

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5876

AN ORDINANCE amending the Bellevue Land Use Code Relating to ensuring consistency with the new Bel-Red Overlay (Part 20.25D); specifically amending Sections 20.10.020, 20.10.420, 20.10.440, 20.20.005, 20.20.010, 20.20.070, 20.20.130, 20.20.195, 20.20.255, 20.20.350, 20.20.460, 20.20.560, 20.20.590, 20.20.620, 20.20.650, 20.20.730, 20.20.740, 20.20.820, 20.20.900, 20.25B.020, 20.25H.045, 20.30D.150, 20.30D.165, 20.30D.170, 20.30F.145, 20.30G.150, 20.30V.180, 20.40.450, 20.40.460, 20.50.010, 20.50.012, 20.50.014, 20.50.016, 20.50.025, 20.50.032, 20.50.034, 20.50.040, 20.50.046; adopting new Sections 20.10.375, 20.20.840, 20.30F.180; and deleting Section 20.20.920; and establishing an effective date.

WHEREAS, on August 1, 2005, the City Council initiated the Bel-Red Corridor Project, for purposes of addressing the economic presence of this aging economic area and reexamining land use in the corridor in light of economic challenges facing Bellevue in the years ahead as identified in the 2004 Update of the Comprehensive Plan; and

WHEREAS, the City has engaged in a multi-year planning process for the Bel-Red area that has included the work of the Bel-Red Steering Committee, the Planning Commission and other City boards and commissions that culminated in adoption of Ordinance No. 5858, known as the Bel-Red Subarea Plan (Plan) and associated amendments to support the vision developed in the Plan; and

WHEREAS, regulations, standards, and design guidelines were needed in the Bellevue Land Use Code, to be known as the Bel-Red Overlay Part 20.25D, to implement the vision and policy contained in the Plan; and

WHEREAS, cross references and amendments were necessary to the Bellevue Land Use Code to effectively integrate and ensure consistency with the new Part 20.25D; to be known as the Consistency Amendments; and

WHEREAS, the Planning Commission held a public hearing on May 28, 2008, with regard to the Consistency Amendments; and

WHEREAS, on July 23, 2008, the Planning Commission recommended that the City Council approve such proposed Consistency Amendments to the Bellevue Land Use Code; and

WHEREAS, the City Council has considered the Consistency Amendments to the Bellevue Land Use Code; and

WHEREAS, the City Council finds that the Consistency Amendments satisfy the decision criteria established in Part 20.30(J) of the Land Use Code; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the City Environmental Procedures Code (Chapter 22.02 BCC), including preparation of the Draft Environmental Impact Statement dated January 25, 2007, the Final Environmental Impact Statement dated July 19, 2007, and an Addendum dated February 12, 2009; now, therefore,

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

Section 1. Section 20.10.020 of the Bellevue Land Use Code is hereby amended to read as follows:

20.10.020 Establishment of land use districts.

Land use districts in the City are hereby established as follows:

District	Designation
Single-Family Residential Estate	R-1
	R-1.8
Single-Family Residential	R-2.5
	R-3.5
	R-4
	R-5
Multifamily Residential	R-7.5*
	R-10
	R-15
	R-20
Professional Office	R-30
	PO
	O
Office	
Office and Limited Business	OLB

