may require an assurance device be submitted for construction of improvements in subsequent divisions if such improvements are necessary for the continuity of transportation, utility, or other systems. (Ord. 3937, 7-18-88)

Section 138. Section 20.45A.250 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.250 Modification of an approved preliminary plat.

A. There are three ways to modify an approved preliminary plat: process as a new preliminary plat application, process as an administrative amendment, or qualify for an exception.

B. General. Except as provided in subsections C and D, below, a modification of a previously approved preliminary plat is treated as a new application.

C. Exception. The following modifications of preliminary plat approval may be reviewed through plat engineering and do not require further review:

1. Engineering detail unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary plat approval;

2. Minor changes in lot lines or lot dimensions;

3. A decrease in the number of lots to be created or an increase of no more than five percent of the number of lots depicted on the preliminary plat.

D. Administrative Amendment.

1. Scope. A proposed amendment which the Director determines meets the criteria of this section will be processed as an Administrative Amendment unless the applicant has chosen to have the amendment reviewed as a new application.

2. Decision criteria. The Director shall approve or approve with modifications a proposed amendment to an approved preliminary plat if:

a. The amendment maintains the design intent or purpose of the original approval, and

b. The amendment maintains the quality of design or product established by the original approval, and

c. The amendment does not cause a significant environmental or land use impact on or beyond the site; and

d. The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively; and

e. Circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish the subject condition or requirement of preliminary plat approval.

3. Conditions. The Director may include conditions as part of an approval or approval with modifications to ensure conformance with the decision criteria above.

4. Written Decision. The Director shall issue a written decision on the administrative amendment which contains the following:

- a. A description of the original preliminary plat approval and the proposed amendment, and
- b. An analysis of the proposed administrative amendment using the applicable decision criteria, including the facts upon which the decision and any conditions for the project are based, and
- c. A statement that the administrative amendment is approved, approved with modifications or denied subject to the provisions of this section.

Section 139. Section 20.45A.260 of the Bellevue Land Use Code is hereby amended as follows:

20.45A.260 Final plat - Recording required.

A. Upon approval of a final plat, the Hearing Examiner may execute written approval on the face of the plat, and the original of the final plat shall be returned to the subdivider for compliance with recording requirements.

B. Approval of the final plat for recording by the Hearing Examiner shall be deemed to constitute acceptance of any dedication shown on the plat. Approval of the final plat shall be null and void if the plat is not recorded with King County Department of Records and Elections within 90 days after the date of the approval.

Section 140. Section 20.45A.270 of the Bellevue Land Use Code is hereby repealed.

Section 141. Section 20.30D.115 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.115 Applicability.

- A. This part applies to each application for a Planned Unit Development
- B. An applicant may submit an application for a Planned Unit Development for a residential or mixed residential and commercial use project.

C. In no case may a Planned Unit Development include uses which are not permitted by the zoning of the subject property. For purposes of this part, however, a single family dwelling as defined in LUC 20.50.016 includes dwellings attached by common walls.

Section 142. Section 20.30D.125 of the Bellevue Land Use Code is hereby repealed.

Section 143. Section 20.30D.130 of the Bellevue Land Use code is hereby repealed.

Section 144. Section 20.30D.135 of the Bellevue Land Use Code is hereby repealed.

Section 145. Section 20.30D.140 of the Bellevue Land Use Code is hereby repealed.

Section 146. Section 20.30D.145 of the Bellevue Land Use Code is hereby repealed.

Section 147. Section 20.30D.150 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.150 Planned Unit Development Plan - Decision criteria.

The City may approve or approve with modifications a planned unit development plan if:

A. The Planned Unit Development is consistent with the Comprehensive Plan.

B. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:

1. Placement, type or reduced bulk of structures, or
2. Interconnected usable open space, or
3. Recreation facilities, or
4. Other public facilities, or
5. Conservation of natural features, or

6. Aesthetic features and harmonious design, or
7. Energy efficient site design or building features; and

C. The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities including streets, fire protection, and utilities; and

D. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design; and

E. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this Code (LUC 20.20.520) and enhances the visual compatibility of the development with the surrounding neighborhood; and

F. At least one major circulation point is functionally connected to a public right-of-way; and

G. Open space within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and

H. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

I. That part of a Planned Unit Development in a Transition Area meets the Transition Area requirements (Part 20.25B) or the criteria of LUC 20.25B.040.B; and

J. Roads and streets, whether public or private, within and contiguous to the site comply with Transportation Department guidelines for construction of streets; and

K. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and

WP0520C-ORD
11/27/95

L. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

Section 148. Section 20.30D.155 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.155 Residential density for OU districts.

The density of dwelling units in an OU District, which may not exceed an average of five units per acre, will be determined through the Planned Unit Development approval process. Density shall be one unit per acre unless the applicant can demonstrate the appropriateness of increased density based on the following criteria:

- A. The nature of the site and compatibility with surrounding development; and
- B. The Comprehensive Plan designation; and
- C. The percentage of the site affected by sensitive areas and sensitive area setback requirements; and
- D. Other relevant factors. (Ord. 3936, 7-18-88, § 3)

Section 149. Section 20.30D.160 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.160 Planned Unit Development Plan - Open and recreation space requirement.

A. General. Within a Planned Unit Development including residential uses:

1. At least 40 percent 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 LUC 20.50.038; and

2. At least 10 percent of the gross land area, which includes any protected area, of the subject property must be retained or developed as common recreation space as defined by LUC 20.50.044, provided, however, that the requirement for recreation space may be waived if the total of

protected area and protected area setback equals at least 40 percent of the gross land area; and

3. Recreation space as required by paragraph A.2 of this section may be included in the open space required by paragraph A.1 of this section if:

- a. The common recreation space meets the definition of open space (LUC 20.50.038), and
- b. At least 20 percent 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.

4. The area of the site devoted to pedestrian trails shall not be included in the required common recreation space unless public trails are specifically required by the City.

5. An outdoor children's play area meeting the requirements of Land Use Code Section 20.20.540 may be included in the above described common recreation space requirement.

6. For mixed use projects, the required open and recreation space shall be designed to meet the needs of both the residential and commercial uses.

B. Maintenance. In appropriate circumstances the City may require a reasonable performance or maintenance assurance device in conformance with LUC 20.40.490 to assure the retention and continued maintenance of all open and recreation space in conformance with the Land Use Code and the Planned Unit Development Plan approval.

Section 150. Section 20.30D.165 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.165 Planned Unit Development plan - Request for Modification of zoning requirements.

The applicant may request a modification of the requirements and standards of the Land Use Code as follows:

A. Density.

1. General. Except in an OU Land Use District, the applicant may request a bonus in the number of dwelling units permitted by the underlying land use district (see LUC 20.10.010).

2. Bonus Decision Criteria. The City may approve a bonus in the number of dwelling units allowed by no more than 10 percent, based on the gross land area of the property excluding either that area utilized for traffic circulation roads or 20 percent, whichever is less, if:

a. The design of the development offsets the impact of the increase in density; and

b. The increase in density is compatible with existing uses in the immediate vicinity of the subject property.

3. Senior Citizen Dwelling. An additional 10 percent density bonus may be approved for senior citizen dwellings if the criteria in paragraph A.2 of this section is met and if the average dwelling unit size does not exceed 600 square feet.

B. Height. The applicant may request a modification of height from that allowed by the land use district provided topography and arrangement of structures does not unreasonably impair primary scenic views (e.g., mountains, lakes, unique skylines) of the surrounding area, as compared to lot-by-lot development.

C. Other.

1. The applicant may request a modification of any requirement or standard of the Land Use Code, except as provided in LUC 20.30D.170.

2. The City may approve a modification of any provision of the Land Use Code, except as provided in LUC 20.30D.170, if the resulting site development complies with the criteria of this part.

Section 151. Section 20.30D.170 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.170 Planned Unit Development plan - Limitation on authority to modify zoning.

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

A. Any provision of this part, 20.30D, Planned Unit Development, or

B. Any provision of LUC 20.10.440 - Uses in Land Use Districts, or

C. The maximum density and site coverage for development in an OU Land Use District (LUC 20.20.010), 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.

Section 152. Section 20.30D.175 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.175 Planned Unit Development plan - Authorized activity.

Following approval of the Planned Unit Development plan, the applicant may begin any work that is specifically authorized in the Planned Unit Development approval and is not prohibited by any other applicable regulation. No other work may be done until the final development plan is approved.

Section 153. Section 20.30D.180 of the Bellevue Land Use Code is hereby repealed.

Section 154. Section 20.30D.185 of the Bellevue Land Use Code is hereby repealed.

Section 155. Section 20.30D.190 of the Bellevue Land Use Code is hereby repealed.

Section 156. Section 20.30D.195 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.195 Planned Unit Development plan - Merger with subdivision.

A. General. The applicant may request that the City process a preliminary plat in conjunction with a Planned Unit Development plan. Platting is required for all projects which involve or contemplate the subdivision of land.

B. Procedure. The City may review and decide upon a preliminary plat at the same hearing as the preliminary development plan to the extent allowed by such procedures.

C. Plat Requirements. The preliminary plat must comply with the procedures, standards and criteria of Chapter 20.45 of the Land Use Code and

WP0520C-ORD
11/27/95

must conform to the Planned Unit Development plan.

Section 157. Section 20.30D.200 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.200 Planned Unit Development plan - Effect of approval.

The approval of the Planned Unit Development plan constitutes the City's acceptance of the general project, including its density, intensity, arrangement and design.

Section 158. Section 20.30D.205 of the Bellevue Land Use Code is hereby repealed.

Section 159. Section 20.30D.210 of the Bellevue Land Use Code is hereby repealed.

Section 160. Section 20.30D.215 of the Bellevue Land Use code is hereby repealed.

Section 161. Section 20.30D.220 of the Bellevue Land Use Code is hereby repealed.

Section 162. Section 20.30D.225 of the Bellevue Land Use Code is hereby repealed.

Section 163. Section 20.30D.230 of the Bellevue Land Use Code is hereby repealed.

Section 164. Section 20.30D.235 of the Bellevue Land Use Code is hereby repealed.

Section 165. Section 20.30D.240 of the Bellevue Land Use Code is hereby repealed.

Section 166. Section 20.30D.245 of the Land Use Code is hereby repealed.

Section 167. Section 20.30D.250 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.250 Planned Unit Development plan - Phased development.

If developed in phases, each phase of an approved Planned Unit Development must contain the required number of parking spaces, the required open space, recreation space, landscaping and utility areas necessary to create a desirable and stable environment pending completion of the total Planned Unit Development as approved.

Section 168. Section 20.30D.255 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.255 Planned Unit Development plan - Map designation.

A. General. Upon approval of the development plan the City will place the file number of the Planned Unit Development on the location of the subject property on the City of Bellevue Zoning Map.

B. Effect. Redevelopment of property for which a Planned Unit Development has been approved must be consistent with the Planned Unit Development plan and any amendments to that plan.

Section 169. Section 20.30D.260 of the Bellevue Land Use Code is hereby repealed.

Section 170. Section 20.30D.265 of the Bellevue Land Use Code is hereby repealed.

Section 171. Section 20.30D.270 of the Bellevue Land Use Code is hereby repealed.

Section 172. Section 20.30D.275 of the Bellevue Land Use Code is hereby repealed.

Section 173. Section 20.30D.280 of the Bellevue Land Use Code is hereby amended as follows:

20.30D.280 Merger with Binding Site Plan.

A. General. The applicant may request that the site plan approved with the Planned Unit Development constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.

B. Survey and Recording Required. If a site plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record the approved site plan and survey with the King County Department of Records and Elections. No document shall be presented for recording without the signature of each owner of the subject property.

C. Effect of Binding Site Plan. Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the approved and recorded Binding Site Plan and without regard to lot lines internal to the subject property. Any sale or lease of lots or parcels within the subject property shall be subject to the approved and recorded Binding Site Plan and the requirements of state law.

Section 174. Section 20.30D.285 of the Bellevue Land Use Code is hereby added as follows:

20.30D.285 Amendment of an approved Planned Unit Development.

A. There are three ways to modify or add to an approved Planned Unit Development: process as a new decision, process as a Land Use Exemption, or process as an administrative amendment.

B. Except as provided in subsections C and D below, modification of a previously approved Planned Unit Development shall be treated as a new application.

C. Land Use Exemption for a Planned Unit Development. The Director may determine that a modification to a previously approved Planned Unit Development is exempt from further review under the administrative amendment process or as a new application, provided the following criteria are met:

1. The change is necessary because of natural features of the subject property not foreseen by the applicant or the City prior to the approval of the Planned Unit Development; and

2. The change will not have the effect of significantly reducing any area of landscaping, open space, natural area or parking; and

3. The change will not have the effect of increasing the density of the Planned Unit Development.

4. The change will not have the effect of increasing the total amount of floor area of the Planned Unit Development by more than 20 percent; and

5. The change will not result in any structure, circulation or

parking area being moved significantly in any direction; and

6. The change will not reduce any approved setback by more than 10 percent; and

7. The change will not result in a significant increase in the height of any structure; and

8. The change will not increase or create new adverse impacts or undesirable effects of the Planned Unit Development on the surrounding neighborhood.

D. Administrative Amendment of Planned Unit Development. The Director may approve modifications to an approved Planned Unit Development as an administrative amendment subject to the procedures set forth in LUC 20.35.200 et seq. if the following criteria are met:

1. The amendment maintains the design intent or purpose of the original approval, and

2. The amendment maintains the quality of design or product established by the original approval, and

3. The amendment does not cause a significant adverse environmental or land use impact on or beyond the site, and

4. The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively.

E. The Director may impose conditions upon any Land Use Exemption or Administrative Amendment to ensure the proposal complies with the decision criteria and the purpose and intent of the original approval.

Section 175. Section 20.30B.125 of the Bellevue Land Use Code is hereby repealed.

Section 176. Section 20.30B.130 of the Bellevue Land Use Code is hereby repealed.

Section 177. Section 20.30B.135 of the Bellevue Land Use Code is hereby repealed.

Section 178. Section 20.30B.140 of the Bellevue Land Use Code is hereby amended as follows:

20.30B.140 Decision criteria.

The City may approve or approve with modifications an application for a

Conditional Use Permit if:

- A. The conditional use is consistent with the Comprehensive Plan; and
- B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- C. The conditional use will be served by adequate public facilities including streets, fire protection; and
- D. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- E. The conditional use complies with the applicable requirements of this code.

Section 179. Section 20.30B.145 of the Bellevue Land Use Code is hereby repealed.

Section 180. Section 20.30B.150 of the Bellevue Land Use Code is hereby repealed.

Section 181. Section 20.30B.155 of the Bellevue Land Use Code is hereby repealed.

Section 182. Section 20.30B.170 of the Bellevue Land Use Code is hereby amended 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 (LUC 20.35.100 et seq.) Through the modification procedure, the Hearing Examiner 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 Hearing Examiner may revoke an approved permit through Process I (LUC 20.35.100 et seq.). An approved permit may be revoked 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 183. Section 20.30B.175 of the Bellevue Land Use Code is hereby added.

20.30B.175 Modification or Addition to an approved project or decision.

A. There are three ways in which to modify or add to an approved Conditional Use: process as a new decision, process as a Land Use Exemption, or process as an Administrative Amendment.

B. General. Except as provided in subsections C and D, below, an amendment of a previously approved project or decision is treated as a new application.

C. Land Use Exemption for Conditional Use Permit. The Director may determine that an addition or modification to a previously approved project or decision is exempt from further review under the administrative amendment process or as a new application, provided the following criteria are met:

1. The proposal does not result in any significant adverse impact beyond the site, and
2. The proposal is within the general scope of the purpose and intent of the original approval, and
3. The proposal complies with all applicable Land Use Code requirements, and
4. The proposal does not add more than 20 percent gross square footage, and
5. If an addition or expansion has been approved within the preceding 24 month period, the combined additions will not exceed 20 percent gross square footage.

D. Administrative Amendment.

1. Scope. A proposed amendment which the Director determines meets the criteria of this section will be decided as an Administrative

Amendment unless the applicant has chosen to have the amendment reviewed as a new application.

2. Decision Criteria. The Director shall approve a proposed amendment to an approved project or decision if:

- a. The amendment maintains the design intent or purpose of the original approval, and
- b. The amendment maintains the quality of design or product established by the original approval, and
- c. The amendment does not cause a significant adverse environmental or land use impact on or beyond the site, and
- d. The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively.

3. The applicant carries the burden of proof and must demonstrate that the application merits approval or approval with modifications.

4. Conditions. The Director may include conditions as part of the approval or approval with modifications to ensure conformance with the decision criteria for an administrative amendment and for the original approval.

5. Written Decision. The Director shall issue a written decision on the administrative amendment which contains the following:

- a. A description of the original project or decision and the proposed administrative amendment, and
- b. An analysis of the proposed administrative amendment using the applicable decision criteria, including the facts upon which the decision and any conditions for the project are based, and
- c. A statement that the administrative amendment is approved, approved with modifications or denied subject to the provisions of this section.

Section 184. Section 20.30E.125 of the Bellevue Land Use Code is hereby repealed.

Section 185. Section 20.30E.130 of the Bellevue Land Use Code is hereby repealed.

Section 186. Section 20.30E.135 of the Bellevue Land Use Code is hereby repealed.

Section 187. Section 20.30E.140 of the Bellevue Land Use Code is hereby amended as follows:

20.30E.140 Decision criteria.

The Director of Community Development may approve or approve with modifications an application for an Administrative Conditional Use Permit if:

- A. The administrative conditional use is consistent with the Comprehensive Plan; and
- B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- C. The administrative conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and,
- D. The administrative conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property, and
- E. The administrative conditional use complies with the applicable requirements of this code.

Section 188. Section 20.30E.145 of the Bellevue Land Use Code is hereby repealed.

Section 189. Section 20.30E.150 of the Bellevue Land Use Code is hereby repealed.

Section 190. Section 20.30E.155 of the Bellevue Land Use Code is hereby repealed.

Section 191. Section 20.30E.170 of the Bellevue Land Use Code is hereby amended 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 II (LUC 20.35.200 et seq.). Through the modification procedure, the Director of Community Development 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 Hearing Examiner may revoke an approved permit through Process I (LUC 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 such approval.

Section 192. Section 20.30E.175 of the Bellevue Land Use Code is hereby added.

20.30E.175 Modification or addition to an approved project or decision.

A. There are two ways in which to modify or add to an approved Administrative Conditional Use. They include process as a new decision using Process II, or process as a Land Use Exemption.

B. General. Except as provided in subsection C, below, an amendment of a previously approved project or decision is treated as a new application.

C. Land Use Exemption from Administrative Conditional Use Permits. The Director of Community Development may determine that an addition or modification to a previously approved project or decision is exempt from an Administrative Conditional Use Permit, provided the following criteria can be met:

1. The proposal does not result in any significant adverse impact beyond the site, and
2. The proposal is within the general scope of the purpose and intent of the original approval, and
3. The proposal complies with all applicable Land Use Code requirements and all applicable development standards, and will be compatible with all applicable design criteria, and
4. The proposal does not add more than 20 percent gross square footage, and
5. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not exceed 20 percent

WP0520C-ORD
11/27/95

gross square footage.

Section 193. Section 20.50.044 of the Bellevue Land Use Code is hereby amended as follows:

20.50.044 R definitions.

. . .

Recreation Space (Common). Interior or exterior areas designed and set aside exclusively for diversion, amusement or entertainment; including, but not limited to, swimming pools, tennis courts, rest areas, or picnicking areas, located and designed for common use of all residents within a Planned Unit Development.

. . . .

CHAPTER 2: DOWNTOWN DISTRICTS

Section 201. Section 20.25A.010 of the Land Use Code is hereby amended to read as follows:

20.25A.010 General.

A. Part 20.25A, Downtown, contains information which applies to development and activity within a Downtown Land Use District. Specific sections apply to limited areas within the Downtown Land Use Districts as follows:

1. Downtown Old Bellevue Design District, LUC 20.25A.070;
2. Civic Center Design District, 20.25A.065;
3. Perimeter Design District, LUC 20.25A.090;
4. Downtown Core Design District, LUC 20.25A.100.

B. Procedural Merger. Within the Downtown Land Use District, any administrative decision required by this part (20.25A) or by the Land Use Code, including but not limited to the following, may be applied for and processed through a single Design Review (Part 20.30F):

1. Administrative Conditional Use Permit (Part 20.30E);
2. Design Review (Part 20.30F);
3. Variance (Part 20.30G).

C. Design Review Required. All development within a Downtown Land Use District must be reviewed by the Director of Design and Development through Design Review (Part 20.30F).

Section 202. Section 20.25A.020 of the Land Use Code is hereby amended as follows:

20.25A.020 Dimensional requirements - General.

A. Dimensional Requirements in Downtown Districts.

1. General. Paragraph A.2 of this section (Chart: Dimensional Requirements in Downtown Districts) sets forth the dimensional requirements for each land use district in the Downtown. Each structure, development, or activity in a Downtown Land Use District shall comply with these requirements except as otherwise provided in this section.

WP0520C-ORD
11/27/95

Chart 20.25A.020.A.2
DIMENSIONAL REQUIREMENTS IN DOWNTOWN DISTRICTS

Chart 20.25A.020.A.2

Dimensional Requirements in Downtown Districts

LAND USE DISTRICT	BUILDING TYPE(7)(14)	MINIMUM SETBACK (3)(9)			MAXIMUM BUILDING FLR AREA PER FLR ABOVE 40' (5)(11)(18)	MAXIMUM BUILDING FLR AREA PER FLR ABOVE 80' (18)	MAXIMUM LOT COVERAGE	BUILDING HEIGHT (6) (17)		FLOOR AREA RATIO (16)	
		FRONT (1) (15)	REAR	SIDE				BASIC	MAX	BASIC (10)	MAX (8)
CBD-O-1	Non-residential	0 (2)	0	0	20,000 gsf	20,000 gsf	100%	200'	300'(13)	5.0	8.0(12)
	Residential	0 (2)	0	0	20,000 gsf	12,000 gsf	100%	200'	450'	5.0	None
	Parking	0 (2)	0	0	20,000 gsf	20,000 gsf	100%	100'	100'	N/A	N/A
CBD-O-2	Non-residential	0 (2)	0	0	20,000 gsf	20,000 gsf	100%	150'	250'(13)	4.0	6.0(12)
	Residential	0 (2)	0	0	20,000 gsf	12,000 gsf	100%	150'	250'(13)	4.0	6.0(12)
	Parking	0 (2)	0	0	20,000 gsf	20,000 gsf	100%	100'	100'	N/A	N/A
CBD-MU	Non-residential	0	0	0	20,000 gsf	20,000 gsf	75%	60'	100'	0.5	3.0
	Residential	0	0	0	20,000 gsf	12,000 gsf	100%	150'	200'	2.0	5.0
	Parking	0	0	0	20,000 gsf	NA	75%	60'	60'	N/A	N/A
CBD-R (20)	Non-residential	0	0		12,000 gsf	NA	75%	60'	60'	0.5	0.5
	Residential	0	0	0	20,000 gsf	12,000 gsf	100%	150'	200'	2.0	5.0
	Parking	0	0'	0'	N/A	NA	N/A	40'	40'	N/A	N/A
CBD-OB (20)	Non-residential	0 (4)	0	0	12,000 gsf	12,000 gsf	100%	60'	100'	0.5	1.0
	Residential	0 (4)	0	0	20,000 gsf	12,000 gsf	100%	150'	200'	2.0	5.0
	Parking	0	0'	0'	N/A	NA	75%	40'	40'	N/A	N/A
CBD-OLB	Non-residential	20' (19)	20' (19)	0	20,000 gsf	NA	60%	75'	75'	0.5	3.0
	Residential N/A	20' (19)	20' (19)	0	20,000 gsf	12,000 gsf	75%	75'	90'	2.0	3.0
	Parking	20' (19)	20' (19)	0	20,000 gsf	NA	75%	45'	45'	N/A	N/A

gsf = Gross Square Feet

These dimensions are different for property located in the Perimeter Design District. If your property is within 1,200 feet of the north, south or west boundary of the CBD, you may be in this District. See LUC 20.25A.090.

Notes: Dimensional requirements in Downtown Districts

(1) Measured from inside edge of the required perimeter sidewalk. If existing utilities which cannot reasonably be relocated require the planting of street trees on the property side of a sidewalk as provided for in LUC 20.25A.060, four feet is added to the required setback.

(2) No parking or vehicle access lane is permitted between the required perimeter sidewalk and the main pedestrian entrance to the building.

(3) Minimum setbacks are subject to required landscape development. See LUC 20.25A.040.

(4) The maximum setback from Main Street in the Downtown-OB District is 0 feet.

(5) Applicable only to building floors above 40 feet in height measured from the average finished grade around the building. Building floor area for floors above 40 feet may be averaged. For the purposes of this note, hotels and motels shall be considered as nonresidential structures.

(6) The maximum building height may only be achieved by participation in the FAR Amenity Incentive System (LUC 20.25A.030). The maximum height identified in this chart may be increased by no more than 10 percent or 15 feet, whichever is greater, if the applicant demonstrates that the increase is necessary for reasonable development of the structure and will be used to provide interesting roof forms such as pitched or sloped elements, pyramidal, spire or dome shapes, cupolas, or other such decorative architectural features.

(7) A structure is considered residential if more than 50 percent of the gross square footage is devoted to residential uses. See Section 20.50.022 for the definition of "gross square feet".

(8) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System (LUC 20.25A.030). Where residential and nonresidential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (7).

(9) See LUC 20.25A.020.B for exceptions to the minimum setback requirements.

(10) All new development and all substantial remodels must participate in the FAR Amenity Incentive System. See LUC 20.25A.020.C for amenity requirements regarding the provision of basic floor area.

(11) In a mixed use building, this requirement will be applied on an individual building floor basis. If uses are mixed on one floor, the maximum floor area for that floor will reflect the ratio of those uses on that floor.

(12) Except within the Perimeter Design District, the maximum Floor Area Ratio may be exceeded if the major pedestrian corridor is constructed as

required by LUC 20.25A.100.E.1. The maximum Floor Area Ratio may only be exceeded by the amount provided for under the major pedestrian corridor amenity bonus, LUC 20.25A.030.C.16.

(13) Except within the Perimeter Design District, the maximum height may be exceeded if the major pedestrian corridor is constructed as required by LUC 20.25A.100.E.1, and only to the extent required to accommodate the additional Floor Area Ratio provided under LUC 20.25A.030.C.16. Heights may be exceeded under this provision only to the extent depicted on the map entitled "Height Limits in the Core Design District" in LUC 20.25A.030.E.

(14) Notwithstanding the provisions of Note (5) and Note (18), hotels and motels shall be considered as residential structures.

(15) If the subject property abuts a street classified pursuant to LUC 20.25A.115, Design Guidelines-Building/Sidewalk Relationships, the maximum setback is 0 feet unless otherwise approved by the Director of Design and Development.

(16) Floor area devoted to retail uses in fulfillment of the requirements of LUC 20.25A.115, Design Guidelines-Building/Sidewalk Relationships will not be counted for the purpose of calculating FAR.

(17) Except within the Perimeter Design District, the maximum building height can be exceeded if right-of-way is dedicated as provided by LUC 20.25A.020.D but only to the extent of the floor area earned as a result of the dedication. This provision does not preclude the applicability of footnote LUC 20.25A.020.A.2(6) but in no event may the combined effect of applying that footnote and this footnote be to increase the building height over the maximum building height by more than 10 percent or 15 feet, whichever is greater.

(18) Applicable only to building floors above 80 feet in height measured from average finished grade around the building. For the purposes of this Note, hotels and motels shall be considered as non-residential structures.

(19) No parking or vehicle access lane is permitted between the sidewalk on 112th Avenue NE and the main pedestrian entrance to the building, except that a drop-off lane may be permitted for a hotel or motel entrance. The maximum setback from 112th Avenue NE is 30', unless a greater setback is approved by the Director of the Department of Community Development to permit a drop-off lane. See Section 20.25A.020B.3 for exceptions to setback requirements.

(20) Some dimensions are different for properties located in the Perimeter Design District. For property within 1,200 feet of the north, south or west boundary of the Downtown see LUC 20.25A.090 for the Perimeter Design District requirements.

B. Exceptions to Dimensional Requirements

1. Building floor area for floors above 40' may be averaged. The maximum building floor area per floor above 40 feet may be increased by not

more than 10 percent through Design Review (Part 20.30F) if the applicant demonstrates that the increase is necessary for reasonable development of the building, and will not have a significant adverse effect on other properties. Each square foot of floor area above the maximum requires a proportionate square footage of amenity in conformance with LUC 20.25A.030.C; however, the amenity area provided under this requirement may not be used to exceed the basic floor area ratio.

2. Marquees or awnings which comply with the requirements of LUC 20.25A.030.C are permitted to extend over the public right-of-way upon approval of the Director of the Transportation Department and the Director of the Department of Community Development notwithstanding the provisions of the Sign Code (Chapter 22B.10 BCC), or any other City code.

3. The Director of the Department of Community Development may approve an intrusion into the 20' front yard setback from the east side of 112th Avenue NE in the Downtown-OLB district to permit the location of pedestrian-oriented frontage retail uses within a portion of the required setback area. The intrusion shall be limited to a maximum of 30% of the required front yard setback area. All building area within the setback area shall be devoted to pedestrian-oriented uses and meet the design criteria of 20.25A.030 for pedestrian-oriented frontage. Amenity floor area earned may be used to exceed the permitted Basic Floor Area Ratio.

C. Basic Floor Area Ratio Requirements.

1. General. Each new residential, non-residential, and mixed use building and each remodel which expands the floor area of an existing residential, non-residential, or mixed use building by more than 50% within any three year period shall provide one or more amenities from the following list.

- a. Pedestrian-oriented frontage,
- b. Landscape feature,
- c. Arcade,
- d. Marquee,
- e. Awning,
- f. Sculpture,
- g. Water feature,
- h. Active recreation area (Downtown-R only),
- i. Retail food (Downtown-R only),
- j. Child care services (Downtown-R only)
- h. Plaza (Downtown-OLB only and only if located between the sidewalk on the east side of 112th Avenue NE. and the building)

2. Amount of Amenity Required. The amount of bonus floor area in square feet generated by the amenity(s) provided to meet the Basic Floor Area Ratio (FAR) requirement must at a minimum be equal to 20% of the

Project Limit area in square feet times the Basic FAR permitted for a non-residential building in the Land Use District:

Basic FAR Requirement in S.F. = 0.20 X Project Limit area in S.F. X Basic Non-Residential FAR

For purposes of this paragraph, project limit, as defined in LUC 20.50.040, shall be the land area used in the computation of the Basic Floor Area ratio requirement, and the Basic Floor Area Ratio calculation is made regardless of any transferred floor area.

3. Required Review. The Director of the Department of Community Development may approve an amenity proposed by the applicant only if:

a. The design criteria established in LUC 20.25A.030.C for the amenity have been met, and

b. Public benefit will be derived from the development of the proposed amenity in the proposed location.

4. Amenity Incentive System Credit. Amenities provided as required by paragraph C. of this section may also be used to exceed the basic floor area ratio through the Amenity Incentive System (20.25A.030).

D. Floor Area Ratio Computation - Right-of-way Designation.

1. General. Land which is dedicated to the City of Bellevue for right-of-way without compensation to the owner in conformance with paragraph 2 below is included in land area for the purpose of computing maximum FAR notwithstanding LUC 20.50.020, floor area ratio (FAR).

2. Special Dedication Procedure.

a. The City Council may by resolution provide that designated areas are eligible for dedication as right-of-way under this section. The resolution must include a specific description of the location and width of each affected area.

b. Following passage of a resolution in conformance with paragraph D.2.a, the Director of the Transportation Department shall notify by registered mail each affected property owner of the opportunity to participate in the special dedication procedure.

c. A property owner may participate in the special dedication procedure by conveying land identified in the applicable resolution to the City of Bellevue in fee simple or by dedication and by an instrument approved by the City Attorney and delivered to the City within 180 days of the date that notice of such opportunity was mailed.

d. Failure to dedicate property by the time specified constitutes a waiver of the opportunity to participate in the special dedication procedure.

3. Recording Requirements. The Director of the Department of Community Development must record the amount (square footage) of floor area

earned by area dedicated in conformance with paragraph D.2 and the increase in maximum building height acquired in conformance with LUC 20.25A.020.A.2.(17) with the King County Division of Records and Election and with the Bellevue City Clerk.

Section 203. A new Section 20.25A.025 Non-conforming Uses, Structures and Sites is hereby added to the Land Use Code as follows:

A. Nonconforming Uses.

1. A nonconforming use may be continued by successive owners or tenants, except where the use has been abandoned. No change to a different use classification shall be made unless that change conforms to the regulations of this Code.

