City of Bellevue

MEMORANDUM

DATE: December 2, 2014

TO: Chair Capron and Members of the East Bellevue Community Council

FROM: Carol Helland, Land Use Director, 452-2724, chelland@bellevuewa.gov
Mike Bergstrom, Principal Planner, 452-2970, mbergstrom@bellevuewa.gov
Development Services Department

SUBJECT: Public Hearing and Final Action on Ordinance No. 6197 - Land Use Code Clean-Up Amendments

INTRODUCTION

On December 2, 2014 the East Bellevue Community Council will hold a public hearing and decide whether to adopt Ordinance No. 6197, approving clean-up amendments to the Land Use Code. This hearing is preceded by a number of recent steps leading to Council adoption of Ordinance No. 6197, including:

- August 5, 2015 – East Bellevue Community Council courtesy hearing on a proposed Land Use Code Clean-Up Amendment (LUCA).
- September 10, 2014 – Planning Commission public hearing on the LUCA.
- October 8, 2014 – Planning Commission recommendation of approval to the City Council.
- November 17, 2014 – Council adoption of Ordinance No. 6197 (attached) approving the LUCA.

BACKGROUND

In compliance with the Washington State Growth Management Act, the Development Services Department maintains a code amendment work program. This includes a list of potential amendments to the Land Use Code and other City codes that relate to land use or development, and is periodically reviewed and confirmed by the City Council. The code amendment work program groups the potential Land Use Code amendments into three tiers:

Tier 1 – Top Priorities. Recommended for initiation as Planning Commission and staff capacity allows.

Tier 2 – Not currently ripe for processing or less urgent.

Tier 3 – No external pressure to complete at this time.

The docket also lists potential amendments to other City codes as a separate group.

One of the Tier 1 amendments is "Land Use Code Clean-Up". This type of amendment typically addresses numerous provisions of the Land Use Code and is intended to provide greater code simplification, clarity, and internal consistency, as well as align code provisions with actual practice.

This differs from a "single issue" amendment (e.g., Recreational Marijuana, Camp and Conference Land Use District) that often have broader community interest or greater policy implications.

Ordinance No. 6197 affects a variety of Land Use Code provisions, including:

20.10.440	Use Charts
20.20.010	Dimensional Requirements Chart
20.20.015	Minimum lot size - Shape
20.20.125	Accessory structures in residential districts – Detached
20.20.130	Animal keeping and services
20.20.170	Child care service use
20.20.520	Landscape development
20.20.590	Parking, circulation, and walkway requirements
20.20.720	Recreational vehicles, watercraft, and utility trailers
20.20.890	Trailers, boats and large vehicles – Use as dwelling units
20.20.900	Tree retention and replacement
20.25B.010	Transition Area Design District Purpose
20.25B.020	Transition Area Design District Applicability
20.25B.040	Transition Area Design District Development Standards
20.25D.070	Bel-Red Services Land Use Chart
20.25D.080	Bel-Red Districts Dimensional Requirements
20.25D.130	Bel-Red Development Standards
20.25H.035	Critical area buffers and structure setbacks
20.30D.285	Amendment of an approved Planned Unit Development
20.30N.140	Home Occupation Permit Decision Criteria
20.30T	Reasonable Accommodation
20.35.015	Review and Appeal Procedures – Framework for Decisions
20.35.210	Process II: Administrative decisions – Notice of application
20.35.250	Appeal of Process II decisions
20.40.500	Vesting and expiration of vested status of land use permits and approvals
20.45A.140	Preliminary Plat – Time Limitations
20.45A.180	Final Plat – General
20.50.012	"B" definitions (Building Height; Building Height – Single-Family Land Use Districts; Building Height – Shoreline Overlay Districts; Building Height – Transition Area Design Districts)
20.50.020	"F" definitions (Floor Area Ratio; Floor Area Ratio – Single-Family Dwelling)
20.50.030	"K" definitions (Kitchen)

At the August 5, 2014 courtesy hearing, the EBCC had questions regarding the proposed definitions of "Floor Area Ratio – Single-Family Dwelling" and "Kitchen". Those questions were for clarification purposes, though the EBCC did acknowledge that the definition of "Kitchen" will not address the issue surrounding the number of kitchens that a single-family dwelling may contain. It is simply intended to define what a "kitchen" is.