Office and Limited Business-Open Space	OLB-OS
Light Industrial	LI
General Commercial	GC
Neighborhood Business	NB
Community Business	CB
Downtown	
Office District 1	DNTN-O-1
Office District 2	DNTN-O-2
Multiple Use District	DNTN-MU
Residential District	DNTN-R
Old Bellevue District	DNTN-OB
Office and Limited Business District	DNTN-OLB
Evergreen Highlands Design District	EH
Performance Area A	EH-A
Performance Area B	EH-B
Performance Area C	EH-C
Performance Area D	EH-D
Factoria Land Use District 1	F1
Factoria Land Use District 2	F2
Factoria Land Use District 3	F3
Medical Institution District	MI
Bel-Red	
Bel-Red-Medical Office	Bel-Red-MO
Bel-Red-Medical Office Node	Bel-Red-MO-1
Bel-Red Office/Residential	BR-OR
Bel-Red-Office/Residential Node 1	Bel-Red-OR-1
Bel-Red-Office/Residential Node 2	Bel-Red-OR-2
Bel-Red-Residential/Commercial Node 1	Bel-Red-RC-1
Bel-Red-Residential/Commercial Node 2	Bel-Red-RC-2
Bel-Red-Residential/Commercial	Bel-Red-RC-3
Bel-Red-Commercial/Residential	Bel-Red-CR
Bel-Red-Residential	Bel-Red-R
Bel-Red-General Commercial	Bel-Red-GC
Bel-Red-Office/ResidentialTransition	Bel-Red-ORT

Section 2. Section 20.10.375 is hereby added to the Bellevue Land Use Code as follows:

20.10.375 Bel-Red.

A. Purpose and Intent.

Bel-Red is a major mixed use employment and residential area characterized by a transit-oriented, nodal development pattern, over time replacing the area's original low intensity light industrial and commercial past. The City will encourage land uses in the Bel-Red area which promote employment, retail and residential opportunities. More intense uses and greater heights are concentrated in designated nodal development areas along the NE 15th/16th corridor; these areas are intended to be served by high capacity transit. New development in these designated nodal areas is expected to have a transit-supportive and pedestrian-friendly form. The entire Bel-Red area will be distinguished by environmental and community amenities that serve residents and employees in the area, as well as nearby neighborhoods and the entire city. New development is expected to make significant contributions to these amenities, and to the infrastructure needed to support redevelopment.

Redevelopment of the Bel-Red area will occur over decades, and the City encourages a graceful transition of land use over time. Therefore special provisions are appropriate for existing uses that may not be part of the area's long-term envisioned future.

1. Bel-Red-Medical Office (Bel-Red-MO). The purpose of the Bel-Red-MO Land Use District is to provide an area for office uses, with an emphasis on medical office.
2. Bel-Red-Medical Office Node (Bel-Red-MO-1). The purpose of the Bel-Red-MO-1 Land Use District is to provide an area for the most intense medical office uses. The district is located within the core of a nodal area, and is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the Bel-Red area.
3. Bel-Red Office/Residential (BR-OR). The purpose of the Bel-Red OR Land Use District is to provide an area for a mix of office, housing and retail uses, with office as the predominant use.
4. Bel-Red-Office/Residential Node 1 (Bel-Red-OR-1). The purpose of the Land Use District is to provide an area for a mix of office, housing and retail uses within the core of a nodal area, with office as the predominant use. The district is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the Bel-Red area.
5. Bel-Red-Office/Residential Node 2 (Bel-Red-OR-2). The purpose of the Bel-Red-OR2 Land Use District is to provide an area for a mix of office, housing and retail uses, with office as the predominant use. The district is located within a node but outside the node's core, and building heights provide for a transition between the node's core and areas outside the node.

6. Bel-Red-Residential/Commercial Node 1 (Bel-Red-RC-1). The purpose of the Bel-Red-RC-1 Land Use District is to provide an area for a mix of housing, retail, office and service uses within the core of a nodal area, with an emphasis on housing. The district is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the Bel-Red area.
7. Bel-Red-Residential/Commercial Node 2 (Bel-Red-RC-2). The purpose of the Bel-Red-RC-2 Land Use District is to provide an area for a mix of housing, retail, office and service uses. The district is located within a node but outside the node's core, and building heights provide for a transition between the node's core and areas outside the node.
8. Bel-Red-Residential/Commercial (Bel-Red-RC-3). The purpose of the Bel-Red-RC-3 Land Use District is to provide an area for a mix of housing, retail, office and service uses, with an emphasis on housing. The district is located within a node but in close proximity to mature, stable neighborhoods, and is thus appropriate for transitional heights.
9. Bel-Red-Commercial/Residential (Bel-Red-CR). The purpose of the Bel-Red-CR Land Use District is to provide an area for a mix of housing, retail, office and services. Multiple uses are encouraged on individual sites, in individual buildings, and in the district as a whole.
10. Bel-Red-Residential (Bel-Red-R). The purpose of the Bel-Red-R Land Use District is to provide an area for residential uses. Limited retail and service uses are permitted secondary to residential use, in order to provide the amenity of shopping and services within easy walking distance of residential structures.
11. Bel-Red-General Commercial (Bel-Red-GC). The purpose of the Bel-Red-GC Land Use District is to provide an area for a wide variety of business activities that provide goods and services to other businesses and the general public.
12. Bel-Red-Office/Residential Transition (Bel-Red-ORT). The purpose of the Bel-Red-ORT Land Use District is to provide an area for low-intensity office and uses and low density multifamily residential dwellings, developed in such a manner as to provide a buffer between residential and more intensively developed properties.

