

0056-ORD
02/28/97

ORIGINAL

Substantive
4816 Readoption

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4973

AN ORDINANCE amending substantive provisions contained in Title 20, the City of Bellevue Land Use Code.

WHEREAS, the City Council amended the Land Use Code of the City of Bellevue on December 4, 1995 by Ordinance No. 4816 to fulfill the mandates of Chapter 347, Laws of 1995; and

WHEREAS, the East Bellevue and Sammamish Community Councils disapproved Ordinance No. 4816 by Resolution Nos. 369-A and 353-A respectively; and

WHEREAS, the Superior Court of the State of Washington in its November 27, 1996, Order Granting Motion for Summary Judgment in City of Bellevue v. East Bellevue Municipal Corporation and Lake Sammamish Community Council (Case No. 96-2-08252-0 SEA) ruled against the City and ordered the City to give effect to the disapproval by the Community Councils; and

WHEREAS, the City has made modifications to Ordinance No. 4816 to preserve the approval/disapproval authority of the Community Councils; now therefore,

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

Section 1. Portions of Ordinance No. 4816, amending substantive sections of Title 20 of the City of Bellevue Land Use Code, adopted by the City Council on December 4, 1995, is readopted with modifications as follows:

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:

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CHAPTER 1: DOWNTOWN DISTRICTS

Section 101. Section 20.25A.010 of the Land Use Code is hereby amended to read as follows:

20.25A.010 General.

A. Part 20.25A LUC, 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

CITY OF BELLEVUE, WASHINGTON
ORDINANCE 4973 amending Bellevue City Code Chapter 20, the Land Use Code
SECTION BY SECTION SUMMARY

This summary of City of Bellevue Ordinance No. 4973 is published in accordance with RCW 35A.12.160, and RCW 35A.13.200. The full text of the Ordinance will be mailed on request. Requests should be made to the Office of the City Clerk, 11511 Main Street, Bellevue, WA, telephone 455-6805.

CHAPTER 1: DOWNTOWN DISTRICTS

Ord. Sec.	LUC Sec. Amended	Description of Amendment
101	20.25A.010	Changes reference from "Central Business District" and "CBD" to "Downtown." Deletes Downtown Office Limited Design District and adds Civic Center Design District to list of downtown special districts. Adds Variance to list of procedures which may be merged.
102	20.25A.020	Changes reference from "Central Business District" and "CBD" to "Downtown." Modifies Chart 20.25A.020A.2 "Dimensional Requirements in CBD Districts." Modifies notes. Allows an exception to the front setback on the east side of 112th Avenue NE for pedestrian-oriented frontage. Raises the threshold for the Basic Floor Area Ratio requirement.
103	20.25A.025 new section	Adds new section for nonconforming uses, structures and sites located in the Downtown.
104	20.25A.030	Amends FAR amenities bonuses for CBD-OLB district.
105	20.25A.040	Amends landscape requirements in the Downtown.
106	20.25A.050	Amends parking requirements.
107	20.25A.055	Repeals Section 20.25A.055 Transportation Management Program.
108	20.25A.060	Amends street tree requirements.
109	20.25A.065	Replaces reference from "CBD" to "Downtown."
110	20.25A.070	Amends Old Bellevue District requirements.
111	20.25A.080	Repeals Section 20.25A.080 CBD-Office Limited Business District.
112	20.25A.090	Adds note to Perimeter District dimension chart regarding parking structure height limit. Amends sign design criteria.
113	20.25A.100	Acknowledges past adoption of Pedestrian Corridor Guidelines. Clarifies corridor requirements. Eliminates reference to HOV routes.
114	20.25A.110	Adds design review criteria for landscape design and signage.

115 20.25A.115 Amends Design guidelines-Building/Sidewalk relationships right-of-way designations eliminating the east side of 112th Avenue NE as a designated street and extending the "A" designation on portions of 102nd Street and 103rd Street in the vicinity of Main Street.

CHAPTER 2: REDEVELOPMENT AND ADAPTIVE REUSE

Ord. Sec.	LUC Sec. Amended	Description of Amendment
201	20.20.560	Modifies requirements for remodeling and expansion of nonconforming structures, and sites, outside the Downtown; excludes mechanical systems from value of site improvements; includes frontage improvements in compliance plan.
202	20.50.046	Modifies definition of significant tree for consistence between evergreen and deciduous species.
203	20.20.590.G	Deletes requirement to maximize compact parking stalls when providing more than maximum number otherwise allowed.
204	20.50.018	Defines "Expansion".
205	20.50.044	Defines "Repair".

CHAPTER 3: USE CHARTS, DIMENSION CHART AND NOTES

Ord. Sec.	LUC Sec. Amended	Description of Amendment
301	20.10.440	Amends permitted uses and notes on Transportation and Utilities, Wholesale and Retail, Services, and Recreation charts.
302	20.20.005	Amends description of dimensional chart requirements.
303	20.20.010	Amends notes to dimensional chart relating to office floor area ratios and underground parking height bonuses.
304	20.50.032	Deletes definition of Low Intensity (for office development).

CHAPTER 4: SCREENING OF MECHANICAL EQUIPMENT, RECYCLING AND REFUSE COLLECTION AREAS, AND SATELLITE DISH ANTENNAE

Ord. Sec.	LUC Sec. Amended	Description of Amendment
401	20.20.525	Amends performance standards for screening of mechanical equipment.
402	20.50.036	Adds a new definition for the term "new development" in the N definitions section.
403	20.20.725	Amends performance standards for screening of recycling and solid waste collection areas.

404 20.20.730 Amends performance standards for screening of satellite dish antennae.

CHAPTER 5: SENSITIVE AREAS

Ord. Sec.	LUC Sec. Amended	Description of Amendment
501	20.25H.040	Amends the section on applicable procedure in the Sensitive Area Overlay District Part.
502	20.25H.070	Amends the section on designation and restriction of Protected Area in the Sensitive Area Overlay District Part.
503	20.25H.080	Amends the section on uses in land use districts in the Sensitive Area Overlay District Part.
504	20.25H.085	Amends the provisions for existing development in the Sensitive Area Overlay District Part.
505	20.25H.090	Amends the section on dimensional requirements in the Sensitive Area Overlay District Part.
506	20.25H.110	Amends the section on performance standards in the Sensitive Areas Overlay District Part.
507	20.25H.120	Amends the section requiring recording of site plans or other instruments delineating Protected Areas in the Sensitive Areas Overlay District Part.
508	20.50.044	Amends the definition of Riparian Corridor in R definitions section.
509	20.50.050	Amends the definition of Wetlands in W definitions section.
510	Part 20.30Q	Repeals Part 20.30Q, relating to Wetland Boundary Adjustment, in full (including sections 20.30Q.110 (Scope), 20.30Q.115 (Applicability), 20.30Q.120 (Purpose), 20.30Q.125 (Who may apply), 20.30Q.130 (Applicable procedure), 20.30Q.135 (Submittal requirements), 20.30Q.140 (Decision criteria), 20.30Q.145 (Mitigation required), 20.30Q.150 (Time limitation), 20.30Q.155 (Extension), 20.30Q.160 (Assurance device)).

CHAPTER 6: LANDSCAPING

Ord. Sec.	LUC Sec. Amended	Description of Amendment
601	20.20.520	Adds reference to new Utility (Water) code requirements for water conservation; adds flexibility to requirements for preservation of significant trees; clarifies landscape features requirements and design standards.
602	20.50.014	Adds definition of Caliper in C definitions section.

CHAPTER 7: EVERGREEN HIGHLANDS DESIGN DISTRICT

Ord. Sec.	LUC Sec. Amended	Description of Amendment
701	20.25F.010	Amends section on permitted land uses in the Evergreen Highlands Design District Part to permit extended stay hotels.

CHAPTER 8: MISCELLANEOUS

Ord. Sec.	LUC Sec. Amended	Description of Amendment
801	20.20.018	Amends section on variation in minimum requirements- area, width, and depth in General Requirements Part to delete reference to the Board of Adjustment and incorrect reference to the Department of Community Development.
802	20.30H.135	Repeals section on applicable Procedure from the Variance to the Shoreline Master Program Part (approved by State Department of Ecology on September 19, 1996).
803	20.30H.140	Repeals section on special notice requirement in the Variance to the Shoreline Master Program Part (approved by State Department of Ecology on September 19, 1996).
804	20.30H.145	Repeals section on limitation on city action in the Variance to the Shoreline Master Program Part (approved by State Department of Ecology on September 19, 1996).
805	20.30H.150	Repeals section on submittal requirements in the Variance to the Shoreline Master Program Part (approved by State Department of Ecology on September 19, 1996).
806	20.30H.160	Amends section on transmittal to Department of Ecology/Attorney General in the Variance to the Shoreline Master Program Part (approved by State Department of Ecology on September 19, 1996).
807	20.30H.165	Amends section on effective date in the Variance to the Shoreline Master Program Part (approved by State Department of Ecology on September 19, 1996).
808	20.30H.170	Repeals section on time limitation in the Variance to the Shoreline Master Program Part (approved by State Department of Ecology on September 19, 1996).
809	20.30H.175	Repeals section on extension in the Variance to the Shoreline Master Program Part (approved by State Department of Ecology on September 19, 1996).
810	20.30H.180	Repeals section on assurance device in the Variance to the Shoreline Master Program Part (approved by State Department of Ecology on September 19, 1996).

