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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4935

AN ORDINANCE relating to retail auto sales in the Office and Limited Business District (OLB) on the west side of 116th Avenue NE between Main Street and NE 8th Street; amending Sections 20.10.440 and 20.25C of the Land Use Code and establishing an effective date.

WHEREAS, 116th Avenue NE is known as "auto row"; and

WHEREAS, the City Council desires to consolidate and encourage auto retail sales along 116th Avenue NE; and

WHEREAS, the City Council desires to accommodate the growth of retail auto sales within Bellevue while maintaining aesthetic continuity of landscaping along the I-405 corridor and 116th Avenue NE; and

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

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

Section 1. Section 20.10.440, "Uses in Land Use Districts - Wholesale and Retail - Charts and Notes," of the Bellevue Land Use Code is hereby amended as follows:

**(See Attached Chart and Notes 20.10.440 - Wholesale & Retail)**

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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	P 38
5511	Autos (Retail)			P 6	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.

## **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. Retail auto sales are permitted on the west side of 116th Ave NE between NE 8th St and Main Street only.
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, bar, social, professional and labor

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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 pat.
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.

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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. Micro brewery 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 percent 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. (Ord. 4816, 11-22-95, §401; Ord. 4654, 6-6-94, §17; Ord. 4646, 5-2-94, §3; Ord. 4516, 4-12-93, §1; Ord. 4422, 9-28-92, §2; Ord. 4176, 11-26-90, §3; Ord. 4117, 1-16-90, §1; Ord. 4028, 7-17-89, §1; Ord. 3884, 2-16-88, §1; Ord. 3813, 7-20-87, §1; Ord. 2966, 1-18-82, §2)

\*Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish County Council.

Section 2. Section 20.25C.040 of the Bellevue Land Use Code is hereby amended as follows:

**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. The provisions of LUC 20.20.520, Tree Preservation and Landscape Development, except as they conflict with this section shall apply to development in the OLB District.
2. Except for retail auto sales uses, 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.
3. 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.
4. Except for retail auto sales uses, parking areas shall include plantings using trees of three inches caliper or 14 to 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.
5. 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

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three inches, evergreen trees shall have a minimum height of 14 to 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 percent 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.

- 6. Trees installed as part of general site landscaping shall be a minimum of one and one-half inches in caliper or eight to 12 feet high.
- 7. Accessible outdoor gathering areas should be provided for the employees, general public and visitors to the site.
- 8. Outdoor display of vehicles for retail auto sales uses shall meet the requirements of LUC 20.20.520 for Type V landscaping for auto display areas and LUC 20.20.520.F.2.c for vehicle storage yards.

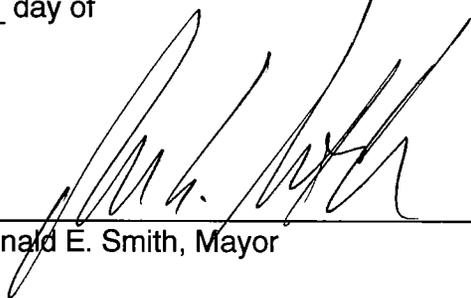
C. Signs.

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 Chapter 22B.10 BCC, Bellevue Sign Code.

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

PASSED by the City Council this 2nd day of December, 1996, and signed in authentication of its passage this 2nd day of December, 1996.

(SEAL)



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Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



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Richard L. Andrews, City Attorney

Richard L. Andrews, City Attorney

Attest:



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Myrna L. Basich, City Clerk

Published December 6, 1996