B. Permitted Uses.

Specific categories of uses are listed in Chart 20.25D.070. LUC 20.25D.050 explains Chart 20.25D.070 and describes the applicable review procedures for Bel-Red. The description of the use chart contained in LUC 20.10.400 and the categories of uses contained in LUC 20.10.440 do not apply to the Bel-Red Land Use Districts.

C. General Development Requirements.

1. Regulations applying to specific structures or activities are found listed alphabetically in Chapter 20.20 LUC; consult the alphabetical Key Word Index in the beginning of that chapter.
2. Bel-Red specific standards and guidelines are found in Chapter 20.25D LUC. All development in Bel-Red shall conform these requirements.

Section 3. Section 20.10.420 of the Bellevue Land Use Code is hereby amended to read as follows:

20.10.420 Interpretation of Land Use Charts by Director.

- A. Director's Authority. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Director shall have the authority to make the final determination. The Director shall make the determination according to the characteristics of the operation of the proposed use and based upon the Director's interpretation of the Standard Land Use Coding Manual, the Standard Industrial Classification Manual and the North American Industry Classification System.
- B. Conflict. In the case of a conflict between the Land Use District Descriptions (contained in LUC 20.10.0180 through 20.10.395) and the Use Chart, the Use Charts contained in LUC 20.10.440 or Chapter 20.25 LUC shall prevail.
- C. Appeal. An applicant may appeal the final decision of the Director provided pursuant to paragraph A above by requesting an interpretation of the Use Charts contained in LUC 20.10.440 or Chapter 20.25 LUC relating to the inclusion or exclusion of a proposed use. This request for interpretation of the Land Use Code charts will be processed pursuant to Part 20.30K LUC.

Section 4. Section 20.10.440 of the Bellevue Land Use Code is hereby amended to add the following note to the end of each Uses in Land Use District Chart as follows:

20.10.440 Uses in Land Use District

....

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

....

Section 5. Section 20.20.005 of the Bellevue Land Use Code is hereby amended to read 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 Downtown Land Use Districts, the Evergreen Highlands Design District, the Evergreen Highlands Subarea Transportation Improvement Overlay District, Medical Institution District, the OLB-OS Land Use District, and the Bel-Red Land Use Districts. All structures and activities in the City not located in the above districts shall conform to the dimensional requirements in Chart 20.20.010. Dimensional requirements for the Downtown Land Use Districts are found in LUC 20.25A.020. Dimensional requirements for the Evergreen Highlands Design District are found in Part 20.25F LUC. Dimensional requirements for the Evergreen Highlands Subarea Transportation Improvement Overlay District are found in Part 20.25G LUC. Dimensional requirements for the Medical Institution District are found in Part 20.25J LUC. Dimensional requirements for the OLB-OS Land Use District are found in LUC 20.25L.030. Dimensional requirements for the Bel-Red Land Use Districts are found in LUC 20.25D.080. Additional special dimensional requirements for designated areas of the City are contained in other parts of the Code as follows:

- A. Part 20.25B LUC – Transition Areas;
- B. Part 20.25C LUC – OLB Districts;
- C. Part 20.25E LUC – Shoreline Overlay District;
- D. Part 20.25H LUC – Critical Areas Overlay District;
- E. Part 20.45A LUC – Platting and Subdivisions;
- F. Part 20.45B LUC – Short Plats and Short Subdivisions.