811	20.30A	Amends title of Part 20.30A "Reclassification" to "Rezone".
812	20.30A.110	Amends section on scope in Rezone Part to refer to rezone instead of reclassification.
813	20.30A.115	Amends section on applicability in Rezone Part to refer to rezone instead of reclassification.
814	20.30A.120	Amends section on purpose in Rezone Part.
815	20.30A.125	Repeals section on who may apply in Rezone Part.
816	20.30A.130	Repeals section on applicable procedure in Rezone Part.
817	20.30A.135	Repeals section on submittal requirements in Rezone Part.
818	20.30A.140	Amends section on decision criteria in Rezone Part.
819	20.30A.145	Amends section on limitation on authority in Rezone Part.
820	20.30A.150	Amends section on map change in Rezone Part.
821	20.30A.155	Amends section on concomitant agreements in Rezone Part.
822	20.30A.160	Repeals section on time limitation in Rezone Part.
823	20.30A.165	Repeals section on assurance device in Rezone Part.
824	20.30C.125	Repeals section on who may apply in Shoreline Conditional Use Permit Part.
825	20.30C.135	Repeals section on applicable procedure in Shoreline Conditional Use Permit Part.
826	20.30C.140	Repeals section on special notice requirement in Shoreline Conditional Use Permit Part.
827	20.30C.150	Repeals section on submittal requirements in Shoreline Conditional Use Permit Part.
828	20.30C.180	Repeals section on assurance device in Shoreline Conditional Use Permit Part.
829	20.30C.185	Amends section on amendment to approved Shoreline Conditional Use Permit in Shoreline Conditional Use Permit Part.
830	20.30C.200	Amends section on modification/revocation in Shoreline Conditional Use Permit Part.
831	20.30G.125	Repeals section on who may apply in Variance in the Land Use Code Part.
832	20.30G.130	Repeals section on applicable procedure in Variance in the Land Use Code Part.
833	20.30G.135	Repeals section on submittal requirements in Variance from the Land Use Code Part.

- 834 20.30G.140 Amends section on decision criteria in Variance from the Land Use Code Part.
- 835 20.30G.145 Repeals section on Board of Adjustment- vote on the criteria in Variance from the Land Use Code Part.
- 836 20.30G.155 Repeals section on time limitation in Variance from the Land Use Code Part.
- 837 20.30G.160 Repeals section on extension in Variance from the Land Use Code Part.
- 838 20.30G.165 Repeals section on assurance device in Variance from the Land Use Code Part.
- 839 20.30I.135 Repeals section on applicable procedure in the Amendment and Review of the Comprehensive Plan Part.
- 840 20.30I.140 Amends section on expansion of geographic scope of proposal in the Amendment and Review of the Comprehensive Plan Part.
- 841 20.30I.150 Amends section on decision criteria in the Amendment and Review of the Comprehensive Plan Part.
- 842 20.30I.155 Amends section on Comprehensive Plan review in the Amendment and Review of the Comprehensive Plan Part.
- 843 20.30M.125 Amends section on applicable procedure in Temporary Use Permit Part.
- 844 20.30M.135 Repeals section on submittal requirements in Temporary Use Permit Part.
- 845 20.30M.140 Amends section on decision criteria in Temporary Use Permit Part.
- 846 20.30M.155 Amends section on removal of temporary use in Temporary Use Permit Part.
- 847 20.30M.145 Amends section on time limitation in Temporary Use Permit Part.
- 848 20.30M.165 Repeals section on assurance device in Temporary Use Permit Part.
- 849 20.30M.170 Adds a new section on screening of off-site construction parking areas in Temporary Use Permit Part.
new section
- 850 20.30R.125 Repeals section on who may apply in Shoreline Substantial Development Permit Part.
- 851 20.30R.130 Repeals section on State Environmental Policy Act in Shoreline Substantial Development Permit Part.
- 852 20.30R.135 Repeals section on submittal requirements in Shoreline Substantial Development Permit Part.
- 853 20.30R.140 Repeals section on public notice of upcoming decision in Shoreline Substantial Development Permit Part.

- 854 20.30R.145 Repeals section on limitation on city action in Shoreline Substantial Development Permit Part.
- 855 20.30R.150 Repeals section on public comment process before director's decision in Shoreline Substantial Development Permit Part.
- 856 20.30R.165 Repeals section on appeal in Shoreline Substantial Development Permit Part.
- 857 20.30R.185 Repeals section on assurance device in Shoreline Substantial Development Permit Part.
- 858 20.50.046 Amends definition of "Rear Setback" in S definitions section.
- 859 20.50.020 Repeals definition of "Floor Area, Net Rentable" in F definitions section.
- 860 20.50.016 Adds definition of "Director" in D definitions section.
- 861 20.50.014 Adds a definition of "Closed Record Appeal" in C definitions section.
- 862 20.50.040 Adds a definition of "Public Meeting" in P definitions section.
- 863 20.50.038 Adds a definition of "Open Record Hearing" in O definitions section.
- 864 20.50.032 Amends definition of "Lot coverage" in L definitions section.
- 865 20.20.590.K.11 Amends section on parking area and circulation improvements and design in General Requirements Part to repeal requirement for landscaping of Temporary Construction parking area.
- 866 20.20.190 Amends section on churches, clubs, and similar use structures in General Requirements Part.
- 867 20.20.255 Repeals section on curb cuts, driveways and street openings in General Requirements Part.
- 868 20.20.595 Repeals section on transportation management program in General Requirements Part.
- 869 20.20.830 Repeals section on street intersection sight obstruction in General Requirements Part.
- 870 20.40.490.A Amends general subsection of section on assurance device in the Administration and Enforcement Part.
- 871 20.40.490.B Amends when applicable subsection of section on assurance device in the Administration and Enforcement Part.
- 872 20.20.540.A Amends section on multifamily play areas in General Requirements Part.
- 873 20.40.100 new section Adds a new section on Administration of the Land Use Code to the Administration and Enforcement Part.
- 874 20.40.500 new section Adds a new section on vesting and expiration of vested status of land use permits and approvals to the Administration and Enforcement Part.

875	20.40.510 new section	Adds a new section on cancellation of land use applications to the Administration and Enforcement Part.
876	20.45B.100	Repeals section on preliminary short plat-- submittal requirements in Short Plats and Short Subdivisions Part.
877	20.45B.050	Amends section on general requirements in Short Plats and Short Subdivisions Part.
878	20.30K.115	Amends section on applicability in Interpretation of the Land Use Code Part.
879	20.30K.120	Amends section on purpose in Interpretation of the Land Use Code Part.
880	20.30K.125	Repeals section on who may request in Interpretation of the Land Use Code Part.
881	20.30K.130	Amends section on applicable procedure in Interpretation of the Land Use Code Part.
882	20.30K.140	Amends section on factors for consideration in Interpretation of the Land Use Code Part.
883	20.30K.145	Repeals section on limitation on authority in Interpretation of the Land Use Code Part.
884	20.30K.150	Amends section on enforcement in Interpretation of the Land Use Code Part.
885	20.30K.155	Amends section on time limitation in Interpretation of the Land Use Code Part.
886	20.30K.160	Repeals section on response to written request in Interpretation of the Land Use Code Part.
887	20.25E.013	Repeals section on relation to state regulations, wetlands in Shoreline Overlay District Part (approved by State Department of Ecology on September 19, 1996).
888	20.25E.080.Q	Amends subsection on residential development regulations in section on shoreline use regulation in Shoreline Overlay District Part (approved by State Department of Ecology on September 19, 1996).
889	20.20.025	Amends section on intrusions into required setbacks in General Requirements Part.
890	None	Specifies effective date of ordinance to be five days after passage and legal publication of ordinance of a summary thereof.

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but not limited to the following, may be applied for and processed through a single Design Review (Part 20.30F LUC):

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

C. Design Review Required. All development within a Downtown Land Use District must be reviewed by the Director of the Department of Community Development through Design Review (Part 20.30F LUC). (Ord. 4816, 12-4-95, § 201; Ord. 4255, 6-3-91, § 4; Ord. 3653, 5-19-86, § 1)

Section 102. 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.

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

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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 Downtown, 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 non-residential 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 non-residential 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 subsection B of this section for exceptions to the minimum setback requirements.

(10) All new development and all substantial remodels must participate in the FAR Amenity Incentive System. See subsection C of this section 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 Notes (5) and (18) of this section, 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 the Department of Community 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 subsection D of this section but only to the extent of the floor area earned as a result of the dedication. This provision does not preclude the applicability of Note (6) but in no event may the combined effect of applying that note and this note 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 feet, unless a greater setback is approved by the Director of the Department of Community Development to permit a drop-off lane. See paragraph B.3 of this section 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.

(21) Applicable only to building floors above 100 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.

(Ord. 4884, 6-17-96, § 1)

B. Exceptions to Dimensional Requirements

1. A structure may intrude into the classified street setback area required by LUC 20.20.020 upon a determination by the Public Works Director and the Director of Design and Development that the setback required by LUC 20.20.020 exceeds the necessary right-of-way width, but in no case may a structure intrude into the setback area required by LUC 20.25A.020.A.2.

1. Building floor area for floors above 40 feet 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 LUC) 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-foot 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 percent 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 percent 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);
- k. 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 percent 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 square feet = 0.20 X Project Limit area in square feet 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 subsection C of this section may also be used to exceed the basic floor area ratio through the Amenity Incentive System (LUC 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 b.2 of this section 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 of this section, 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 of this section and the increase in maximum building height acquired in conformance with Note A.2.(17) of this section with the King County Division of Records and Election and with the Bellevue City Clerk. (Ord. 4484, 6-17-96, § 1; Ord. 4816, 12-4-95, § 202; Ord. 4268, 7-1-91, § 1; Ord. 4235, 4-1-91, § 1; Ord. 4117, 1-16-90, § 2; Ord. 3901B, 5-16-88, § 1; Ord. 3813, 7-20-87, § 4, Ord. 3766, 3-23-87, §§ 1, 2; Ord. 3747, 1-20-87, § 6; Ord. 3653, 5-19-86, § 2, 3; Ord. 3553, 10-7-85, § 3, Ord. 3530, 8-12-85, §§ 37, 38; Ord. 3498, 5-27-85, §§ 44, 45)

Section 103. 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 20.25A.115, Design Guidelines: Building/Sidewalk Relationships, shall be applied as described in paragraphs B.3 and 4 of this section.