CHANGES SINCE EBCC COURTESY HEARING

Subsequent to the August 5, 2014 EBCC courtesy hearing, changes to a few of the amendments occurred as a result of the Planning Commission and City Council process. These include:

- 20.30D.285.C – LUX criteria for PUD. Staff had proposed removing the first criterion in this section due to the impossible "unforeseen" test embedded in that criterion. The Planning Commission agreed that "unforeseen" was problematic but they thought the "natural features" reference was important. Therefore, the Commission recommended the following revision:

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

- 20.50.012 B definitions – Building Height: The Planning Commission thought the "mean height between the eaves and ridge of a pitched roof" language should be consistent with the changes we proposed to the Building Height in Transition Areas language (20.25B.040.A). Therefore, the proposed definition was clarified to state that the measurement is to the mean height between the tallest eave and tallest ridge of a pitched roof.

- 20.50.020 F definitions – FAR – Single-Family Dwelling: The Planning Commission thought that the "high volume space" threshold should be changed from 16 feet to 18 feet, because that better reflects the height at which modern two story dwellings are constructed.

- 20.50.030 K definitions – Kitchen: The City Council discussed this proposed definition, and as a result of that discussion the following revision was made:

  "An identifiable area inside a building <u>for the cooking or preparation of food</u>, including, <u>but not limited to,</u> all appliances, fixtures, and features within that area together with high-voltage electrical wires and plumbing serving, <u>or intended to serve</u>, such appliances, fixtures, and features, <u>and</u> that contains a <u>sink and</u> combination of functionally related appliances including a stove, range, oven, microwave, or any combination thereof, a refrigerator or other food storage appliance, ~~a sink,~~ and a counter or cupboards, in proximity to each other."

These changes are reflected in Ordinance No. 6197.

CONCLUSION

On December 2, 2014 the EBCC will hold a public hearing and can vote to either adopt Ordinance No. 6197 or not adopt Ordinance No. 6197. Adopting Ordinance No. 6197 would make the amendments contained in Ordinance No. 6197 effective within the EBCC jurisdiction. If the EBCC chooses to not adopt Ordinance No. 6197, the amendments contained therein would continue to be effective in all parts of the city except within the EBCC jurisdiction.

OPTIONS

1. Adopt Ordinance No. 6197 approving the Land Use Code Clean-Up Amendments.

2. Do not adopt Ordinance No. 6197, resulting in Ordinance No. 6197 and the Land Use Code Clean-Up Amendments not being effective in the East Bellevue Community Council jurisdiction.

RECOMMENDATION

Adopt Ordinance No. 6197 approving the Land Use Code Clean-Up Amendments.

MOTION
Move to adopt Ordinance No. 6197 approving the Land Use Code Clean-Up Amendments.

ATTACHMENT
Ordinance No. 6197

1425-ORD
11/13/14

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6197

AN ORDINANCE amending the Land Use Code and Bellevue City Code relating to zoning, planning, and land use, amending portions of Title 20 (the Bellevue Land Use Code) of the Bellevue City Code to improve clarity and usability, ensure consistency with State law, improve internal Land Use Code consistency, and correct inaccurate or outdated citations, which includes amendments to the following sections of the Land Use Code: 20.10.440 (Use Charts), 20.20.010 (Dimensional Requirements Chart), 20.20.015 (Minimum lot size – Shape), 20.20.125 (Accessory structures in residential districts – Detached), 20.20.130 (Animal keeping and services), 20.20.170 (Child care service use), 20.20.520 (Landscape development), 20.20.590 (Parking, circulation, and walkway requirements), 20.20.720 (Recreational vehicles, watercraft, and utility trailers), 20.20.890 (Trailers, boats and large vehicles – Use as dwelling units), 20.20.900 Tree retention and replacement), 20.25B.010 (Transition Area Design District Purpose), 20.25B.020 Transition Area Design District Applicability), 20.25B.040 (Transition Area Design District Development Standards), 20.25D.070 (Bel-Red Services Land Use Chart), 20.25D.080 (Bel-Red Districts Dimensional Requirements), 20.25D.130 (Bel-Red Development Standards), 20.25H.035 (Critical area buffers and structure setbacks), 20.30D.285 (Amendment of an approved Planned Unit Development), 20.30N.140 (Home Occupation Permit Decision Criteria), Part 20.30T (Reasonable Accommodation), 20.35.015 (Review and Appeal Procedures – Framework for Decisions), 20.35.210 (Process II: Administrative decisions – Notice of application), 20.35.250 (Appeal of Process II decisions), 20.40.500 (Vesting and expiration of vested status of land use permits and approvals), 20.45A.140 (Preliminary Plat – Time Limitations), 20.45A.180 (Final Plat – General), 20.50.012 (B definitions), 20.50.020 (F definitions), and 20.50.030 (K definitions).