Section 6. Section 20.20.010 Note at the end of the Dimensional Requirements of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.010 Uses in land use districts dimensional requirements.

.....

NOTE: Dimensional Requirements for Downtown are found in Part 20.25A LUC.
Dimensional Requirements for Evergreen Highlands Design District (EH-A, EH-B, EH-C, EH-D) are found in Part 20.25F LUC.
Dimensional Requirements for Office and Limited Business – Open Space (OLB-OS) are found in Part 20.25L LUC.
Dimensional Requirements for Medical Institution District (MI) are found in Part 20.25J LUC.
Dimensional Requirements for Bel-Red Land Use Districts are found in Part 20.25D LUC.

.....

Section 7. Section 20.20.010 Notes: Uses in land use district – Dimensional requirements of the Bellevue Land Use Code is hereby amended to add a new Note (42) as follows:

Note (42) Dimensional requirements for the Bel-Red Land Use Districts are found at LUC 20.25D.080.

Section 8. Section 20.20.070 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.070 Lots nonconforming as to area, street frontage, width or depth – Status.

E. This section is not applicable in the Bel-Red Land Use Districts. Refer to LUC 20.25D.060 for regulations relating to existing conditions.

Section 9. Section 20.20.130 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.130 Animal Keeping and Services.

A. General.

Animal services as defined in 20.50.010 are subject to the requirements of this section and BCC Title 8, Animal Regulations.

B. Minimum Requirements.

The following chart entitled, “Animal Regulations” sets forth the minimum requirements for certain types of animal keeping.

Animal Regulations

Type of Animal/Use	Maximum Number (1)	Minimum Lot Size	Minimum Setback (5)
1. Household Pets (6)	Dogs, Cats, Rabbits: 3(2); Fowl: 6(4); Other: no maximum	No minimum	May not be restrained or enclosed outdoors so that the animal is able to come within 15 feet of a property line. This limitation does not prohibit the keeping of a household pet within the following areas, provided it must be allowed to roam freely therein: 1) A lot which is fenced along all lot lines so as to enclose the entire lot, or

			<p>2) An enclosed portion of a lot which is bounded by fences along either the entire front lot line or entire rear lot line, and along a portion of both side lot lines, which utilizes the house or primary structure as one side of the enclosure and which may include all or a portion of either or both side yards.</p> <p>3) No structure to house the household pet may be within 15 feet of a property line.</p>
<p>2. Small Domestic Animals or Hobby Kennel (6)</p>	<p>10: 20,000 sq. ft. and an additional 1,500 sq. ft. for each animal; 6: 10,000 sq. ft. and an additional 1,500 sq. ft. for each animal over 6</p>	<p>20,000 sq. ft. or 10,000 sq. ft.</p>	<p>May not be restrained or enclosed outdoors so that the animal is able to come within 25 feet of a property line. This limitation does not prohibit the keeping of a small domestic animal within the following areas, provided it must be allowed to roam freely therein:</p> <p>1) A lot which is fenced along all lot lines so as to enclose the entire lot, or</p> <p>2) An enclosed portion of a lot which is bounded by fences along either the entire front lot line or entire rear lot line, and along a portion of both side lot lines, which utilizes the house or primary structure as one side of the enclosure and which may include all or a portion of either or both side yards.</p> <p>3) No structure to house the household pet may be within 25 feet of a property line.</p>
<p>3. Large Domestic Animals (6)</p>	<p>1: each 10,000 sq. ft.</p>	<p>20,000 sq. ft.</p>	<p>May not be restrained or enclosed outdoors so that the animal is able to come within 25 feet of a property line. This limitation does not prohibit the keeping of a large domestic</p>