3. For expansions made within any three-year period which together do not exceed 50 percent 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 percent 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 percent 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 nonconforming site made within any three-year period which together exceed 50 percent 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 percent 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 six-foot wide walkway shall be provided from the public sidewalk or street right-of-way to the main building entrance, unless the Director of the Department of Community Development determines the walkway is not needed to provide safe pedestrian access to the building. (Ord. 4816, 12-4-95, § 203)

Section 104. 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 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 subsection 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:

[See next pages for amenity charts]

ORIGINAL

Bellevue Land Use Code

20.25A.030

FAR AMENITY STANDARDS	LAND USE DISTRICT						DESIGN CRITERIA
	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	
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.							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.
If devoted to a pedestrian-oriented use	200:1	150:1	100:1	100:1	200:1	100:1	

*Measured as square feet of permitted development for each qualifying linear foot of frontage.

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

0056-ORD
02/28/97

ORIGINAL

Substantive
4816 Readoption

20.25A.030

FAR AMENITY STANDARDS

AMENITY ¹	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.

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Substantive
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FAR AMENITY STANDARDS	LAND USE DISTRICT						20.25A.030
AMENITY ¹	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
<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.

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20.25A.030

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FAR AMENITY STANDARDS	LAND USE DISTRICT						DESIGN CRITERIA
AMENITY ¹	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	
<p>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.</p>	4:1	3:1	2:1	2:1	2:1	2:1	<ol style="list-style-type: none"> 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.							
<p>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.</p>	1:1	0.75:1	0.5:1	1:1	0.5:1	0.5:1	<ol style="list-style-type: none"> 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.

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20.25A.030

Substantive
4816 Readoption

FAR AMENITY STANDARDS

LAND USE DISTRICT

AMENITY ¹	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
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	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	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.
*Excludes Hotels and Motels. **See LUC 20.25A.090.E.7 for special bonus provisions for Perimeter Design District Subdistrict C.							
11. UNDERGROUND PARKING	5:1	5:1	5:1	3:1	2:1	1:1	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	1. Parking must be enclosed. 2. Exterior surface must be the same material as used on the principal use building.
*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.							
13. PUBLIC MEETING ROOMS	2:1	2:1	2:1	2:1	N/A	2:1	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.

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FAR AMENITY STANDARDS

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Substantive

4816 Readoption

AMENITY ¹	LAND USE DISTRICT						DESIGN CRITERIA
	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	
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.

20.25A.030

FAR AMENITY STANDARDS	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.

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

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 NE, 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.

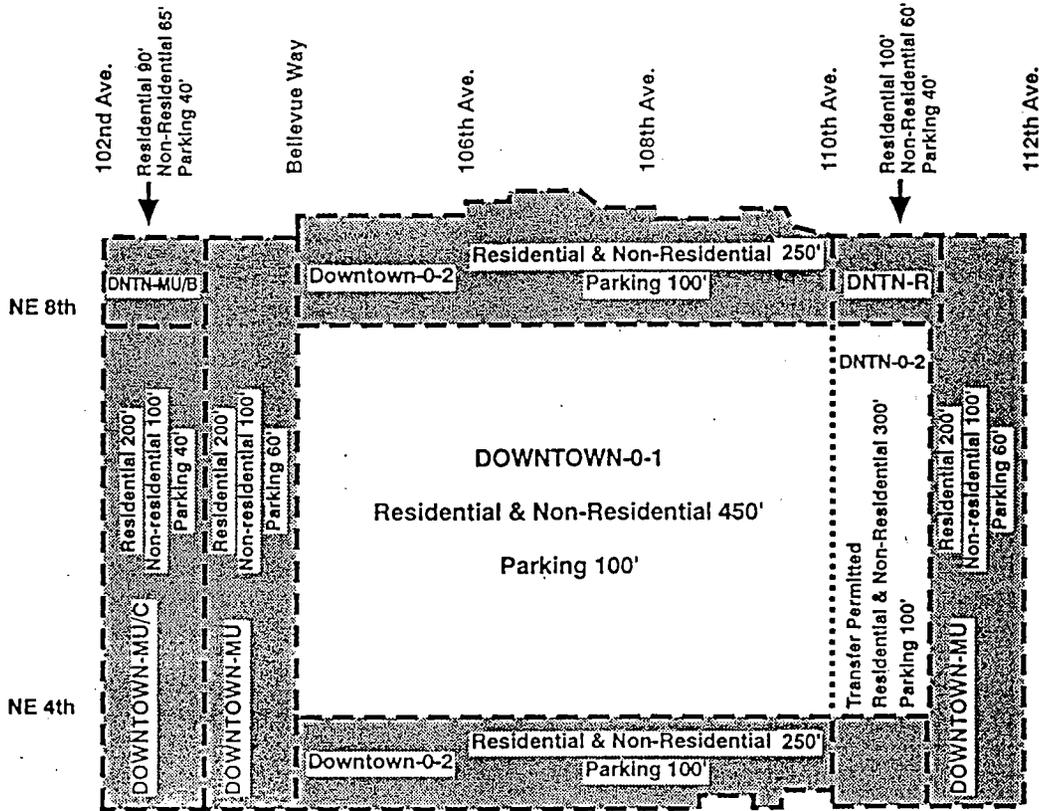
3. Recording Required. The property owner must record each transfer of floor area with the King County Division of Records and Elections and with the Bellevue City Clerk.

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

[See printed figure next page for]

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

ORIGINAL



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 105. 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 20.25A.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-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 LUC 20.20.520.J.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 feet) 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. (Ord. 4816, 12-4-95, § 205; Ord. 3690, 8-4-86, § 9)

Section 106. 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. subsection 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			
		-O-1,-0-2		-R,-MU,-OB,-OLB	
Land Use	Unit of Measure	Min.	Max.	Min.	Max.
a. Auditorium/Assembly/Room Exhibition Hall/Theater/ Commercial Recreation (1)	per 8 fixed seats or per 1,000 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 1,000 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 1,000 nsf	2.0	3.5	2.0	3.5
e. Home Furnishing/Retail/ Major Appliances-retail	per 1,000 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 1,000 nsf of seating area	0	15.0	10.0	20.0
Banquet/Meeting Rooms	per 1,000 nsf of seating area	6.0	10.0	6.0	10.0
Retail-Less than 15,000 nsf total	per 1,000 nsf	0.5	1.0	1.0	2.0
More than 15,000 nsf total	per 1,000 nsf	1.0	2.0	1.5	3.0
h. Manufacturing/Assembly (Other than High Technology/Light Industrial)	per 1,000 nsf	0.7	1.0	1.0	1.5
i. Office (Business Services/Professional Services/General Office)(3)	per 1,000 nsf	2.0	2.7	2.5	3.0
j. Office (Medical Dental/Health Related Services)	per 1,000 nsf	3.0	4.0	4.0	5.0
k. Personal Services Without Fixed Stations	per 1,000 nsf	2.0	2.0	2.0	3.0
With Fixed Stations	per station	0.7	2.0	1.0	1.5

I. Residential	per unit	0	2.0	1.0(5)	2.0
m. Restaurant	per 1,000 nsf	0	15.0	10.0(4)	20.0
n. Retail	per 1,000 nsf	3.3	5.0	4.0(4)	5.0
o. Retail in a Mixed Development (except Hotel)(2)	per 1,000 nsf	0	3.3	2.0(4)	4.0
p. Senior Housing: Nursing Home Senior Citizen Dwelling or Congregate Care	per patient bed	0.4	0.8	0.4	0.8
	per living unit	0	1.0	0.33	1.0

nsf = net square feet (see LUC 20.50.036)

Footnotes to Parking Requirements:

(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 1,500 nsf floor area in Downtown-OB shall provide parking according to the above table for any floor area over 1,500 nsf.

(5) The minimum requirement for studio apartment units available to persons earning 60 percent 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 percent 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 subsection C supersedes LUC 20.20.590.1.1-2. 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 subsection D supersedes LUC 20.20.590.J. Except as provided in paragraph D.2 of this section, 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 LUC), 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 LUC). 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 seven and one-half 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 inches (nine and one-half 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. (Ord. 4816, 12-4-95, § 206; Ord. 4654, 6-6-94, § 40; Ord. 3813, 7-20-87, § 5; Ord. 3747, 1-20-87, § 8)

Section 107. Section 20.25A.055 of the Land Use Code is hereby repealed.

Section 108. 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 this 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 NE 4th and NE 8th and
- b. NE 6th between 110th Avenue NE and 112th Avenue NE

and

- c. 106th Avenue NE between NE 4th and NE 8th and
- d. 108th Avenue NE between NE 4th and NE 8th and
- e. 110th Avenue NE between NE 4th and NE 8th and
- f. NE 4th between Bellevue Way and 112th Avenue NE and
- g. NE 8th between Bellevue Way and 112th Avenue NE

2. The minimum width of a perimeter walkway or sidewalk, excluding the area required for street trees in paragraph C.2 of this section, 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 by six feet or five feet by 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. (Ord. 4816, 12-4-95, § 208; Ord. 4654, 6-6-94; § 41; Ord. 3766, 3-23-87, § 3; Ord. 3747, 1-20-86; § 10; Ord. 3498, 5-27-85, § 43)

[SEE PLATE ON NEXT PAGE]