2. If a nonconforming use of a structure or land is discontinued for a period of twelve months with the intention of abandoning that use, any subsequent use shall thereafter conform to the regulations of the district in which it is located. Discontinuance of a nonconforming use for a period of 12 months or greater constitutes prima facie evidence of an intention to abandon.

3. A nonconforming use may be expanded only pursuant to an administrative conditional use permit if the expansion is not more than 20 percent or 20,000 square feet, whichever is less, or by a conditional use permit if the expansion is over 20 percent or 20,000 square feet.

B. Nonconforming Structures

1. A nonconforming structure may be repaired or remodeled, provided there is no expansion of the building, and provided further that the remodel or repair will not increase the existing nonconforming condition of the structure.

2. A nonconforming structure may be expanded provided that the expansion conforms to the provision of the Land Use Code, except that the requirements of LUC Section 20.25A.115, Design Guidelines: Building/Sidewalk Relationships, shall be applied as described in 20.25A.025.B.3. and 4. below.

3. For expansions made within any three year period which together do not exceed 50% of the floor area of the previously existing structure, the following shall apply:

a. where the property abuts a street classified as a 'D' or 'E' Right-of-Way, the expansion is not required to comply with LUC Section 20.25A.115, and

b. where the property abuts a street classified as an 'A', 'B' or 'C' Right-of-Way the expansion shall be in the direction of the classified street so as to reduce the nonconformity of the structure, except that an expansion which is no greater than 300 square feet in area and which is for the

purpose of loading or storage is exempted from this requirement.

4. For expansions made within any three year period which together exceed 50% of the floor area of the previously existing structure, the structure shall be brought into conformance with LUC Section 20.25A.115.

C. Nonconforming Sites

1. A nonconforming site may not be changed unless the change conforms to the requirements of this code, except that parking lots may be reconfigured within the existing paved surface.

2. A structure located on a nonconforming site may be repaired or remodeled, provided there is no expansion of the building, and provided further that the remodel or repair will not increase the existing nonconforming condition of the site.

3. Expansions of a structure located on a nonconforming site, made within any three year period which together do not exceed 50% of the previously existing floor area, do not require any increase in conformance with the site development provisions of this code, except as otherwise provided in Paragraph B.3. of this Section.

4. Expansion of a structure located on a non-conforming site made within any three year period which together exceed 50% of the floor area of the previously existing structure shall require compliance with the site development provisions of this code.

5. For expansions of a structure on a nonconforming site made within any three year period which together exceed 20% of the replacement value of the previously existing structure:

a. easements for public sidewalks shall be provided, unless the Director of the Department of Transportation determines such easements are not needed, and

b. a 6' wide walkway shall be provided from the public sidewalk or street right-of-way to the main building entrance, unless the Director of Community Development determines the walkway is not needed to provide safe pedestrian access to the building.

Section 204. Section 20.25A.030 of the Land Use Code is hereby amended as follows:

20.25A.030 FAR Amenity Incentive System.

A. General. A building may exceed the basic floor area ratio permitted for development within a Downtown Land Use District only if it complies with the requirements of this section. In no case may the building exceed the maximum floor area ratio permitted for the district, and each unit of

11/27/95

measurement (square feet, linear feet, etc.) may only be used to gain one floor area ratio bonus, except where specifically provided otherwise.

B. Required Review. The Director of the Department of Community Development may approve an amenity which complies with paragraph C of this section if:

1. The design criteria established for the amenity have been met,
and

2. A public benefit will be derived from the development of the proposed amenity in the proposed location.

C. Specific Requirements. Participation in the FAR Amenity Incentive System must comply with the following chart:

FAR AMENITY STANDARDS	LAND USE DISTRICT						
AMENITY ¹	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
<p>1. PEDESTRIAN-ORIENTED FRONTAGE* Building frontage devoted to uses which stimulate pedestrian activity. Uses are typically sidewalk oriented and physically or visually accessible by pedestrians from the sidewalk. Uses which compose pedestrian-oriented frontage include, but are not limited to, specialty retail stores, groceries, drug stores, shoe repair shops, cleaning establishments, floral shops, beauty shops, barber shops, department stores, hardware stores, apparel shops, travel agencies and other services, restaurants and theaters. Banks and financial institutions are not pedestrian-oriented uses.</p>	200:1	150:1	100:1	100:1	200:1	100:1	<p>1. Pedestrian-oriented frontage must abut a sidewalk, plaza or arcade. 2. A pedestrian-oriented use must be physically accessible to the pedestrian at suitable intervals. 3. Pedestrian-oriented uses must be visually accessible to the pedestrian at the sidewalk, plaza or arcade level.</p>
<p>If devoted to a pedestrian-oriented use</p>							
<p>*Measured as square feet of permitted development for each qualifying linear foot of frontage.</p>							

¹Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

FAR AMENITY STANDARDS	LAND USE DISTRICT						DESIGN CRITERIA
	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	
<p>2. PLAZA A continuous open space, which is readily accessible to the public at all times, predominantly open above, and designed specifically for use by people as opposed to serving as a setting for a building.</p>	8:1	8:1	6:1	4:1	6:1	6:1	<ol style="list-style-type: none"> 1. Must abut and be within 3' in elevation of a pedestrian connection so as to be visually and physically accessible. 2. Must provide protection from adverse wind, wherever practical. 3. At least 10% of the plaza surface area must be landscaped. 4. Must provide at least one sitting space for each 100 sq. ft. of plaza. 5. Must be enclosed on at least two sides by a structure or by landscaping which creates a wall effect. 6. Minimum size is 500 sq. ft. in CBD-OB; 1,000 sq. ft. in other land use districts. 7. Maximum size of bonusable plaza square footage is 1,500 sq. ft. in CBD-OB; 5,000 sq. ft. in other land use districts. 8. Minimum horizontal dimension is 20 ft. 9. Must provide opportunities for penetration of sunlight. 10. May not be used for parking, loading or vehicular access.
<p>3. LANDSCAPE FEATURE A continuous open space located at or near grade whose principal feature is an unusual and pleasing landscape form. The purpose is to serve as a focal point and a visual landmark, rather than as a specific location for pedestrian activity.</p>	8:1 But see Design Criterion #1	<ol style="list-style-type: none"> 1. Must abut the intersection of two public rights-of-way or perimeter walkways or sidewalks in order to receive the full bonus available. One-half of the available bonus will be awarded if the landscape feature abuts a right-of-way or pedestrian connection but is not located at an intersection. 2. Maximum area is 1,000 sq. ft. in CBD-O-1, CBD-O-2, CBD-MU and CBD-OLB and 500 sq. ft. in CBD-OB. No bonus is awarded if the landscape feature exceeds the maximum size. 3. Must be visually accessible from abutting rights-of-way or walkways or sidewalks. 					

¹Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

FAR AMENITY STANDARDS	LAND USE DISTRICT						DESIGN CRITERIA
	AMENITY ¹	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	
<p>4. ENCLOSED PLAZA A publicly accessible, continuous open space located within a building and covered to provide overhead weather protection while admitting substantial amounts of natural daylight (atrium or galleria).</p>	10:1	10:1	4:1	2:1	8:1	2:1	<ol style="list-style-type: none"> 1. Must be accessible to the public at least during normal business hours. 2. Must be readily accessible from a pedestrian connection. 3. Must be signed to identify the enclosed plaza as available for public use. 4. At least 5% of the area must be landscaped. 5. Must provide at least one sitting space for each 100 sq. ft. of area. 6. Must be coordinated with pedestrian-oriented frontage to the maximum extent possible. 7. Minimum horizontal dimension is 20'. 8. Minimum area is 750 sq. ft.
<p>5. ARCADE A continuously covered area which functions as a weather-protected extension of the publicly accessible space which it abuts.</p>	8:1	6:1	4:1	6:1	8:1	4:1	<ol style="list-style-type: none"> 1. At least 50% of the linear frontage must be developed as pedestrian-oriented frontage which complies with the design criteria of this section. This pedestrian-oriented frontage may be counted separately to gain floor area ratio exceeding the basic FAR through the Amenity Incentive System. 2. Pavement below must be constructed to provide for drainage. 3. When adjacent to a public walkway or sidewalk, design must provide opportunity for connection to adjacent development across property lines. 4. Must have a horizontal rather than sloping orientation across the building facade. 5. Must present a coordinated design along its entire route. 6. Must be accessible to pedestrians at all times. 7. Minimum height is 8' above finished grade. No bonus is awarded if the maximum height is exceeded.

¹Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

FAR AMENITY STANDARDS	LAND USE DISTRICT						DESIGN CRITERIA
	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	
6. MARQUEE* A permanent overhead canopy projecting from the elevation of a building, and designed to provide continuous overhead weather protection to the area underneath.	4:1	3:1	2:1	2:1	2:1	2:1	1. Must be developed over a walkway or sidewalk. 2. Pavement below must be constructed to provide for drainage. 3. Must have a horizontal rather than sloping orientation along the building elevation. 4. Design must be coordinated with building design. 5. Minimum height is 8' above finished grade, except as otherwise required in the Uniform Building Code (Chapter 23.10 BCC). 6. Maximum height is 12' above finished grade. No bonus is awarded if the marquee exceeds the maximum height. 7. To insure daylight penetration the ratio of the marquee's projection from the building to its height above finished grade may not exceed 3:4.
*See LUC 20.25A.020.B for setback exception.							
7. AWNING* A rooflike structure of fabric stretched over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection.	1:1	0.75:1	0.5:1	1:1	0.5:1	0.5:1	1. Must be developed over a walkway or sidewalk. 2. Pavement below must be constructed to provide for drainage. 3. Must have a horizontal rather than sloping orientation along the building elevation. 4. Design must be coordinated with building design. 5. Minimum height is 8' above finished grade. 6. Maximum height is 12' above finished grade. No bonus is awarded if the awning exceeds the maximum height. 7. To insure daylight penetration, the ratio of the awning's projection from the building to its height above finished grade may not exceed 3:4.
*See LUC 20.25A.020.B for setback exception.							

¹Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

FAR AMENITY STANDARDS	LAND USE DISTRICT						DESIGN CRITERIA
	AMENITY ¹	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	
8. LANDSCAPE AREA An outdoor landscaped area providing visually or physically accessible space for tenants of the development of which it is a part.	2:1	2:1	1:1	1:1	1:1	1:1	<ol style="list-style-type: none"> 1. This area must be in addition to any landscape development required by the Land Use Code. 2. May not be used for parking or storage. 3. May be located at grade or on top of a structure. 4. At least 30% of the area must be planted with evergreen plant materials.
9. ACTIVE RECREATION AREA An area which provides active recreational facilities for tenants of the development of which it is a part.	3:1	3:1	1:1	1:1	1:1	1:1	<ol style="list-style-type: none"> 1. May not be used for parking or storage. 2. May be located out of doors, on top of, or within a structure. 3. Recreational facilities include, but are not limited to, racquet ball or handball courts or health clubs.
10. RESIDENTIAL USES*	4:1	4:1	2:1 **	N/A	2:1	N/A	Area devoted to service cores and community facilities may be used to obtain bonus floor area. No area devoted to parking or circulation may be used for this purpose.
<p>*Excludes Hotels and Motels. **See LUC 20.25A.090.E.7 for special bonus provisions for Perimeter Design District Subdistrict C.</p>							
11. UNDERGROUND PARKING	.5:1	.5:1	.5:1	3:1	2:1	1:1	<ol style="list-style-type: none"> 1. The amenity bonus applies only to that structure or portion of a structure located below the average finished grade around a building. 2. Must be covered by a structure or developed open space.
12. ABOVE GRADE PARKING LOCATED UNDER PRINCIPAL USE RESIDENTIAL STRUCTURE*	1:1	1:1	4:1	4:1	3:1	N/A	<ol style="list-style-type: none"> 1. Parking must be enclosed. 2. Exterior surface must be the same material as used on the principal use building.
<p>*Parking qualifying for this bonus must serve a residential use. It must be located under a structure which contains a residential use, and all bonus floor area must be devoted to residential use.</p>							
13. PUBLIC MEETING ROOMS	2:1	2:1	2:1	2:1	N/A	2:1	<ol style="list-style-type: none"> 1. May include fixed seat auditorium or multipurpose meeting rooms. 2. Must be available for public use, but may operate under a reservation or nominal fee system. 3. Must provide seating for at least 50 persons.

¹Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

20.25A.030

FAR AMENITY STANDARDS	LAND USE DISTRICT						
AMENITY ¹	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
14. SCULPTURE* Any form of sculpture or other artwork located outside of the building.	5:1	5:1	5:1	5:1	5:1	5:1	Must be displayed near the main pedestrian entrance to a building.
*Measured in units of \$100 of appraised value.							
15. WATER FEATURE* A fountain, cascade, stream water, sculpture or reflection pond. The purpose is to serve as a focal point for pedestrian activity.	8:1	8:1	8:1	8:1	8:1	8:1	1. Must be located outside of the building, and be publicly visible and accessible at the main pedestrian entrance to a building, or along a pedestrian connection. 2. Water must be maintained in a clean and noncontaminated condition. 3. Water must be in motion during daylight hours.
*Measured in units of \$100 of appraised value, or actual construction cost, whichever is greater.							
16. MAJOR PEDESTRIAN CORRIDOR The major pedestrian corridor located on or in the immediate vicinity of NE 6th Street between 102nd Avenue and 110th Avenue NE.	16:1*	N/A	16:1*	N/A	N/A	N/A	Must comply with the requirements of LUC 20.25A.100.E.1.
*Bonus floor area may be achieved through the provision of this amenity only in conjunction with a permit to construct the Major Pedestrian Corridor in accordance with LUC 20.25A.100.E.1.							
17. CHILD CARE SERVICES* A use providing regular care and training for children, generally for less than 24 hours outside of the immediate family or kindergarten through 12th grade education system. See LUC 20.50.014.	8:1	8:1	8:1**	8:1	8:1	8:1	1. Must comply with the requirements of LUC 20.20.170. 2. Floor area for this amenity may also be counted as pedestrian-oriented frontage if the criteria of LUC 20.25A.030.C.1 are met.
*Floor area may be excluded from calculation of maximum floor area ratio.							
**See LUC 20.25A.090.E.7 for special bonus provisions for Perimeter Design District Subdistrict C.							
18. RETAIL FOOD* A self-service retail enterprise which sells food, beverages and household goods for consumption off the premises.	N/A	N/A	2:1	2:1	N/A	N/A	1. Maximum bonusable area is 30,000 sq. ft., except in Perimeter Design District Subdistrict C, when no limit applies. 2. Floor area for this amenity may also be counted as pedestrian-oriented frontage if the criteria of LUC 20.25A.030.C.1 are met.
*Floor area may be excluded from calculation of maximum floor area ratio.							

¹Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

AMENITY ¹	LAND USE DISTRICT						DESIGN CRITERIA
	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	
19. PUBLIC RESTROOMS* A room or rooms containing toilets and lavatories for the use of the general public, with only limited control for purposes of personal safety.	8:1	8:1	8:1	4:1	4:1	4:1	1. Shall be located on the ground floor of the building. 2. Shall be open for use by the public during normal business hours, although access may be monitored by a person located at the restroom facility. 3. Shall be handicapped accessible. 4. Shall be signed to identify its location.
*Floor area may be excluded from calculation of maximum floor area ratio.							
20. PERFORMING ARTS SPACE* Space containing fixed seating for public assembly for the purpose of entertainment or cultural events (live performances only).	10:1	10:1	10:1	N/A	N/A	N/A	This bonus shall apply only to performing arts spaces that are less than 10,000 sq. ft.
*Floor area may be excluded from calculation of maximum floor area ratio.							
21. SPACE FOR NON-PROFIT SOCIAL SERVICES* Space which is made available, rent free, to charitable and social service organizations which provide emergency assistance, health services, referral services, or other specialized social services directly to the public.	4:1	4:1	4:1	4:1	4:1	4:1	1. Such space shall principally provide outreach functions, rather than administrative functions. 2. Maximum bonusable area is 5,000 sq. ft. 3. Bonus floor area for this amenity may also be counted as pedestrian-oriented Frontage if the criteria of LUC 20.25A.030.C.1 are met.
*Floor area may be excluded from calculation of maximum floor area ratio.							
22. DONATION OF PARK PROPERTY Property which is donated to the city, with no restriction, for park purposes.	8:1	6:1	4:1	5:1	5:1	3:1	1. The need for such property in the location proposed must be consistent with City-adopted policies and plans. 2. The minimum size of a donated park parcel is 10,000 sq. ft. 3. Donated park parcels need not be contiguous with the site for which development is proposed.

¹Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

(Ord. 3653, 5-17-86, § 4)

D. Recording. The total amount of bonus floor area earned through the Amenity Incentive System for a project, and the amount of bonus floor area to be utilized on site for that project must be recorded with the King County Division of Records and Elections, and with the Bellevue City Clerk.

E. Transfer of Bonus Floor Area.

1. When Floor Area May be Transferred.

a. Bonus floor area earned through the amenity incentive system for a specific parcel of land may be transferred to an abutting parcel of land in the same ownership.

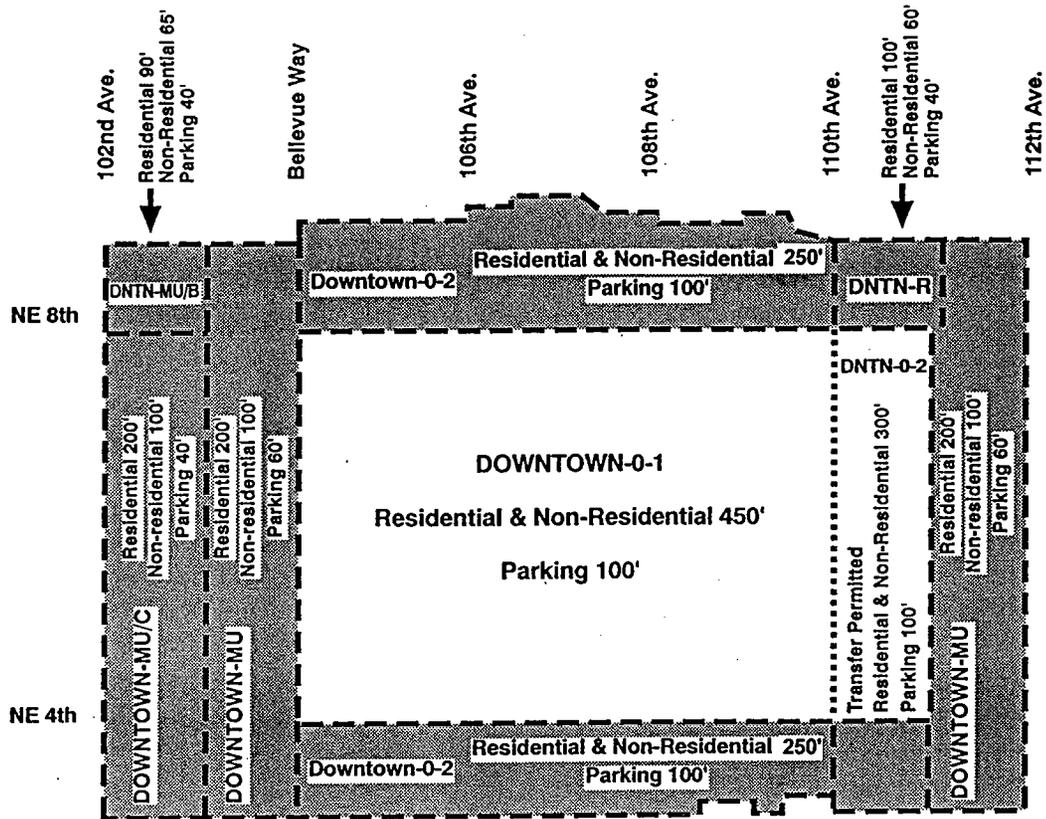
b. Bonus floor area earned for actual construction of the major pedestrian corridor may be transferred to any other property within the Downtown-O-1 zoning district and that portion of the Downtown-O-2 zoning district that is east of 110th Avenue N.E., provided, however, that properties may utilize transferred floor area only to the extent that the building height does not exceed limits depicted on the map entitled "Height Limits in the Core Design District."

2. Amount of Floor Area Transfer. No more than 25 percent of the gross floor area of a proposed project may be transferred floor area. This limitation does not include floor area generated by construction of the major pedestrian corridor or major public open spaces or for the floor area generated by the neighborhood service or residential use special bonus provisions in Perimeter Design District Subdistrict C.

3. Recording Required. The property owner must record each transfer of floor area with the King County Division of Records and Elections and with the Bellevue City Clerk.

4. Notwithstanding any provision of this Code, no transfer of floor area occurs when all property is included in one project limit.

Heights in Core Design District
Corridor/Open Space Bonuses
Used on-site and/or Transferred



No transfer of Major Pedestrian Corridor or Major Public Open Space bonuses permitted in shaded area.

Heights in Core Design District Corridor/Open Space Bonuses Used on-site and/or transferred

These building heights may be achieved, but not exceeded, as a result of either transferring from another site, using on site, or a combination thereof, the bonus floor area received as a result of constructing the Major Pedestrian Corridor or the Major Public Open Spaces. These height limits may not be exceeded by using any other Code provision.

Section 205. Section 20.25A.040 of the Land Use Code is hereby amended as follows:

20.25A.040 Landscape development.

A. The provisions of LUC 20.20.520, except as they conflict with this section, apply to development in the Downtown Land Use Districts.

B. Site perimeter and parking structure landscaping shall be provided in Downtown Land Use Districts according to the following chart, Landscape Development Requirements. In addition, street trees may be required by LUC 20.25A.060.C.

Landscape Development Requirements

Land Use District	Location on Site		
	Street Frontage	Rear Yard	Side Yard
Downtown-O-1	8' Type III (1)	None Required	None Required
Downtown-O-2	8' Type III (1)	None Required	None Required
Downtown-MU See Section 20.25A.090 for Perimeter District Design Standards	8' Type III (1)	If buffering a surface vehicular access or parking area - 5' Type III	If buffering a surface vehicular access or parking area- 5' Type III
Downtown-R See Section 20.25A090 for Perimeter District Design Standards	8' Type III (1)	If buffering a surface vehicular access or parking area - 5' Type III	If buffering a surface vehicular access or parking area- 5' Type III
Downtown-OB See Section 20.25A.090 for Perimeter Design District Standards	8' Type III (1)	None Required	None Required
Downtown-OLB	8' Type III (2)	If buffering a surface vehicular access or parking area-5' Type III	If buffering a surface vehicular access or parking area-5'Type III

(1) No landscape development is required if pedestrian-oriented frontage, a plaza, a marquee, an awning or an arcade abuts the walkway or sidewalk. If the project is subject to LUC 20.25A.115 (Design Guidelines: Building/Sidewalk Relationships) street frontage landscaping is only required when consistent with those guidelines and when a street wall, plaza, canopy, awning, arcade or access point does not exist. Notwithstanding the provisions of Section 20.20.520J.1.b. an alternative landscape design may be approved through Alternative Landscape Option, Section 20.20.520.J.

(2) On the east frontage of 112th Avenue NE, a landscape buffer (minimum width 20') meeting the requirements of the Perimeter Design District landscape buffer, Section 20.25A.090.D.5.b.ii., shall be provided, except where a plaza or pedestrian-oriented frontage meeting the requirements of Section 20.25A.030 abuts the sidewalk.

Section 206. Section 20.25A.050 of the Land Use Code is hereby amended as follows:

20.25A.050 Downtown parking, circulation and walkway requirements.

A. General. The provisions of LUC 20.20.590, except as they conflict with this section, apply to development in the Downtown Land Use Districts.

B. Minimum/Maximum Parking Requirement by Use - Specified Uses. Paragraph B of this section supersedes LUC 20.20.590.F.1. Subject to LUC 20.20.590.G and 20.20.590.H, the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below:

Downtown Parking Requirements

Downtown Zones					
Land Use	Unit of Measure	-O-1,-O-2		-R,-MU,-OB,-OLB	
		Min.	Max.	Min.	Max.
a. Auditorium/Assembly/Room Exhibition Hall/Theater/ Commercial Recreation (1)	per 8 fixed seats or per 1000 nsf (if there are no fixed seats)	1.0 10.0	2.0 10.0	1.5 10.0	2.0 10.0
b. Financial Institution	per 1000 nsf	3.0	4.0	4.0	5.0
c. Funeral Home/Mortuary/ Religious Institution (1)	per 5 seats	1.0	1.0	1.0	no max.
d. High Technology/Light Industry	per 1000 nsf	2.0	3.5	2.0	3.5
e. Home Furnishing/Retail/ Major Appliances-retail	per 1000 nsf	3.3	5.0	4.0	5.0
f. Hospital/In-Patient Treatment Facility/Outpatient Surgical Facility	per 1.5 patient beds	1.0	2.0	1.0	2.0
g. Hotel/Motel & Associated Mixed Uses-Basic Guest & Employee	per guest room	0.5	1.2	0.9	1.5
Associated Uses- Restaurant/Lounge/Bar	per 1000 nsf of seating area	0	15.0	10.0	20.0
Banquet/Meeting Rooms	per 1000 nsf of seating area	6.0	10.0	6.0	10.0
Retail-Less than 15,000 nsf total	per 1000 nsf	0.5	1.0	1.0	2.0
More than 15,000 nsf total	per 1000 nsf	1.0	2.0	1.5	3.0
h. Manufacturing/Assembly (Other than High Technology/Light Industrial)	per 1000 nsf	0.7	1.0	1.0	1.5
i. Office (Business Services/Professional Services/General Office)(3)	per 1000 nsf	2.0	2.7	2.5	3.0

j. Office (Medical Dental/Health Related Services)	per 1000 nsf	3.0	4.0	4.0	5.0
k. Personal Services					
Without Fixed Stations	per 1000 nsf	2.0	2.0	2.0	3.0
With Fixed Stations	per station	0.7	2.0	1.0	1.5
l. Residential	per unit	0	2.0	1.0(5)	2.0
m. Restaurant	per 1000 nsf	0	15.0	10.0(4)	20.0
n. Retail	per 1000 nsf	3.3	5.0	4.0(4)	5.0
o. Retail in a Mixed Development (except Hotel)(2)	per 1000 nsf	0	3.3	2.0(4)	4.0
p. Senior Housing:					
Nursing Home	per patient bed	0.4	0.8	0.4	0.8
Senior Citizen Dwelling or Congregate Care	per living unit	0	1.0	0.33	1.0

Footnotes to Parking Requirements

nsf = net square feet (see LUC 20.50.036)

(1) Room or seating capacity as specified in the Uniform Building Code (Chapter 23.10 BCC) at the time of the application is used to establish the parking requirement.

(2) If retail space in a mixed development exceeds 20 percent of the gross floor area of the development, the retail use parking requirements of paragraph B of this section apply to the entire retail space.

(3) Special Requirement in Perimeter Design District: The Director of Community Development may require the provision of up to 3.5 parking stalls per 1,000 net square feet for office uses within the Perimeter Design District to avoid potential parking overflow into adjacent land use districts outside Downtown.

(4) Restaurant and retail uses with 1,500 nsf or less floor area in Downtown-OB have a minimum parking ratio of 0. Restaurant and retail uses with more than 1500 nsf floor area in Downtown-OB shall provide parking according to the above table for any floor area over 1500 nsf.

(5) The minimum requirement for studio apartment units available to persons earning 60% or less than the median income as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area is 0.25 stalls per unit. An agreement to restrict the rental or sale of any such units to an individual earning 60% or less of the median income shall be recorded with the King County Division of Records and Elections.

C. Shared Parking.

1. General. In the Downtown, this paragraph C supersedes LUC 20.20.590.I.1-2. Subject to compliance with other applicable requirements of this Code, the Director of Community Development may approve shared development or use of parking facilities located on adjoining separate properties or for mixed use or mixed retail use development on a single site if:

- a. A convenient pedestrian connection between the properties or uses exists, and
- b. The availability of parking for all affected properties or uses is indicated by directional signs, as permitted by Chapter 22B.10 BCC (Sign Code).

2. Number of Spaces Required.

a. Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements for the uses served reduced by 20 percent of that total number, provided that the Director may approve a further reduction of that total number if the property owner or owners demonstrate to the satisfaction of the Director that the resulting provision of parking will be adequate for the proposed uses.

b. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.

3. Documentation Required. Prior to establishing shared parking or any use to be served thereby, the property owner or owners shall file with the King County Division of Records and Elections and with the Bellevue City Clerk a written agreement approved by the Director of Community Development providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

D. Off-Site Parking Location.

1. General. In the Downtown, this paragraph D supersedes LUC 20.20.590.J. Except as provided in paragraph D.2, the Director of Community Development may authorize a portion of the approved parking for a use to be located on a site other than the subject property if:

- a. Adequate visitor parking exists on the subject property, and
- b. Adequate pedestrian, van or shuttle connection between the sites exists, and
- c. Adequate directional signs in conformance with Chapter 22B.10 BCC (Sign Code) are provided.

2. District Limitations.

- a. Downtown-R Limitations. Parking located in the

Downtown-R District may only serve uses located in that district unless otherwise permitted through Design Review (Part 20.30F), and then, only if such parking is physically contiguous and functionally connected to the use which it serves in an adjacent land use district.

b. Downtown-O-1 and Downtown-O-2 Limitations. New parking facilities developed in the Downtown-O-1 or Downtown-O-2 Districts may only serve uses located in either of those districts.

3. Short-Term Retail Parking Facilities. The Director may approve the development of short-term retail parking facilities (see definition at LUC 20.50.040) not associated with a specific use. Upon the separate approval of the Director, a property owner or owners may satisfy all or a portion of the parking requirement for a specified retail use through an agreement providing parking for the use at a designated short-term retail parking facility provided that:

a. Adequate pedestrian, van or shuttle connection exists between the sites, and

b. Adequate directional signs in conformance with Chapter 22B.10 BCC (Sign Code) are provided.

4. Documentation Required. Prior to establishing off-site parking or any use to be served thereby, the property owner or owners shall file with the King County Division of Records and Elections and with the Bellevue City Clerk a written agreement approved by the Director of Community Development providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

E. Commercial Use Parking.

1. Any parking facilities or parking stalls located in the Downtown and developed to meet the requirements of the Land Use Code for a particular use may be converted to commercial use parking (see definition at LUC 20.50.040), provided that the property owner shall:

a. Comply with all parking and dimensional requirements and with the performance standards for parking structures of this Code;

b. If the parking facility or parking stalls proposed for commercial use were approved for construction subsequent to the effective date of Ordinance 2964 (enacted on March 23, 1981), the commercial use parking facility or parking stalls shall comply with all landscaping requirements set forth at LUC 20.25A.040;

c. If the parking facility or parking stalls proposed for commercial use were approved for construction prior to the effective date of Ordinance 2964 (enacted on March 23, 1981), and the commercial use parking facility occupies more than 30 spaces, the minimum landscaping requirements of this Code shall be deemed met where the property owner installs landscaping in compliance with an approved landscaping plan which achieves the following

objectives:

- i. Surface parking areas shall be screened from street level views to a minimum height of four feet by a wall, hedge, berm or combination thereof.
- ii. The minimum width of any hedge planting area shall be three feet.
- iii. Visual relief and shade shall be provided in the parking area by at least one deciduous shade tree (12 feet high at planting) for every 20 parking stalls, provided such trees shall not be required in covered or underground parking. Each tree planting area shall be at least 100 square feet in area and four feet in width, and shall be protected from vehicles by curbing or other physical separation. If irrigation is provided, the planting area may be reduced to 40 square feet.
- iv. The proposed landscaping plan shall be reviewed by the Director for compliance with these objectives and shall be approved by the Director prior to initiation of the commercial use parking.

d. If the parking facility or parking stalls proposed for commercial use were approved for construction prior to the effective date of Ordinance 2964 (enacted March 23, 1981) and the commercial use parking facility occupies 30 spaces or less, the commercial use parking facility shall be exempt from the landscaping requirements of this Code.

2. Assurance Device. The Director of Community Development may require an assurance device pursuant to LUC 20.40.490 to ensure conformance with the requirements and intent of this subsection E.

F. Parking Area and Circulation Improvements and Design.

1. Landscaping. Paragraph F.1 of this section supersedes LUC 20.20.590.K.7. The property owner shall provide landscaping as required by LUC 20.25A.040.

2. Compact Parking. Paragraph F.2 of this section supersedes LUC 20.20.590.K.9. The Director of Community Development may approve the design and designation of up to 65 percent of the spaces for use by compact cars.

3. Vanpool/Carpool Facilities. The property owner must provide a vanpool/carpool loading facility that is outside of required driveway or parking aisle widths and that is contained within the required parking and circulation areas. The facility must be adjacent to an entrance door to the structure served by the parking or as nearly so as possible and must be consistent with all applicable design guidelines.