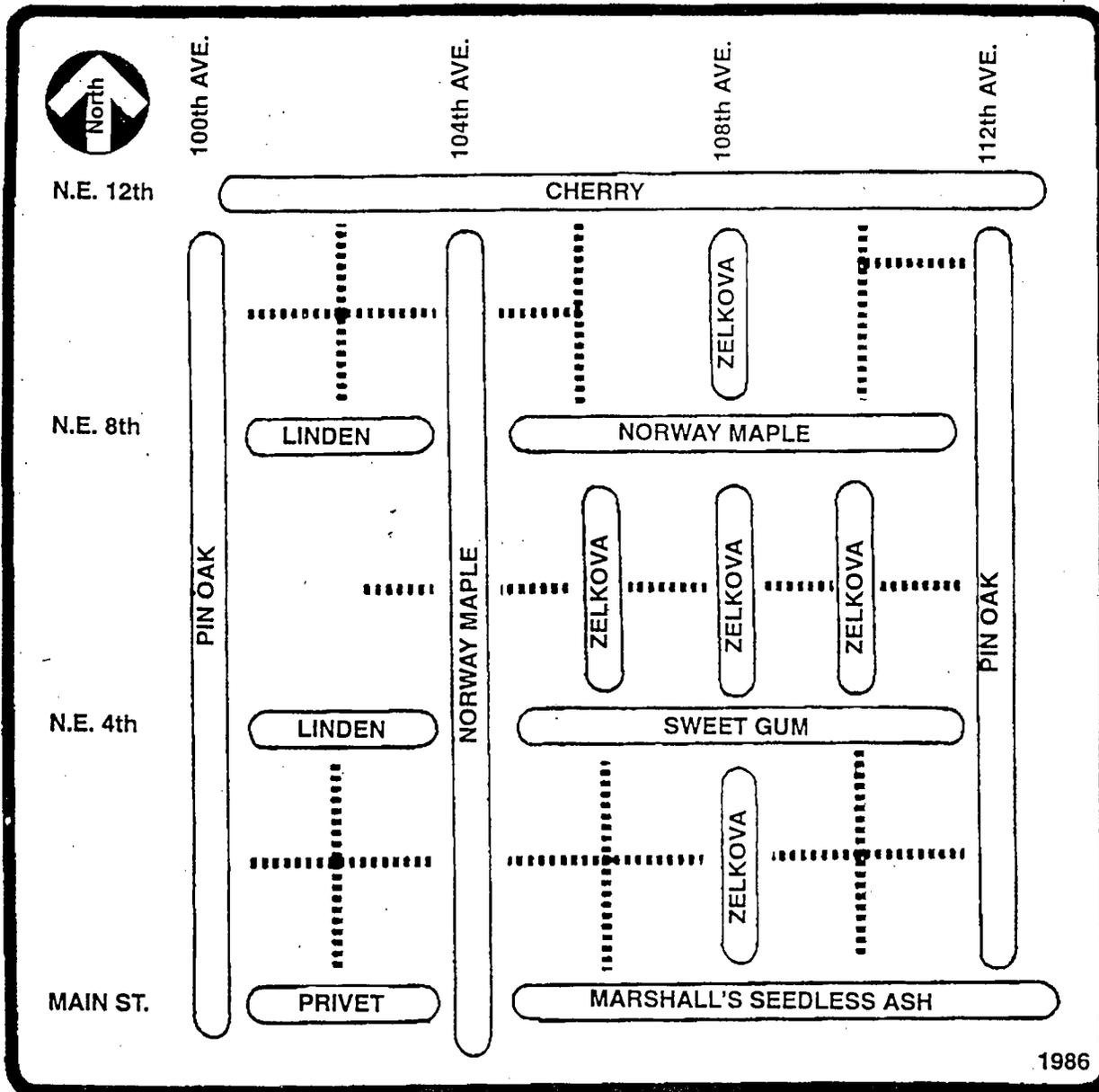
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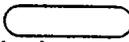
Plate B

20.25A.060

Substantive
4816 Readopton



BELLEVUE CBD STREET TREES

-  Major Street Tree
- Fluxinus pennsylvanica* 'Marshall' (Ash)
- Ligustrum lucidum* (Privet)
- Zelkova serrata* (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 109. 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 NE on the west, NE 8th Street on the north, I-405 on the east, and NE 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 this part 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 paragraphs 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 effect the maximum floor area ratios permitted for the underlying land use districts. (Ord. 4816, 12-4-95, § 209; Ord. 4038, 7-31-89, § 1)

Section 110. 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 LUC) 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 SE 1st Street and NE 1st Street; and
- c. The west side of Bellevue Way between SE 1st Street and NE 2nd Street, and
- d. The east side of 100th Avenue between SE Bellevue Place and NE 1st Street, and
- e. Both sides of NE 1st and NE 2nd between 100th Avenue and Bellevue Way.

2. Mid-block Connections.

- a. The applicant shall provide mid-block connections between:
 - i. Main Street and NE 1st Street at approximately 101st Avenue NE, and
 - ii. 102nd and 103rd Avenues approximately mid-block between Main Street and NE 1st Street, and
 - iii. Main Street at approximately 103rd Avenue and 102nd Avenue SE at approximately SE 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:

- a. 102nd Avenue NE between Main Street and NE 1st Street; and
- 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 NE 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.

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4816 Readoption

Section 111. Section 20.25A.080 of the Land Use Code is hereby repealed:

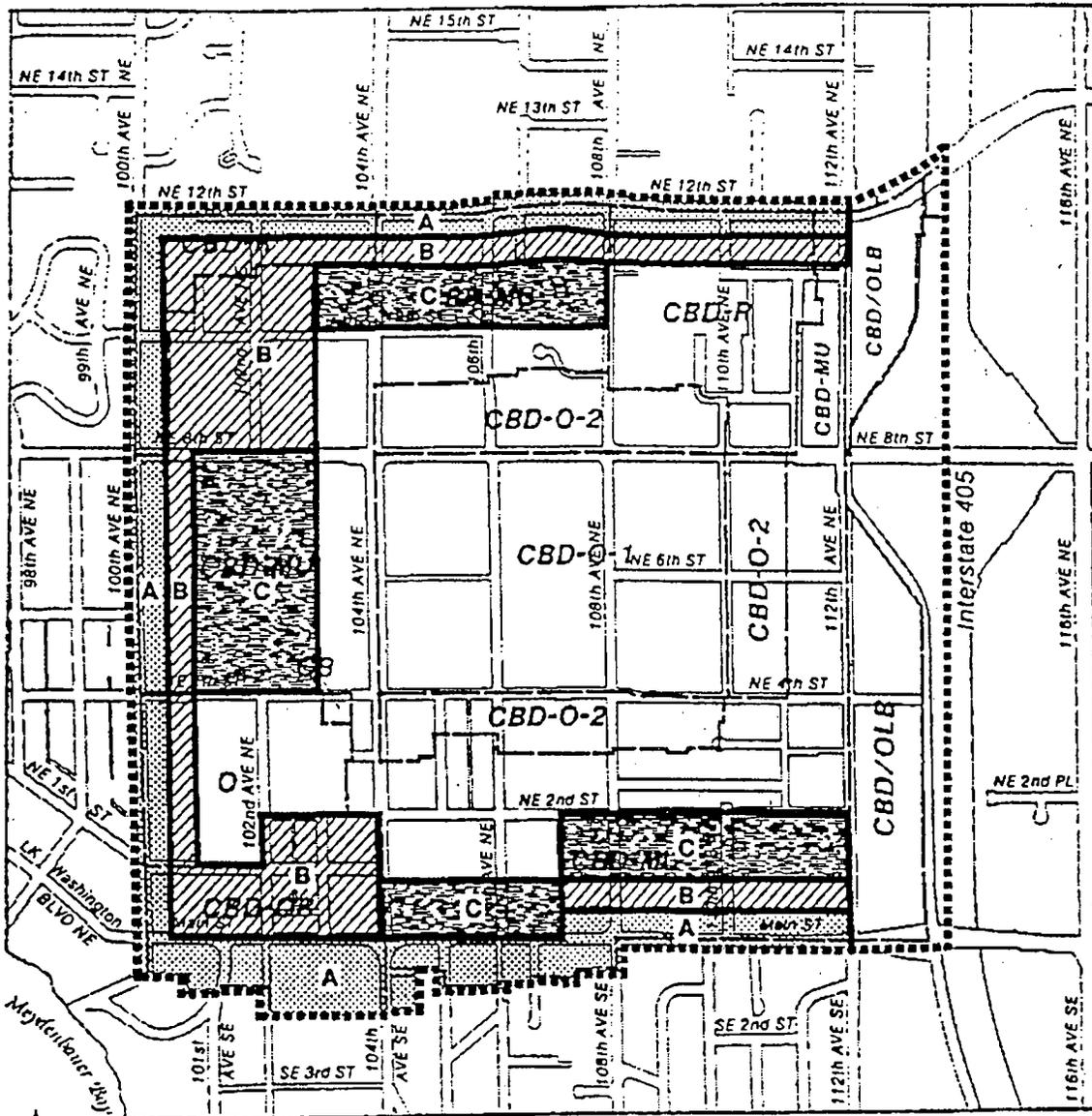
Section 112. Section 20.25A.090 of the Land Use Code is hereby amended as follows:

20.25A.090 Perimeter Design District.

A. Definition of District. The Perimeter Design District is an area composed of three subdistricts (A through 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 NE within the Downtown as defined in LUC 20.50.016:

[See map next page]



City of Bellevue
Planning Department

SCALE IN FEET



NORTH

June 1991

Perimeter Design Districts



Subdistrict A



Subdistrict C



Subdistrict B

Subdistrict A:

1. All property south of the Main Street right-of-way; and
2. All property in the Main Street, 100th Avenue NE and NE 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 NE and NE 12th Street rights-of-way, respectively, except that property south of NE 1st Street and lying between a line parallel to and 150 feet east of the east edge of the 100th Avenue NE right-of-way and the centerline of 107th Avenue NE.

Subdistrict B:

1. All property measured 150 feet into the Downtown from the internal edge of Subdistrict A, except that property south of NE 1st Street, if extended, lying between the centerline of 104th Avenue NE and the centerline of 107th Avenue NE, 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 NE 2nd Street and west of the centerline of 104th Avenue NE except that property north of the centerline of NE 1st Street, west of the centerline of 102nd Avenue NE, south of the centerline of NE 2nd Street, if extended, and east of a line parallel to and 300 feet east of the east edge of the 100th Avenue NE right-of-way; and
3. All property within the area bounded by the northerly edge of the NE 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 NE 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 NE on the west and 107th Avenue NE 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 NE 2nd Street right-of-way on the north, and the centerlines of 107th Avenue NE on the west and 112th Avenue NE on the east; and
3. All property within the area bounded by the easterly boundary of Subdistrict B on the west, the centerlines of NE 4th Street on the south and NE 8th Street on the north, and a line parallel to and 300 feet west of the westerly edge of the 104th Avenue NE 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 NE 10th Street right-of-way, if extended, on the south, and the centerlines of 103rd Avenue on the west and 108th Avenue NE 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.

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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 subsection 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 LUC 20.20.010 and the requirements of this section, 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 (3)	
				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 non-residential 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 non-residential 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 non-residential FAR of 3.0 and maximum non-residential 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 paragraph E.7.d of this section 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, LUC 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

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- 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 paragraph E.1 of this section. 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 NE or NE 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

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- (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 D.5.b.ii of this section 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 three and one-half 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 NE or NE 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 NE 12th Street between 102nd Avenue NE and 112th Avenue NE; and
ii. Both sides of Main Street between 100th Avenue NE and Bellevue Way NE; and
iii. The north side of Main Street between 108th Avenue NE and 112th Avenue NE; and
iv. The east side of 100th Avenue NE between the southwest corner and northwest corner of the Downtown boundary; and
v. Both sides of 102nd Avenue NE between Main Street and NE 1st Street.

b. Lighting. Lighting fixtures shall incorporate cutoff shields to minimize off-site 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 non-residential 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 non-residential 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 non-residential FAR of 1.5 are as follows:

i. Neighborhood services, as defined in paragraph F.1 of this section, 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 non-residential 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 non-residential 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 non-residential 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. (Ord. 4816, 12-4-95, § 212; Ord. 4268, 7-1-91, §§ 4-7; Ord. 4235, 4-1-91, §§ 2, 3; Ord. 3747, 1-20-87, §§ 12, 13; Ord. 3553, 10-7-85, § 6)

Section 113. 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 NE on the west, NE 9th Street on the north, 112th Avenue NE on the east and NE 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 LUC).

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 NE 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 NE right-of-way and to 110th Avenue NE. 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 NE, 106th Avenue NE or 108th Avenue NE 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 NE, 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 NE right-of-way to 110th Avenue NE.

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 NE, 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.1.c.v.(1) of this section to 110th Avenue NE.

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 of this section, 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 of this section. 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 of this section 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.

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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 paragraph E.1.c.v of this section 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 of this section (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 paragraph E.1.c.v of this section. 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 of this section.

(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 paragraph E.1.e.ii of this section.

(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 paragraph E.1.c.v of this section, a Design Development Plan for the section of the corridor required to be constructed under E.1.e.iii of this section must be submitted to and approved by the Director of Community Development, through Design Review (Part 20.30F LUC). If the owner constructs a temporary pedestrian Linkage under paragraph E.1.e.iii of this section, 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 NE, 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.1.e.ii(1) to 110th Avenue NE. 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 alignment for property on which the

corridor will have to be constructed by the applicant proposing development,;

(g) 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 paragraph E.1.c.v of this section at the time of the adoption of Ordinance No. 2945 only if:

(1) The owner complies with paragraph E.1.e.i(a) through (j) of this section 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 NE and 106th Avenue NE at NE 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 NE, 106th Avenue NE, and 108th Avenue NE. 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 (paragraph E.1.e.ii of this section). Notwithstanding this potential change in the width of the corridor that would have to be constructed under this paragraph, property owners shall at a minimum be required to construct the section of the corridor as specified in paragraph E.1.e.iii(2)(a) of this section. 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 of this section 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 paragraph E.1.c.v of this section through Design Review (Part 20.30F LUC) and according to the provisions of paragraph E.1.e.iii(2) of this section, 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 paragraph E.1.e.i(a) through (j) of this section.

i. Exempt Activity/Use. Notwithstanding the provisions of paragraph E.1 of this section, the following activities and uses may occur on property within the distances specified in paragraph E.1.c.v of this section without concurrent construction of the major pedestrian corridor, the temporary pedestrian linkage or the intermediate pedestrian corridor:

- E.1.d.ii of this section;
- i. Surface parking approved pursuant to paragraph
 - 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 NE 6th Street between 108th Avenue NE and 110th Avenue NE. 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 by 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 LUC 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 NE;
- iii. 110th Avenue NE.

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 NE 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 NE 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 E.4.d.iii of this section, 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 NE; 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 E.4.d.vi(2)(l) of this section.

vii. Construction Required. Subject to paragraph E.6.d.viii of this section, 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 NE right-of-way and the centerline of the major pedestrian corridor, but including only that area east of the 106th Avenue NE right-of-way, or

(2) 175 feet of the intersection of the centerline of the 110th Avenue NE 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 of this section, 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 of this section, 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 LUC).

(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 NE approximately at their intersections with NE 8th Street, NE 6th Street and NE 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 NE 4th, NE 6th (major pedestrian corridor), NE 8th and 104th Avenue NE 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 LUC) that such setback is not feasible due to site constraints, such as a small or irregularly shaped lot. (Ord. 4816, 12-4-95, § 213, Ord. 4654, 6-6-94, § 43; Ord. 4268, 7-1-91, §§ 8, 9; Ord. 3901B, 5-16-88, § 3; Ord. 3530, 8-12-85, §§ 46-53; Ord. 3498, 5-27-85, §§ 57-59, 61, 62; Ord. 3272, 11-21-83, §§ 1-5, 7-9)

Section 114. 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 LUC) 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. Buildings 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 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. (Ord. 4816, 12-4-95, § 214, Ord. 4268, 7-1-91, § 10; Ord. 3530, 8-12-85, § 54; Ord. 3498, 5-27-85, § 53; Ord. 3262, 6-6-83, § 2)

Section 115. Section 20.25A.115 of the Land Use Code is hereby amended as follows:

20.25A.115 Design guidelines - Building/Sidewalk relationships.

ORIGINAL

0056-ORD
02/28/97

Substantive
4816 Readoption

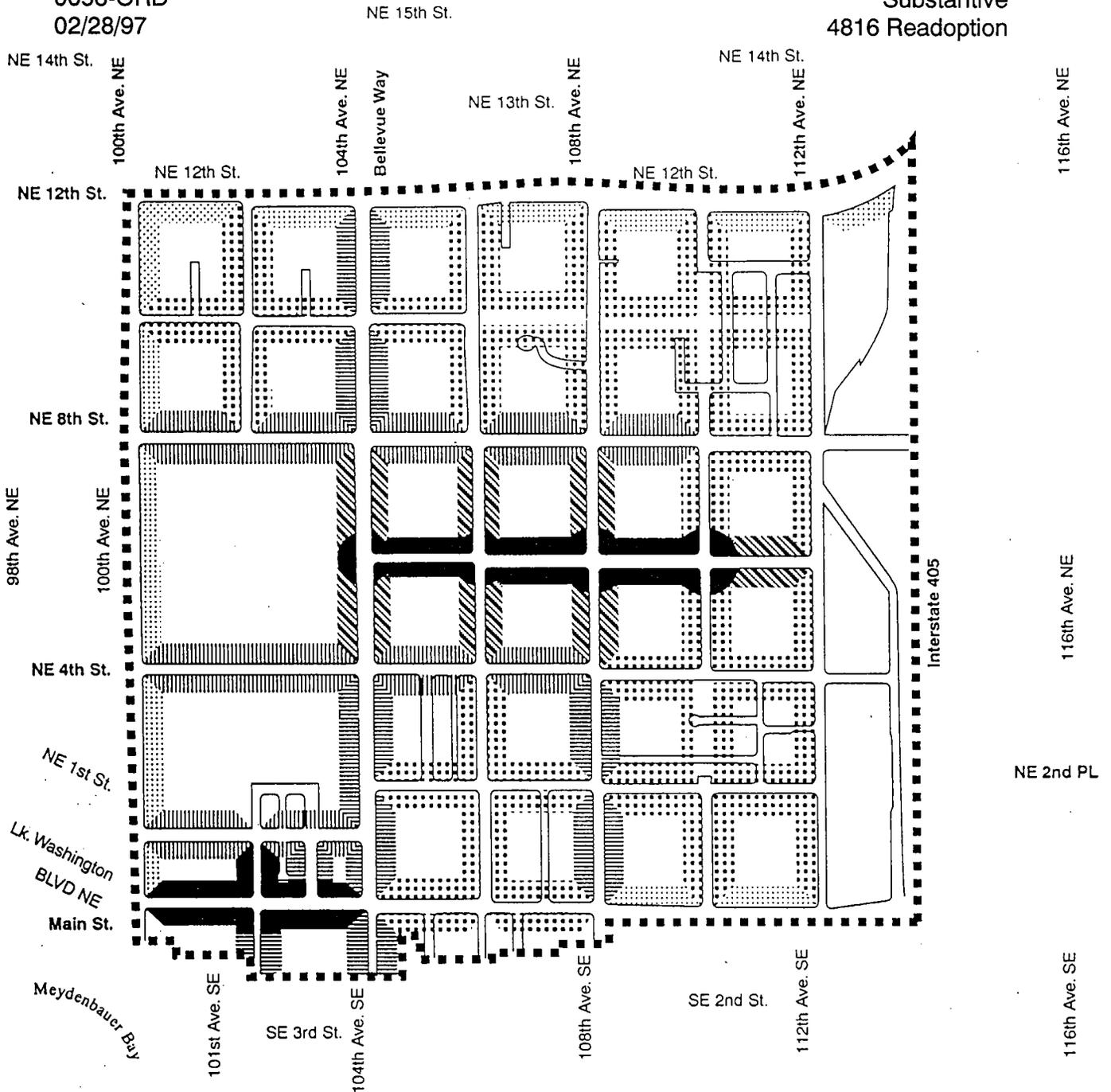
Each development within a Downtown Land Use District must comply with the applicable provisions of that document entitled "Design Guidelines: Building/Sidewalk Relationships," now or as hereafter amended pursuant to the provisions of that document. (Ord. 4816, 12-4-95; § 215; Ord. 3309, 11-7-83, § 1)

[SEE MAP NEXT PAGE]

ORIGINAL

0056-ORD
02/28/97

Substantive
4816 Readdon



City of Bellevue

SCALE IN FEET



NORTH



(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 2: REDEVELOPMENT AND ADAPTIVE REUSE

Section 201. Section 20.20.560 of the Land Use Code is hereby amended as follows:

20.20.560 Nonconforming structures, uses and sites

A. Nonconforming Structures.

1. Repair of an existing nonconforming structure is permitted.

2. Remodeling of a nonconforming structure is permitted provided the fair market value of the remodel does not exceed 100 percent of replacement value of the structure over any three-year period. If remodeling exceeds 100 percent of replacement value over any three-year period, the structure shall be brought into compliance with existing Land Use Code requirements.