4. Performance Standards for Parking Structures. The Director of Community Development may approve a proposal for a parking structure through Design Review (Part 20.30F). The Director of Community Development may approve the parking structure only if:

- a. Driveway openings are limited and the number of access lanes in each opening are minimized.
- b. The structure exhibits a horizontal, rather than sloping building line.
- c. The dimension of the parking structure abutting pedestrian areas is minimized, except where retail, service or commercial activities are provided.
- d. The parking structure complies with the requirements of LUC 20.25A.115.
- e. A wall or other screening of sufficient height to screen parked vehicles and which exhibits a visually pleasing character is provided at all above-ground levels of the structure.
- f. Safe pedestrian connection between the parking structure and the principal use exists.
- g. Loading areas are provided for vanpools/carpools as required by paragraph F.3 of this section.
- h. Vehicle height clearances for structured parking must be at least 7-1/2 feet for the entry level, to accommodate vanpool parking. Where necessary to meet the requirements of the Washington State Barrier Free Code for van accessible parking stalls, all or part of the entry level of the parking structure shall have a vehicle height clearance of 114" (9-1/2 feet).

G. Interim and Phased Parking.

1. Interim Parking.

a. **When Allowed.** The Director of Community Development may approve the installation of interim parking up to the maximum parking allowed if determined to be necessary to mitigate spillover parking impacts. Such interim parking may exist for a period, not to exceed five years, from the date of Temporary or Final Certificate of Occupancy, whichever comes first. The Director of Community Development may upon written request grant no more than two one-year extensions to the five-year interim parking time limit.

b. **Approval Required.** The Director of Community Development must review and approve a plan indicating current parking demand, how much interim parking is proposed, when the parking will be removed, and how the interim parking area will be restored.

c. **Design.** The property owner must provide perimeter and interior parking lot landscaping as required by LUC 20.25A.040 and must comply with all dimensional standards of this Code.

d. **Removal of Interim Parking.** The Director of Community Development may require the removal of interim parking prior to the expiration of the approval period when parking supply exceeds demand. The property owner proposing interim parking shall file a written agreement containing this limitation with the Bellevue City Clerk.

e. Assurance Device. The Director of Community Development may require an assurance device pursuant to LUC 20.40.490 to insure conformance with the requirements and intent of paragraph G.1 of this section.

2. Phased Parking.

a. Schedule Required. The property owner may install the required parking spaces in phases if the schedule has been approved by the Director of Community Development. Each phased parking installation must include enough parking to meet the parking requirements for the completed phases of the development for which the parking is provided. This phasing schedule must specifically indicate when all parking approved pursuant to this section will be provided.

b. Assurance Device. The Director of Community Development may require an assurance device pursuant to LUC 20.40.490 to insure compliance with the requirements and intent of paragraph G.2 of this section.

H. Director's Authority to Approve Parking Exceeding Maximum. In Downtown Districts, the Director of Community Development may approve the installation of more than the maximum number of parking stalls if the property owner demonstrates that:

1. Such additional parking is necessary to meet the parking demand for a specified use, and
2. Shared or off-site parking is not available or adequate to meet demand, and
3. The maximum number of compact size stalls has been used, and
4. Any required Transportation Management Program will remain effective.

Section 207. Section 20.25A.055 of the Land Use Code is hereby repealed.

Section 208. Section 20.25A.060 of the Land Use Code is hereby amended as follows:

20.25A.060 Walkways and sidewalks, perimeter.

A. General. The provisions of LUC 20.20.950, except as they conflict with Part 20.25A, apply to development in the Downtown Land Use Districts.

B. Minimum Width.

1. The minimum width of perimeter walkway or sidewalk is 12 feet plus four feet in which street trees are to be planted plus six inches curb along:

- a. Bellevue Way between N.E. 4th and N.E. 8th and
- b. N.E. 6th between 110th Avenue N.E. and 112th Avenue N.E. and
- c. 106th Avenue N.E. between N.E. 4th and N.E. 8th and
- d. 108th Avenue N.E. between N.E. 4th and N.E. 8th and
- e. 110th Avenue N.E. between N.E. 4th and N.E. 8th and
- f. N.E. 4th between Bellevue Way and 112th Avenue N.E. and
- g. N.E. 8th between Bellevue Way and 112th Avenue N.E.

2. The minimum width of a perimeter walkway or sidewalk, excluding the area required for street trees in LUC 20.25A.060.C.2, is eight feet plus four feet in which street trees are to be planted plus six inches curb along any other street.

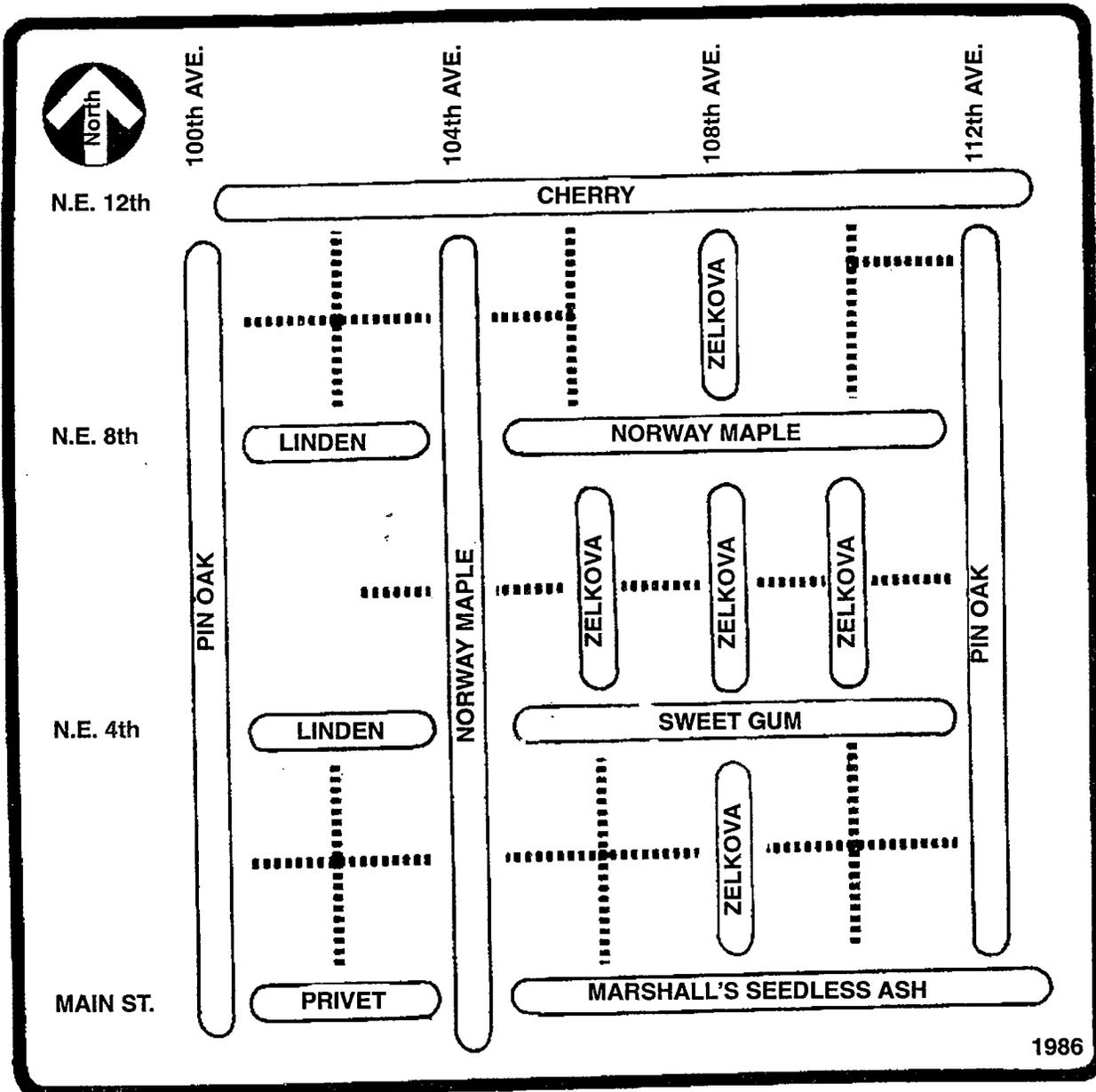
C. Street Trees Required.

1. The property owner shall install street trees, in addition to any landscaping required by LUC 20.25A.040, according to the requirements of Plate B, and this section, or as approved by the Director, unless upon the request of the applicant, minor modification is approved by the Director.

2. The area in which street trees are planted must be at least four feet wide, and located between the street improvement and the walkway or sidewalk unless precluded by existing utilities which cannot reasonably be relocated. Any street tree planting area must be at least four feet x six feet or five feet x five feet or smaller area as approved by the Director, unless upon request of the applicant, minor modification of this requirement is approved by the Director, and protected by an approved decorative grate. This grate may intrude into the sidewalk.

3. Street trees, at least three inches in caliper or as approved by the Director, must be planted at least three feet from the street curb, and a maximum of 25 feet on center, unless upon request of the applicant, minor modification of this requirement is approved by the Director, and conform to the sight distance requirements of LUC 20.20.830. A street tree planting area may also include decorative paving and other plant materials except turf.

Plate B



BELLEVUE CBD STREET TREES

-  Major Street Tree
- Fluxinus pennsylvanica* 'Marshall' (Ash)
- Ligustrum lucidum* (Privet)
- Zelkova serratta* (Zelkova)
- Tilia cordata* (Linden)
- Acer platanoides* (Norway Maple)
- Prunus serrulata* (Cherry)
- Quercus palustris* (Pin Oak)
- Liquidambar styraciflua* (Sweet Gum)
- Styrax obassia* (Styrax)

- LEGEND**
- *  Local Street Tree
 - Acer platanoides* 'Col' (Norway Maple 'Col')
 - Liquidambar styraciflua* (Sweet Gum)
 - Crataegus L.* (Hawthorne)
 - Quercus borealis* (Red Oak)
 - Cercidiphyllum japonicum* (Katsura Tree)
 - Magnolia grandiflora* (Saucer Magnolia)
 - Magnolia kobus* (Kobus Magnolia)
 - Prunus sargentii* (Cherry)
 - Prunus yedoensis akebono* (Cherry)

* Selection of specific tree species from this list for individual streets shall be approved by the Director of Design and Development. (Ord. 3690, 8-4-86, § 10)

Section 209. Section 20.25A.065 of the Land Use Code is hereby amended as follows:

20.25A.065 Civic Center Design District.

A. Definition of District. The Civic Center Design District encompasses the area bounded by the centerlines of 110th Avenue N.E. on the west, N.E. 8th Street on the north, I-405 on the east, and N.E. 4th Street on the south.

B. Purpose. The purpose of the Civic Center Design District is to implement the Downtown Subarea policies concerning the Special Opportunity Area, by providing specific standards. These standards will permit the development of cultural, conference and exhibition facilities and other uses as envisioned by the policies.

C. Development Standards. All provisions of LUC 20.25A shall apply to this district, with the following exceptions:

1. Within the Civic Center Design District, maximum lot coverage may be up to 100 percent for buildings in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: cultural facilities, conference facilities and exhibition facilities.

2. Within the Civic Center Design District, the building floor area per floor above 40 feet high may be unlimited for buildings and floors in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: cultural facilities, conference facilities and exhibition facilities.

3. Building types listed in LUC 20.25A.065. C.1 and C.2 should incorporate special design features as described below:

a. Building facades should be divided into increments through the use of offsets, facets, recesses or other architectural features which serve to break down the scale. Roof forms should incorporate terraces, planting areas, decorative features, or other elements to soften the rectilinear profile.

b. Special attention should be given to the provision of elements at or near the ground level such as awnings, recessed entries, water features, address signs, seasonal flower beds, seating, pedestrian-oriented uses and display kiosks.

4. Nothing in these provisions shall affect the maximum floor area ratios permitted for the underlying land use districts.

Section 210. Section 20.25A.070 of the Land Use Code is hereby amended as follows:

20.25A.070 Downtown-Old Bellevue District

A. Design Review Required. All development within the Downtown-Old Bellevue Land Use District must be reviewed by the Director of Community Development using the Design Review process (Part 20.30F) and applying the Downtown Design Review Criteria, LUC 20.25A.110 in reviewing an application for development in the Downtown-Old Bellevue Land Use District.

B. Development Requirements. Development within the Old Bellevue Land Use District must comply with the following if the property abuts the named streets:

1. Street Improvements. The applicant shall provide half street and sidewalk improvements including paving, street trees, lighting and other street furniture comparable to the existing Main Street streetscape between 102nd Avenue and Bellevue Way on:

- a. Both sides of Main Street between 100th Avenue and Bellevue Way, and
- b. 102nd and 103rd Avenues between S.E. 1st Street and N.E. 1st Street, and
- c. The west side of Bellevue Way between S.E. 1st Street and N.E. 2nd Street, and
- d. The east side of 100th Avenue between S.E. Bellevue Place and N.E. 1st Street, and
- e. Both sides of N.E. 1st and N.E. 2nd between 100th Avenue and Bellevue Way.

2. Mid-block Connections.

- a. The applicant shall provide mid-block connections between:
 - i. Main Street and N.E. 1st Street at approximately 101st Avenue N.E., and
 - ii. 102nd and 103rd Avenues approximately mid-block between Main Street and N.E. 1st Street, and
 - iii. Main Street at approximately 103rd Avenue and 102nd Avenue S.E. at approximately S.E. 1st Street.
- b. A mid-block connection must be developed as a walkway or a combination walkway and vehicular lane. The connection shall incorporate decorative lighting and seating areas.
- c. If a combination walkway and vehicular lane does not have a separate raised walkway, the surface must be paved with unit paver blocks to denote that it is a pedestrian area.

3. Parking. An off-street parking area may not be located between the buildings and streets along:

- Street, and
- a. 102nd Avenue N.E. between Main Street and N.E. 1st
 - b. Main Street between 100th Avenue and Bellevue Way.
4. Minor Publicly Accessible Spaces.
- a. The applicant shall provide minor publicly accessible spaces on Main Street at the intersections of 100th Avenue and Bellevue Way.
 - b. A minor publicly accessible space may be outdoors or may be enclosed as long as adequate access is provided, and its existence is readily identifiable.
 - c. A minor publicly accessible space must be developed as a plaza, an enclosed plaza or landscape feature. The design criteria of LUC 20.25A.030.C must be met, and the FAR amenity bonus may be utilized.
 - d. Structures must directly abut the minor publicly accessible space.
5. Pedestrian-Oriented Frontage and Marquees or Awnings.
- a. The applicant shall provide pedestrian-oriented frontage and marquees or awnings on:
 - i. Both sides of Main Street from 100th Avenue to Bellevue Way, and
 - ii. 102nd Avenue between Main Street and N.E. 1st.
 - b. Pedestrian-oriented frontage, marquees, and awnings must comply with the design criteria of LUC 20.25A.030.C, and the FAR amenity bonus may be utilized.
 - c. Pedestrian-oriented frontage must include display windows having mullions that are spaced two to six feet apart.
 - d. The use of exposed concrete, metal or plastic for storefront facades is not permitted. This does not preclude the use of metal and acrylic glazing on marquees or vinyl fabric on awnings, nor the use of brass, copper or aluminum for decorative trim.

WP0520C-ORD
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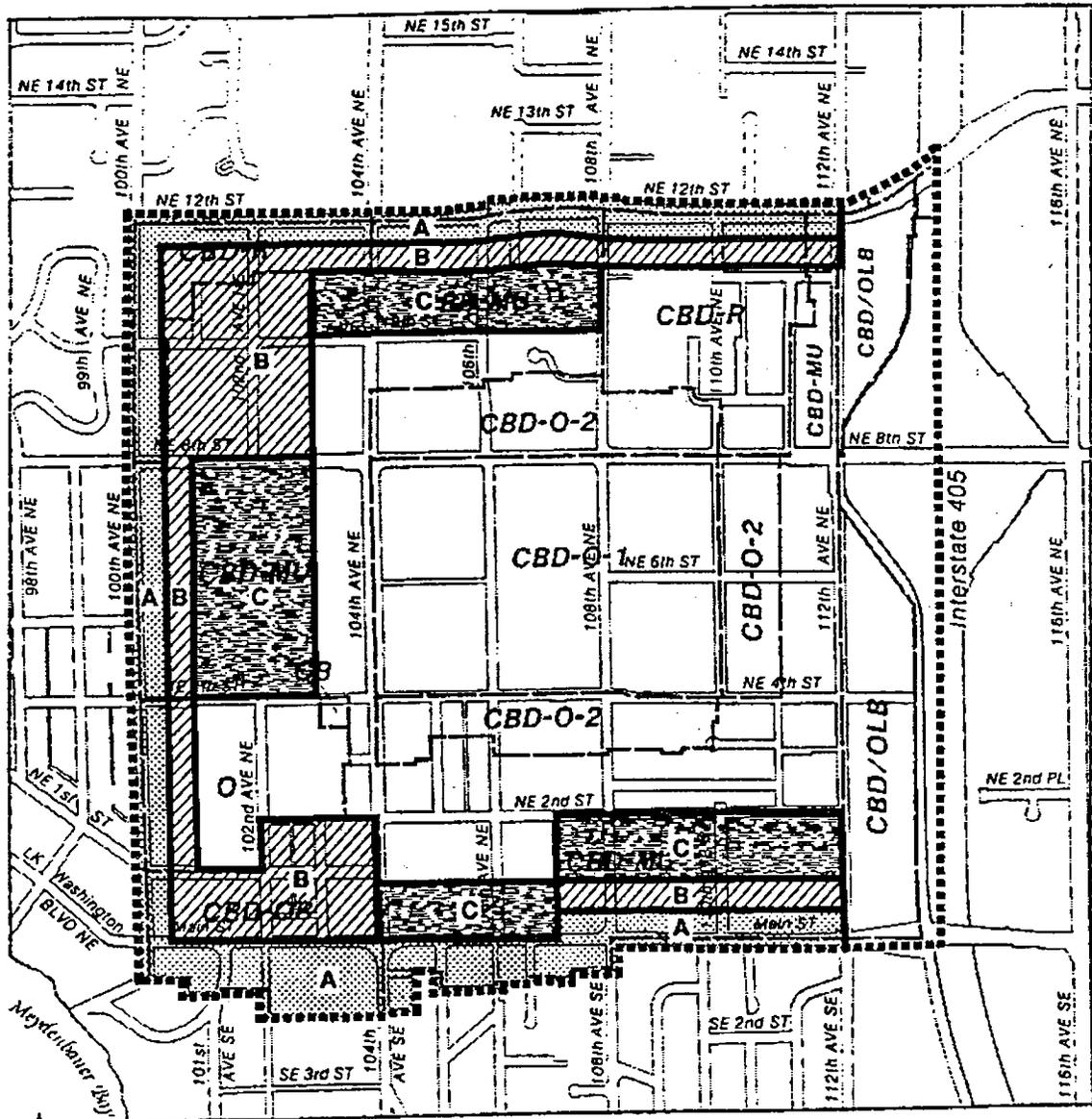
Section 211. Section 20.25A.080 of the Land Use Code is hereby repealed:

Section 212. Section 20.25A.090 of the Land Use Code is hereby amended as follows:

20.25A.090 Perimeter Design District.

A. Definition of District. The Perimeter Design District is an area composed of three subdistricts (A-C) as depicted on the following map. The Perimeter Design District includes area within the boundary of the Downtown as shown, whether or not said areas are within a Downtown Land Use District.

The Perimeter Design District shall include the following property west of the centerline of 112th Avenue N.E. within the Downtown as defined in LUC 20.50.016:



City of Bellevue
Planning Department

SCALE IN FEET 0 400 800 1200

NORTH

June 1991

Perimeter Design Districts

-  Subdistrict A
-  Subdistrict C
-  Subdistrict B

WP0520C-ORD
11/27/95

Subdistrict A:

1. All property south of the Main Street right-of-way, and
2. All property in the Main Street, 100th Avenue N.E. and N.E. 12th Street rights-of-way, and
3. All property measured 150 feet into the Downtown from the internal edge of the Main Street, 100th Avenue N.E. and N.E. 12th Street rights-of-way, respectively, except that property south of N.E. 1st Street and lying between a line parallel to and 150 feet east of the east edge of the 100th Avenue N.E. right-of-way and the centerline of 107th Avenue N.E.

Subdistrict B:

1. All property measured 150 feet into the Downtown from the internal edge of Subdistrict A, except that property south of N.E. 1st Street, if extended, lying between the centerline of 104th Avenue N.E. and the centerline of 107th Avenue N.E., and
2. All property north of the north edge of the Main Street right-of-way that is within the area that is east of the internal edge of Subdistrict A, south of the centerline of N.E. 2nd Street and west of the centerline of 104th Avenue N.E. except that property north of the centerline of N.E. 1st Street, west of the centerline of 102nd Avenue N.E., south of the centerline of N.E. 2nd Street, if extended, and east of a line parallel to and 300 feet east of the east edge of the 100th Avenue N.E. right-of-way, and
3. All property within the area bounded by the northerly edge of the N.E. 8th Street right-of-way on the south, the southerly boundary of Subdistrict A on the north, the easterly boundary of Subdistrict A on the west, and a line parallel to and 300 feet west of the westerly edge of the 104th Avenue N.E. right-of-way on the east.

Subdistrict C:

1. All property within the area bounded by a line parallel to and 300 feet north of the northerly edge of the Main Street right-of-way on the north, the northerly edge of the Main Street right-of-way on the south, and the centerlines of 104th Avenue N.E. on the west and 107th Avenue N.E. on the east, and
2. All property within the area bounded by the northerly boundary of Subdistrict B on the south, the southerly edge of the N.E. 2nd Street right-of-way on the north, and the centerlines of 107th Avenue N.E. on the west and 112th Avenue N.E. on the east, and
3. All property within the area bounded by the easterly boundary of Subdistrict B on the west, the centerlines of N.E. 4th Street on the south and N.E. 8th Street on the north, and a line parallel to and 300 feet west of the westerly edge of the 104th Avenue N.E. right-of-way on the east, and

4. All property within the area bounded by the southerly boundary of Subdistrict B on the north, the northerly edge of the N.E. 10th Street right-of-way, if extended, on the south, and the centerlines of 103rd Avenue on the west and 108th Avenue N.E. on the east.

B. Purpose. The purpose of the Perimeter Design District is to establish a stable development program for the perimeter between the Downtown and adjacent residential neighborhoods. The program helps secure the future of both areas.

C. Review Criteria. The Director of the Department of Community Development shall use the Downtown Design Review Criteria, LUC 20.25A.110; the Design Guidelines: Building/Sidewalk Relationships, LUC 20.25A.115; and the provisions of this section in reviewing an application for development in the Perimeter Design District.

D. Development Standards.

1. Limitation on Modification. Notwithstanding any other provision of the Land Use Code, the development standards contained in this paragraph E may not be modified.

2. Perimeter Design District in non-Downtown Districts. Development requirements for O districts are set forth in LUC 20.20.010. If there is any difference between the requirements of that section and the requirements of LUC 20.25A.090, the most restrictive requirements shall apply.

3. Perimeter Design District Dimensional Requirements:

[See table next page]

Perimeter Design District Dimensional Requirements:

Perimeter Subdistrict	Building Type 5	Minimum Setback from the DNTN Boundary 1.4	Max. Lot Coverage	Building Height		Floor Area Ratio	
				Basic	Max.	Basic	Max.
Sub-district A	Non-residential	20'	75% 6	30'	40'	.5	1.0 in DNTN-MU 1.0 in DNTN-OB .5 in DNTN-R
	Residential Parking	20' 20'	75% 6 75%	30' 30'	55' 40'9"	2.0 N/A	3.5 N/A
Sub-district B	Non-Residential	N/A	75% 6	30'	65'	.5	1.5 in DNTN-MU 1.0 in DNTN-OB .5 in DNTN-R
	Residential Parking	N/A N/A	75% 6 75%	45' 40'	90' 40'	2.0 N/A	5.0 N/A
Sub-district C	Non-residential	N/A	75%	30'	100'7"	.5	3.0 7
	Residential Mixed Use 8 Parking	N/A N/A N/A	100% 75% 75%	150' 30' 40'	200' 100' 7" 40'	2.0 .5 N/A	5.0 3.0 7 N/A

Notes: Perimeter Design District Dimensional Requirements.

(1) Measured from inside edge of required perimeter sidewalk, if applicable. If existing utilities which cannot reasonably be relocated result in the planting of street trees on the property side of a sidewalk as provided for in LUC 20.25A.060, four feet is added to the required setback.

(2) The maximum building height may only be achieved by participation in the FAR Amenity Incentive System (LUC 20.25A.030). Except in Subdistrict A, the maximum height may be exceeded by no more than 10 percent or 10 feet, whichever is less, and only if the additional height is used to provide interesting roof forms such as pitched or sloped elements, pyramidal, spire or dome shapes, cupolas, or other decorative architectural features. In Subdistrict C, the maximum building height may be increased by no more than 15 percent if an interesting roof form is provided and if the applicant demonstrates that added height is necessary for provision of the neighborhood services listed in LUC 20.25A.090.E.4.

(3) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System (LUC 20.25A.030). Where residential and nonresidential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (8) and LUC 20.25A.020.A.2, Note (7). See LUC 20.25A.070.D for FAR requirements in Old Bellevue.

(4) See LUC 20.25A.020.B for exceptions to minimum setback requirements.

(5) Notwithstanding any other provisions of this Code, in Subdistrict A and B, hotels and motels shall be considered as nonresidential structures, and in Subdistrict C they shall be considered as residential structures.

(6) The maximum lot coverage in Downtown-OB is 100 percent.

(7) In Subdistrict C, the FAR amenity system in LUC 20.25A.030 may be used to achieve building height not to exceed 65 feet and FAR not to exceed 1.5. The maximum nonresidential FAR of 3.0 and maximum nonresidential 100-foot height may only be achieved through participation in the special bonus provisions in LUC 20.25A.090.E.7.

(8) Mixed use building type is applicable only in Perimeter District Subdistrict C. See LUC 20.25A.090.E.7.d for special provisions of the mixed use building type.

(9) A parking structure may achieve the maximum permitted height if the development of the project limit area which contains the parking structure provides a bonusable amenity through participation in the FAR Amenity Incentive System, Section 20.25A.030.

4. FAR Exemption. In subdistrict A and B, the following uses are excluded from the gross building area for the purpose of calculating floor area ratio (FAR):

- a. Hardware (Retail)
- b. Food (Retail)
- c. Drugstores
- d. Personal Services
- e. Education
- f. Universities and Colleges
- g. Charitable and Social Service Organizations
- h. Religious Activities
- i. Library/Museum
- j. Art Gallery
- k. Child Care Services
- l. Gasoline Service Stations
- m. Garden Supplies

Nothing in this paragraph amends the uses permitted in a land use district as displayed in Chart 20.10.440 - Uses in Land Use Districts.

5. Landscape Development.

a. General. The standards of this paragraph supplement other landscape requirements of Part 20.25A and LUC 20.20.520 for development in the Perimeter Design District.

b. Linear Buffers.

i. General. Any development situated within Perimeter Design District - Subdistrict A shall provide a "linear buffer" within the minimum setback adjacent to the Downtown boundary required by LUC 20.25A.090.E.1. The purpose of this feature is to produce a green buffer that will soften the visual impact of the relatively larger buildings. These design standards are minimum requirements for the size and quantity of trees, shrubs and other "linear buffer" elements. The specific design of the "linear buffer" for each project site will be determined through the Design Review Process. Design considerations include but are not limited to the placement of elements and their relationship to adjacent property as well as to the proposed development. Different sets of design standards apply to each of the locational conditions.

ii. Where the Downtown boundary falls within the Main Street, 100th Avenue N.E. or N.E. 12th Street right-of-way, the minimum setback from the Downtown boundary shall be landscaped according to the basic requirements and either Alternative A or B of the supplemental requirement.

- (1) Basic Requirements (applicable in all cases):
 - (a) Must have a minimum width of 20 feet.
 - (b) Must abut and be within three feet in elevation of a sidewalk, so as to be visually and physically accessible.
 - (c) Must provide at least one sitting space for each 200 square feet of the perimeter setback area.
 - (d) May not be used for parking; vehicular access drives shall be kept to a minimum.
 - (e) Must be readily accessible to the public at all times.
 - (f) Must include seasonal color in an amount of at least 10 percent of the perimeter setback area.
 - (2) Supplemental Requirements:
 - (a) Alternative A:
 - (i) Three deciduous trees, with a minimum caliper of three inches, per each 1,000 square feet of the perimeter setback area, and
 - (ii) Two flowering trees, with a minimum caliper of two inches, per each 1,000 square feet of perimeter setback area, and
 - (iii) Ten evergreen shrubs, minimum five-gallon size, per 1,000 square feet of the perimeter setback area, and
 - (iv) Any paved surfaces shall be no more than 10 percent of the perimeter setback area, and
 - (v) Planting area must either be raised or sloped. If raised, the planting area shall be surrounded by a wall with a minimum height of 18 inches and a maximum height of 24 inches to allow for sitting.
 - (b) Alternative B:
 - (i) Three deciduous trees, with a minimum caliper of three inches, per each 1,000 square feet of the perimeter setback area, and
 - (ii) Lawn greater than 5 feet in width or ground cover on at least 25 percent of the perimeter setback area, and
 - (iii) Any paved surfaces shall be no more than 75 percent of the perimeter setback area, and
 - (iv) Paved areas shall use brick, stone or tile in a pattern and texture that is level and slip-resistant, and
 - (v) Opportunities for pedestrian flow from the sidewalk shall be frequent and direct. Changes in grade between the linear buffer and sidewalk shall be accommodated by steps or terraces, rather than walls.
- iii. Minimum setback from the Downtown boundary where property outside the Downtown other than right-of-way described in paragraph b.ii directly abuts the boundary line:
- (1) The entire setback (20 feet) shall be planted. No portion may be paved except for vehicular entrance drives and required

midblock pedestrian connections.

(2) The setback must incorporate a berm having a minimum height of 3-1/2 feet.

(3) The setback must be planted with:

(a) Evergreen and deciduous trees, with no more than 30 percent deciduous, a minimum of 10 feet in height, at intervals no greater than 20 feet on center, and

(b) Evergreen shrubs, a minimum of two-gallon in size, at a spacing of three feet on center, and

(c) Living ground cover so that the entire remaining area will be covered in three years.

c. Street Trees. Street trees required by LUC 20.25A.060.C along Main Street, 100th Avenue N.E. or N.E. 12th Street must be at least four inches in caliper.

6. Special Design Standards. The following design standards apply to all development within the Perimeter Design District:

a. Upper Level Setback. A building facade facing any of the following streets must incorporate a 15-foot deep setback in that facade at a height no more than 40 feet above average finished grade:

i. The south side of N.E. 12th Street between 102nd Avenue N.E. and 112th Avenue N.E.; and

ii. Both sides of Main Street between 100th Avenue N.E. and Bellevue Way N.E.; and

iii. The north side of Main Street between 108th Avenue N.E. and 112th Avenue N.E.; and

iv. The east side of 100th Avenue N.E. between the southwest corner and northwest corner of the Downtown boundary; and

v. Both sides of 102nd Avenue N.E. between Main Street and N.E. 1st Street.

b. Lighting. Lighting fixtures shall incorporate cutoff shields to minimize offsite impacts.

c. Signs. All signs shall be an integral part of the architectural design and shall be consistent with the scale and architecture of the building.

7. Special Bonus Provisions for Subdistrict C.

a. The nonresidential 1.5 FAR may be exceeded in Subdistrict C only through the provision of neighborhood services and residential uses as provided in this paragraph.

b. The nonresidential 1.5 FAR may be exceeded in Subdistrict C only if at least 25 percent of the bonus FAR square footage is comprised of neighborhood services, provided that the Director of the Department of Community Development may reduce the requirement to no less

than 15 percent when at least 20 percent of all development on the site will consist of housing. Neighborhood services include the following uses:

- i. Hardware (retail)
- ii. Food (retail)
- iii. Drugstores
- iv. Personal services (as identified in LUC 20.10.440

Services Chart)

- v. Child care services
- vi. Gasoline service stations
- vii. Garden supplies (retail)

c. In Subdistrict C, the FAR amenity standards in LUC

20.25A.030.C apply except that the amenity bonuses which may be earned to exceed the nonresidential FAR of 1.5 are as follows:

i. Neighborhood services, as defined in paragraph F.1 are bonused at a ratio of 2:1*, and

ii. Residential uses, as described in LUC 20.25A.030.C.10 are bonused at a ratio of 1:1*.

*Measured as square feet of permitted development for each qualifying developed square foot of amenity.

d. **Mixed Use.** In a mixed use building type, the maximum FAR of 3.0 is the limit of all nonresidential uses in the building. Additional floor area may be permitted only as necessary to provide the special bonus residential uses required by this section in order to achieve the nonresidential floor area above an FAR of 1.5. In no case may the total FAR exceed 5.0. For the purposes of these provisions, the residential uses may be located in a separate building or buildings within the same project limit as the nonresidential uses; however, the mixed use building height of the Perimeter Design District Dimension Chart shall apply.