3. A nonconforming 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 percent 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 percent 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. Nonconforming Sites.

1. A nonconforming 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 percent 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 percent 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 percent of the replacement value, but do not exceed 100 percent of replacement value, proportional compliance shall be required, as provided in Subsection D of this section. Remodels within any three-year period which do not exceed 30 percent 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 percent of the existing floor area, the site shall be brought into compliance with existing Land Use Code requirements..
.If the expansion is 50 percent or less, the site shall be brought into proportional compliance with existing Land Use Code requirements as provided in Subsection D, of this section.

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:

- ▶ 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 percent
- ▶ Cost identified in Conformance Plan equals \$4,000
- ▶ 25 percent 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.

3. 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. (Ord. 4816, 12-4-95, § 301; Ord. 4638, 4-4-94, § 1; Ord. 4075, 10-23-89, § 1)

Section 202. 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. (Ord. 4816, 12-4-95, § 302, Ord. 4654, 6-6-94, § 82; Ord. 3498, 5-27-85, § 132)

....

Section 203. 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 204. 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. (Ord. 4816, 12-4-95, § 304)

ORIGINAL

Section 205. 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. (Ord. 4816, 12-4-95, § 305)

.....

ORIGINAL

CHAPTER 3: USE CHARTS, DIMENSION CHART AND NOTES

Section 301. Section 20.10.440 of the Land Use Code is hereby amended as follows:

(See next pages for charts - Uses in Land Use Districts. Note: The Residential Land Use Chart was previously amended by City of Bellevue Ordinance No. 4959, adopted January 6, 1997, so it is not readopted here.)

ORIGINAL

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.*

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.*

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. (Ord. 4816, 12-4-95, § 401; Ord. 4028, 7-17-89, § 1; Ord. 2945, 2-2-81, § 5)

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
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

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 4291	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	P 13	P 13	P 13	A	P 13	P 13
	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) On-site 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) Off-site 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 LUC) or a Change of Use permit is required to establish a commercial parking facility. Refer to Section 20.25A.050.E for additional development requirements. (LUC 4016, 12-4-95, § 401, Ord. 4654, 6-6-94, § 16; Ord. 4029, 9-5-89, § 2; Ord. 4028, 7-17-89, § 1; Ord. 3903, 4-18-88; § 1; Ord. 3747, 1-20-87, § 1; Ord. 3690, 8-4-86, § 1; Ord. 2945, 2-2-82, § 5)

**Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils.*

Chart 20.10.440

Uses in land use districts

Wholesale & Retail

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Wholesale & Retail												
		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	
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 Preamsembled 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 3/		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) Non-residential 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 area 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. (Ord. 4816, 12-4-95, § 401; Ord. 4654, 6-6-94, § 17; Ord. 4646, 5-2-94, § 3; Ord. 4516, 12-3-93, § 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. 3384, 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 the Sammamish Community Council.

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)
 S - Permitted only as a subordinate use to a permitted or special use

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.

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

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
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.

**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

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)

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

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 Part 20.30N LUC. 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) Non-residential 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 LUC at any location in the CBD-O-2 District, or within 200 feet of NE 4th Street or NE 8th Street in the CBD-O-1 District; but only if all the following criteria are met:

(a) On-site capacity for vehicle stacking of 10 spaces for one drive-up station and 20 spaces for two or more drive-up stations must be provided.

(b) The design of the vehicular access is compatible with high volume pedestrian walkways and parking access. The vehicular access will not disrupt established retail or service frontages designed to serve pedestrians, nor can the vehicular access lanes be located between the street and the main pedestrian access to the buildings.

(c) The vehicle stacking lanes must be contained within a structured parking area, or be otherwise screened.

(d) Landscaping or screening must be provided to mitigate any adverse effects on nearby property. Perimeter walkways and sidewalks must conform to the requirements of 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 LUC), 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 LUC). 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.
- (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.

0056-ORD
02/28/97

ORIGINAL

Substantive
4816 Readoption

(Ord. 4816, 12-4-95, § 401; Ord. 4422, 9-28-92, § 2; Ord. 4176, 11-26-90, § 3; Ord. 4026, 11-27-89, § 1; Ord. 3530, 8-12-85, §§ 8, 9; Ord. 3095, 5-24-82, § 2)

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	P	P	P	
	Public/private Park	P	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		C3	C	P3	P3	A9	P	A8	A8	P	A5	A8	A8
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.

ORIGINAL

0056-ORD
02/28/97

Substantive
4816 Reoption

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. Nonrecreation uses in city parks in all zones outside the Central Business District require conditional use approval. For purposes of this requirement, "nonrecreation use" means a commercial, social service or residential use located on park property but not functionally related to city park programs and activities. (Ord. 4816, 12-4-95, § 401; Ord. 4511, 4-5-93, § 2; Ord. 4422, 9-28-92, § 2; Ord. 4028, 7-17-89, § 1; Ord. 3884, 2-16-88, § 1; Ord. 2945, 2-2-81, § 5)

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

ORIGINAL

0056-ORD
02/28/97

Substantive
4816 Readoption

Chart 20.10.440

Uses in land use districts

Resources

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	
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	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	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	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>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</p>

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.*

ORIGINAL

0056-ORD
02/28/97

Substantive
4816 Readoption

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. 4816, 12-4-95, § 401; Ord. 4422, 9-28-92, § 2; Ord. 2945, 2-2-81, § 5)

Section 302. 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. (Ord. 4816, 12-4-95, § 402; Ord. 3775, 5-26-87, § 4; Ord. 3219, 1-17-83, § 4)

Section 303. 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	40 (5)
	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.

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 LUC. 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 permitted within a Transition Area as defined in Part 20.25B LUC.

*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 percent 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 LUC.

(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 LUC 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 percent 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 one unit.

(23) This residential density may be in addition to FAR only for senior citizen dwellings, assisted living and congregate care senior housing.

(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. (Ord. 4816, 12-4-95, § 403; Ord. 4654, 6-6-94, § 18; Ord. 4065, 10-23-89, § 3; Ord. 3936, 7-18-88, § 2; Ord. 3780, 5-26-87, § 1; Ord. 3775, 5-26-87, § 6; Ord. 3747, 1-20-87, § 2; Ord. 3690, 8-4-86, § 2; Ord. 3530, 8-12-85, § 11; Ord. 3498, 5-28-85, § 2)

Section 304. 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. (Ord. 3921, 6-20-88, § 4)

Local Utility System. A utility system other than a Regional Utility System (20.50.044). (Ord. 3778, 5-26-87, § 2)

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.

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 4: SCREENING OF MECHANICAL EQUIPMENT,
RECYCLING AND REFUSE COLLECTION AREAS, AND
SATELLITE DISH ANTENNAE

Section 401. 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:

- 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.

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, of this section.

6. The Director may approve alternative screening measures not meeting the specific requirements of paragraph C.3 of this section if the applicant demonstrates that:

- a. The proposed alternative screening measures will achieve the design objectives of Paragraph B of this section and produce an equal or better result than the requirements of Paragraph C.3 of this section; 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 effect any existing warranty of the performance of the roof. (Ord. 4816, 12-4-95, § 501; Ord. 4654, 6-6-94, § 32; Ord. 3775, 5-26-87, § 16; Ord. 3498, 5-27-85, § 24; Ord. 3293, 9-19-83, § 1)

Section 402. 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. (Ord. 4816, 12-4-95, § 502)
....

Section 403. 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 multifamily 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;
 - 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. (Ord. 4816, 12-4-95, § 503; Ord. 4360, 5-18-92, § 1)

Section 404. 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 two 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.

C. Satellite dish antennae in any residential development consisting of detached housing or townhouses as specified in paragraph 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. (Ord. 4816, 12-4-95, § 504; Ord. 4654, 6-6-94, § 37; Ord. 4028, 7-17-89, § 5)

CHAPTER 5: SENSITIVE AREAS

Section 501. 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.

(Ord. 4816, 12-4-95, § 601; Ord. 4654, 6-6-94, § 47; Ord. 4302, 11-18-91, § 6; Ord. 3775, 5-26-87, § 18)

Section 502. 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 subsection B of this section, 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).
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;
 - d. As defined in the Sensitive Areas Notebook for any channelized corridors for which a specific reach study and restoration plan is adopted.
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;
 - b. 25 feet for Type B wetlands.
4. Slopes:
 - a. Areas of colluvial or landslide deposit on slopes of 15 percent or more, together with a primary setback of 75 feet from the toe-of-slope; and
 - b. Slopes of 40 percent or more together with a primary setback of 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 A.1 through A.4 of this section is increased to the edge of the Area of Special Flood Hazard (LUC 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 LUC 20.25H.040.

1. Riparian Corridor Primary Setbacks: The width of riparian corridor primary setbacks may be averaged to reduce the minimum dimension up to 25 percent 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 LUC 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 setback may be averaged to reduce the minimum dimension up to 25 percent 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 LUC 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 LUC 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 effect 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. (Ord. 4816, 12-4-95, § 602; Ord. 4654, 6-6-94, § 49; Ord. 4302, 11-18-91, § 7; Ord. 3775, 5-26-87, § 18)

Section 503. 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 subsection B of this section, the uses established by LUC 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 LUC 20.25H.070 or protected area setback required by LUC 20.25H.090, regardless of the provisions of LUC 20.10.440. Each use is subject to the applicable performance standards of LUC 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 LUC.

C = Conditional Use. See Parts 20.30B and 20.30C LUC.

Notes:

- (1) Must constitute an Essential Public Facility defined by Section 20.50.018.
- (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 Note (10) to LUC 20.10.440 (Recreation Chart) for listing of types of park or facility requiring Conditional Use approval. (Ord. 4816, 12-4-95, § 603; Ord. 4511, 4-5-93, § 3; Ord. 4302, 11-18-91, § 8; Ord. 3775, 5-26-87, § 18)

Section 504. 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 LUC 20.25H.070 and 20.25H.090.B.3. Such development is not subject to the nonconforming provisions of LUC 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 subsection A of this section may be expanded into a Riparian Corridor primary setback or structure setback required by LUC 20.25H.070 or 20.25H.090 through Process II. This section allows only one expansion and limits that expansion to a 20 percent 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 LUC 20.25H.080 and the setback requirements in LUC 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 nonconforming structure or site and shall comply with the provisions of LUC 20.20.560. The Director may permit proportional compliance as provided for in LUC 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. (Ord. 4816, 12-4-95, § 604; Ord. 3775, 5-26-87, § 18)

Section 505. 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 LUC 20.20.010, 20.20.020, 20.20.130, 20.20.190, and parts 20.25A through 20.25G). The most restrictive dimension controls.

B. Minimum Setback of Structures .

1. General. Any structure must be setback as required by paragraphs B.2 through B.4 of this section; 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.

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- b. Type B: 15 feet from the wetland primary setback.
- 3. Riparian Corridors as defined in LUC 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 LUC 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 percent of daylight hours during the normal growing season; and
 - c. Access for repair, or maintenance of culverts or other structures will be preserved.

(Ord. 4816, 12-4-95, § 605; Ord. 4654, 6-6-94, § 50; Ord. 4302, 11-18-91, § 9; Ord. 4130, 3-12-90, § 6; Ord. 3775, 5-26-87, § 10)

Section 506. 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 Section. 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 this Part 20.25H. All use, development or activity which is allowed is subject to the performance standards of this subsection. No alteration of the flood carrying capacity, configuration or volume of the Area of Special Flood Hazard is permitted except as specifically permitted by this 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 this 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 this subsection.

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 this 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.

b. The Director of Community Development shall obtain and transmit to the Director of the Utilities 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 this 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 this subsection:

a. Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

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- 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, 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 this Part 20.25H and any substantial improvement of existing development which is permitted must:

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

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. Non-residential Construction.

- i. New development permitted by this Part 20.25H or the substantial improvement of an existing non-residential 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 velocity of flow leaving the site may occur; and

ii. Where floodproofing is utilized for a non-residential 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. Non-residential structures that are elevated, and not floodproofed, must meet the same standards for space below the lowest floor as set forth in paragraph A.4.b.ii of this section; and

iv. Applicants floodproofing non-residential 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:

- damage; and
 - i. Be consistent with the need to minimize flood
 - 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 this Part 20.25H. All use, development or activity which is allowed is subject to the performance standards of this subsection.
 - 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 effect 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 constructed to minimize or where possible avoid wetland disturbance to the maximum extent feasible. Wetland area displaced must be compensated for in compliance with paragraph B.7 of this section; 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 paragraph B.7 of this section; 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 effect 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:

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.

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.

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.

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.

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.

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.

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 the Department and Community Development and the Director of the Storm and Surface Water Utility; or
- iii. Natural system interpretation, education or research when undertaken by, or in cooperation with, the City; or
- iv. Flood control or water quality enhancement by the City of Bellevue.

C. Riparian Corridors.

1. Restricted Use and Development. No use, development or activity may occur in a Riparian Corridor or Riparian Corridor setback except as specifically allowed by this Part 20.25H. All use, development or activity which is allowed is subject to the performance standards of this subsection.

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 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 effect 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;

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.

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.

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.

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.

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 this subsection 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 the provisions of paragraph D.1 of this section (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

$$\begin{aligned} & (\text{sq. ft. of site } 0\text{-}15\% \text{ slope}) \times 100\% + \\ & (\text{sq. ft. of site } 15\text{-}25\% \text{ slope}) \times 60\% + \\ & (\text{sq. ft. of site } 25\text{-}40\% \text{ slope}) \times 45\% + \\ & (\text{sq. ft. of site } 40\% \text{ plus slope}) \times 30\% = \\ & \text{Total amount of disturbance on site allowed} \end{aligned}$$

Slope Categories	*Disturbance Chart 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 percent shall demonstrate provision for feasible driveway access to a future residence not to exceed 15

percent 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.

4. Single Family Dwellings.

a. Lots containing 15 percent to 25 percent slopes:

i. Design

(1) 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

(2) 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

(3) Change in existing grade consisting of more than 10 feet of excavation or 5 feet of fill outside the building footprint area is prohibited.

ii. Construction Types: Use of foundation walls as retaining walls is preferable to rock or concrete walls built separately and away from the building.

b. Lots containing 25 percent to 40 percent slopes:

i. Design

(1) 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

(2) 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

(3) 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

(4) 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 be disallowed where inconsistent with this criteria.

ii. Construction Types:

(1) 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

(2) 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

(3) Piled deck support structures are preferred for parking or garages over fill-based construction types. (Ord. 4816, 12-4-95, § 606; Ord. 4654, 6-6-94, § 52; Ord. 4302, 11-18-91, §§ 10-14; Ord. 3775, 5-26-87, § 18)

Section 507. 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 20.25H shall record a site plan or other instrument clearly delineating the Protected Area designated by LUC 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 or the City of Bellevue to enforce the terms of the restriction.

2. Areas designated for nondisturbance 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;

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 20.25H 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. (Ord. 4816, 12-4-95, § 607; Ord. 4302, 11-18-91, § 15; Ord. 3775, 5-26-87, § 18)

Section 508. Section 20.50.044 (part) 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:

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 50 feet;

2. May contribute to or establish a natural open space character; and

3. Scored 40 or less on the City of Bellevue Storm and Surface Water Utility Department Comprehensive Watercourse Inventory, or are bounded upstream and downstream by corridor reaches with scores of 40 or less (unless the subject reach is longer than the sum of the lengths of the adjacent upstream and downstream reaches).

B. Type B Riparian Corridors: Are Riparian Corridors with perennial watercourses which are not rated as Type A Riparian Corridors and that scored between 41 and 60 on the City of Bellevue Storm and Surface Water Utility Department Comprehensive Watercourse Inventory, or are bounded upstream and downstream by corridor reaches with scores between 41 and 60 (unless the subject reach is longer than the sum of the lengths of the adjacent upstream and downstream reaches). Type B Riparian Corridors are measured from the top of each stream bank and 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 10 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 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. (Ord. 4816, 12-4-95, § 608; Ord. 3775, 5-26-87, § 30)

....

Section 509. Section 20.50.050 of the Bellevue Land Use Code is hereby amended as follows:

20.50.050 W definitions.

....

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. 4816, 12-4-95, § 609; Ord. 3775, 5-26-87, § 32)

....

Section 510. Part 20.30.Q, Wetland Boundary Adjustment, of the Bellevue Land Use Code is hereby repealed.

CHAPTER 6: LANDSCAPING

Section 601. 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 subsection J of this section, 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 E.2.a of this subsection if a group of trees and its associated undergrowth can be preserved.

3. Exemption. The provisions of this subsection 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 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 subsection 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/F (2), 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/F (2), R-10, 15, 20 or 30, see LUC 20.25B for requirements.

(1) If the property which abuts the subject property is in the same or a more intensive land use district than the subject property, the landscaping required along that common interior property line may be reduced by 25 percent in area. The remaining 75 percent of the required landscaping may be relocated. If approved by the Directors of Community 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.

(2) 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.

(3) Notwithstanding the provisions of this paragraph, landscape development requirements for specific uses are listed in paragraph F.2 of this section.

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

a. Subject to paragraph F.6 of this section, 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 Community Development if the requirements of subsection J of this section are met, and if visibility is essential to safety, security, or maintenance access.

b. Subject to paragraph F.6 of this section, 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 Community Development if the requirements of subsection J of this section are met.

c. Subject to paragraph F.6 of this section, 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 Community 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 of this section. 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 and F.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 paragraph 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 and F.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 inches of approved organic material, with the first two-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 one-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 G.5.b of this section 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 G.5.b of this section 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 G.5.b of this section.

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 LUC, 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 section 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 subsection E of this section 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.

- 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. (Ord. 4816, 12-4-95, § 701; Ord. 4302, 11-18-91, §§ 3-5; Ord. 4255, 6-3-91, § 3; Ord. 4130, 3-12-90, § 2; Ord. 3775, 5-26-87, §§ 12-15; Ord. 3690, 8-4-86, §§ 6, 7; Ord. 3530, 8-12-85, §§ 23-25; Ord. 3498, 5-27-85, § 16; Ord. 3145, 9-27-82, § 37)

Section 602. 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. (Ord. 4816, 12-4-95, § 702)

....

CHAPTER 7: EVERGREEN HIGHLANDS DESIGN DISTRICT

Section 701. 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
Performance Area

Land Use	EH-A	EH-B	EH-C	EH-D
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	
Professional services excluding medical and other health care related services (10)		P	P(5)	P

Evergreen Highlands Permitted Land Uses
Performance Area

Land Use	EH-A	EH-B	EH-C	EH-D
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

- 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 LUC 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 LUC 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 NE 40th Street, 156th Avenue NE or Bellevue-Redmond Road.

(4) May not abut or be oriented to NE 40th Street, 156th Avenue NE 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.

B. Unlisted Uses. A use which is not specifically listed in subsection 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. (Ord. 4816, 12-4-95, § 801; Ord. 3530, 8-12-85, § 66; Ord. 3219, 1-17-83, § 7)

CHAPTER 8: MISCELLANEOUS

Section 801. 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 LUC). See Part 20.30G LUC relating to variances from the Land Use Code and Part 20.30H relating to variances from the Shoreline Master Program. (Ord. 4816, 12-4-95, § 901; Ord. 3530, 8-12-85, § 12; Ord. 4302, 11-18-91, § 9; Ord. 4130, 3-12-90, § 6; Ord. 3775, 5-26-87, § 10)

Section 802. Section 20.30H.135 of the Land Use Code is hereby repealed.

Section 803. Section 20.30H.140 of the Land Use Code is hereby repealed.

Section 804. Section 20.30H.145 of the Land Use Code is hereby repealed.

Section 805. Section 20.30H.150 of the Land Use Code is hereby repealed.

Section 806. 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
- D. A vicinity map; and
- E. A copy of the approved variance to the Shoreline Master Program and Substantial Development Permits. (Ord. 4816, 12-4-95, § 906)

Section 807. 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 808. Section 20.30H.170 of the Land Use Code is hereby repealed.