E. Design Guidelines.

1. Development projects should include a mid-block street, where feasible, to provide more convenient circulation within the perimeter of the Downtown and to promote development with a human scale.

2. Buildings should incorporate interior arcades, open courtyards, enclosed plazas or combinations thereof which offer mid-block pedestrian connections between perpendicular and/or parallel streets.

3. Buildings should be clad with materials which minimize reflected light. Overhangs, awnings, sunscreens and other devices should be considered in order to minimize conditions of glare.

4. Building facades should be divided into increments through the use of bay windows, offsets, angled facets, recesses and other architectural features which serve to break down the scale.

5. Rooftops should incorporate features such as pitched or sloped forms, terraces, perimeter planting to soften an otherwise rectilinear profile.

6. Surface parking should be concealed from street level views by berms, hedges, walls or combinations thereof.

7. Special attention should be given to the provision of elements at or near the ground level such as awnings, recessed entries, water features, address signs, seasonal flower beds, seating, pedestrian-oriented uses and display kiosks.

Section 213. Section 20.25A.100 of the Land Use Code is hereby amended as follows:

20.25A.100 Downtown Core Design District.

A. Definition of District. The Downtown Core Design District encompasses the area bounded by the extension of the centerlines of 102nd Avenue N.E. on the west, N.E. 9th Street on the north, 112th Avenue N.E. on the east and N.E. 3rd Street on the south plus any area within the Downtown-O-2 Land Use District not described above.

B. Purpose. The purpose of the Downtown Core Design District is to implement the Downtown Subarea Comprehensive Plan Policies by providing more specific development guidelines, and by assuring high levels of attractiveness, urbanity, design quality, and coordination of development within the most intensive, visible portion of Downtown.

C. All Development Subject to Design Review. All development within the Downtown Core Design District must be reviewed by the Director of Community Development through Design Review (Part 20.30F).

D. Review Criteria. The Director of Community Development shall use the Downtown Design Review Criteria, LUC 20.25A.110, and the provisions of this section in deciding upon an application for development in the Downtown Core Design District.

E. Downtown Core Design District Guidelines.

1. Major Pedestrian Corridor.

a. Purpose. The major pedestrian corridor is to serve as a focus for pedestrian use.

b. Location. The alignment of the major pedestrian corridor is defined as the area within 30 feet of the extension of the north line of Lots 3 and 4, Block 2 of Cheriton Fruit Gardens Plat No. 1 recorded in the King County

Department of Records and Elections in Volume 7 of Plats at page 47, extending from the eastern edge of the enclosed portion of Bellevue Square to 108th Avenue N.E. and the area within 30 feet north of the north curb and 30 feet south of the south curb of the Bellevue Transit Center traffic lanes as hereafter approved by the City, extending across the 108th Avenue N.E. right-of-way and to 110th Avenue N.E. This alignment may be modified by the Bellevue Pedestrian Corridor Guidelines or by a Corridor Development Design Plan for a specific property.

c. **Bellevue Pedestrian Corridor Guidelines.** The City Council adopted Bellevue Pedestrian Corridor Guidelines and Major Public Open Space Design Guidelines by Resolution No.3946 on December 14, 1981 and may amend the adopted guidelines. The procedures of Process IV, (LUC 20.30.400 et seq.) shall apply. The Planning Commission shall be the Advisory Body. The Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines consists of general design guidelines consistent with provisions of this paragraph.

i. The corridor must present a coordinated design. The City will consider coordinated design features such as uniform treatment of signing, landscaping and lighting over the entire length of the corridor. Variety in design will be allowed and in some cases encouraged in order to provide visual interest and harmony with adjacent development. The corridor must incorporate numerous pedestrian amenities such as seating areas, landscaping, art features, weather protection and pedestrian scale lighting.

ii. The major pedestrian corridor must provide predominantly continuous pedestrian-oriented frontage, plazas, pedestrian ways, street arcades, landscape features, or enclosed plazas along its entire length.

iii. The entire corridor must be open to the public 24 hours per day. Segments of the corridor may be bridged or covered for weather protection, but not enclosed. Temporary closures will be allowed as necessary for maintenance purposes.

iv. Pedestrian movement across 104th Avenue N.E., 106th Avenue N.E. or 108th Avenue N.E. shall be at grade .

v. The major pedestrian corridor width is established as part of the Bellevue Pedestrian Corridor Guidelines. The corridor width shall average 60 feet and in no case be less than 40 feet over each superblock west of 108th Avenue N.E., and shall average 30 feet and in no case be less than 20 feet on each side over the superblock extending from the western edge of the 108th Avenue N.E. right-of-way to 110th Avenue N.E.

All subdivisions or short subdivisions hereafter approved or permits for any structure or permanent parking or circulation area shall be reviewed for compatibility with the alignment of the major pedestrian corridor and major public open space as specified in paragraph E.1.b of this section or in the Bellevue Pedestrian Corridor and Major Public Open Space

Design Guidelines if any lot line, structure or permanent parking or circulation area is within:

- (1) 330 feet of the centerline of the major pedestrian corridor if west of 108th Avenue N.E., or
- (2) The area between the exterior edge of the curblines of the Transit Center and the eastward extension of the trigger lines as defined in paragraph v.(1) to 110th Avenue N.E.

d. Preservation of the Major Pedestrian Corridor.

i. Prior to the issuance of a building permit for any structure other than surface parking; and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added, and provided that all new floor area is devoted to pedestrian-oriented uses; located within the major pedestrian corridor as defined in paragraph E.1.b the following conditions must be met:

- (1) The alignment of the major pedestrian corridor related to the proposed structure or permanent parking or circulation area must be established by the execution and recording of a legal agreement in accordance with paragraph E.1.e.i or E.1.e.ii of this section.

- (2) A design development plan for the section of the corridor required to be constructed under E.1.c.iii. Corridor must be approved by the Director of Community Development as required by paragraph E.1.e.ii of this section. Construction must begin prior to the issuance of certificate of occupancy or a temporary certificate of occupancy for the structure other than surface parking as required by paragraph E.1.e.iii(2) of this section.

ii. Building permits for surface parking areas to be located in this corridor as defined in paragraph E.1.b may be granted for up to a five-year period, subject to the landscape requirement for surface parking areas in the Downtown-MU Land Use District, as specified in LUC 20.25A.040. Building permits for parking areas may be renewed only if the Director of Community Development finds that an extension is necessary to meet the maximum Code requirements for parking and the extension is necessary for the construction of a building requiring utilization of the surface parking area.

e. Provision of the Corridor.

i. If the property owner wishes to at any time obtain bonus FAR for construction of the major pedestrian corridor, the City may approve the subdivision or short subdivision of property resulting in any interior lot line which is within the distances specified in LUC 20.25A.100.E.1.c.v only if:

- (1) The owner of the property to be subdivided or short subdivided executes a legal agreement providing that all property that he/she owns within the superblock in which any of property to be subdivided or short subdivided is located and which is within the alignment of the major

pedestrian corridor established under paragraph E.1.b, E.1.c or E.1.e.iii (hereafter the "Corridor Property") shall be subject to a nonexclusive right of pedestrian use and access by the public. The agreement shall legally describe and shall apply to only that property of the owner located within the distances specified in LUC 20.25A.100.E.1.c.v. Such an agreement shall further provide that:

(a) The public right of pedestrian use established thereunder shall be enforceable by the City of Bellevue, and the City shall have full rights of pedestrian access to and use of the corridor property for purposes of enforcing the rights of the public under this agreement.

(b) The obligations under the agreement shall run with the corridor property. The agreement shall be reviewed at the end of 50 years from the date the agreement is signed and shall continue or change in accordance with the then existing public need for pedestrian use and access of the corridor for subsequent 50-year terms.

(c) The owner will design and construct the corridor within such corridor property in accordance with the requirements of subsection E.1.

(d) The agreement shall be recorded with the King County Department of Records and Elections.

(e) The owner will maintain the portion of the corridor located on the corridor property and keep the same in good repair.

(f) The City will provide adequate police protection.

(g) No modifications may be made to the corridor without approval of the City in accordance with subsection E.1.e.ii.

(h) The alignment of any such portion of the pedestrian corridor established by a legal agreement may be modified or terminated by the property owner and the City if the alignment of any section of the major pedestrian corridor changes pursuant to paragraph E.1.e.ii of this section.

(i) The owner may adopt reasonable rules and regulations for use of his/her portion of the corridor provided that the same may not be inconsistent with the requirements or intentions of this section.

(j) Any other terms and conditions that the owner(s) and the City agree to.

ii. Corridor Design Development Plan. Prior to the issuance of a building permit for the construction of any structure other than surface parking; and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added, and provided that all new floor area is devoted to pedestrian-oriented uses; on the property, any portion of which abuts the major pedestrian corridor and is within

the distances specified in LUC 20.25A.100.E.1.c.v, a Design Development Plan for the section of the corridor required to be constructed under E.1.e.iii must be submitted to and approved by the Director of Community Development, through Design Review (Part 20.30F). If the owner constructs a temporary pedestrian Linkage under paragraph E.1.e.iii, preparation of the Corridor Design Development Plan will not be required until the property to be developed is located within:

(1) 130 feet of the centerline of the major pedestrian corridor, west of 108th Avenue N.E., or

(2) The area between the exterior edge of the curblines of the Transit Center and the eastward extension of the trigger lines as defined in paragraph e.ii(1) to 110th Avenue N.E. The proposed plan must specify the following elements:

- (1) Landscaping,
- (2) Lighting,
- (3) Street furniture,
- (4) Color and materials,
- (5) Relationship to building frontage,

(6) Specific alignment for property on which the corridor will have to be constructed by the applicant proposing development,

(7) Any other physical element which the Director of Community Development and the City Council, in their review, determine is necessary for and consistent with the Design Development Plan for a specific section of the major pedestrian corridor, not including specific requirements to construct structures containing retail uses abutting the corridor.

iii. The City may issue a permit for the construction of a structure other than surface parking and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added, and provided that all new floor area is devoted to pedestrian-oriented uses; on property any part of which abuts the major pedestrian corridor and is within the distances specified in LUC 20.25A.100.E.1.c.v at the time of the adoption of Ordinance No. 2945 only if:

(1) The owner complies with section E.1.e.i(a)-(j) above if that owner wishes to earn bonus FAR for construction of the major pedestrian corridor; and

(2) The owner files a building permit application to construct his/her section of the corridor on (a) land he/she owns within the corridor and within the superblock of the subject construction permit for a structure, and (b) on one-half the width of any abutting city-owned land in the corridor (except for intersections listed below). The City shall initiate or abutting property owners may initiate a street vacation for right-of-way the City owns between 104th Avenue N.E. and 106th Avenue N.E. at N.E. 6th Street in

conjunction with or prior to an owner application to construct the major pedestrian corridor. Actual construction of the corridor must begin prior to the issuance of a certificate of occupancy or temporary certificate of occupancy for the structure other than surface parking. The City shall construct the corridor at the street intersections of the corridor and 104th Avenue N.E., 106th Avenue N.E., and 108th Avenue N.E. The width of the corridor that would have to be constructed under the requirements of this paragraph may be modified when the final alignment of the corridor is established as part of Corridor Design Development Plan (E.1.e.ii). Notwithstanding this potential change in the width of the corridor that would have to be constructed under paragraph E.1.e.iii, property owners shall at a minimum be required to construct the section of the corridor as specified in E.1.e.iii(2)(a). Building permits for surface parking areas to be located on property any part of which abuts the major pedestrian corridor and is within the distances specified in LUC 20.25A.100.E.1.c.v at the time of the adoption of this ordinance may be issued subject to the conditions specified in paragraph E.1.d.ii of this section. Notwithstanding any other requirement of this section, if a temporary pedestrian linkage is constructed as specified in paragraph E.1.f, construction of the corridor will not be required unless the property to be developed is located within the distances specified in LUC 20.25A.100.E.1.e.ii.

f. Temporary Pedestrian Linkage.

i. Any temporary pedestrian linkage developed under paragraph E.1.c.iii shall at a minimum include a combination of paving, landscaping and lighting to permit safe pedestrian movement at night.

ii. The City Council must approve a plan for any temporary pedestrian linkage to be prepared as part of a Corridor Design Planning process following the procedures of Process IV (LUC 20.35.400 et seq.). The Planning Commission shall be the advisory body.

iii. Any owner constructing a temporary pedestrian linkage under paragraph E.1.e.iii must construct the linkage across all lands that he/she owns within the superblock where development is proposed that abut or are within the alignment of the corridor.

g. Maintenance. Each segment of the major pedestrian corridor shall be maintained by the property owners abutting it. The City shall maintain the intersections of all public streets with the corridor.

h. Bonus Floor Area for Major Pedestrian Corridor Construction. Bonus floor area associated with the major pedestrian corridor (LUC 20.25A.030) shall be awarded to owners of property within the distances specified in LUC 20.25A.100.E.1.c.v through Design Review (Part 20.30F) and according to the provisions of paragraph E.1.e.iii(2), in conjunction with an application for a permit to construct a structure, permanent parking, or circulation area within the major pedestrian corridor and the provision of a legal agreement establishing the public right of pedestrian use pursuant to LUC 20.25A.100.E.1.e.i(a - j).

i. Exempt Activity/Use. Notwithstanding the provisions of LUC 20.25A.100.E.1, the following activities and uses may occur on property within the distances specified in LUC 20.25A.100.E.1.c.v without concurrent construction of the major pedestrian corridor, the temporary pedestrian linkage or the intermediate pedestrian corridor:

- i. Surface parking approved pursuant to LUC 20.25A.100.E.1.d.ii,
- ii. Landscape Development,
- iii. Street, access and sidewalk improvements, including the Transit Center as provided for in paragraph E.2 of this section,
- iv. Any interior remodel,
- v. Any exterior remodel provided that if exterior dimensions are enlarged new floor area may not exceed a total of 20 percent of the gross floor area of the structure as it existed on the effective date of this provision, and provided that all new pedestrian level floor area is devoted to pedestrian-oriented uses,
- vi. Development of the Temporary Pedestrian Linkage or the Intermediate Pedestrian Corridor.

j. Intermediate Pedestrian Corridor.

i. Notwithstanding any provision of this Code which requires construction of the major pedestrian corridor, a property owner may phase construction of that section of the major pedestrian corridor otherwise required to be built by delaying any portion not directly abutting or adjacent to the project limit which triggered the construction requirement if the owner provides an intermediate pedestrian corridor for that delayed portion of the corridor property which:

(1) Is at least 16 feet in width from the centerline of the major pedestrian corridor west of 108th Avenue N.E., or extending outward from the exterior edge of the north or south curblines of the Bellevue Transit Center traffic lanes. This space shall be designed to include a minimum four feet edge separating and defining the space, a minimum eight feet pedestrian movement area and a minimum four feet recreation/activity area.

(2) Incorporates lighting, planting, seating, and scored or decorative paving.

(3) Provides a sense of enclosure along the exterior edge of the space by the use of a design element which both physically and visually separates the intermediate corridor from abutting property. Nonexclusive examples of such an element include a sculptural wall, dense planting, or berm.

(4) Is consistent with the applicable provisions of the Bellevue Pedestrian Corridor Guidelines, as determined by the Director of Community Development.

ii. Design for any intermediate pedestrian corridor must be approved through Design Review (Part 20.30F) in conjunction with the Design

Development Plan for the major pedestrian corridor required to be constructed.

iii. An intermediate pedestrian corridor satisfies any requirement of this Code to construct the temporary pedestrian linkage.

iv. Space developed as an intermediate pedestrian corridor must be replaced by the major pedestrian corridor at the time of development on any project limit abutting or adjacent to the major pedestrian corridor. Construction of the major pedestrian corridor must be in conformance with all requirements of LUC 20.25A.100.E.1.e.

2. Transit Center.

a. Purpose. The Transit Center is to provide the opportunity for intra-Eastside and regional bus routes to be timed and coordinated in a manner to maximize bus service for Bellevue Downtown employees, shoppers, and Bellevue residents.

b. Location. The Transit Center is located within the Core Design District on N.E. 6th Street between 108th Avenue N.E. and 110th Avenue N.E. Any location of the Transit Center serving the Downtown must:

- i. Be coordinated with feasible transit routes,
- ii. Be coordinated with efficient traffic operation,
- iii. Be compatible with private development in the immediate vicinity,
- iv. Permit the opportunity for phased construction, and
- v. Be compatible with areas of pedestrian focus.

c. Design.

i. The design of the Transit Center must maximize accessibility for passengers and buses while providing a high level of adjacent pedestrian-oriented activity and employment density. The Center must include bus access lanes, bus stalls, and passenger shelters. It may be integrated into another privately or publicly developed facility.

ii. If the Transit Center is constructed prior to construction of the abutting major pedestrian corridor, a sidewalk at least eight feet wide, a street tree planting area at least four feet wide and lighting shall be developed on each side of the transit center traffic lanes. Any individual street tree planting area must be at least four feet x four feet. The design of this interim pedestrian improvement shall be compatible with the design of the Transit Center improvements.

iii. Provision of a sidewalk, street trees and lighting must satisfy the construction requirements of the temporary pedestrian linkage (LUC 20.25A.100.E.1.f).

3. Pedestrian Connections.

a. Purpose. A pedestrian connection provides an opportunity for increased pedestrian movement through a large superblock in the core of

Downtown.

b. Location. In each superblock a pedestrian connection must be provided to permit movement through the superblock from a perimeter walkway or sidewalk to publicly accessible spaces, adjoining structures, or parking areas.

c. Design.

i. A pedestrian connection must be developed as an internal walkway or sidewalk, an arcade, an interior arcade, a pedestrian skybridge or underground passageway.

ii. A pedestrian connection may meander. Wherever feasible, pedestrian-oriented frontage must be located along these routes. If developed as an arcade meeting the criteria of 20.25A.030.C, the FAR amenity bonus may be utilized. In addition, pedestrian-oriented frontage must comply with the design criteria of LUC 20.25A.030.C, and the FAR amenity bonus may be utilized.

iii. A pedestrian connection must comply with the applicable definitions in Chapter 20.50 LUC, and if applicable the design criteria of LUC 20.25A.030.C.

4. Major Public Open Spaces.

a. Purpose. Major public open spaces serve as focal points for pedestrian activity within the Downtown Core Design District, and are design elements fully integrated with the major pedestrian corridor.

b. Location. The major public open spaces are to be located at or near the junction of the major pedestrian corridor and:

- i. Bellevue Way,
- ii. 106th Avenue N.E.,
- iii. 110th Avenue N.E.

c. Design.

i. The major public open spaces must be designed with numerous pedestrian amenities such that these areas serve as focal points. Pedestrian amenities include elements such as seating, lighting, special paving, planting, food and flower vendors, artwork and special recreational features. Design must be coordinated with that of the major pedestrian corridors.

ii. The major public open space at or near 106th Avenue N.E. shall be a minimum of 30,000 square feet in size. A maximum of 37,000 square feet is allowed for the purpose of obtaining bonus floor area. The major public open spaces at or near Bellevue Way and 110th Avenue N.E. shall be a minimum of 10,000 square feet in size. A maximum of 15,000 square feet is allowed for the purpose of obtaining bonus floor area.

iii. Area devoted to a major public open space must be in addition to any area devoted to the major pedestrian corridor.

iv. Pedestrian-oriented frontage is required on at least

two sides of a major public open space.

d. Specific Development Mechanism.

i. General. The provisions of paragraph E.6.d of this section establish alternative development mechanisms and specific requirements for each of the major public open spaces. Each affected property owner must comply with the major public open space design and construction requirements. Only those property owners who establish public access through a recorded legal agreement may utilize the FAR bonus for these open spaces.

ii. Ownership. The owners of property to be devoted to a major public open space will retain fee ownership of that property.

iii. Public Access - Legal Agreement.

(1) Each owner of property to be devoted to a major public open space who chooses to participate in the FAR bonus system for a major public open space shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public.

(2) The agreement shall further provide that the public right of pedestrian use established thereunder shall be enforceable by the City of Bellevue, and the City shall have full rights of pedestrian access to and use of the major public open space for purposes of enforcing the rights of the public under the agreement.

(3) The agreement shall be recorded with the King County Division of Records and Elections and Bellevue City Clerk.

(4) The obligations under the agreement shall run with the land devoted to a major public open space. The agreement shall be reviewed at the end of 50 years from the date the agreement is signed and shall continue or change in accordance with the then existing public need for pedestrian use and access of a major public open space for subsequent 50-year terms.

(5) The owner of property to be devoted to a major public open space will maintain that portion of the major public open space and keep the same in good repair.

(6) The owners of property to be devoted to a major public open space may adopt reasonable rules and regulations for the use of that space, provided that the rules and regulations are not in conflict with the right of pedestrian use and access and the intention of paragraph d.iii.

iv. Arrangement of Space. The specific apportionment and general location of at least the minimum area of a major public open space shall be established as part of the major public open space design plan. Any alteration or modification to the designated major public space must be reviewed and approved through an amendment to the major public open space Design Plan.

v. **Development Rights.** Space above and beneath the area to be devoted to a major public open space may be developed by the property owner so long as that development is not in conflict with any established pedestrian use of and access to the major public open space, the intentions of paragraph d.iii, if applicable, and the major public open space Design Plan.

vi. **Floor Area Ratio.**

(1) **Basic.** Area to be devoted to a major public open space may at any time be used to calculate the basic floor area ratio of development for any project limit which incorporates that major public open space, or of development on property in the same ownership which abuts property which incorporates the major public open space. For purposes of this provision, abutting property includes all property in the same ownership separated from the major public open space by only a single public right-of-way. Any transfer of basic floor area to an abutting property must be recorded with the King County Division of Records and Elections and Bellevue City Clerk.

(2) **Bonus.**

(a) Bonus floor area at the ratio of 16 square feet of floor area to one square foot of major public open space will be awarded to owners of property to be devoted to the major public open space who provide a recorded legal agreement pursuant to paragraph d.iii upon approval of an application to construct that major public open space.

(b) Bonus floor area earned for construction of a major public open space may be:

(i) Transferred to any other property within the Downtown-O-1 zoning district and that portion of the Downtown-O-2 zoning district that is east of 110th Avenue N.E.; provided, however, that properties may utilize transferred floor area only to the extent that the building height does not exceed limits depicted on the map entitled "Height Limits in the Core Design District" in LUC 20.25A.030.E. Each transfer must be recorded with the King County Division of Records and Elections and Bellevue City Clerk; and

(ii) Utilized to exceed the maximum building height of structures on the project limit incorporating the major public open space, or of structures to which the bonus floor area is transferred, subject to the limitations in paragraph (i).

vii. **Construction Required.** Subject to paragraph E.6.d.viii, construction by the property owner of all or part of a major public open space on property in that ownership at the location identified in the adopted major public open space Design Plan is required in conjunction with any development on property in that ownership within:

(1) 175 feet of the intersection of the eastern edge of the 106th Avenue N.E. right-of-way and the centerline of the major pedestrian corridor, but including only that area east of the 106th Avenue N.E.

right-of-way, or

(2) 175 feet of the intersection of the centerline of the 110th Avenue N.E. right-of-way and the centerline of the major pedestrian corridor, or the extension thereof, or

(3) 175 feet of the intersection of the centerline of the Bellevue Way right-of-way and the centerline of the major pedestrian corridor.

viii. Exempt Activity/Use. Notwithstanding the provisions of paragraph E.6.d.vii, the following activities and uses may occur on property described therein without concurrent construction of the major public open space:

(1) Surface parking, subject to the landscape development provisions of this Code, for a period of not more than five years;

(2) Temporary major pedestrian corridor improvements in conformance with the Interim Corridor Design Plan;

(3) Landscape development;

(4) Street improvements including the Transit Center as provided for in paragraph E.2 of this section;

(5) Any interior remodel;

(6) Any exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added, and all new floor area is devoted to pedestrian-oriented uses.

ix. Major Public Open Space Design Plan.

(1) Prior to issuance of a building permit for any structure which requires construction of all or part of a major public open space, or prior to actual construction of all or part of a major public open space, whichever comes first, a major public open space Design Plan for that entire open space must be submitted to and approved by the City Council. Each major public open space may have a separate Design Plan.

(2) The City Council shall adopt a major public open space Design Plan, and may amend an adopted plan, using Process IV (LUC 20.35.400 et seq.). The Planning Commission shall be the Advisory Body.

(3) A major public open space Design Plan shall consist of general design guidelines consistent with the provisions of paragraph E.6.d, and shall specifically apportion and generally locate the major public open space. The Design Plan shall also establish guidelines for development above all or part of the major public open space.

(4) The property owners shall record the approved Design Plan with the King County Division of Records and Elections and Bellevue City Clerk.

x. Design Development Plan.

(1) Prior to issuance of a building permit for any structure which requires construction of all or part of a major public open space, or prior to actual construction of all or part of a major public open space, whichever comes first, a Design Development Plan for that portion to be constructed must be submitted to and approved by the Director of Community Development.

(2) The Director of Community Development shall review the plan, or amend any approved plan through Design Review (Part 20.30F).

(3) The proposed plan must specify the following elements:

- (a) Landscaping,
- (b) Lighting,
- (c) Street furniture,
- (d) Color and materials,
- (e) Relationship to building frontage,
- (f) Specific location of the major public open space,
- (g) All design features required pursuant to paragraph E.6.c of this section,
- (h) Relationship to and coordination with other portions of the major public open space, and with the major pedestrian corridor,
- (i) Any other physical element which the Director of Community Development determines is necessary for and consistent with the major public open space Design Plan.

5. Minor Publicly Accessible Spaces.

a. Purpose. Minor publicly accessible spaces provide relief from high intensity urban development, serve as visual gateways to the intensive Downtown Core, and provide opportunities for active or passive recreation.

b. Location. Minor publicly accessible spaces shall be located along Bellevue Way and 108th Avenue N.E. approximately at their intersections with N.E. 8th Street, N.E. 6th Street and N.E. 4th Street. Additionally, at least two spaces shall be located in each superblock based on coordination of design and proximity to other publicly accessible spaces, or pedestrian connections.

c. Design.

i. Minor publicly accessible spaces may be outdoors or enclosed as long as adequate access is provided and their existence is easily identifiable.

ii. A minor publicly accessible space must be open at least during normal business hours.

iii. A minor publicly accessible open space must be developed as a plaza, enclosed plaza, or art or landscape feature. The design criteria of LUC 20.25A.030.C must be met, and the FAR amenity bonus may be utilized.

6. View Preservation Corridors.

a. Purpose. View preservation corridors retain the opportunity for viewing Lake Washington, the Seattle skyline, the Olympic Mountains and the Cascade Mountains from the major public open spaces and the major pedestrian corridor.

b. Design Criteria. Consideration must be given to the identification and preservation of these views in the siting, orientation and bulk of structures in the Core Design District.

7. Upper Level Setback. Each building facade within the Core Design District facing N.E. 4th, N.E. 6th (major pedestrian corridor), N.E. 8th and 104th Avenue N.E. must incorporate a minimum 20-foot deep setback at a height between 25-40 feet above average finished grade, unless the applicant demonstrates through Design Review (Part 20.30F) that such setback is not feasible due to site constraints, such as a small or irregularly shaped lot.

Section 214. Section 20.25A.110 of the Land Use Code is hereby amended as follows.

20.25A.110 Design Review criteria.

The Director of the Department of Community Development will consider the extent to which a proposal complies with the following criteria whenever a decision using Design Review (Part 20.30F) is required by this Part 20.25A.

A. Site Design Criteria.

1. Vehicular Circulation and Parking.

a. Provide efficient vehicular access to parking and service areas which is coordinated on a superblock basis and which minimizes the interaction of vehicles with pedestrians.

b. Clarify the hierarchy of vehicular circulation systems.

c. Provide for safe and pleasant movement within the Downtown for the bicyclist.

d. Maximize the separation of vehicular traffic from pedestrian areas by means of level changes, space and distance, or landscaping.

e. Incorporate retail shopping space at ground level into parking structures whenever practical and appropriate.

f. Minimize the location of parking adjacent to pedestrian

connections.

- g. Limit the number of driveway openings and the number of access lanes in each opening.
- h. Where appropriate, fit garages into the topography and make use of garage roofs for public open space, recreation or landscaped areas.
- i. Maximize the use of underground parking.

2. Pedestrian Circulation and Amenities

- a. Provide for pedestrian connections which permit movement through a block from a perimeter walkway or sidewalk to other publicly accessible spaces, adjoining development, and parking areas.
- b. Design pedestrian connections to form logical routes from origins to destinations.
- c. Offer diversity in terms of activity and pedestrian amenity along pedestrian routes.
- d. Construct pedestrian connections to meet construction code handicapped requirements.
- e. Use trees and landscaping to provide definition and enclosure for pedestrian connections.
- f. Provide for weather protection from rain through use of sheltered walkways or sidewalks, canopies, multiple building entrances, lobbies, and entries of sufficient size and accessibility.

3. Wind and Sun.

- a. Ensure that the form and placement of buildings consider desirable year round conditions of sun and shade in surrounding open spaces and public areas.
- b. Design new buildings with wind conditions in mind so as to shelter pedestrians from undesirable winds, particularly on the ground, and in publicly accessible areas.
- c. Consider how new buildings might incorporate outdoor spaces of calm, especially for winter, and places of suitable breeziness in summer at levels of pedestrian activity.
- d. Consider wind and sun in design of landscaping: e.g., evergreen tree-planting as wind blocks, or deciduous trees on south and west sides of open spaces to maximize winter sun penetration.

4. Open Space.

- a. Design and locate open spaces, such as plazas, squares and large landscaped areas to work as part of a comprehensive system of spaces in the downtown.
- b. Design open spaces to provide for maximum use by a wide range of people.
- c. In designing open spaces, especially plazas, consider the following:

- i. Orientation. Orient to sunlight and provide good physical and visual access to the sidewalk, so that the space is perceived as an extension of the sidewalk.
- ii. Dimensions. Design as adequate for seating, planting, etc., but not so large as to appear barren and uninviting.
- iii. Seating. Provide comfortable height and depth, and appropriate arrangement.
- iv. Pavement. Use nonglare, nonslip, and safe surface materials.
- v. Trees and Planting. Consider provision for shade and sun. Use to create space and define human scale. Provide protection from wind.
- vi. Barrier Free. Provide accessible areas for handicapped.
- vii. Amenities. Use pedestrian scaled lighting, fountains, litter receptacles, bicycle racks, sheltered waiting areas
- viii. Provision of Space for Attractions. Design to permit vendors, outdoor cafes, rotating art displays, or abutting retail activity.
- ix. Physical access. Insure ready physical as well as visual access with special attention to elevational difference.
- x. Enclosure. Use landscaping or structure to provide a sense of enclosure.

5. Light and Glare.

- a. Consider and mitigate light and glare impacts upon major public facilities, streets and major public open spaces.
- b. Mitigating measures may include use of low-reflecting building materials, landscaping, tilting of reflective panels, reorientation of the building or the addition of screening devices such as louvered screens and marquees.

B. Downtown Patterns and Context.

1. Natural Setting and Topography.

- a. Make creative use of any existing topographic variations in site design and location of buildings, circulation patterns, parking area design and public spaces to enhance the setting and provide variety.
- b. Make maximum use of views to mountains, Lake Washington and the Seattle skyline.
- c. Seek high quality of design for all buildings constructed at prominent locations. These locations may include areas on ridge crests and hilltops, fronting and public open spaces, those closing a vista and those affording a silhouette against the sky.

2. Landscape Design.

a. Make effective use of significant landscape features to complement and contrast with building forms. This includes massing of plant materials to constitute a recognizable visual unit which contrasts effectively with built forms.

b. Encourage retention of significant existing vegetation, where it can be incorporated into efficient site design and maintained in a safe and healthful condition.

c. Consider the location or relocation of traffic control boxes, power vaults, utility boxes and similar features in the design of the pedestrian areas to minimize the impact on the visual and physical quality of the pedestrian environment.

3. Views.

a. Consider the negative impact of a building on views, both from existing buildings and future developable or redevelopable sites.

b. Consider the availability of public views from public spaces such as streets, street intersections, parks, plazas and areas of pedestrian concentration.

4. Building Height and Bulk.

a. Building near public open spaces should permit visual access and, where feasible, physical access to the public open space.

b. Wherever practicable, buildings should be oriented to minimize the shadows they cast on publicly accessible open spaces.

c. Encourage slender towers, particularly at upper levels.

d. Discourage buildings of extreme rectangular shape which tend to be out of proportion for their floor area.

e. Encourage spacing between towers to retain the feeling of an open, airy Downtown.

f. For buildings outside the Core Design District, encourage building massing which minimizes visual impacts to surrounding residential neighborhoods.

5. Transitions. In transitions between Districts in the Downtown and between properties, the lower portions of buildings should be designed to promote easy circulation, good relationships among open spaces, visual connection in scale, and maximum penetration of sunlight to the ground level.

6. Patterns of Activity.

a. Maximize opportunities for vital, pedestrian-level activity in all areas of the Downtown.

b. Provide space for a variety of appropriate activities accessible to the public at large in the Downtown, especially at ground level and at main pedestrian levels.

c. Uses and activities that are nonpublic or nonpedestrian in

WP0520C-ORD
11/27/95

nature should not be located adjacent to pedestrian areas.

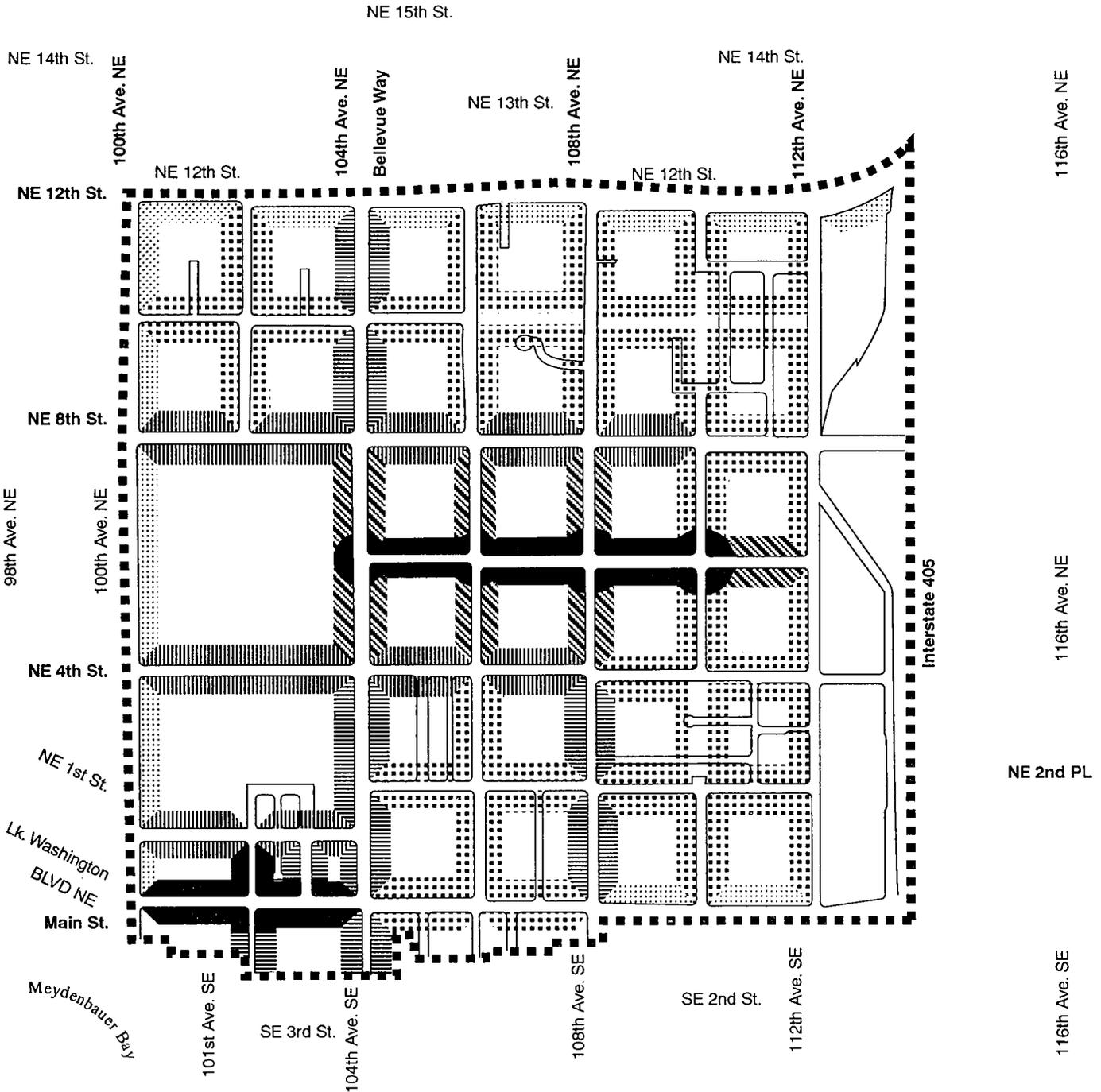
7. Signage:

- a. Ensure that signage is an integral part of the architectural design.
- b. Encourage signage which is scaled to the pedestrian and enhances the pedestrian environment.
- c. Discourage signage at the upper levels of high-rise buildings, with limited exceptions for hotel uses when the design is compatible with building architecture.

Section 215. Section 20.25A.115 of the Land Use Code is hereby amended as follows:

20.25A.115 Design guidelines - Building/Sidewalk relationships.

Each development within a Downtown Land Use District must comply with the applicable provisions of that document entitled "Design Guidelines: Building/Sidewalk Relationships," now or as hereafter amended pursuant to the provisions of that document.



SCALE IN FEET



(ORD. 3880, 1-25-88, SECTION 2)

Right-of-Way Designations

- A
- B
- C
- D
- E

NOTE: In the Downtown-Old Bellevue District, the "A" right-of-way designation extends south of Main Street on both sides of 102nd Avenue SE for a distance of 100 feet and extends north of Main Street on both sides of 103rd Avenue NE for a distance of 100 feet.

CHAPTER 3: REDEVELOPMENT AND ADAPTIVE REUSE

Section 301. Section 20.20.560 of the Land Use Code is hereby amended as follows:

20.20.560 Nonconforming Structures, Uses and Sites

A. Non-Conforming Structures.

1. Repair of an existing nonconforming structure is permitted.
2. Remodeling of a non-conforming structure is permitted provided the fair market value of the remodel does not exceed 100% of replacement value of the structure over any three-year period. If remodeling exceeds 100% of replacement value over any three-year period, the structure shall be brought into compliance with existing Land Use Code requirements.
3. A non-conforming structure may not be expanded unless the expansion conforms to the regulations of this code. However, in single-family districts, an expansion may extend along existing building setbacks provided the area affected by the expansion is not a Protected Area designated by Section 20.25H.070 or within the Shoreline Overlay District Setback required by Section 20.25E.080.
4. If a non-conforming structure is destroyed by fire, explosion, or other unforeseen circumstances to the extent of 75% or less of its replacement value as determined by the Director for the year of its destruction, it may be reconstructed consistent with its previous nonconformity. If such a structure is destroyed to the extent of greater than 75% of its assessed value, then any structure erected and any related site development shall conform to the regulations of this code.

B. Nonconforming Uses.

1. A nonconforming use may be continued by successive owners or tenants, except where the use has been abandoned. No change to a different use classification shall be made unless that change conforms to the regulations of this Code.
2. If a nonconforming use of a structure or land is discontinued for a period of twelve months with the intention of abandoning that use, any subsequent use shall thereafter conform to the regulations of the district in which it is located. Discontinuance of a nonconforming use for a period of 12 months or greater constitutes prima facie evidence of an intention to abandon.
3. A nonconforming use may be expanded only pursuant to an administrative conditional use permit if the expansion is not more than 20 percent or 20,000 square feet, whichever is less, or by a conditional use permit if the expansion is over 20 percent or 20,000 square feet.

C. Non-Conforming Sites.

1. A non-conforming site may not be changed unless the change conforms to the regulations of this code, except that parking lots may be reconfigured within the existing paved surface.

2. Upon the restoration of a structure demolished by fire, explosion or other unforeseen circumstances to greater than 75% of its replacement value on a non-conforming site, the site shall be brought into conformance with existing Land Use Code requirements.

3. For remodels of an existing structure made within any three-year period which together exceed 100% of the replacement value of the previously existing structure as defined by the Director, the site shall be brought into compliance with existing Land Use Code requirements. For remodels within any three-year period which exceed 30% of the replacement value, but do not exceed 100% of replacement value, proportional compliance shall be required, as provided in Subsection D, below. Remodels within any three-year period which do not exceed 30% of replacement value shall not be required to comply with the requirements of this paragraph.

4. Upon expansion of any structure or complex of structures within a single site, which is over 50% of the existing floor area, the site shall be brought into compliance with existing Land Use Code requirements. If the expansion is 50% or less, the site shall be brought into proportional compliance with existing Land Use Code requirements as provided in Subsection D, below.

D. Proportional Compliance.

1. A Conformance Plan may be required to identify the site nonconformities as well as the cost of individual site improvements, provided that the Director may authorize utilization of unit cost estimates from a specified construction cost index.

2. Required improvements for a nonconforming site: The percentage of required physical site improvements to be installed to reduce or eliminate the nonconformity of the site shall be established by the following formula:

a. Divide the dollar value of the proposed site improvements by the replacement value of the existing structure(s) as determined by the Director up to 100 percent.

b. That percentage is then multiplied by the dollar amount identified by the Conformance Plan as necessary to bring the site into compliance.

c. The dollar value of this equation is then applied toward reducing the nonconformities. Example:

WP0520C-ORD

11/27/95

Value of existing structure(s) excluding mechanical systems = \$20,000

Value of proposed improvements excluding mechanical systems = \$ 5,000

\$20,000 divided into \$5,000 equals 25%

Cost identified in Conformance Plan equals \$4,000

25% times \$4,000 equals \$1,000

\$1,000 would be applied toward reducing the nonconformities

d. The Director shall determine the type, location and phasing sequence of the proposed site improvements.

2. This section shall apply to sidewalks and other frontage improvements and other requirements outlined in BCC 14.60.120, which shall be incorporated into the compliance plan.

E. The provisions of this section shall not apply in the Downtown Special Overlay District LUC 20.25A.

Section 302. Section 20.50.046 of the Land Use Code is hereby amended as follows:

20.50.046 S definitions.

...

Significant Tree. A healthy evergreen or deciduous tree, eight inches in diameter or greater, measured four feet above existing grade. The Director of Community Development may authorize the exclusion of any tree which for reasons of health, age or site development is not desirable to retain.

....

Section 303. Section 20.20.590.G of the Land Use Code is hereby amended as follows:

G. Director's Authority to Approve Parking Exceeding Maximum. Except within downtown, the Director of Community Development may approve the installation of more than the maximum number of parking stalls if the property owner demonstrates that:

1. Such additional parking is necessary to meet the parking demand for a specified use, and

2. Cooperative use of parking is not available or adequate to meet demand, and

3. Any required transportation management program will remain effective.

Section 304. Section 20.50.018 of the Land Use Code is hereby amended by adding a new definition as follows:

20.50.018 E definitions.

...

Expansion. Construction which increases the floor area within an existing complex or an existing structure.

Section 305. Section 20.50.044 of the Land Use Code is hereby amended by adding a new definition as follows:

20.50.044 R definitions.

...

Repair. To restore a structure to its original condition.

.....

WP0520C-ORD
11/27/95

CHAPTER 4: USE CHARTS, DIMENSION CHART AND NOTES

Section 401. Section 20.10.440 of the Land Use Code is hereby amended as follows:

Chart 20.10.440

Uses in land use districts

Residential

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Open Use	Residential										
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
1	Residential												
	Single-family Dwelling 3	P	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units Per Structure	PD	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
	Five or More Dwelling Units Per Structure	PD	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
NOT CODED IN LAND USE CODE	Group Home Class I 2,10,11,12,13,14	P	P	P	P	P	P	P	P	P	P	P	P
	Group Home Class II 10,14	P	P	P	P	P	P	P	P	P	P	P	P
	Group Home Class III 2,10,11,14	C	C	C	C	C	C	C	C	C	C	C	C
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions	PD								C	P	P	P
	Senior Citizen Dwellings 4,7	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	P	P	P	P
13 15	Hotels and Motels												
	Congregate Care Senior Housing 4,7	PD								P	P	P	P
6516	Nursing Home	C								C	P	P	P
	Assisted Living 4,7	C								C	P	P	P
	Accessory Dwelling Unit 9	S	S	S	S	S	S	S	S	S	S	S	S

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

*Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.

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)
S	Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

Uses in land use districts

Residential

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use District	Residential District	Old Bellevue District	Office and Limited Business District
		PO	O	OLB	LI	GC	NB	CB	CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
1	Residential													
	Single-family Dwelling 3	P 15	P 1	S	S	S	P 8	S	P	P	P	P	P	
	Two to Four Dwelling Units Per Structure		P 1	P			P 8	P	P	P	P	P	P	
	Five or More Dwelling Units Per Structure		P 1	P			P 8	P	P	P	P	P	P	
NOT CODED IN LAND USE CODE	Group Home Class I 2,10,11	P	P	P	P	P	P	P	P	P	P	P	P	P
	Group Home Class II 10	P	P	P	P	P	P	P	P	P	P	P	P	P
	Group Home Class III 2,10,11	C	C	C	C	C	C	C	C	C	C	C	C	C
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions							C	P	P	P	P	P	
	Senior Citizen Dwellings 4,7	P	P	P			P 8	P	P	P	P	P	P	
13 15	Hotels and Motels			P				C	P	P	P	P	P	P
	Congregate Care Senior Housing 4,7	P	P	P			P	P	P	P	P	P	P	
6516	Nursing Home	C	P	P			C	P			P	P	P	
	Assisted Living 4,7	C	P	C			C	P			P	P	P	
	Accessory Dwelling Unit 9	S	S	S	S	S	S	S			S	S	S	

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010. (Ord. 4696-A, 11-21-94, § 2; Ord. 4498, 3-15-93, § 1; Ord. 4422, 9-28-92, § 2; Ord. 3530, 8-12-85, § 7)

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

Notes: Uses in land use districts - Residential

1. No more than 50 percent of the gross floor area of the structure shall be devoted to residential use in O districts, unless conditional use permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses.

2. Except for confidential group homes, group care facilities for children and Class III group homes may not be established within 1,000 feet in any direction of any other group home.

3. A boardinghouse or bed and breakfast is permitted in a single-family dwelling provided the requirements of LUC 20.20.140 are met.

4. An agreement must be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain in perpetuity as senior housing.

5. Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities.

6. (Deleted)

7. In areas where Comprehensive Plan policies specifically state that multifamily development is not appropriate, senior housing shall be permitted only through the conditional use permit process.

8. These residential uses are permitted in NB districts only if located on the second floor and above the permitted ground floor nonresidential uses.

9. Accessory dwelling units are permitted only as subordinate to single-family dwellings and are subject to the provisions of LUC 20.20.120.

10. A group home must provide at least two off-street parking stalls.

11. Group home operators, except for operators of confidential group homes, must comply with the following additional requirements:

a. Each operator must register with the Department of Community Development by filing a signed registration form as provided by the Department prior to the initiation of the use. The operator must certify compliance with all applicable requirements and conditions of LUC 20.10.440 and 20.50.022 as listed on the registration form.

b. The operator shall assign a staff person to serve as contact person for the group home and shall advise the Director of the name of the staff person and shall provide a telephone number where the staff person may be reached during normal working hours, and a confidential alternate telephone number, which shall be available to and usable by City staff only, where the staff person may be reached at other than normal working hours.

12. Large group homes are permissible, if approved through the process set forth in Chapter 20.30T LUC, subject to the provisions of LUC 20.30T.110 regarding reasonable accommodation.

13. Group care facilities for children are not permitted in any residential district.

WP0520C-ORD
11/27/95

14. Group homes in residential districts must meet the following requirements:

a. The home shall not display exterior signage that would alter the residential character of the premises.

b. No structural alterations to the exterior of the structure shall be made which change its residential character except for alterations required by the Uniform Building or Fire Codes.

c. The property must be landscaped in a manner compatible with surrounding residences.

15. One single family dwelling unit, occupying no more than 25% of the floor area of the structure is permitted in the PO district.

20.10.440

Chart 20.10.440

Uses in land use districts

Manufacturing

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Open Use	Residential											
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30	
2 & 3	Manufacturing 1,4													
21	Food and Beverage Products Mfg.													
22	Textile Products Mfg.													
23	Apparel, Fabric, Accessories & Leather Goods Mfg.													
24	Lumber and Wood Products Mfg.													
25	Furniture and Fixtures Mfg.													
26	Paper Products Mfg.													
27	Printing, Publishing and Allied Industries													
28	Chemicals & Related Products Mfg.													
31	Rubber Products Mfg.													
314	Misc. Plastic Products Mfg.													
321 322 324 325 327	Light Stone, Clay, and Glass Products Mfg.; Glass, Pottery & China Ceramic Products, Stone Cutting and Engraving													

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

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

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)
- S – Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

Uses in land use districts

Manufacturing

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use District	Residential District	Old Bellevue District	Office and Limited Business District
		PO	O	OLB	LI	GC	NB	CB	CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
2 & 3	Manufacturing 1,4													
21	Food and Beverage Products Mfg.				P 5	S 5	S	S						
22	Textile Products Mfg.				P									
23	Apparel, Fabric, Accessories & Leather Goods Mfg.				P	S		S						
24	Lumber and Wood Products Mfg.				S	S		S						
25	Furniture and Fixtures Mfg.				P	S		S						
26	Paper Products Mfg.				S 2									
27	Printing, Publishing and Allied Industries				P	P		S	S	S	S			
28	Chemicals & Related Products Mfg.				S 3									
31	Rubber Products Mfg.				C									
314	Misc. Plastic Products Mfg.				P	P		S						
321 322 324 325 327	Light Stone, Clay, and Glass Products Mfg.; Glass, Pottery & China Ceramic Products, Stone Cutting and Engraving				P	P		S						

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

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

20.10.440

Chart 20.10.440

Uses in land use districts

Manufacturing

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Open Use	Residential											
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30	
329	Handcrafted Products Mfg.													
3427	Computers, Office Machines & Equipment Mfg.													
3433 3434 3435 3436 3437	Electrical Equipment Mfg.; Appliances, Lighting, Radio, TV Communications, Equipment and Component Parts													
3491 3492 3493 3495 3497	Fabricated Metal Products Mfg.; Containers, Hand Tools, Heating Equipment, Screw Products, Coating and Plating													
35	Measuring, Analyzing & Controlling Instruments, Photographic, Medical & Optical Goods; Watches & Clocks Mfg.; Computer Software													
3997	Signs & Advertising Display Mfg.													
3999	Misc. Light Fabrication Assembly & Mfg. Not Elsewhere Classified													

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20 25F.010.

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

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)
- S – Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

Uses in land use districts

Manufacturing

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use District	Residential District	Old Bellevue District	Office and Limited Business District
		PO	O	OLB	LI	GC	NB	CB	CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
329	Handcrafted Products Mfg.				P	P		P	S	S	S	S	S	S
3427	Computers, Office Machines & Equipment Mfg.				P	P								
3433 3434 3435 3436 3437	Electrical Equipment Mfg.; Appliances, Lighting, Radio, TV Communications, Equipment and Component Parts				P	S		S						
3491 3492 3493 3495 3497	Fabricated Metal Products Mfg.; Containers, Hand Tools, Heating Equipment, Screw Products, Coating and Plating				P	S		S						
35	Measuring, Analyzing & Controlling Instruments, Photographic, Medical & Optical Goods; Watches & Clocks Mfg.; Computer Software	P	P	P	P	S		S						
3997	Signs & Advertising Display Mfg.				P	S		S						
3999	Misc. Light Fabrication Assembly & Mfg. Not Elsewhere Classified				P	S		S						

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010. (Ord. 3530, 8-12-85, § 7)

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

WP0520C-ORD
11/27/95

Notes: Uses in land use districts - Manufacturing

1. Manufacturing uses exclude concrete batch plants and primary metal industries such as foundries, smelters, blast furnaces and rolling mills.
2. Paper Products Mfg. excludes paper and pulp manufacturing in LI districts.
3. Manufacture of flammable, dangerous or explosive materials is excluded in LI districts.
4. An office is permitted if accessory and subordinate to a manufacturing use.
5. Food and beverage public tasting rooms are permitted only as a subordinate use to the manufacturing use.

Chart 20.10.440

Uses in land use districts

Transportation & Utilities

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Open Use	Residential										
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
4	Transportation, Communication and Utilities												
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C 1	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 2	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11
	Accessory Parking 6	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3
46	Auto Parking: Commercial Lots and Garages												
	Park and Ride 5	C	C	C	C	C	C	C	C	C	C	C	C
47	Point to Point Communications Services 9												
475	Radio & Television Broadcasting Studios												
479	Communication Broadcast & Relay Towers	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
	Utility Facility	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
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C	C
	Onsite Hazardous Waste Treatment and Storage Facility 7												
	Offsite Hazardous Waste Treatment and Storage Facility 8												

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

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

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

KEY
P – PERMITTED USE
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Chart 20.10.440

Uses in land use districts

Transportation & Utilities

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use District	Residential District	Old Bellevue District	Office and Limited Business District
		PO	O	OLB	LI	GC	NB	CB	CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
4	Transportation, Communication and Utilities													
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C						
42 429 i	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters				P	P		P	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages & Motor Freight Services				P	C			S	S	S			S
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage & Maintenance	C 11	C	C	C	C	C 11	C	*C **A 2, 12	*C **A 2, 12	*C **A 12			*C **A 2, 12
	Accessory Parking 6	P	P	P	P	P	P	P	P 4	P 4	P 4	P 4	P 4	P 4
46	Auto Parking Commercial Lots and Garages			C	C	C		C	P13	P13	P13	A	P13	P13
	Park and Ride 5	C	C	C	C	C	C	C			A			A
47	Point to Point Communications Services 9	P	P	P	P	P		P	P	P	P	P	P	P
475	Radio & Television Broadcasting Studios	P	P	P	P 10	P 10		P	P	P	P		P	P
479	Communication Broadcast & Relay Towers	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
	Utility Facility	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
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C	C	C
	Onsite Hazardous Waste Treatment and Storage Facility 7			A	A	A	A	A	A	A	A	A	A	A
	Offsite Hazardous Waste Treatment and Storage Facility 8				C									

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010. (Ord. 3530, 8-12-85, § 7)

*Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.

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

Notes: Uses in land use district - Transportation and Utilities

1. Rail transportation is limited to right-of-way only in OU districts.
2. Aircraft transportation is limited to only heliports in OU, Downtown-O-1, Downtown-O-2 and Downtown-OLB districts.
3. Accessory parking is not permitted in residential zones as accessory to uses which are not permitted in these districts.
4. The location of an off-site parking facility must be approved by the Director of Community Development. See LUC 20.25A.050H.
5. 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 area of an existing use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a Conditional Use Permit.
6. Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to LUC 20.10.440.
7. Onsite hazardous waste treatment and storage facilities as defined by LUC 20.50.024 are only permitted as administrative conditional use approvals as a subordinate use to a permitted or special use. These facilities must comply with the State siting criteria as adopted in accordance with RCW 70.105.210.
8. Offsite hazardous waste treatment and storage facilities as defined by LUC 20.50.024 must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
9. These uses are subject to primary structure setback and height restrictions and to screening requirements for mechanical equipment.
10. These uses are permitted only if located in a multiple function building or complex.
- *11. Aircraft transportation is limited in these districts to government heliports used only for emergency purposes.
- *12. A roof top helicopter landing area which is utilized for life threatening emergencies only does not require conditional use approval.
13. Design Review approval (Section 20.30F) or a Change of Use permit is required to establish a commercial parking facility. Refer to Section 20.25A.050E for additional development requirements

Chart 20.10.440

Uses in land use districts

Wholesale & Retail

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Open Use	Residential											
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30	
5	Trade (Wholesale & Retail)													
51	Wholesale Trade: General Merchandise, Products, Supplies Materials & Equipment except the Following: 1													
5111 5156 5157 5191 5192	Wholesale Trade: Motor Vehicles, Primary & Structural Metals, Bulk Petroleum 2													
5193	Scrap Waste Materials, Livestock													
	Recycling Centers	C	C	C	C	C	C	C	C	C	C	C	C	C
521 522 523 524	Lumber & Other Bulky Building Materials Including Preassembled Products 3													
5251	Hardware Paint, Tile & Wallpaper (Retail)													
5252	Farm Equipment													
53	General Merchandise: Dry Goods Variety & Dept. Stores (Retail)													
54	Food & Convenience Store (Retail) 27													
5511	Autos (Retail)													
	Trucks, Motorcycles, Recreational Vehicles (Retail)													
	Boats (Retail)	C 8												

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

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

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)
 S – Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

Uses in land use districts

Wholesale & Retail

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use District	Residential District	Old Bellevue District	Office and Limited Business District
		PO	O	OLB	LI	GC	NB 5	CB 36*	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 5191 5192	Wholesale Trade: Motor Vehicles, Primary & Structural Metals, Bulk Petroleum 2				P	C								
5193	Scrap Waste Materials, Livestock													
	Recycling Centers				P	P	P	P	P	P	P	C	C	
521 522 523 524	Lumber & Other Bulky Building Materials Including Preassembled Products 3				P 35	P		P						
5251	Hardware Paint, Tile & Wallpaper (Retail)				S 35	P	P	P	P	P	P	P 21, 23	P 30	
5252	Farm Equipment				P 35									
53	General Merchandise: Dry Goods Variety & Dept. Stores (Retail)							P	P	P	P	P 22, 23	P 30	
54	Food & Convenience Store (Retail) 27					P	P	P	P	P	P	P 22, 23	P 30	P38
5511	Autos (Retail)				A 4, 35	P		C	P 24	P 24	P			
	Trucks, Motorcycles, Recreational Vehicles (Retail)				P 7, 35	P			P 24, 25	P 24, 25	P			
	Boats (Retail)				P 35	P			P 24	P 24	P			

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

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

Chart 20.10.440

Uses in land use districts

Wholesale & Retail

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Open Use	Residential											
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30	
552	Automotive & Marine Accessories (Retail)	C 9												
553	Gasoline Service Stations	C 10												
56	Apparel & Accessories (Retail)													
57	Furniture, Home Furnishing (Retail)													
58	Eating and Drinking Establishments 37	C S												
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals & Computer Supplies													
	Adult Retail Establishments 31													
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)													
596	Retail Fuel Yards													
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries & Light Supplies and Tools	C 33												
5999	Pet Shop (Retail & Grooming)													
	Fireworks Stands 32													
	Computers & Electronics (Retail)													

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

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

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)
S – Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

Uses in land use districts

Wholesale & Retail

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use District	Residential District	Old Bellevue District	Office and Limited Business District
		PO	O	OLB	LI	GC	NB 5	CB 36*	CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
552	Automotive & Marine Accessories (Retail)				P 35	P		P			P			
553	Gasoline Service Stations			A 34	P 34, 35	P	P	P	A S	A S	P			A 34 S 38
56	Apparel & Accessories (Retail)			S				P	P	P	P	P 21, 23	P 30	P38
57	Furniture, Home Furnishing (Retail)				P 11, 35	P		P	P	P	P	P 21, 23	P 30	
58	Eating and Drinking Establishments 37		P 13	P 14	P 15, 29, 35	P	P 16	P	P 28	P 28	P 28	P 23, 28	P 28	P 28, 38
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals & Computer Supplies		P 17	S		P 18	P 19	P	P	P	P	P 21, 23	P 30	P38
	Adult Retail Establishments 31			S				P	P	P	P		P	S
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)				P 35	P								
596	Retail Fuel Yards				P 35	P								
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries & Light Supplies and Tools				P 35	P	P 20	P 20			P 20			
5999	Pet Shop (Retail & Grooming)				P 26, 35	P 26	P	P	P	P	P	P 21, 23	P 30	P38
	Fireworks Stands 32	P	P	P	P 35	P	P	P	P	P	P	P	P	P
	Computers & Electronics (Retail)				P 12, 35	P 12		P	P	P	P	P 21, 23	P 30	

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010. (Ord. 4646, 5-2-94, § 3; Ord. 4516, 4-12-93, § 1; Ord. 4422, 9-28-92, § 2; Ord. 3530, 8-12-85, § 7)

*Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.

Notes: Uses in land use districts - Wholesale and Retail

1. Wholesale trade includes sales offices for these goods.
2. Wholesale trade of motor vehicles, primary and structural metals, bulk petroleum includes sales offices for these goods and excludes tank farms.
3. Bulk Retail includes sales offices for these goods.
4. Automobile (Retail) is subject to the decision criteria in LUC 20.20.135.
5. Each individual wholesale and retail use in NB districts, except retail food stores and miscellaneous retail trade, is limited to 5,000 square feet. Wholesale and retail uses intending to operate between the hours of 12:00 midnight and 6:00 a.m. must obtain administrative conditional use approval. The applicant must meet the decision criteria for an Administrative Conditional Use Permit set forth in Chapter 20.30E LUC, and must demonstrate that: 1) the use will meet the requirements of the Noise Control Ordinance, Chapter 9.18 BCC; and 2) the use will meet the lighting standards of the Community Retail Design District for all lighting fixtures on the premises that would be lit between the hours of 12:00 midnight and 6:00 a.m. Businesses operating between the hours of 12:00 midnight and 6:00 a.m. on the effective date of this ordinance are exempt from the ACUP requirements.
6. Deleted by Ord. 4422.
7. Motorcycle (Retail) requires administrative conditional use approval in LI districts.
8. Boats (Retail) are permitted subject to Planned Unit Development and only as a subordinate use in waterfront areas of the OU district.
9. 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.
10. 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.
11. Furniture and Home Furnishings are limited to uses with on-site warehousing in LI districts.
12. Computer supplies are permitted as a subordinate use to computer sales in LI and GC districts.
13. Eating and Drinking establishments are excluded in transition areas in O districts.
14. Eating and Drinking establishments are permitted in the OLB district subject to the following criteria:
 - a. Such uses are physically 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 percent 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.

15. Eating and drinking establishments are permitted in LI districts only if located in a multiple function building or complex.

16. 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. Eating and drinking establishments with other classes of liquor licenses require administrative conditional use approval. Drive-in windows are not permitted.

17. Other retail trade is limited to drugstores only in O districts.

18. Miscellaneous retail trade is limited to specialty sporting goods in GC districts.

19. Except for drugstores, all miscellaneous retail uses combined cannot exceed 10,000 square feet and each individual use cannot exceed 3,000 square feet.

20. Garden Supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment in NB, CB and Downtown-MU districts.

21. Limited to a maximum of 1,500 gross square feet per establishment.

22. Limited to a maximum of 3,000 gross square feet per establishment, except for food, retail.

23. Nonresidential uses are permitted in Downtown-R only when developed within the same project limit and simultaneously with an equal or greater amount of floor area devoted to residential uses.

24. No on-site outdoor display or inventory storage.

25. Motorcycles only.

26. Only pet grooming is permitted in the LI and GC districts.

27. Food and convenience stores (retail) must contain at least 75 percent square footage of retail food sales not for consumption on premises.

28. Drive-in windows are not permitted.

29. No more than one eating and drinking establishment is permitted in any building.

30. Limited to a maximum of 15,000 gross square feet per establishment or up to 25,000 gross square feet through a conditional use.

31. Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.

32. Firework stands do not require temporary use approval but must comply with BCC 23.11.781. Adequate access to the stand and off-street parking must be provided.

33. Horticultural nurseries are permitted without conditional use approval in OU Districts.

34. Gasoline service stations may include subordinate convenience stores.

35. Any business which combines two or more permitted retail sales uses and also includes subordinate retail sales uses shall be limited in size to 50,000 square feet.

36. Retail uses in CB districts in the following subareas, as designated in the Comprehensive Plan, are limited in size to 100,000 gross square feet or less: Bridle Trails, Evergreen Highlands, Newcastle, North Bellevue, Northeast Bellevue, Richards Valley, South Bellevue, Southeast Bellevue, Wilburton.*

37. Microbrewery manufacturing is permitted subordinate to an eating and drinking establishment provided that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.

38. Eating and drinking establishments and retail uses are permitted in the Downtown-OLB district provided the following criteria are met:

a. The uses are functionally integrated within a building or complex primarily used as a hotel or motel; office building; university or college; charitable, social service, professional or labor organization; or recreation facility.

b. The uses do not exceed 30% of the total floor area of the building or complex.

c. Each individual retail use is limited to 15,000 gross square feet in area.

d. The entire complex achieves a unity of design through the use of similar exterior building materials, colors, and window patterns

*Not effective within the jurisdiction of the East Bellevue Community Council and the Sammamish Community Council.