Section 809. Section 20.30H.175 of the Land Use Code is hereby repealed.

Section 810. Section 20.30H.180 of the Land Use Code is hereby repealed.

Section 811. Section 20.30A of the Land Use code is hereby amended as follows:

Part 20.30A Rezone

Section 812. 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. (Ord. 4816, 12-4-95, § 912)

Section 813. 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. (Ord. 4816, 12-4-95, § 913)

Section 814. 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. (Ord. 4816, 12-4-95, § 914)

Section 815. Section 20.30A.125 of the Land Use Code is hereby repealed.

Section 816. Section 20.30A.130 of the Land Use Code is hereby repealed.

Section 817. Section 20.30A.135 of the Land Use Code is hereby repealed.

Section 818. 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 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 .

(Ord. 4816, 12-4-95, § 918)

Section 819. 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.
(Ord. 4816, 12-4-95, § 919)

Section 820. 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. (Ord. 4816, 12-4-95, § 920)

Section 821. Section 20.30A.155 of the Land Use Code is hereby amended as follows:

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 therezone and development pursuant thereto. (Ord. 4816, 12-4-95, § 921)

Section 822. Section 20.30A.160 of the Land Use Code is hereby repealed.

Section 823. Section 20.30A.165 of the Land Use Code is hereby repealed.

Section 824. Section 20.30C.125 of the Land Use Code is hereby repealed.

Section 825. Section 20.30C.135 of the Land Use Code is hereby repealed.

Section 826. Section 20.30C.140 of the Land Use Code is hereby repealed.

Section 827. Section 20.30C.150 of the Land Use Code is hereby repealed.

Section 828. Section 20.30C.180 of the Land Use Code is hereby repealed.

Section 829. 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.

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. (Ord. 4816, 12-4-95, § 929)

Section 830. 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.); provided, that modification of a Shoreline Conditional Use Permit within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision. Through the modification procedure, the Hearing Body 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 Body may revoke an approved permit through Process I (LUC 20.35.100 et seq.); provided, that revocation of a Conditional Use Permit within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision. An approved permit may be revoked only upon a 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. 4816, 12-4-95, § 930; Ord. 4066, 10-23-89, § 4)

Section 831. Section 20.30G.125 of the Land Use Code is hereby repealed.

Section 832. Section 20.30G.130 of the Land Use Code is hereby repealed.

Section 833. Section 20.30G.135 of the Land Use Code is hereby repealed.

Section 834. 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. (Ord. 4816, 12-4-95, § 934)

Section 835. Section 20.30G.145 of the Land Use Code is hereby repealed.

Section 836. Section 20.30G.155 of the Land Use Code is hereby repealed.

Section 837. Section 20.30G.160 of the Land Use Code is hereby repealed.

Section 838. Section 20.30G.165 of the Land Use Code is hereby repealed.

Section 839. Section 20.30I.135 of the Land Use Code is hereby repealed.

Section 840. 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. (Ord. 4816, 12-4-95, § 940)

Section 841. Section 20.301.150 of the Land Use Code is hereby amended as follows:

20.301.150 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. (Ord. 4816, 12-4-95, § 941)

Section 842. Section 20.301.155 of the Land Use Code is hereby amended as follows:

20.301.155 Comprehensive Plan review.

A. General Goals and Policies. The Planning Commission shall review 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 of this section.

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. (Ord. 4816, 12-4-95, § 942; Ord. 4868, 7-1-91, § 11; Ord. 3651, 5-5-86, § 1)

Section 843. 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. (Ord. 4816, 12-4-95, § 943)

Section 844. Section 20.30M.135 of the Land Use Code is hereby repealed.

Section 845. 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:

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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 use; 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. 4816, 12-4-95, § 945; Ord. 3747, 1-20-87, § 15)

Section 846. Section 20.30M.155 of the Land Use Code is hereby amended as follows:

20.30M.155 Removal of temporary use.

A. The Director 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.

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. (Ord. 4816, 12-4-95, § 946)

Section 847. 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. (Ord. 4816, 12-4-95, § 947; Ord. 4638, 4-4-94, § 2))

Section 848. Section 20.30M.165 of the Land Use Code is hereby repealed.

Section 849. 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. (Ord. 4816, 12-4-95, § 949)

Section 850. Section 20.30R.125 of the Land Use Code is hereby repealed.

Section 851. Section 20.30R.130 of the Land Use Code is hereby repealed.

Section 852. Section 20.30R.135 of the Land Use Code is hereby repealed.

Section 853. Section 20.30R.140 of the Land Use Code is hereby repealed.

Section 854. Section 20.30R.145 of the Land Use Code is hereby repealed.

Section 855. Section 20.30R.150 of the Land Use Code is hereby repealed.

Section 856. Section 20.30R.165 of the Land Use Code is hereby repealed.

Section 857. Section 20.30R.185 of the Land Use Code is hereby repealed.

Section 858. Section 20.50.046 (part), 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. (Ord. 4816, 12-4-95, § 958) (Ord. 4654, 6-6-94, § 82) (Ord. 3278, 8-1-83, § 9)

....

Section 859. The Section 20.50.020 (part), definition of "Floor Area, Net Rentable" is repealed.

20.50.020 F Definitions.

...

...

Section 860. Section 20.50.016 (part), of the Land Use Code is hereby amended as follows:

20.50.016 D Definitions.

...

Director. The Director of Community Development, unless otherwise specified. (Ord. 4816, 12-4-95, § 960)

....

Section 861. Section 20.50.014 (part), 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. (Ord. 4816, 12-4-95, § 961)

...

....

Section 862. Section 20.50.040 (part), is hereby amended by the addition of a new definition as follows:

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. (Ord. 4816, 12-4-95, § 962)

....

Section 863. Section 20.50.038 (part), 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. (Ord. 4816, 12-4-95, § 963)

....

Section 864. Section 20.50.032 (part), definition of "Lot Coverage," is hereby amended as follows:

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. (Ord. 4816, 12-4-95, § 964)

...

Section 865. 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 LUC for an off-site construction parking area.

...

Section 866. Section 20.20.190 of the Land Use Code is hereby amended as follows:

20.20.190 Churches, clubs and similar use structures.

In OU, or R 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. (Ord. 4816, 12-4-95, § 966; Ord. 3145, 9-27-82, § 30)

Section 867. Section 20.20.255 of the Land Use Code is hereby repealed.

Section 868. Section 20.20.595 of the Land Use Code is hereby repealed.

Section 869. Section 20.20.830 of the Land Use Code is hereby repealed.

Section 870. 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 subsection B of this section.

....

Section 871. 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 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.

....

Section 872. 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 873. 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. (Ord. 4816, 12-4-95, § 973)

Section 874. 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 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 BCC 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 paragraph B.2 of this section; provided, that:
 - a. Variances shall run with the land in perpetuity if recorded with King County Department of Records and Elections within 60 days following the City's final action; and
 - b. The time period established pursuant to paragraph B.2 of this section shall not include the time during which an activity was not actively pursued due to the pendency of litigation which may materially effect 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 BCC 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
 - c. The vested status of a land use permit or approval is extended pursuant to paragraph B.3 of this section.
 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 BCC 23.05.160 or otherwise, then the vested status of a land use permit or approval shall also expire, or be revoked or canceled. (Ord. 4816, 12-4-95, § 974)

Section 875. 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

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subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections, or other information needed by the Department. (Ord. 4816, 12-4-95, § 975)

Section 876. Section 20.45B.100 of the Land Use Code is hereby repealed.

Section 877. 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. (Ord. 4816, 12-4-95, § 977; Ord. 3938, 7-18-88)

Section 878. Section 20.30K.115 of the Land Use Code is hereby amended as follows:

20.30K.115 Applicability.

This Part 20.30K 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. (Ord. 4816, 12-4-95, § 978)

Section 879. 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. (Ord. 4816, 12-4-95, § 979)

Section 880. Section 20.30K.125 of the Land Use Code is hereby repealed.

Section 881. 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 20.30K.

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 effect an issued permit or decision.

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. (Ord. 4816, 12-4-95, § 981; Ord. 4255, 6-3-91, § 13; Ord. 3913, 5-23-88, § 2) (Ord. 3848, 11-16-87, § 9)

Section 882. 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.
(Ord. 4816, 12-4-95, § 982)

Section 883. Section 20.30K.145 of the Land Use Code is hereby repealed.

Section 884. Section 20.30K.150 of the Land Use Code is hereby amended as follows:

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. (Ord. 4816, 12-4-95, § 984)

Section 885. 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. (Ord. 4816, 12-4-95, § 985)

Section 886. Section 20.30K.160 of the Land Use Code is hereby repealed.

Section 887. Section 20.25E.013 of the Land Use Code is hereby repealed.

Section 888. 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.

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 889. 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:

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 percent 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 LUC 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. (Ord. 4816, 12-4-95, § 989; Ord. 4654, 6-6-94, § 23; Ord. 3775, 5-26-87, § 8)

Section 890. This ordinance shall take effect and be in force five (5) days after passage and legal publication of this ordinance or a summary thereof.

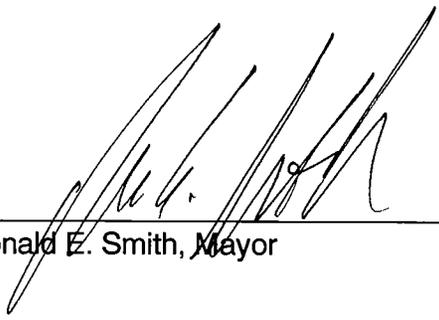
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02/28/97

Substantive
4816 Readoption

PASSED by the City Council this 3rd day of March, 1997, and signed
in authentication of its passage this 3rd day of March,
1997.

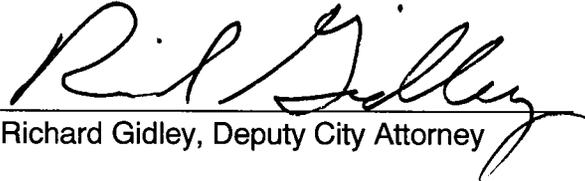
(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published March 07, 1997