20.10.440

Chart 20.10.440

Uses in land use districts

Services

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Open Use	Residential										
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
6	Services												
61	Finance, Insurance, Real Estate Services												
62	Personal Services; Laundry, Dry Cleaning, Barber & Beauty, Photography Studio and Shoe Repair												
6241	Funeral & Crematory Services												
6262	Cemeteries	C	C	C	C	C	C	C	C	C	C	C	C
629	Child Care Services 3,4												
	Family Day Care Home Mini Center in Residence	P	P	P	P	P	P	P	P	P	P	P	P
	Mini Day Care Center	A								A	A	P	P
	Day Care Center	C								C	C	P	P
63	Business Services, Duplicating & Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies & Employment												
634	Building Maintenance & Pest Control Services												
637	Warehousing & Storage Services, Excluding Stockyards												
639	Rental & Leasing Services: Cars, Trucks, Trailers, Furniture & Tools												
641	Auto Repair & Washing Services												
649	Repair Services: Watch, T.V., Electrical, Upholstery												
	Professional Services: Medical Clinics and Other Health Care Related Services	C											
	Professional Services: Other	C											
6513	Hospitals												

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

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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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Chart 20.10.440

Uses in land use districts

Services

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use District	Residential District	Old Bellevue District	Office and Limited Business District
		PO	O	OLB	LI	GC	NB 16	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	P 1	P	P	P	P 13	P 13	P	P 11, 12	P	P
62	Personal Services; Laundry, Dry Cleaning, Barber & Beauty, Photography Studio and Shoe Repair			S	P 2	P	P	P	P	P	P	P 11, 12	P	P 11, 20
6241	Funeral & Crematory Services	C	C	C										
6262	Cemeteries	C	C	C	C	C	C	C						
629	Child Care Services 3,4													
	Family Day Care Home Mini Center in Residence	P	P	P	P	P	P	P	P	P	P	P	P	P
	Mini Day Care Center	P	P	P	P	P	P	P	P	P	P	P	P	P
	Day Care Center	P	P	P	P	P	P	P	P	P	P	P	P	P
63	Business Services, Duplicating & Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies & Employment	P	P	P	P 5	P	P 17	P	P	P	P	P 11, 12	P	P
634	Building Maintenance & Pest Control Services				P	P		P						
637	Warehousing & Storage Services, Excluding Stockyards				P	P		S						
639	Rental & Leasing Services: Cars, Trucks, Trailers, Furniture & Tools			S	P 6	P	A 18	P 7			P			S
641	Auto Repair & Washing Services				P	P	A 19	P			P 8			
649	Repair Services: Watch, T.V., Electrical, Upholstery				P	P	P	P	P	P	P		P	
	Professional Services: Medical Clinics and Other Health Care Related Services	P	P	P		P	P	P	P	P	P	P 11, 12	P 11	P
	Professional Services: Other	P	P	P	P 9	P		P	P	P	P	P 11, 12	P 11	P
6513	Hospitals	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 LUC 20.25F.010.

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Uses in land use districts

Services

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Open Use	Residential										
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
66	Contract Construction Services: Building Construction, Plumbing, Paving & Landscape												
671	Governmental Services: Executive, Legislative, Administrative & Judicial Functions	C					C 15						
672 673	Governmental Services: Protective Functions & Related Activities Excluding Maintenance Shops	C	C	C	C	C	C	C	C	C	C	C	C
674 675	Military & Correctional Institutions		C	C	C	C	C	C	C	C	C	C	C
681	Education: Primary and Secondary		C	C	C	C	C	C	C	C	C	C	C
682	Universities & Colleges		C	C	C	C	C	C	C	C	C	C	C
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools												
691	Religious Activities	C	C	C	C	C	C	C	C	C	C	C	C
692 (A)	Professional & Labor Organizations Fraternal Lodge	C											
692 (B)	Social Service Providers	C	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14
	Administrative Office - General	C											
	Computer Program, Data Processing & Other Computer Related Services	C											
	Research, Development & Testing Services	C											

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

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Chart 20.10.440

Uses in land use districts

Services

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use District	Residential District	Old Bellevue District	Office and Limited Business District
		PO	O	OLB	LI	GC	NB 16	CB	CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
66	Contract Construction Services: Building Construction, Plumbing, Paving & Landscape				P	P								
671	Governmental Services: Executive, Legislative, Administrative & Judicial Functions	C	C	C				C	P	P	P	P ^{11, 12}	P ¹¹	A
672 673	Governmental Services: Protective Functions & Related Activities Excluding Maintenance Shops	C	C	C	C ¹⁰	C ¹⁰	C	C			P	C	C	A
674 675	Military & Correctional Institutions	C	C	C	C	C	C	C						
681	Education: Primary and Secondary	C	A	A	A	A	C	A	A	A	A	A	A	A
682	Universities & Colleges	P	P	P	P	P	C	P	P	P	P			P
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P	P	P	P	P		P			P	P ^{11, 12}	P ¹¹	P
691	Religious Activities	P	P	P	P	P	C	P	P	P	P	C	C	P
692 (A)	Professional & Labor Organizations Fraternal Lodge	C	C	P		P		P	P	P	P	C	C	P
692 (B)	Social Service Providers	C	C	P	P	P	P	P	P	P	P	C	C	P
	Administrative Office - General	P	P	P	P ⁵	P		P	P	P	P	P ^{11, 12}	P	P
	Computer Program, Data Processing & Other Computer Related Services	P	P	P	P ⁵	P			P	P	P	P ^{11, 12}	P	P
	Research, Development & Testing Services	P	P	P	P ⁵	P			P	P	P	P ^{11, 12}	P	P

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010. (Ord. 4422, 9-28-92, § 2; Ord. 3530, 8-12-85, § 7)

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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 in LI districts only if located in a multiple function building or complex.
3. For day care in private residences, see Home Occupation LUC Part 20.30N. For definitions of family day care home, mini day care center and day care center, see child care service definition in LUC 20.50.015.
4. A child care service may be located in a community facility in any Land Use District pursuant to LUC 20.20.170.E.
5. These uses are permitted in LI only if located in a multiple function building or complex.
6. Automobile rental and leasing services require administrative conditional use approval and are subject to the decision criteria in LUC 20.20.135.
7. Rental Services are restricted to autos and furniture in CB districts and to truck, trailer, and tool rentals provided the site has two street frontages.
8. 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.
9. Professional services are permitted in LI districts only if located in a multiple function building or complex.
10. Governmental Services include maintenance shops in LI and GC districts.
11. Limited to a maximum of 1,500 gross square feet per establishment.
12. Nonresidential uses are permitted in CBD-R only if developed in a building which contains residential uses.
13. 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.

11/27/95

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 LUC 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.

14. These uses are permitted only in Bellevue School District schools, whether under control of the School District or the City.

a. In the review of the proposed use or uses under the administrative conditional use permit application (Part 20.30E), 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.

b. A Master Conditional Use Permit listing a range of permissible uses from those permitted in the land use district as listed in LUC 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.

15. Permitted in inactive elementary school facilities. The following criteria shall be considered:

a. Criteria a.i-viii, Note 14-Uses in land use districts-Services.

b. Hours of operation.

11/27/95

c. Proposed signing.

16. Each individual service use in NB districts is limited to 5,000 square feet. Administrative conditional use approval is required for hours of operation between 12:00 midnight and 6:00 a.m. The applicant must meet the decision criteria for an Administrative Conditional Use Permit set forth in Chapter 20.30E LUC, and must demonstrate that: (1) the use will meet the requirements of the Noise Control Ordinance, Chapter 9.18 BCC; and (2) the use will meet the lighting standards of the Community Retail Design District for all lighting fixtures on the premises that would be lit between the hours of 12:00 midnight and 6:00 a.m. Businesses operating between the hours of 12:00 midnight and 6:00 a.m. on the effective date of this ordinance are exempt from the ACUP requirements.

17. Only travel agencies are permitted in NB district.

18. Rental services limited to truck, trailer and tool rentals are permitted in NB districts with administrative conditional use approval, provided the site has two street frontages.

19. Auto repair and washing services are permitted with administrative conditional use approval only in NB sites that have two street frontages.

20. Personal services are permitted only when functionally integrated within a building or complex used primarily as a hotel or motel; office building; university or college; charitable, social service, professional or labor organization; or recreational facility.

Chart 20.10.440

Uses in land use districts

Recreation

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Open Use	Residential										
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
7	Cultural Entertainment and Recreation												
711	Library, Museum	C			C1	C1	C1	C1	C1	C1	C1	C1	C1
7113	Art Gallery	C			C	C	C	C	C	C	C	C	C
712	Nature Exhibitions: Aquariums, Botanical Gardens and Zoos	C											
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums & Exhibition Halls but excluding School Facilities												
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls & Teen Clubs												
7213	Drive-in Theaters												
	Adult Theaters 7												
7223 73	Public Assembly (Outdoor): Fairgrounds & Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-cart Tracks, BMX Tracks & Skateboard Tracks												
73	Commercial Amusements: Video Arcades, Electronic games												

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

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

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)
S - Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

Uses in land use districts

Recreation

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use District	Residential District	Old Bellevue District	Office and Limited Business District
		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	P	P	P				P	P	P	P	A	A	P
7113	Art Gallery	P	P	P				P	P	P	P	P 4, 5	P	P
712	Nature Exhibitions: Aquariums, Botanical Gardens and Zoos	C	C	C	C	C		C	P 6	P 6	P 6			
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums & Exhibition Halls but excluding School Facilities			P				P	P	P	P	A 5	A	P
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls & Teen Clubs			P				P	P	P	P	A 5	A	P
7213	Drive-in Theaters				C	C		C						
	Adult Theaters 7			P				P	P	P	P		P	P
7223 73	Public Assembly (Outdoor): Fairgrounds & Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-cart Tracks, BMX Tracks & Skateboard Tracks					C		C						
73	Commercial Amusements: Video Arcades, Electronic games					A		A			P			

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

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

Chart 20.10.440

Uses in land use districts

Recreation

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Open Use	Residential											
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30	
7411 7413 7422 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	C	P	P	P
744	Marinas, Yacht Clubs	C	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, Dance Schools, Karate Schools													
7491 7515	Camping Sites & Hunting Clubs	C	C	C	C	C	C	C	C	C	C	C	C	C
76	Private Leisure & Open Space Areas Excluding Recreation Activities Above	P	C	C	C	C	C	C	C	C	C	P	P	P
	Public/private Park	P	C	C	C	C	C	C	C	C	C	P	P	P
	Stables & Riding Academies	C	C											
	Boarding or Commercial Kennels	C	C											
	City Park* 10	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C

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

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

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)
S	Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

Uses in land use districts

Recreation

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use District	Residential District	Old Bellevue District	Office and Limited Business District
		PO	O	OLB	LI	GC	NB	CB	CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
7411 7413 7422 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				P	A	A
744	Marinas, Yacht Clubs													
7414 7415 7417 7425 7413	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Dance Schools, Karate Schools		C 3	C	P 3	P 3	A 9	P	A 8	A 8	P	A 5	A 8	A 8
7491 7515	Camping Sites & Hunting Clubs	C	C	C	C	C	C	C						
76	Private Leisure & Open Space Areas Excluding Recreation Activities Above	P	P	P	P	P	P	P	P	P	P	P	P	P
	Public/private Park	P	P	P	P	P	P	P	P	P	P	P	P	P
	Stables & Riding Academies													
	Boarding or Commercial Kennels													
	City Park* 10	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010. (Ord. 4511, 4-5-93, § 1; Ord. 4422, 9-28-92, § 2; Ord. 3530, 8-12-85, § 7)

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

WP0520C-ORD

11/27/95

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-7.5, R-10, R-15, R-20 and R-30 districts.
2. For carnivals, see LUC 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.
7. Adult Theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.
8. Athletic and health clubs are permitted without administrative conditional use approval if subordinate to a permitted use.
9. Recreation activities are restricted to health clubs and gymnasiums in NB districts and are limited to one use per NB site and to a maximum of 5,000 square feet.
- *10. City parks are generally permitted in all zones. However, the following types of uses or facilities in city parks in single-family or R-10 zones require conditional use approval: lighted sports and play fields, sports and play fields with amplified sound, community recreation centers, motorized boat ramps, and beach parks on Lake Washington, Lake Sammamish, Phantom Lake and Larson Lake. Non-recreation uses in city parks in all zones outside the Central Business District require conditional use approval. For purposes of this requirement, "non-recreation use" means a commercial, social service or residential use located on park property but not functionally related to city park programs and activities.

*Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council

20.10.440

Chart 20.10.440

Uses in land use districts

Resources

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Resources											
		Open Use	Residential										
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
8	Resource Production (Minerals, Plants, Animals including Pets & Related Services)												
81	Agriculture, Production of Food & Fiber Crops, Dairies, Livestock & Fowl, Excluding Hogs	P1	P	P	P1	P1	P1	P1	P1	P1	P1	P1	P1
821	Agricultural Processing												
8221	Veterinary Clinic & Hospital												
8222	Poultry Hatcheries												
83	Forestry, Tree Farms & Timber Production	P	P	P	C	C	C	C	C	C	C	C	C
8421	Fish Hatcheries	C											
85	Mining, Quarrying (Including Sand and Gravel) Oil & Gas Extraction		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 LUC 20.25F.010.

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

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)
S	Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

Uses in land use districts

Resources

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use District	Residential District	Old Bellevue District	Office and Limited Business District
		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	P1	P1	P1	P1	P1	P1	P1						
821	Agricultural Processing				P2									
8221	Veterinary Clinic & Hospital	P	P		P	P	P3	P			P			
8222	Poultry Hatcheries				P	P								
83	Forestry, Tree Farms & Timber Production	C	C	C	C	C	C	C						
8421	Fish Hatcheries				P									
85	Mining, Quarrying (Including Sand and Gravel) Oil & Gas Extraction	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 LUC 20.25F.010. (Ord. 4422, 9-28-92, § 2; Ord. 3530, 8-12-85, § 7)

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

Notes: Uses in land use districts – Resources

1. In the R-2.5, R-3.5, R-4, R-5, R-7.5, 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. Agriculture processing excludes grain mill products manufacturing and slaughtering in LI districts.
3. Veterinary clinics and hospitals are limited to 5,000 square feet per use in NB districts. (Ord. 4422, 9-28-92, § 2; Ord. 2945, 2-2-81, § 5)

WP0520C-ORD
11/27/95

Notes: Uses in land use districts - Resources

1. In the R-2.5, R-3.5, R-4, R-5, R-7.5, 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. Agriculture processing excludes grain mill products manufacturing and slaughtering in LI districts.

3. Veterinary clinics and hospitals are limited to 5,000 square feet per use in NB districts.

WP0520C-ORD
11/27/95

Section 402. Section 20.20.005 of the Bellevue Land Use Code is hereby amended 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 LUC 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 20.25E-Shoreline Overlay District.
- D. Part 20.25F-Evergreen Highlands Design District.
- E. Part 20.25G-Evergreen Highlands Subarea Transportation Improvement Overlay District.
- F. Part 20.25H-Sensitive Area Overlay District.
- G. Part 20.25J-Institutional District.

Section 403. Section 20.20.010 of the Bellevue Land Use Code is hereby amended as follows:

Chart 20.20.010 Uses in land use districts Dimensional Requirements

Chart 20.20.010

Uses in land use districts

Dimensional Requirements

STD LAND USE CODE REF	LAND USE CLASSIFICATION	General	Open Use	Residential										
		G	OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
	DIMENSIONS		(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)
	Minimum Setbacks of Structures (feet) Front Yard (18) (20)	35	35(11)	35	30	20	20	20	20	20	20	20	20	20
	Rear Yard (17) (18) (20)	25	25(11)	25	25	25	25	20	20	20	25	25	25	25
	Side Yard (17) (18) (20)	10	10(11)	5	5	5	5	5	5	5	5	5	5	5(1)
	2 Side Yards (17) (18) (20)	20	20(11)	20	15	15	15	15	15	10	15	15	15	15
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3)	1A	1A	35	20	13.5	10	8.5	7.2	4.7	8.5	8.5	8.5(12)	8.5(12)
	Dwelling Units per Acre (15) (16) (22)		(21)	1	1.8	2.5	3.5	4	5	7.5	10	15	20	30
	Minimum Dimensions (feet) Width of Street Frontage	30	30	30	30	30	30	30	30	30	30	30	30	30
	Width Required in Lot (4)	150	60	100	90	80	70	65	60	50	70	70	70	70
	Depth Required in Lot (4)	150	80	150	80	80	80	80	80	80	80	80	80	80
	Maximum in Building Height (feet) (10) (19)	30	30	30	30	30	30	30	30	30	30	30	30 (5)	40
	Maximum Lot Coverage by Structures (percent) (13) (14)		35	35	35	35	35	35	40	40	35	35	35	35

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

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.

Chart 20.20.010

Uses in land use districts

Dimensional Requirements

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use DISTRICT	Residential District	Old Bellevue District	Office and Limited Business District
		PO	O	OLB	LI	GC	NB	CB	CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
	DIMENSIONS	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(7)	(7)	(7)	(7)	(7)	(7)
	Minimum Setbacks of Structures (feet)	30	30	50	15	15	(2)	(2)						
	Front Yard (18) (20)													
	Rear Yard (17) (18) (20)	25	25	50	(2)	(2)	(2)	(2)						
	Side Yard (17) (18) (20)	20	20	30	(2)	(2)	(2)	(2)						
	2 Side Yards (17) (18) (20)	40	40	60	(2)	(2)	(2)	(2)						
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3)			2A										
	Dwelling Units per Acre (15) (16) (22)	10(23)	20(23)	30(23)			15(23)	30(23)						
	Minimum Dimensions (feet)			200										
	Width of Street Frontage			200										
	Width Required in Lot (4)			200										
	Depth Required in Lot (4)													
	Maximum in Building Height (feet) (10) (19)	20	30	45(6)	45(9)	30	20(25)	45						
	Maximum Lot Coverage by Structures (percent) (13) (14)	35(24)	35(24)	35(24)	50		35(24)							

(Ord. 4422, 9-28-92, § 2; Ord. 4270, 7-8-91, § 6; Ord. 4065, 10-23-89, § 3; Ord. 3780, 5-26-87, § 1; Ord. 3775, 5-26-87, § 6; Ord. 3747, 1-20-86, § 2; Ord. 3690, 8-4-86, § 2)

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council*

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.

11/27/95

Notes: Uses in land use districts - Dimensional requirements

(1) Side yard setback in R-30 districts increases to 20 feet on any side yard where structure exceeds 30 feet above finished grade.

(2) All rear and side yards shall contain landscaping as required by LUC 20.20.520.

(3) See LUC 20.20.012.

(4) See LUC 20.20.015.

(5) The maximum allowable building height in R-20 districts is 40 feet if the ground floor of such building is devoted to parking.

(6) 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.

(7) Dimensional requirements for CBD Land Use Districts are listed in LUC 20.25A.020.

(8) Any office building or any office portion of a building shall comply with the following limitations on Floor Area Ratio:

a. at 0.5 FAR, no office building or office portion of a building may exceed 50,000 square feet of gross floor area, and;

b. for any office building or office portion of a building greater than 50,000 square feet in gross floor area the following sliding scale shall be observed as interpolated and extrapolated below:

i). at 0.3 FAR, no office building or office portion of a building may exceed 100,000 square feet of gross floor area, and;

ii). at 0.1 FAR, no office building or office portion of a building may exceed 150,000 square feet of gross floor area.

*(9) The maximum building height may be exceeded upon approval of the Director of Community 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 Community 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

11/27/95

permitted within a Transition Area as defined in Part 20.25B.

*Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in LI Districts shall remain 30 feet.

*(10) Except in transition areas, the allowable building height of any building located in PO, O, OLB, GC, NB, CB, or OU districts may be increased by one story, but not to exceed 15 feet, if underground parking for that building occupies a minimum of 75% of the building footprint.

* Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in the LI Districts shall remain 30 feet.

(11) See LUC 20.25H.090 for additional sensitive area setbacks.

(12) For each square foot of lot area devoted to open space in excess of 30 percent of the total lot area, one square foot is added to the lot area for the purpose of calculating density.

(13) Lot coverage is calculated after subtracting all Protected Areas defined by LUC 20.25H.070.

(14) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.

(15) If there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls.

(16) Dwelling units per acre is determined pursuant to Part 20.30D.

(17) 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.

(18) See LUC 20.20.030 for designation and measurement of setbacks.

*(19) Notwithstanding any other provision of this Code, except Part 20.25B or LUC 20.20.900 - 20.20.910, as applicable, the allowable building height of an office building may be increased by one story, not to exceed 15 feet, if a minimum of 75% of the ground floor of that building is devoted to parking for that building.

*Effective only within Community Council jurisdiction.

(20) See LUC 20.25H.090 for additional sensitive area setbacks.

(21) Dwelling units per acre is determined pursuant to LUC 20.30D.155.

(22) Density for senior citizen dwelling, congregate care senior housing, and assisted living is calculated as follows: units less than 600 square feet count as 0.5 unit and units 600 square feet or greater count as 1 unit.

(23) This residential density may be in addition to FAR only for senior citizen dwellings, assisted living and congregate care senior housing.

11/27/95

(24) Lot coverage may be increased to 50 percent if congregate care senior housing, senior citizen dwellings, assisted living or nursing homes are constructed on site; provided, however, that coverage for the non-residential portions of the development cannot exceed the maximum limits indicated. Lot coverage within NB districts may be increased to 50 percent for mixed use development which includes residential uses comprising at least one-half the square footage of the building footprint. Underground parking in excess of 50 percent of the site area shall not be included in lot coverage calculations.

(25) The maximum building height for structures is increased to 30 feet only if residential uses are provided on the second floor and provided the structure does not exceed two stories. For purposes of this note, a story is defined pursuant to the Uniform Building Code, Section 420 as amended.

Section 404. Section 20.50.032 of the Bellevue Land Use Code is hereby amended:

20.50.032 L definitions.

Land Area. See Area, Site.

Land Fill. See Fill.

Land Use. The use to which an area of land, or building thereon, is put; human activity taking place thereon. Categories of land uses in this Code are found in Chart 20.10.440.

Landscape Area. An outdoor landscaped area providing visually or physically accessible space for tenants of the development of which it is a part. (Ord. 2945, 2-2-81, § 22)

Legally Created Lot. A lot properly created pursuant to the laws and requirements of the State of Washington and the local government having jurisdiction at the time of the lot's creation.

Local Utility System. A utility system other than a Regional Utility System (20.50.044).

Lot. A lot is a single parcel of land, irrespective of the method of legal description used.

Lot, Corner. A lot at the junction of and fronting on two or more intersecting streets.

Lot Coverage. See Coverage.

Lot Depth. The mean dimensions of a lot from the front street line to the rear line.

WP0520C-ORD
11/27/95

Lot, Interior. A lot fronting on one street.

Lot, Legally Created. See Legally Created Lot.

Lot, Nonconforming. See Nonconforming Lot.

Lot Width. The mean dimension of a lot measured between the side lot lines, approximately parallel to the street frontage.

Lot Frontage. The distance between the two points where the side lot lines of a lot intersect the boundary of public street right-of-way.

Lot Line. The geographic boundaries of a parcel.

CHAPTER 5: SCREENING OF MECHANICAL EQUIPMENT,
RECYCLING AND REFUSE COLLECTION AREAS, AND
SATELLITE DISH ANTENNAE

Section 501. Section 20.20.525 of the Land Use Code is hereby amended as follows:

20.20.525 Mechanical equipment.

A. Applicability. The requirements of this section shall be imposed for all new construction and each time a project requires a discretionary land use permit approval. Mechanical equipment should be installed so as not to detract from the appearance of the building or development.

B. Design Objectives. The following objectives apply to the type and placement of mechanical equipment proposed:

1. To the maximum extent reasonable and consistent with site design objectives, mechanical equipment for new development should be located at or below grade rather than mounted on the roof of a structure.

2. Where the equipment must be located on the roof, it should be consolidated to the maximum extent reasonable rather than scattered.

3. Exposed mechanical equipment should be visually screened by a solid, nonreflective visual barrier that equals or exceeds the height of the mechanical equipment.

C. Implementation.

1. Mechanical equipment located at or below grade may be placed within a required rear 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 LUC 20.25H.070 or is a protected area setback required by LUC 20.25H.090.

2. Mechanical equipment located at or below grade will not be included for purposes of calculating lot coverage.

3. Mechanical equipment shall be visually screened by a solid, non-reflective visual barrier that equals or exceeds the height of the mechanical equipment, provided that the function of a satellite dish antennae may not be compromised by the screening requirement. The barrier may be provided by any of the following:

WP0520C-ORD
11/27/95

- a. Architectural features, such as parapets or mechanical penthouses;
 - b. Walls or solid fencing, of a height at least as high as the equipment it screens;
 - c. Vegetation, of a type and size which will provide a dense visual barrier at least as high as the equipment it screens within two years from the time of planting; or
 - d. The natural topography of the site or the adjoining property or right-of-way; and
4. Where screening from above is required, mechanical equipment shall be screened by incorporating one of the following measures:
- a. A solid non-reflective roof. The roof may incorporate non-reflective louvers, vents or similar penetrations to provide necessary ventilation or exhaust of the equipment being screened; or
 - b. Painting of the equipment to match or approximate the color of the background against which the equipment is viewed.
5. For development which requires approval of a discretionary land use permit, the City may modify the screening requirements of Paragraph C.3, above.
6. The Director may approve alternative screening measures not meeting the specific requirements of Paragraph C.3, above if the applicant demonstrates that
- a. The proposed alternative screening measures will achieve the design objectives of Paragraph B above and produce an equal or better result than the requirements of Paragraph C.3; or
 - b. When screening of mechanical equipment on an existing roof is required,
 - (i) the existing roof structure cannot safely support the required screening; or
 - (ii) the integrity of the existing roof will be so compromised by the required screening as to adversely affect any existing warranty of the performance of the roof.

Section 502. Section 20.50.036 N definition, of the Land Use Code is hereby amended by the addition of a new definition as follows:

...

New Development. Development of a site not previously developed or redevelopment of a site which involves demolition of all existing structures and construction of new structures.

....

Section 503. Section 20.20.725 of the Land Use Code is hereby amended as follows:

20.20.725 Recycling and solid waste collection areas.

All new development for multifamily housing exceeding four units, commercial, office, and manufacturing uses shall provide on-site collection areas for recyclable materials and solid waste, as those terms are used in Chapter 9.26 BCC, as follows:

A. The recycling and solid waste collection areas shall be accessible to residents and/or workers of the proposed development;

B. There shall be at least one solid waste collection area provided in each development;

C. There shall be one recycling collection area per 30 dwelling units in multifamily complexes;

D. The recycling collection area shall be at least:

1. One and one-half square feet per dwelling unit in multi-family developments exceeding four units;

2. Two square feet per 1,000 gross square feet in office developments;

3. Five square feet per 1,000 gross square feet in retail development;

4. Three square feet per 1,000 gross square feet in wholesale, warehouse and manufacturing development;

WP0520C-ORD
11/27/95

5. The Director of Community Development shall establish the square footage requirement for all unspecified uses;

E. If feasible, the recycling collection area shall be located adjacent to or near the solid waste collection areas; and

F. Each recycling and solid waste collection area shall be visually screened in accordance with the requirements of LUC 20.20.525 for mechanical equipment screening.

Section 504. Section 20.20.730 of the Land Use Code is hereby amended as follows:

20.20.730 Satellite dish antennae.

Satellite dish antennae smaller than 2 feet in diameter are exempt from the provisions of this section and LUC 20.20.525.

A. Satellite dish antennae in non-residential districts. Satellite dish antennae in all non-residential districts shall be screened in accordance with the requirements of LUC 20.20.525.C.3.a for mechanical equipment screening.

B. Satellite dish antennae in residential districts. The requirements for screening of satellite dish antennae in residential districts shall depend upon the nature of use and building type of the development.

1. Satellite dish antennae in any non-residential development shall be screened in accordance with the requirements of LUC 20.20.525.C.3.a for mechanical equipment screening.

2. Satellite dish antennae in any residential development other than detached housing or townhouses shall be screened in accordance with the requirements of LUC 20.20.525.C.3.a for mechanical equipment screening.

3. Satellite dish antennae in any residential development consisting of detached housing or townhouses shall be screened in accordance with subsection C of this section.

11/27/95

C. Satellite dish antennae in any residential development consisting of detached housing or townhouses as specified in subsection B.3. of this section are permitted subject to the following criteria, provided, the Director of Community Development may modify setback and screening requirements upon proof that strict application of the requirements is infeasible or renders use of an antenna impossible:

1. The antenna shall meet front and side setback requirements for the main building and shall be a minimum of five feet from any rear property line;

2. The antenna shall be a minimum of 10 feet distant from any street right-of-way, vehicular access easement, or private road;

3. No antenna shall be located in a setback required by the City's sensitive areas regulations (see Chapter 20.25H LUC), except as otherwise provided by LUC 20.20.025.B; and

4. The antenna is substantially screened from view from adjacent property and the adjacent public rights-of-way by sight obstructing landscaping, fencing, on-site structures, or natural topography.

CHAPTER 6: SENSITIVE AREAS

Section 601. Section 20.25H.040 of the Bellevue Land Use Code is hereby amended as follows:

20.25H.040 Applicable Procedure:

The provisions of this Part will be applied through the review process for the underlying permit or approval for a development and a decision on such applications may be appealed as specified therein.

Section 602. Section 20.25H.070 of the Bellevue Land Use Code is hereby amended as follows:

20.25H.070 Designation and Restriction of Protected Area.

A. Designation: Except in Downtown Districts and 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 D (See 20.50.044), including the following primary setback from the top-of-bank:
 - a. 50 feet for Type A corridors;
 - b. 25 feet for Type B, corridors;
 - c. 10 feet for Type C, corridors; and
 - d. As defined in the Sensitive Areas Notebook for any channelized corridors for which a specific reach study and restoration plan is adopted, and
3. Wetlands excluding Type C (See 20.50.054), including the following primary setback from the wetland edge:
 - a. 50 feet for Type A wetlands; and
 - b. 25 feet for Type B wetlands; and
4. Slopes
 - a. Areas of colluvial or landslide deposit on slopes of 15% or more, together with a primary setback of 75 feet from the toe-of-slope, and
 - b. Slopes of 40% or more together with a primary setback of

11/27/95

50 feet from the top-of-slope.

5. Areas designated on the Coal Mine Areas maps or in the City's Coal Mine Area Regulations as potentially affected by abandoned coal mines; provided that compliance with the Coal Mine Area Regulations shall constitute compliance with the requirements of this chapter in regard to coal mines.

6. Area of Special Flood Hazard Extension: Any primary setback required by Paragraphs 20.25H.070.A.1-4 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.

B. Modification of Protected Area Status: Modifications to standards as specified below shall be approved as part of approval of an underlying permit as provided for in Section 20.25H.040.B.

1. Riparian Corridor primary setbacks: The width of riparian corridor primary setbacks may be averaged to reduce the minimum dimension up to 25% to accommodate specific design features including but not limited to site access where no feasible alternative is available, to align roads with existing intersections, to maintain intersection separation, or to provide an essential element of an allowed use of the site. To approve a modification, the applicant must demonstrate:

a. No reasonable alternative to modification is available to accommodate allowed development; and

b. The proposal complies with all applicable design standards of Section 20.25H.110; and

c. The hydrologic characteristics of the stream will not result in natural stream meanders or flood plains outside of the Riparian Corridor; and

d. The same area of Riparian Corridor is maintained through additional corridor width, on site or off site, within the same stream corridor and is of equal or superior value. Area added to the setback elsewhere shall perform a buffering function and shall be generally oriented parallel to the thread of the stream. If off-site, permanent Native Growth Protection Area designations and restrictions must be recorded with the King County Department of Records over the affected replacement area to assure long term preservation.

2. Wetland primary setbacks: The width of the wetland primary setbacks may be averaged to reduce the minimum dimension up to 25% to accommodate specific design features including but not limited to site access where no feasible alternative is available, to align roads with existing intersections, to maintain intersection separation, or an essential element of an allowed use of the site. To approve a modification, the applicant must

demonstrate:

a. No reasonable alternative to modification is available to accommodate allowed development; and

b. The proposal complies all applicable design standards of Section 20.25H.110; and

c. The same area of primary setback is maintained through additional setback on site or off site, adjacent to the same wetland, and is of equal or superior value. Area added to the setback elsewhere shall perform a buffering function and shall be generally oriented parallel to the boundary of the wetland. If off-site, permanent Native Growth Protection Area designations and restrictions must be recorded with the King County Department of Records over the affected replacement area to assure long-term preservation.

3. Slopes and associated primary setbacks: . To approve a modification of protected area status for slopes and associated primary setbacks, the applicant must demonstrate:

a. Compliance with all applicable standards and criteria of Section 20.25H.110, and

b. The proposed design, engineering specifications and construction method as documented in a geotechnical report will improve or not adversely impact the stability of the slope without requiring facilities which require significant long term maintenance, and will not adversely affect erosion potential, and

c. The proposal utilizes design, engineering and construction techniques which minimize disruption of the existing topography and vegetation.

C. Protected Area Restriction: No development, use, land alteration or activity may occur in a Protected Area or a primary setback except as specifically allowed by this Part 20.25H. Provided, that land alteration for necessary access to existing lots where no alternative access is available, for supplemental planting and for permitted land uses pursuant to 20.25H.080 is permitted.

Section 603. Section 20.25H.080 of the Bellevue Land Use Code is hereby amended as follows:

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 |
| city | P/C(4) |
| 5. Agriculture | P(2) |
| 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) |
| 14. Right-of-Way | P(1) |
| 15. Pedestrian facilities | P(3) |

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 Facility defined by Section 20.50.018.

11/27/95

- (2) Forested lands may not be converted to agricultural uses.
- (3) These include pedestrian trails and bridges which serve parks, commercial developments, or more than one single family lot.
- (4) See footnote 10 to section 20.10.440 (Recreation Chart) for listing of types of park or facility requiring Conditional Use approval.

Section 604. Section 20.25H.085 of the Bellevue Land Use Code is hereby amended as follows:

20.25H.085 Provisions for Existing Development

A. Existing Single Family Residential Development: A single family residential development located in a Riparian Corridor or Riparian Corridor structure setback which was in existence or for which the development rights were vested on or before June 25, 1987, the effective date of this section, is conforming as to the use requirements in Section 20.25H.080 and the setback requirements in Section 20.25H.070 and 20.25H.090.B.3. Such development is not subject to the nonconforming provisions of Section 20.20.560 with respect to use and setback requirements.

B. Expansion of Existing Single Family Residential Development Permitted. A single family residential development described in Paragraph A may be expanded into a Riparian Corridor primary setback or structure setback required by Section 20.25H.070 or Section 20.25H.090 through Process II. This section allows only one expansion and limits that expansion to a 20% increase of total square footage.

C. Existing Multi-Family and Non Residential Development: Multi-family and non-residential development in Riparian Corridor primary setbacks and structure setbacks which was in existence or for which the development rights were vested on or before June 25, 1987, the effective date of this section, is conforming as to the use requirements in Section 20.25H.080 and the setback requirements in Section 20.25H.070 and 20.25H.090.B.3, except that a remodel or expansion of the building floor area of such a building shall be treated as a change to a non-conforming structure or site and shall comply with the provisions of Section 20.20.560. The Director may permit proportional

WP0520C-ORD
11/27/95

compliance as provided for in Section 20.20.560.C.4., or may approve specific channel improvements and corridor restoration where defined in the Sensitive Areas Notebook for any channelized corridors for which a specific reach study and restoration plan is adopted as provided for in Section 20.25H.070.A.2.d. No such development may expand into a Riparian Corridor or Riparian Corridor structure setback.

D. Repair, reconstruction, or improvements to a structure within the Area of Special Flood Hazard is governed by LUC 20.25H.110.A.

E. 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.

Section 605. Section 20.25H.090 of the Bellevue Land Use Code is hereby amended as follows:

20.25H.090 Structure Setbacks.

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 .

1. General. Any structure must be setback as required by Paragraphs 20.25H.090.B.2 through B.4.; Setbacks are required in order to:

- a. Minimize long-term impacts of development adjacent to Protected Areas, and
- b. Protect Sensitive Areas from adverse impacts during construction.

2. Wetlands as defined in LUC 20.50.054:

- a. Type A: 20 feet from the wetland primary setback.

- b. Type B: 15 feet from the wetland boundary primary setback.
- 3. Riparian Corridors as defined In Section 20.50.044:
 - a. Type A: 20 feet from the primary setback.
 - b. Type B: 10 feet from the primary setback.
 - c. Type C: 5 feet from the primary setback.
 - d. Type D: 15 feet from the top of bank or side of closed conveyance.
- 4. Slopes as defined in Section 20.50.044: 15 feet from edge of the primary setback.

Protected Area	Primary Setback for Land Alteration	Building Setback
Riparian Corridor		
Type A:	50 feet	20 feet
Type B:	25 feet	10 feet
Type C:	10 feet	5 feet
Type D:	Top of bank or side of culvert	15 feet
Wetland		
Type A:	50 feet	20 feet
Type B:	25 feet	10 feet
Slopes		
Colluvial slopes/ landslide deposits	75 feet from bottom of slope	15 feet
40% Slopes	50 feet from top of slope	15 feet

- 5. Setback Modification: The Director of Community Development may waive or modify the structure setback if the applicant demonstrates that:
 - a. Water quality, or slope stability as documented in a geotechnical report, will not be adversely affected, and

b. Protected Area vegetation will not be disturbed by construction or maintenance activities and 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; and

c. Access for repair, or maintenance of culverts or other structures will be preserved.

Section 606. Section 20.25H.110 of the Bellevue Land Use Code is hereby amended as follows:

20.25H.110 Performance Standards for Sensitive Areas.

All use and development within Sensitive Areas shall conform to the standards of this Part. Standards shall apply to the entire contiguous parcel owned or controlled by the applicant if necessary to enable compliance with the purpose and intent of the code.

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 LUC 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 (LUC 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 LUC 20.25H.110.A.

3. Review Required.

a. In order to assure that proposed development will be safe from flooding, the Director of Community 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 Community Development shall determine that all necessary permits have been obtained from federal, state, or local agencies prior to approval.

11/27/95

b. The Director of Community Development shall obtain and transmit to the Director of the Utility Department 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 the Utilities Department shall review and must approve all plans and 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 LUC 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 Utility Code (Chapter 24.06 BCC).

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 replacement 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,

11/27/95

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 LUC 20.25H.080, any structure may intrude over the Area of Special Flood Hazard if:

a. The intrusion is located above existing grade, and 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 percent 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 LUC 20.25H.080.

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

11/27/95

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.

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 100-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 floor 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 100-year flood; or

(2) Together with attendant utility and sanitary facilities, be designed so that below a point one foot above the elevation of the 100-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, or any subsequently adopted amendments thereto. Additionally, no perceptible change in the flood elevation upstream or downstream may occur and no change in the quantity, quality or

WP0520C-ORD
11/27/95

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 100-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 LUC 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 Community Development must approve road and utility crossings within the Area of Special Flood Hazard and must find that the utility facility, system or road is 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 developments must:

i. Be consistent with the need to minimize flood damage; and

11/27/95

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 100-year flood elevation data.

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 Utility Code (BCC 24.06.085) and must meet the water quality standards of BCC 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 LUC 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 (BCC 24.06.085) and must meet the water quality standards of BCC 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.

4. Essential Public Utilities.

a. Essential public utilities must be located, designed and

WP0520C-ORD

11/27/95

constructed to minimize or where possible avoid wetland disturbance to the maximum extent feasible. Wetland area displaced must be compensated for in compliance with Section 20.25H.110.B.7.; and

b. All construction must be designed to protect the wetland against erosion, uncontrolled drainage, restriction of ground water 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 lines, wetlands must be restored to pre-project configuration, replanted as required to re-establish native vegetation and provided with maintenance care until newly planted vegetation is established; and

d. All utility 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 located, designed and constructed to minimize or where possible avoid wetland disturbance and be designed and maintained to prevent erosion and not restrict the natural movement of ground water, to the maximum extent feasible. Wetland area displaced must be compensated for in compliance with Section 20.25H.110.B.7; 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 to re-establish native vegetation and provided with maintenance care until newly planted vegetation is established.

6. Public Use and Access.

a. Pedestrian facilities must be specifically developed for interpretive, educational or research purposes, by or in cooperation with the City or as part of an adopted nonmotorized trail linkage program, or be part of a system of public or private trails as part of a development proposal or serve as access to or within an allowed use within a sensitive or protected area. Trail development shall:

WP0520C-ORD
11/27/95

- i. Avoid removal or disturbance of significant trees and limit disturbance of understory vegetation,
 - ii. Be maintained at the minimum width necessary to accomplish their purpose and function,
 - iii. Consolidate opportunities for public or private access,
 - iv. Minimize crossings of Riparian Corridors or wetlands and utilize bridges or elevated structures where such crossings occur,
 - v. Incorporate design features and materials which protect water quality and allow adequate surface and ground water movements.
- b. Public and private trails should be located outside protected areas except where no feasible alternative is available. If no feasible alternative exists, trails within protected areas must be located within areas which have the lowest sensitivity to human disturbance or alteration, 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 LUC 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. Consolidated area for nesting, breeding, and rearing must be preserved in the wetland area and its setback required by LUC 20.25H.090 to protect sensitive plant and wildlife species; and
 - h. 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

WP0520C-ORD
11/27/95

City of Bellevue.

7. Wetland Replacement.

a. Wetlands displaced by a permitted use such as an essential public facility shall be replaced at the time of construction of the permitted uses.

b. Filling or alteration of an existing wetland and creation of a new replacement wetland may be permitted to accommodate specific design features including, but not limited to, site access where no feasible alternative is available, alignment of roads with existing intersections, maintaining required intersection separation, or incorporation of an essential element of an permitted use of the site. Such an alteration may be approved if the proposal:

i. Disturbs no more than 10% of the wetland or 1 acre, whichever is less, and

ii. Does not affect any habitat type which is unique in that wetland when considering the entire wetland, both on and off site, and

iii. Will not result in long term adverse impact on water quality, and

iv. Does not reduce the diversity of habitat found in the wetland, and

v. Is the minimum necessary to accommodate reasonable development of the property, and

vi. The development which the wetland adjustment is proposed to accommodate incorporates the best available construction, design and development techniques which result in the least impact on the Protected Area, and

vii. The development incorporates a proposed configuration which will result in less total coverage by impervious surface than would otherwise be required for reasonable development of the property, and

viii. The wetland adjustment is not necessary because of actions by the applicant in segregating the property and creating the unusual configuration.

c. Plans for wetland restoration shall be prepared by a qualified wetland biologist or wetland restoration professional and approved prior to construction of the approved use.

i. Plans shall address the hydrologic, water quality, vegetation community and wildlife habitat functions of the existing wetland and the wetland to be created, and

ii. The area of the replacement wetland shall be a minimum of :

- a. 2 times the displaced area for Type A wetlands;
- b. 1.5 times the displaced area for Type B

wetlands; and

iii. The replacement wetland created must replicate, to the extent feasible the functional characteristics of the original wetland including soil, hydrology, depth, gradient, approximate shape, water quality, vegetation community and wildlife habitat functions; and

iv. The wetland primary setback for the created wetland area must provide an effective buffer equal or superior to that existing for the original wetland; and

v. Replacement wetland area shall be located within the same stream corridor as Type A displaced wetlands wherever feasible, and within the same drainage basin for all wetlands. If off-site, permanent Native Growth Protection Area designations and restrictions must be recorded with the King County Department of Records over the affected replacement area to assure long-term preservation.

d. Replacement wetlands shall be completed prior to issuance of occupancy permits for the displacing use; or plans must be approved with a specific schedule for completion with provision of an assurance device of at least 150% of the cost of installation and monitoring; and

e. A monitoring plan shall be prepared to monitor successful re-establishment of the wetland for a period of three growing seasons. The applicant shall provide an assurance device in an amount necessary to retain a qualified wetlands biologist to assess the wetland and submit a report to the City at least twice yearly, prior to and near the end of the growing season and shall provide an assurance device in an amount necessary to implement additional restoration measures if the replacement wetland does not equal the functions of the wetland displaced.

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 LUC 20.25H.110.C.

2. Essential Public Utilities.

a. Essential public utilities must be located, designed and constructed to minimize and where possible avoid Riparian Corridor disturbance to the maximum extent feasible; and

b. All construction must be designed to protect the Riparian

WP0520C-ORD
11/27/95

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 utilities in order to minimize adverse impacts and reduce the number of crossings.

3. Roads.

a. Essential public roads must be located, designed, constructed and maintained to minimize or where possible avoid Riparian Corridor disturbance, to prevent erosion and not restrict the natural movement of ground water to the maximum extent feasible; 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 these 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 Riparian Corridor. Where allowed, crossings of streams and floodplains in Type A and Type B Riparian Corridors shall be made by bridging to minimize adverse environmental impacts. Type C Riparian Corridors do not need to be bridged. Where feasible, roadway crossings should be combined 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. Pedestrian facilities must be specifically developed for interpretive, educational or research purposes, by or in cooperation with the City or as part of an adopted nonmotorized trail linkage program, or be part of a system of public or private trails as part of a development proposal or serve as access to or within an allowed use within a sensitive or protected area, or connected existing uses in a manner that serves to enhance pedestrian circulation and reduce vehicular trip generation. Trail development shall:

i. Avoid removal or disturbance of significant trees and limit disturbance of understory vegetation,

11/27/95

ii. Be maintained at the minimum width necessary to accomplish their purpose and function,

iii. Consolidate opportunities for public or private access,

iv. Minimize crossings of Riparian Corridors or wetlands and utilize bridges or elevated structures where such crossings occur. Bridges or elevated structures across Riparian Corridors must be designed so that they will not wash out during high stream flows.

b. Public and private trails should be located outside protected areas except where no feasible alternative is available. If no feasible alternative exists, trails within protected areas must be located within areas which have the lowest sensitivity to human disturbance or alteration.

c. No motorized vehicle is allowed within a Riparian Corridor or its setback required by LUC 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 interpretative facility developed in a Riparian Corridor must, to the 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. Consolidated area for nesting, breeding and rearing must be reserved in the Riparian Corridor area and its setback required by LUC 20.25H.090 to protect sensitive plant and wildlife species; and

g. 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 Community Development , 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 LUC 20.25H.110.D apply to each use or development on property including a slope equal to or greater than 15 percent, including subdivisions, short subdivisions and planned unit developments. Development on individual single-family lots is exempt from

WP0520C-ORD
11/27/95

the provisions of LUC 20.25H.110.D.1 (disturbance limits), except that any restrictions on disturbance on individual single-family lots that have been imposed through subdivision, short subdivision or planned unit development approval do apply.

1. Disturbance Limitations.

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

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 equation.

Disturbance Equation

$$\begin{aligned} &(\text{sq. ft. of site } 0\text{-}15\% \text{ slope}) \times 100\% + \\ &(\text{sq. ft. of site } 15\text{-}25\% \text{ slope}) \times 60\% + \\ &(\text{sq. ft. of site } 25\text{-}40\% \text{ slope}) \times 45\% + \\ &(\text{sq. ft. of site } 40\% \text{ plus slope}) \times 30\% = \\ &\text{Total amount of disturbance on site allowed} \end{aligned}$$

*Disturbance Chart

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

* This chart is for illustration purposes only.

iv. For subdivisions, short subdivisions and planned unit developments, disturbance limits shall be designated on preliminary and final

approvals.

2. Commercial and Multi-Family Development.

a. Location.

- i. Development must be located to minimize disturbance and removal of vegetation; and
- ii. Structures must be clustered to retain as much open space as possible and the natural topographic character of the slope; and
- iii. 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
- iv. 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.

b. Design.

- i. 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
- ii. Development must retain consolidated areas of natural vegetation; and
- iii. Development must be designed with a foundation type that is compatible with existing slope conditions and that minimizes topographic modification. Where feasible, earth retention measures should be incorporated into the structure; and
- iv. Standard prepared building pads, i.e., slab on grade, resulting in grading more than 10 feet outside the building footprint area are prohibited; and
- v. Development must be designed to minimize the amount of impervious surface; and
- vi. Use of common access drives and utility corridors is required where feasible; and
- vii. Development must be designed to minimize lot coverage and must, with the exception of detached single-family structures, incorporate under-structure parking and multilevel structures where permitted; and
- viii. 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

ix. Use of retaining walls which allow the maintenance of existing natural slope areas is preferred over graded artificial slopes.

c. Construction Types.

i. 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

ii. 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

iii. Change in grade, cleared area and volume of cut or fill on the site must be minimized; and

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

3. Subdivision and Short Subdivision.

a. Location.

i. Development must be located to minimize disturbance and removal of vegetation; and

ii. Lots must be clustered preserve the most sensitive portion of the site and its natural landforms.

b. Design.

i. Roads 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

ii. Change in grade, cleared area and volume of cut or fill on the site must be minimized; and

iii. Utilities and other facilities should be located to utilize common corridors wherever possible; and

iv. Protected non-disturbed areas and retained significant trees should be retained in contiguous tracts, and placed in common ownership or contiguous easements whenever feasible; and

v. Management plans should be prepared for areas of retained vegetation designating future management responsibility with planting of additional vegetation required at the time of development of plat infrastructure to maintain a healthy climax community of native vegetation; and

vi. Each lot with slopes in excess of 25% shall demonstrate provision for feasible driveway access to a future residence not to exceed 15%

or provide for meeting emergency access and fire protection by other means allowed by applicable codes, and shall demonstrate feasibility of construction of a residence on the lot through a design consistent with the standards of this code. Shared driveway access and private roads should be utilized where significant reduction of grading can be accomplished compared to separate driveway access for each individual lot.

3. Single Family Dwellings.

a. Lots containing 15% to 25% slopes:

i. Design

a) Design with a foundation type that is compatible with existing slope conditions and that minimizes topographic modification.

Foundations should step down the slope with earth retention measures for cut slopes incorporated into the structure to the extent feasible; and

b) Garages on sites sloping uphill should be placed below the main floor elevation where feasible to reduce grading and to fit structures into existing topography; and

c) Change in existing grade consisting of more than 10 feet of excavation or 5 feet of fill outside the building footprint area is prohibited; and

ii. Construction Types: Use of foundation walls as retaining walls is preferable to rock or concrete walls built separately and away from the building.

a. Lots containing 25% to 40% slopes:

i. Design

a) Design with a foundation type that is compatible with existing slope conditions and that minimizes topographic modification.

Foundations should step down the slope with earth retention measures for cut slopes incorporated into the structure to the extent feasible; and

b) Garages on sites sloping uphill should be placed below the main floor elevation, and may be required to be placed below the main floor level, to reduce grading and fit structures into existing topography. Garages on sites sloping downhill may be required to be placed at or near street grade; and

c) Change in existing grade consisting of more than 10 feet of excavation or 5 feet of fill outside the building footprint area is prohibited; and

d) Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. Grading for yard area may

WP0520C-ORD
11/27/95

be disallowed where inconsistent with this criteria.

ii. 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.

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

Section 607. Section 20.25H.120 of the Bellevue Land Use Code is hereby amended as follows:

20.25H.120 Recording Required: The property owner receiving approval of a use or development pursuant to this Part shall record a site plan or other instrument 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.

A. Plats shall contain:

1. Protected Areas shall be designated on the face of the plat as Native Growth Protection Areas in a format approved by the City Attorney. The designation shall include the following restrictions:

a. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat; and

b. The right of the owner or the City of Bellevue to enforce the terms of the restriction.

2. Areas designated for non-disturbance shall be designated as Retained Vegetation Areas in a format approved by the City Attorney. The designation shall include the following restriction:

a. An assurance that existing native and compatible introduced vegetation which provides overstory will be preserved for the purposes of buffering, protecting plants and animal habitat and for aesthetic and other purposes.

WP0520C-ORD
11/27/95

b. The right of the City of Bellevue to enforce the terms of the restriction.

B. The site plans must include a statement that the provisions of this Part as now or hereafter amended control use and development of the subject property. The Director may require recording with the King County Department of Records of the delineation of, and restrictions of Native Growth Protection Areas and Retained Vegetation Areas for development other than subdivisions. Single-family development is exempt from this recording requirement.

C. Management Plans and replanting may be required for Protected Areas and non-disturbed areas to ensure maintenance of a viable community of native vegetation.

Section 608. Section 20.50.044 of the Bellevue Land Use Code is hereby amended as follows:

20.50.044 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 four types as follows:

20.50.44 R definitions

...

Riparian Corridor

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 include a primary setback which extends away from the stream on each side a distance of fifty feet.

11/27/95

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 include a primary setback which extends away from the stream on each side a distance of twenty-five feet.

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 an open conveyance channel, which is physically and hydrologically connected to a downstream Type A or B Riparian Corridor and continues the vegetation and wildlife corridor. Type C Riparian Corridors are measured from the top of each stream bank and includes a primary setback which extends away from the stream on each side a distance of ten feet.

C. Type D Riparian Corridors: Are Riparian Corridors not rated as Types A, B, or C 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 D

WP0520C-ORD
11/27/95

Riparian Corridors consist of a conveyance channel, open or closed, and extends to the top of the bank of the open channel or swale or the sides of a pipe or culvert.

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Section 609. Section 20.50.050 of the Bellevue Land Use Code is hereby amended as follows:

20.50.050 W definitions.

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Wetlands. An area meeting the definition of a wetland as defined by the State of Washington, Department of Ecology pursuant to Chapter 382, Laws of 1995. For the purpose of these regulations, 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.

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. (Ord. 3775, 5-26-87, § 32)

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Section 610. Part 20.30.Q, Wetland Boundary Adjustment, of the Bellevue Land Use Code is hereby repealed.

CHAPTER 7: LANDSCAPING

Section 701. Section 20.20.520 of the Bellevue Land Use Code is hereby amended as follows:

20.20.520 Tree preservation and landscape development.

A. Purpose. Retention of significant trees and landscape development as required by this section are necessary to maintain and protect property values, to enhance the visual appearance of the City, to preserve the natural wooded character of the Pacific Northwest, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the City.

B. Applicability. The requirements of this section shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by this Code, or by the Uniform Building Code. However, this section does not apply to a permit for a single-family dwelling, unless restrictions on the removal of significant trees on individual single-family lots have been imposed through prior City approval.

C. Required Review.

1. The Department of Community Development shall review the proposed retention of significant trees and landscape development with each application within the applicability of this section.

2. The Utility Department shall review all landscape and irrigation system designs for compliance with BCC 24.02.205 et seq. regarding landscape irrigation water budget requirements of the City Water Utility Code.

D. Minimum Design Qualification.

If the landscaped area on the subject property which is irrigated exceeds 500 square feet or if the applicant requests Alternative Landscaping Option pursuant to LUC 20.20.520.J, the Director shall require approval of the proposed landscape plan by a privately retained registered Landscape Architect, Washington Certified Nurseryman or Washington Certified Landscaper.

E. Preservation of Significant Trees.

1. Perimeter Landscaping Area. In the required perimeter landscaping area, the applicant shall retain all significant trees which will not constitute a safety hazard. Area devoted to access and sight areas as defined in this Code, and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement.

2. Site Interior.

a. In areas of the site other than the required perimeter landscape area, the applicant must retain at least 15 percent of the diameter inches of the significant trees existing in this area, provided that alder and cottonwood trees diameter inches shall be discounted by a factor of 0.5. In applying the requirement for retention of significant trees, the Director shall consider the preservation of the following types of significant trees a priority:

- i. Healthy significant trees over 60 feet in height.
- ii. Significant trees which form a continuous canopy.
- iii. Significant trees which contribute to the character of the environment, and do not constitute a safety hazard.
- iv. Significant trees which provide winter wind protection or summer shade.
- v. Groups of significant trees which create a distinctive skyline feature.
- vi. Significant trees in areas of steep slopes or adjacent to watercourses or wetlands.

b. The director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subparagraph a of this subsection if a group of trees and its associated undergrowth can be preserved.

3. Exemption. The provisions of paragraph E which require retention of significant trees are not applicable in any Downtown Land Use District.

4. The applicant shall utilize tree protection techniques approved by the Director during land alteration and construction in order to provide for the continual healthy life of retained significant trees.

5. Reduced Parking Bonus. If the proposed landscape plan incorporates the retention of significant trees above that required by this section, the Director may approve a reduction of up to 10 percent of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on required number of spaces remains available

WP0520C-ORD
11/27/95

for future development on the subject property.

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 paragraphs F.2 and F.6 of this section; or in conformance with paragraph J of this section.

Perimeter Landscaping Requirements for Use Districts

LAND USE DISTRICT IN WHICH THE 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/F2, see LUC 20.25B for requirements.	Type III, 8' but if located in a Transition Area, and directly abutting S/F ² , see LUC 20.25B for requirements.
NB, PO, O, OLB	Type III, 10' but if located in a Transition Area, and directly abutting S/F2, R-10, 15, 20 or 30, See LUC 20.25B for requirements.	Type III, 10' but if located in a Transition Area, and directly abutting S/F2, R-10, 15, 20 or 30, see LUC 20.25B for requirements.
LI, GC, CB	Type III, 10' but if located in a Transition Area, and directly abutting S/F2, R-10, 15, 20 or 30, See LUC 20.25B for requirements.	Type III, 8' but if located in a Transition Area, and directly abutting S/F2, R-10, 15, 20 or 30, see LUC 20.25B for requirements.

Note¹. 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 percent in area. The remaining 75 percent of the required landscaping may be relocated. If approved by the

Directors of the Design and Development and Storm and Surface Water Utility Departments, such landscape area may be used for biofiltration swales. If used for biofiltration swales, this area shall be landscaped with quantities and species of plant materials that are compatible with the functional intent of the biofiltration swale.

Note². S/F includes the G, OU, R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, and R-7.5 Land Use Districts.

Note³. 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:

a. Subject to paragraph F.6, the following uses require 15 feet 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 feet of Type II landscaping along the street frontage, and 10 feet 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 feet 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 perimeter landscaping required by paragraph F.1 or F.2 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, rock features 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 50 percent of the required area. Rockeries over 30 inches in height are not rock features for the purpose of this section, and may not be counted toward the required area for landscaping.

5. All plantings and fences required by this section are subject to the street intersection sight obstruction requirements, LUC 20.20.830. All plant materials must be pruned as necessary to comply with LUC 20.20.830.

6. **Existing Vegetation in Lieu of Landscape Development.** If the proposal is located within the Sensitive Area Overlay District, the Director 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 LUC 20.25H.090 in lieu of landscape development if the width of that vegetated area equals at least twice the dimension required by LUC 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 LUC 20.25H.090 if erosion control measures and water quality standards described in LUC 20.25H.110.A.9.a and b are met.

8. **Site Landscaping Design Standards.**

a. Landscaping plans shall show locations of retained trees, initial size, location and name of plant materials to be installed. For landscaping plans submitted with building permits or clearing and grading permits, detailed irrigation plans are required.

b. Landscaping shall not include irrigated turf strips which are less than 5 feet in width.

c. Irrigated turf shall not be included on slopes with finish grades in excess of 33 percent.

d. Landscaping areas which are irrigated shall be designed so that plants are grouped according to distinct hydrozones for irrigation of plants with similar water needs at a good efficiency.

e. In all newly landscaped areas, soils shall be amended with either four (4) inches of approved organic material, with the first two (2) inch layer tilled into the existing soils, or as called for in a soil amendment plan for the landscaping prepared by a State registered Landscape Architect, Washington Certified Nurseryman, Washington Certified Landscaper, or professional agronomist.

f. Newly landscaped areas, except turf, shall be covered and maintained with at least two (2) inches of organic mulch to minimize evaporation.

G. Types of Landscaping.

1. Type I. Purpose. Type I landscaping is intended to provide a very dense sight barrier to significantly separate uses and land use districts.

Description.

a. Two rows of evergreen trees, a minimum of six feet in height and planted at intervals of no greater than 20 feet on center. The trees must be backed by a sight obscuring fence, a minimum of five feet high or the required width of the planting area must be increased by 10 feet, and

b. Shrubs a minimum of three and on-half feet in height planted in an area at least five feet in width, and other plant materials, planted so that the ground will be covered within three years.

c. Alternatively, the trees and shrubs may be planted on an earthen berm at least 15 feet in width and an average of five feet high along its midline.

2. Type II. Purpose. Type II landscaping is intended to create a visual separation between uses and land use districts.

Description.

a. Evergreen and deciduous trees, with no more than 30 percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than 20 feet on center, and

b. Shrubs, a minimum of three and one-half feet in height and other plant materials, planted so that the ground will be covered within three years.

3. Type III. Purpose. Type III landscaping is intended to provide visual separation of uses from streets, and visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevations.

Description.

a. Evergreen and deciduous trees, with no more than 50 percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than 30 feet on center, and

b. If planted to buffer a building elevation, shrubs, a minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years, or

c. If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:

i. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.

ii. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a CBD Land Use District.

iii. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

4. Type IV. Purpose. Type IV landscaping is intended to provide visual relief where clear sight is desired.

Description.

Plant materials which will cover the ground within three years, and which will not exceed three and one-half feet in height. Trees are also permitted if the trunk is free of branches below six feet in height.

5. Type V. Purpose. To provide visual relief and shade in parking areas.

Description.

a. Required Amount.

i. If the parking area contains no more than 50 parking spaces, at least 17.5 square feet of landscape development must be provided as described in paragraph b for each parking stall proposed.

ii. If the parking area contains more than 99 parking spaces at least 35 square feet of landscape development must be provided as described in paragraph b for each parking stall proposed.

iii. If the parking area contains more than 50, but less than 100 parking spaces, the Director shall determine the required amount of landscaping by interpolating between 17.5 and 35 square feet for each parking stall proposed. The area must be landscaped as described in paragraph b.

b. Design.

i. Each area of landscaping must contain at least 100 square feet of area and must be at least four feet in any direction exclusive of vehicle overhang. The area must contain at least one tree at least six feet in height and with a minimum size of one and one-half inches in caliper if deciduous. The remaining ground area must be landscaped with plant materials, decorative mulch or unit pavers.

ii. A landscaped area must be placed at the interior end of each parking row in a multiple lane parking area. This area must be at least four feet wide and must extend the length of the adjacent parking stall.

iii. Up to 100 percent of the trees proposed for the parking area may be deciduous.

H. Limitation of Landscaping Requirements.

1. Except in a Transition Area, the total Buildable Area of the subject property which is required to be landscaped is limited as follows. 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.

I. Species Choice. The applicant shall utilize plant materials which complement the natural character of the Pacific Northwest, and which are adaptable to the climatic, topographic, and hydrologic characteristics of the site; 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 which enhance that sensitive area. In selecting species, the applicant should utilize plant materials which reduce or eliminate the need for fertilizers, herbicides, or other chemical controls, especially for properties which include a Riparian Corridor or wetland.

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 modification of the provisions of paragraph F.6 may not allow disturbance of a Protected Area.

2. The Director may administratively approve a modification of the landscaping requirements of this chapter if:

a. The proposed landscaping represents an equal or better result than that which could be achieved by strictly following the requirements of this section, and

b. The proposed landscaping complies with the stated purpose of this section (LUC 20.20.520.A), and with the purpose and intent of paragraphs F.1 and G of this section, and

c. If a modification of any paragraph excluding paragraph E is requested, the proposed landscaping either:

i. Incorporates the increased retention of significant trees and naturally occurring undergrowth, or

ii. Better accommodates or improves the existing physical conditions of the subject property, or

iii. Incorporates elements to provide for wind protection or to maintain solar access; or

iv. Incorporates elements to protect or improve water quality.

d. If a modification of paragraph E is requested, the proposal either:

i. Incorporates the retention of significant trees equal in number to what would otherwise be required, or

ii. Incorporates the retention of other natural vegetation in consolidated locations which promotes the natural vegetated character of the site.

3. Effect of Approval. Following approval of alternative landscaping by the Director, the applicant may meet the landscaping requirements of this Code by complying with the approved landscape development proposal. A copy of the approved landscape development proposal will be placed in the official file.

WP0520C-ORD
11/27/95

K. Maintenance of Plant Materials.

1. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material.

2. The Director shall require a maintenance assurance device for a period of one year from the completion of planting in order to insure compliance with the requirements of this section in conformance with LUC 20.40.490.

L. Performance Assurance.

1. The required landscaping must be installed prior to issuance of the Temporary Certificate of Occupancy unless the Director determines that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the City. In no case may the property owner delay performance for more than one year.

2. If a performance assurance device is permitted under paragraph L.1 of this section, the Director shall require an assurance device in conformance with LUC 20.40.490.

Section 702. Section 20.50.014 of the Bellevue Land Use Code is hereby amended by the addition of a new definition as follows:

20.50.014 C definitions.

...

Caliper. The diameter of a tree in inches as measured according to specifications promulgated by the American Association of Nurserymen in American Standard For Nursery Stock, ANSI Z60,1-1990. See also Significant Tree.

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CHAPTER 8: EVERGREEN HIGHLANDS DESIGN DISTRICT

Section 801. Section 20.25F.010 of the City of Bellevue Land Use Code is hereby amended as follows:

20.25F.010 Permitted land uses.

A. The following chart, entitled Evergreen Highlands Permitted Land Uses, indicates the permitted land uses and required review procedure for each use within each performance area:

Evergreen Highlands Permitted Land Uses				
Land Use	Performance Area			
	<u>EH-A</u>	<u>EH-B</u>	<u>EH-C</u>	<u>EH-D</u>
Single-family detached	P			
Two - four dwelling units per structure	P			
Five or more dwelling units per structure	A			
Dwelling units accessory to research and development or office uses (7)		P	P	P
Professional, scientific or control instrument research, development and assembly (1, 6, 9)			P	
Electrical or other technical equipment research, development and assembly (1, 6, 9)			P	
Computer research, development and assembly (1, 6, 9)			P	
Scientific and research organizations, research and development (1, 6, 9)			P	
Research, development and testing services (1, 6, 9)			P	
Any other manufacturing or assembly use determined by the Director of Community Development to be in character with research and development uses permitted in this district (1, 6, 9)			A	

WP0520C-ORD
11/27/95

Evergreen Highlands Permitted Land Uses
Performance Area

	<u>EH-A</u>	<u>EH-B</u>	<u>EH-C</u>	<u>EH-D</u>
Professional services excluding medical and other health care related services (10)		P	P(5)	P
Business services (10)		P	P(5)	P
General Office (10)		P	P(5)	P
Personal services, including but not limited to dry cleaning, barber and beauty and laundry (3, 4)			P	
Restaurant (4)			P	
Convenience retail and services uses including but not limited to food, drugs, banks (3, 4)			P	
Child care service use				
1-6 children	P	P	P	P
7-12 children	A	P	P	P
13 or more children	C	P	P	P
Recreation facility (2)	P	P	P	P
Accessory parking for permitted or approved uses (8)	P	P	P	P
Regional utility facilities: distribution, substations and storage	C	C	C	C
Local utility facilities: distribution, substations and storage	A	A	A	A
Governmental services (offices, administration, executive, legislative, judicial excluding maintenance) (10)	A	A	A(5)	A
Governmental services (protective functions, police, fire excluding maintenance)	A	A	A	A
Park and ride	C	C	C	C
Street right-of-way	P	P	P	P
Public park	A	A	A	A
Extended Stay Hotel (11)				P

WP0520C-ORD
11/27/95

- P: The use is permitted subject to general requirements for the use and the use district.
- A: The use is permitted subject to the Administrative Conditional Use provisions as specified in Part 20.30E and to general requirements for the use and the use district.
- C: The use is permitted subject to the Conditional Use provisions as specified in Part 20.30B or Part 20.30C and those following, and to general requirements for the use and the use district.

(1) May include office space, corporate headquarters and other support activities associated with the specific research and development, manufacturing or assembly use. No accessory or subordinate retail activity is permitted.

(2) Must be accessory to a permitted or approved use, and primarily intended for employees or residents of the Design District.

(3) Personal services and convenience retail and service uses are limited to a combined total of 50,000 gross square feet for the entire performance area. No personal service or convenience retail or service use may abut or be oriented to N.E. 40th Street, 156th Avenue N.E. or Bellevue-Redmond Road.

(4) May not abut or be oriented to N.E. 40th Street, 156th Avenue N.E. or Bellevue-Redmond Road.

(5) General office, professional services, business services and governmental services (office) uses are limited to a total of 20 percent of the developable FAR of the area defined in a Master Development Plan.

(6) Prior to the issuance of any building permit or certificate of occupancy for a research and development, assembly or manufacturing use, the applicant must substantiate that Metro, the Department of Ecology, the Puget Sound Air Pollution Control Authority and the Environmental Protection Agency have been contacted and that all applicable environmental regulations have been met, or will be met. See LUC 20.25F.050. In no case is the manufacture of explosive materials permitted.

(7) Intended for short duration, not intended for rental. The primary purpose is housing for training and education.

(8) Accessory parking for a nonresidential use may be located in Performance Area A only if the use requiring that parking is in Performance Area A.

(9) These uses constitute research and development uses.

(10) These uses constitute office uses.

(11) Extended stay hotels are restricted to serving clientele who stay for a minimum of one week. Eating and drinking establishments are not permitted as a subordinate use or in any other capacity in connection with an extended stay hotel.

WP0520C-ORD

11/27/95

B. Unlisted Uses. A use which is not specifically listed in paragraph A of this section may be permitted pursuant to the provisions of LUC 20.10.420 and only if such use would not alter the quality, character or purpose of the performance area in which it is proposed to be located.

CHAPTER 9: MISCELLANEOUS

Section 901. Section 20.20.018 of the Land Use Code is hereby amended as follows:

20.20.018 Variation in minimum requirements - Area, width and depth.
In no case may the Director or any other hearing body vary the minimum requirements for minimum lot area, width of street frontage, width required in lot or depth required in lot, as stated in Chart 20.20.010, by more than 10 percent; except that this section shall not apply to planned unit developments (Part 20.30D). See Part 20.30G relating to variances from the Land Use Code and Part 20.30H relating to variances from the Shoreline Master Program.

Section 902. Section 20.30H.135 of the Land Use Code is hereby repealed.

Section 903. Section 20.30H.140 of the Land Use Code is hereby repealed.

Section 904. Section 20.30H.145 of the Land Use Code is hereby repealed.

Section 905. Section 20.30H.150 of the Land Use Code is hereby repealed.

Section 906. Section 20.30H.160 of the Land Use Code is hereby amended as follows:

20.30H.160 Transmittal to Department of Ecology/Attorney General.

Pursuant to WAC 173-14-090 and WAC 173-14-130, the Director shall send the following to the Department of Ecology and the Attorney General's Office within eight days of the Director's action on a variance to the Shoreline Master Program:

- A. The original application, and
- B. An affidavit of public notice, and
- C. A copy of the approved site plan, and

WP0520C-ORD
11/27/95

- D. A vicinity map, and
- E. A copy of the approved variance to the Shoreline Master Program and Substantial Development Permits.

Section 907. Section 20.30H.165 of the Land Use Code is hereby amended as follows:

20.30H.165 Effective date.

Notwithstanding the provisions of LUC 20.35.200 et seq., a variance to the Shoreline Master Program is not effective until it is approved by the Department of Ecology as required by WAC 173-14-130.

Section 908. Section 20.30H.170 of the Land Use Code is hereby repealed.

Section 909. Section 20.30H.175 of the Land Use Code is hereby repealed.

Section 910. Section 20.30H.180 of the Land Use Code is hereby repealed.

Section 911. Section 20.30A of the Land Use code is hereby amended as follows:

Part 20.30A Rezone

Section 912. Section 20.30A.110 of the Land Use Code is hereby amended as follows:

20.30A.110 Scope.

This part (20.30A) establishes the procedure and criteria that the City will use in making a decision upon an application for a rezone of property from one land use district to another land use district or for any change in the conditions imposed or in the terms of a concomitant agreement executed as part of a rezone.

WP0520C-ORD
11/27/95

Section 913. Section 20.30A.115 of the Land Use Code is hereby amended as follows:

20.30A.115 Applicability.

This part applies to each application for a rezone of property.

Section 914. Section 20.30A.120 of the Land Use Code is hereby amended as follows:

20.30A.120 Purpose.

A rezone of property is a mechanism by which the land use district classification, conditions or concomitant agreement applicable to property can be changed to reflect new land use policies.

Section 915. Section 20.30A.125 of the Land Use Code is hereby repealed.

Section 916. Section 20.30A.130 of the Land Use Code is hereby repealed.

Section 917. Section 20.30A.135 of the Land Use Code is hereby repealed.

Section 918. Section 20.30A.140 of the Land Use Code is hereby amended as follows:

20.30A.140 Decision criteria.

The City may approve or approve with modifications an application for a rezone of property if:

- A. The rezone is consistent with the Comprehensive Plan; and
- B. The rezone bears a substantial relation to the public health, safety, or

WP0520C-ORD
11/27/95

welfare; and

C. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and

D. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

E. The rezone has merit and value for the community as a whole .

Section 919. Section 20.30A.145 of the Land Use Code is hereby amended as follows:

20.30A.145 Limitation on authority.

The City may not approve a rezone of property which is governed by a resolution or ordinance of the City Council which temporarily prohibits rezone of the property.

Section 920. Section 20.30A.150 of the Land Use Code is hereby amended as follows:

20.30A.150 Map change.

Following approval of a rezone of property, the City shall amend the zoning map of the City to reflect the change in land use district. The City shall also indicate on the zoning map the number of the ordinance adopting the change.

Section 921. Section 20.30A.155 of the Land Use Code is hereby amended as follows:

WP0520C-ORD
11/27/95

20.30A.155 Concomitant agreement.

The City is specifically authorized to require that the applicant enter into a concomitant agreement with the City as a condition of the rezone, and may through that agreement impose development conditions designed to mitigate potential impacts of there zone and development pursuant thereto.

Section 922. Section 20.30A.160 of the Land Use Code is hereby repealed.

Section 923. Section 20.30A.165 of the Land Use Code is hereby repealed.

Section 924. Section 20.30C.125 of the Land Use Code is hereby repealed.

Section 925. Section 20.30C.135 of the Land Use Code is hereby repealed.

Section 926. Section 20.30C.140 of the Land Use Code is hereby repealed.

Section 927. Section 20.30C.150 of the Land Use Code is hereby repealed.

Section 928. Section 20.30C.180 of the Land Use Code is hereby repealed.

Section 929. Section 20.30C.185 of the Land Use Code is hereby amended as follows:

20.30C.185 Amendment to an approved Shoreline Conditional Use Permit.

A. General. The provisions of this section are in addition to those procedures governing amendments to an approved project or decision found in LUC 20.30B.175.

WP0520C-ORD
11/27/95

B. Additional Criteria for Administrative Amendment. An amendment may be reviewed as an administrative amendment if it complies with the provisions of WAC 173-14-064.

C. Transmittal to Department of Ecology/Attorney General. The Director shall send a copy of the final City action on to the Department of Ecology and the Attorney General's Office in conformance with LUC 20.30C.160 and WAC 173-14-064.

Section 930. Section 20.30C.200 of the Land Use Code is hereby amended 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 (LUC 20.35.100 et seq.). Through the modification procedure, the Hearing Examiner 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 Hearing Examiner may revoke an approved permit through Process I (LUC 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. (Ord. 4066, 10-23-89, § 4)

Section 931. Section 20.30G.125 of the Land Use Code is hereby repealed.

Section 932. Section 20.30G.130 of the Land Use Code is hereby repealed.

WP0520C-ORD
11/27/95

Section 933. Section 20.30G.135 of the Land Use Code is hereby repealed.

Section 934. Section 20.30G.140 of the Land Use Code is hereby amended as follows:

20.30G.140 Decision criteria.

The Director may approve or approve with modifications an application for a variance from the provisions of the Land Use Code if:

A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property, and

B. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property; and

C. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located, and

D. The variance is not inconsistent with the Comprehensive Plan.

Section 935. Section 20.30G.145 of the Land Use Code is hereby repealed.

Section 936. Section 20.30G.155 of the Land Use Code is hereby repealed.

Section 937. Section 20.30G.160 of the Land Use Code is hereby repealed.

Section 938. Section 20.30G.165 of the Land Use Code is hereby repealed.

WP0520C-ORD

11/27/95

Section 939. Section 20.30I.135 of the Land Use Code is hereby repealed.

Section 940. Section 20.30I.140 of the Land Use Code is hereby amended as follows:

20.30I.140 Expansion of the geographic scope of proposal.

A. **Determination of Geographic Scope of Proposal.** Prior to providing public notice pursuant to LUC 20.35.400 et seq., the City shall establish the geographic scope of the proposal.

B. In order to allow for consideration of nearby property, similarly situated property or area wide impacts, the City Council or the Planning Commission may expand the geographic scope of a privately initiated amendment. The expansion of the geographic scope of a proposal shall be decided by the City Council or Planning Commission by March 31st of the year the application is filed.

C. The City shall consider the following in deciding whether to expand the geographic scope of a proposed amendment:

1. The effect of the proposed amendment on the planning district or the subarea, or on adjacent planning districts or subareas, and
2. The effect of the proposed amendment on the land use and circulation pattern of the planning district, subarea or City, and
3. The effect of the proposed amendment on the future development of the planning district, subarea or City.

D. **Notice.** Within 30 calendar days of establishing the geographic scope of the proposal, the Planning Director shall provide notice of the proposed Comprehensive Plan Amendment describing its geographic scope by:

1. Giving notice as provided in LUC 20.35.420, and
2. Mailing notice of the proposed Comprehensive Plan Amendment to each owner of real property within 200 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership, and
3. Mailing notice of the proposed Comprehensive Plan Amendment to each address within 200 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership.

WP0520C-ORD
11/27/95

Section 941. Section 20.30I.150 of the Land Use Code is hereby amended as follows:

20.30I.150 Decision criteria.

The Planning Commission may recommend and the City Council may approve or approve with modifications an amendment to the Comprehensive Plan if:

A. There exists obvious technical error in the pertinent Comprehensive Plan provision, or

B. The following criteria have been met:

1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies; and

2. The amendment is not inconsistent with the General Elements of the Comprehensive Plan or other goals or policies of the City, and

3. The amendment addresses changing circumstances or the needs of the City as a whole, and

4. If applicable to an identifiable property, the amendment is compatible with adjacent land use and the surrounding development pattern, and

5. The subject property is suitable for development in general conformance with zoning standards under the potential zoning classifications, and

6. The amendment merits approval because it will benefit the City as a whole, will not adversely affect community facilities, and bears a reasonable relationship to the public health, safety and welfare.

Section 942. Section 20.30I.155 of the Land Use Code is hereby amended as follows:

20.30I.155 Comprehensive Plan review.

A. General Goals and Policies. The Planning Commission shall review

WP0520C-ORD

11/27/95

and consider amendments to the general goals and policies of the Comprehensive Plan in accordance with the procedure specified in LUC 20.30I.125 and subsection B below.

B. Subarea Plans.

1. The Planning Commission or City Council may initiate a review of a Subarea Plan in accordance with the procedure specified in LUC 20.30I.125 when either body concludes that the issues arising in a Subarea are of sufficient magnitude and complexity to merit review through the Subarea Plan review process.

2. The Downtown (Central Business District) Subarea Plan will not be reviewed for at least six years from July 15, 1991, or until at least 4,000,000 square feet of development has been added to the Downtown after July 15, 1991, whichever comes later; provided that in any event, the Downtown Subarea will be reviewed no later than 10 years from July 15, 1991.

3. Prior to review of a Subarea Plan, the Council shall appoint a Citizens Advisory Committee to be named by the Mayor with the concurrence of a majority of the City Council. This Committee shall solicit public comment and make a recommendation on the Subarea Plan to the Planning Commission and City Council.

Section 943. Section 20.30M.125 of the Land Use Code is hereby amended as follows:

20.30M.125 Applicable procedure.

A. The Director of Community Development shall, in consultation with the Transportation Department, the Fire Department, and the Police Department as appropriate, review and decide upon each application for a Temporary Use Permit.

B. The decision may be appealed to Superior Court pursuant to LUC 20.35.070).

Section 944. Section 20.30M.135 of the Land Use Code is hereby repealed.

WP0520C-ORD
11/27/95

Section 945. Section 20.30M.140 of the Land Use Code is hereby amended as follows:

20.30M.140 Decision criteria.

The Director of may approve or modify and approve an application for a Temporary Use Permit if:

A. The temporary use will not be materially detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the temporary use; and

B. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary us; and

C. Adequate parking is provided to serve the temporary use, and if applicable the temporary use does not create a parking shortage for other existing uses on the site; and

D. Hours of operation of the temporary use are specified; and

E. The temporary use will not cause noise, light, or glare which adversely impacts surrounding uses.

(Ord. 3747, 1-20-87, § 15)

Section 946. Section 20.30M.155 of the Land Use Code is hereby amended as follows:

20.30M.155 Removal of temporary use.

A. The Director of shall establish, as a condition of each Temporary Use Permit, a time within which the use and all physical evidence of the use must be removed.

WP0520C-ORD
11/27/95

B. If the applicant has not removed the use as required by the Temporary Use Permit, the City may abate the use as provided under LUC 20.30M.160.

Section 947. Section 20.30M.145 of the Land Use Code is amended as follows:

20.30M.145 Time Limitation.

A. General. A Temporary Use Permit is valid for up to 90 calendar days from the effective date of the permit, except as specifically provided in the Land Use Code. The Director of Community Development may establish a shorter time frame.

B. Extended Temporary Uses. The Director of Community Development may approve a Temporary Use Permit for up to one year for temporary sales or rental offices in subdivisions, multifamily or non-residential projects, off-site construction parking areas, or other longer term uses as specified in the land Use Code. Temporary sales or rental office permits may be extended by the Director of Community Development as necessary to substantially complete initial sales or rental of a project, and off-site construction parking area permits may be extended as necessary to coincide with completion of construction.

Section 948. Section 20.30M.165 of the Land Use Code is hereby repealed.

Section 949. A new section 20.30M.170 is hereby added to the Land Use Code as follows:

20.30M.170 Screening of Off-site Construction Parking Areas.

The Director may require screening of off-site construction parking areas as a condition of issuance of a temporary use permit if the Director determines that screening is necessary to mitigate visual impacts to surrounding properties.

Section 950. Section 20.30R.125 of the Land Use Code is hereby repealed.

WP0520C-ORD
11/27/95

Section 951. Section 20.30R.130 of the Land Use Code is hereby repealed.

Section 952. Section 20.30R.135 of the Land Use Code is hereby repealed.

Section 953. Section 20.30R.140 of the Land Use Code is hereby repealed.

Section 954. Section 20.30R.145 of the Land Use Code is hereby repealed.

Section 955. Section 20.30R.150 of the Land Use Code is hereby repealed.

Section 956. Section 20.30R.165 of the Land Use Code is hereby repealed.

Section 957. Section 20.30R.185 of the Land Use Code is hereby repealed.

Section 958. Section 20.50.046, definition of "Setback, Rear" of the Land Use Code is hereby amended as follows:

20.50.046 S definitions

...

Setback, Rear. Space abutting a property line and opposite to the front setback or as nearly so as the lot shape permits, and extending the full width of the lot. If more than one rear setback is described, that setback which is farthest from the front setback is the required rear setback. All others will be treated as side setbacks. If more than one front setback exists, the Director shall designate the rear setback pursuant to LUC 20.20.030.

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WP0520C-ORD
11/27/95

Section 959. The Section 20.50.020 definition of ""Floor Area, Net Rentable" is repealed.

20.50.020 F Definitions.

Section 960. Section 20.50.016 of the Land Use Code is hereby amended as follows:

20.50.016 D Definitions.

. . .

Director. The Director of Community Development, unless otherwise specified. Director of Community Development. The Director of Community Development for the City of Bellevue, the Director's authorized representative or any representative authorized by the City Manager.

. . . .

Section 961. Section 20.50.014 is hereby amended by the addition and repeal of a definition as follows:

20.50.014 C Definitions.

. . .

Closed Record Appeal. An administrative appeal on the record to a hearing body, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.

Section 962. Section 20.50.040 is hereby amended by the addition of a new definition as follows:

WP0520C-ORD
11/27/95

20.50.040 P Definitions.

...

Public Meeting. A meeting, hearing, workshop, or other public gathering of people to provide information to or obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting is not an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the project permit application file.

....

Section 963. Section 20.50.038 is hereby amended by the addition of a new definition as follows:

20.50.038 O Definitions.

...

Open Record Hearing. A public hearing, conducted by a single hearing body or officer authorized by the City Council to conduct such hearings, that creates the City's record through testimony and submission of evidence and information.

....

Section 964. Section 20.50.032 definition of "Lot Coverage," is hereby amended as follows:

WP0520C-ORD
11/27/95

20.50.032 L Definitions.

...

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

...

Section 965. Section 20.20.590.K.11 of the Land Use Code is amended as follows:

20.20.590.K Parking Area and Circulation Improvements and Design

...

11. Temporary Construction Parking

Permit Required. The property owner shall obtain a Temporary Use Permit pursuant to Part 20.30.M for an off-site construction parking area.

...

Section 966. Section 20.20.190 of the Land Use Code is hereby amended as follows:

20.20.190 Churches, clubs and similar use structures

In OUR districts, churches, institutions, clubs and community recreation buildings shall have side and rear yard required setback of a minimum of 50 feet each. Automobile traffic to and from such a use and its parking area shall be from an arterial street, unless other access is approved through a Conditional Use Permit.

WP0520C-ORD
11/27/95

Section 967. Section 20.20.255 of the Land Use Code is hereby repealed.

Section 968. Section 20.20.595 of the Land Use Code is hereby repealed.

Section 969. Section 20.20.830 of the Land Use Code is hereby repealed.

Section 970. Section 20.40.490.A of the Land Use Code is hereby amended as follows:

20.40.490 Assurance device.

A. General. The City may require or allow a performance or maintenance assurance device when the City determines the device is necessary pursuant to LUC 20.40.490.B.

.....

Section 971. Section 20.40.490.B of the Land Use Code is hereby amended as follows:

20.40.490 Assurance device.

...

B. When Applicable.

1. Performance Assurance Device.

a. The applicable Department Director may require a performance assurance device

i. when a use or activity will, in the opinion of the Director, take place in a location or under circumstances which present a significant risk to the public health, safety, or welfare or

ii. to protect the City from potential damage claims of

11/27/95

others or damage to City streets, utilities, or property; or

iii. to assure that all work or actions required by a permit or approval are satisfactorily completed in accordance with approved plans, specifications, requirements, conditions, regulations, and policies; or

iv. to assure that work or actions not satisfactorily completed will be corrected to comply with approved plans, specifications, requirements, conditions, regulations and policies; or

v. to repair degradation to the environment or damage to the City's utility systems that occurred as a result of the use or activity.

b. The applicable Department Director may allow a performance assurance device if:

i. The applicant is unable to complete the work or improvements to be covered by the assurance device because of unavoidable circumstances that in no way resulted from the actions or inaction of the applicant, or a performance assurance device is specifically authorized by the Bellevue City Code, and

ii. It is reasonably certain that the applicant will be able to complete the work or improvements to be covered by the assurance device within a reasonable amount of time, and

iii. Granting a temporary certificate of occupancy prior to completion of the work or improvements will not be materially detrimental to the City or the properties in the vicinity of the subject property.

2. Maintenance Assurance Device.

a. The applicable Department Director shall require a maintenance assurance device when required by a provision of the Bellevue City Code.

b. The applicable Department Director may require a maintenance assurance device

i. to assure proper functioning of facilities and improvements required as a condition of a permit or approval, including but not limited to, the adequacy of materials and work, the satisfactory compliance with all regularly scheduled or necessary maintenance or monitoring activities and with all requirements of the Bellevue City Code; or

ii. when he/she determines such a device is necessary to protect the interests of the public.

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WP0520C-ORD
11/27/95

Section 972. Section 20.20.540.A of the Land Use Code is hereby amended as follows:

20.20.540 Multifamily play areas.

A. New multifamily developments of 10 units or more shall be required, as a condition of building permit approval, to provide a minimum of 800 square feet of unpaved, usable open space with lawn or other soft surface for an outdoor children's play area, plus an additional 50 square feet of usable open space for each additional unit beyond the initial 10 units, up to a maximum of 10,000 square feet, except that this requirement does not apply to multifamily development downtown or to developments devoted exclusively to senior citizen dwellings as defined at LUC 20.50.046,

Section 973. A new section 20.40.100 is hereby added to the Bellevue Land Use Code:

20.40.100 Administration of the Land Use Code.

The Director shall be responsible for administration of this title. The Director may adopt rules for the implementation of this title; provided, the Director shall first hold a public hearing. The Director shall publish notice of intent to adopt any rule, and the date, time and place of the public hearing thereon in a newspaper of general circulation in the city at least 14 days prior to the hearing date. Any person may submit written comment to the Director in response to such notice, and any person may speak at the public hearing. Following the public hearing, the Director shall adopt, adopt with modifications, or reject the proposed rule.

Section 974. A new section 20.40.500 is hereby added to the Land Use Code as follows:

20.40.500 Vesting and expiration of vested status of land use permits and approvals.

A. Vesting for permits and approvals.

1. Permits and approvals other than subdivisions and short subdivisions. Applications for all land use permits and approvals except

11/27/95

subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date that a fully complete building permit application, meeting the requirements of Bellevue City Code 23.10.032, is filed. If a complete building permit application is not filed, the land use permit or approval shall become vested to the provisions of the Land Use Code upon the date of the City's final decision on the land use permit or approval.

2, Subdivisions and short subdivisions. An application for approval of a subdivision or short subdivision of land, as defined in LUC 20.50.046, shall be considered under the land use code and other land use control ordinances in effect when a fully completed application is submitted for such approval which satisfies the submittal requirements of the Director specified pursuant to LUC 20.35.030.

B. Expiration of vested status of land use permit or approval.

1. The vested status of a land use permit or approval shall expire as provided in LUC 20.40.500.B.2, provided that:

a. Variances shall run with the land in perpetuity if recorded with the Director of the King County Department of Records and Elections within 60 days following the City's final action; and

b. The time period established pursuant to LUC 20.40.500.B.2 shall not include the time during which an activity was not actively pursued due to the pendency of litigation which may materially affect rights of the applicant for the permit or approval related to that permit or approval.

2. The vested status of a land use permit or approval shall expire two years from the date of the City's final decision, unless:

a. A complete building permit application is filed before the end of the two-year term. In such cases, the vested status of the land use permit or approval shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided that if the building permit application expires or is canceled pursuant to Bellevue City Code Section 23.05.160, the vested status of a land use permit or approval shall also expire or be canceled. If a building permit is issued and subsequently renewed, the vested status of the land use permit or approval shall be automatically extended for the period of the renewal;

b. For projects which do not require a building permit, the use allowed by the permit or approval has been established prior to the expiration of the vested status of the land use permit or approval and is not terminated by abandonment or otherwise; or

WP0520C-ORD
11/27/95

c. The vested status of a land use permit or approval is extended pursuant to LUC 20.40.500.B.3.

3. When a building permit is issued, the vested status of a land use permit or approval shall be automatically extended for the life of the building permit. If the building permit expires, or is revoked or canceled pursuant to Bellevue City Code Section 23.05.160 or otherwise, then the vested status of a land use permit or approval shall also expire, or be revoked or canceled.

Section 975. A new section 20.40.510 is added to the Land Use Code:

20.40.510 Cancellation of land use applications.

Applications for land use permits and approvals may be canceled for inactivity if an applicant fails to respond to the Department's written request for revisions, corrections, or additional information within 60 days of the request. The Director may extend the response period beyond 60 days if within that time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections, or other information needed by the Department.

Section 976. Section 20.45B.100 of the Land Use Code is hereby repealed.

Section 977. Section 20.45B.050 of the Land Use Code is hereby amended as follows:

20.45B.050 General requirements.

A. Every short subdivision shall comply with all applicable goals, regulations and standards of the Bellevue City Code and RCW Title 58 (Boundaries and Plats). Short subdivisions shall also be in accord with the policies of the City's Comprehensive Plan.

B. A proposed short subdivision shall be considered under all applicable land use regulations and codes as provided in LUC 20.40.500.

WP0520C-ORD
11/27/95

Section 978. Section 20.30K.115 of the Land Use Code is hereby amended as follows:

20.30K.115 Applicability.

This chapter applies to each written request to interpret the provisions of the Land Use Code and to any other interpretation of the Land Use Code issued by the Director.

Section 979. Section 20.30K.120 of the Land Use Code is hereby amended as follows:

20.30K.120 Purpose.

An interpretation of the provisions of the Land Use Code clarifies conflicting or ambiguous wording, or the scope or intent of the provisions of the Code. A request for a code interpretation must relate to a specific site, zone, use or application within the City of Bellevue. An interpretation of the provisions of the Land Use Code may not be used to amend that Code.

Section 980. Section 20.30K.125 of the Land Use Code is hereby repealed.

Section 981. Section 20.30K.130 of the Land Use Code is hereby amended as follows:

20.30K.130 Applicable procedure.

A. The Director shall interpret the provisions of the Land Use Code in conformance with this part.

B. A Code interpretation requested by a person other than the project proponent or property owner must be requested prior to the date of expiration of any applicable administrative appeal period for a land use decision on the application to which the request relates. Any code interpretation requested after the applicable administrative appeal period shall not affect an issued permit or decision.

WP0520C-ORD

11/27/95

C. The Department shall determine how to process the code interpretation request. The request may be

1. processed pursuant to Process II (LUC 20.35.200 et seq.), which shall include notice to the project proponent or property owner; or
2. consolidated with the process associated with the review of the application.

Section 982. Section 20.30K.140 of the Land Use Code is hereby amended as follows:

20.30K.140 Factors for consideration.

In making an interpretation of the provisions of the Land Use Code, the Director shall consider the following:

A. The applicable provisions of the Land Use Code including their purpose and context, and

B. The impact of the interpretation on other provisions of the Land Use Code, and

C. The implications of the interpretation for development within the City as a whole, and

D. The applicable provisions of the Comprehensive Plan and other relevant codes and policies.

Section 983. Section 20.30K.145 of the Land Use Code is hereby repealed.

Section 984. Section 20.30K.150 of the Land Use Code is hereby amended as follows:

WP0520C-ORD
11/27/95

20.30K.150 Effect of interpretation.

An interpretation of the Land Use Code issued under this part shall have the same effect as any provision of the Land Use Code.

Section 985. Section 20.30K.155 of the Land Use Code is hereby amended as follows:

20.30K.155 Time limitation.

An interpretation of the Land Use Code remains in effect until rescinded in writing by the Director.

Section 986. Section 20.30K.160 of the Land Use Code is hereby repealed.

Section 987. Section 20.25E.013 of the Land Use Code is hereby repealed.

Section 988. Section 20.25E.080.Q is hereby amended as follows:

Q. Residential Development Regulations.

1. For purposes of this section, accessory structures shall include swimming pools, tennis courts, spas, greenhouses and similar facilities.

2. No boat, houseboat or watercraft moored seaward of the ordinary high water mark shall be used as a permanent residence.

3. All structures, accessory buildings and ancillary facilities, other than those related to water use (such as moorage) shall be set back a minimum of 25 feet from the ordinary high water mark, except minor structural elements as defined and regulated under LUC 20.20.025.C, and except stairs, handrails, and fences essentially perpendicular to the shoreline. The setback is measured from the ordinary high water mark of any shoreline regardless of property lines.

4. Fences essentially parallel with the shoreline are not permitted within 25-foot setback.

5. Maximum building height in those areas of the Shoreline Overlay District which are zoned for residential uses shall be 35 feet, except in land use districts where more restrictive height limitations exist.

11/27/95

6. All residential development shall be accompanied by a plan indicating methods for preserving shoreline vegetation and control of erosion during and following construction as required by City of Bellevue clearing and grading regulations (Chapter 23.76 BCC) and the Comprehensive Plan.

Section 989. Section 20.20.025 of the Land Use Code is hereby amended as follows:

20.20.025 Intrusions into required setbacks.

A. Signs, Marquees and Awnings. See Sign Code, Chapter 22B.10 BCC.

B. Garages/Carports on Slopes.

1. If the topography of a lot is such that the front building line is eight feet 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 five feet 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 percent down to the dwelling level, a garage/carport may be built in the front yard setback (LUC 20.20.010) or in the slope setback (LUC 20.25H.090.B.4) subject to approval by the Director of Community Development. The garage/carport must be set at least five feet back from the front lot line, and may not exceed 15 feet above street level measured to the peak of a pitched roof or nine feet 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.

3. A garage/carport must comply with the street intersection sight obstruction requirements of LUC 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 LUC 20.25H.110.D.

C. Minor Building Elements. Subject to LUC 20.20.025.C.3, minor building 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:

11/27/95

1. Any portion of a minor building element which equals or exceeds 30 inches above finished grade at its location may intrude into a required setback a distance no greater than 20 percent of the minimum dimension of that setback, or at least 18 inches, whichever is greater.

2. Any portion of a minor building element which is less than 30 inches above finished grade at its location may extend to any lot line.

3. Except for eaves, the combined length of all minor building elements on any building facade shall not exceed 25% of the length of that facade.

4. Minor building elements may not be used to extend the enclosed building floor area into the required setback, except chimneys and bay windows protruding no more than 18 inches into the setback may extend to the finished grade at their location.

5. A minor building element may extend into a setback required by LUC 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 percent of daylight hours during the normal growing season.

Note: Heat pumps are not minor building elements. Retaining walls and rockeries 30 inches or greater in height are not minor building elements.

D. Rockeries and retaining walls. On a lot of less than 30,000 gross square feet or on any single-family lot, rockeries and retaining walls 30 inches or greater in height may extend into setbacks established by LUC 20.20.010 provided that the existing grade change is such that no feasible alternative to location or height exists. In any event, the Protected Area setback requirements of 20.25H.090 apply.

E. Underground Buildings. Underground buildings, not higher than three 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 LUC 20.25H.090.

WP0520C-ORD
11/27/95

Section 1001. Sections 101 through 989 of this ordinance shall take effect December 27, 1995.

Section 1002. This ordinance shall take effect and be in force five (5) days after passage and legal publication of this ordinance or a summary thereof.

PASSED by the City Council this 27th day of November, 1995, and signed in authentication of its passage this 30th day of November, 1995.

(SEAL)



Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard Gidley, Deputy City Attorney

Attest:



Myrna L. Basich, City Clerk

Published December 19, 1995