WHEREAS, throughout the process of administering the Land Use Code the City has identified necessary amendments to improve its function and usability, which fall into four categories: (1) improve clarity and usability; (2) ensure consistency with State law; (3) improve internal Land Use Code consistency; and (4) correct inaccurate or outdated citations; and

WHEREAS, the City seeks to modify the Land Use Code to improve the administration and clarity of this code and to ensure consistency with the laws of the State of Washington; and

WHEREAS, the proposed amendments to the Land Use Code are exempt from environmental review under the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on September 10, 2014 after providing legally required public notice; and

WHEREAS, the Planning Commission, after holding said public hearing, recommended that the City Council approve the proposed amendments; and

WHEREAS, the City Council finds that the proposed amendments meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public health, safety and welfare, and are not contrary to the best interest of the citizens and property owners of the City of Bellevue, as more completely analyzed in the Staff Report for the amendment dated _____; now, therefore,

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

Section 1. Section 20.10.440, Residential Land Use Chart, Note (16), is hereby deleted.

Section 2. Section 20.10.440, Residential Land Use Chart, is hereby amended to add Note (16), to read as follows:

(16) See LUC 20.20.190 for additional regulations.

and to attach Note (16) to the following uses:

- Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities; and
- Congregate Care Senior Housing; and
- Nursing Home.

Section 3. Section 20.10.440, Recreation Land Use Chart, is hereby amended to add Note (11), to read as follows:

20.10.440 Recreation Land Use Chart.

(11) See LUC 20.20.190 for additional regulations.

and to attach Note (11) to the following uses:

- Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools.

Section 4. Section 20.10.440, Resources Land Use Chart, is hereby amended to add Note (5), to read as follows:

20.10.440 Resources Land Use Chart.

(5) See LUC 20.20.130.E for additional regulations.

and to attach Note (5) to the following uses:

- Veterinary Clinic and Hospital.

Section 5. Section 20.10.440, Services Land Use Chart, is hereby amended to add Note (26), to read as follows:

20.10.440 Services Land Use Chart.

(26) See LUC 20.20.190 for additional regulations.

and to attach Note (26) to the following uses:

- Military and Correctional Institutions; and
- Education: Primary and Secondary; and
- Universities and Colleges; and
- Religious Activities.

Section 6. Section 20.20.010, Dimensional Requirements Chart, Note 44, of the Bellevue Land Use Code is hereby amended to read as follows:

(44) Maximum building height for single-family uses in single-family residential land use districts is 30 feet measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or 35 feet to the ridge of a pitched roof. Refer to 20.50.012 for definition of Building Height – Single-Family Land Use Districts.

Section 7. Section 20.20.015 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.015 Minimum lot size – Shape.

Every lot shall be of a shape such that two lines, one equal to the required width and one equal to the required depth for the land use district, may be placed at right angles to each other entirely within the lot boundaries.

Section 8. Section 20.20.125.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.125.E Accessory structures in residential districts – Detached.

E. Limitations on Location and Lot Coverage.

1. Detached accessory structures shall be included in the calculation of lot coverage necessary to comply with the Maximum Lot Coverage by Structures requirements contained in LUC 20.20.010. In addition, detached accessory structures are limited to a maximum lot coverage of 10 percent except as otherwise provided in paragraph F.2. of this section.

2. Detached accessory structures are required to comply with the front and side setbacks required for the primary structure and are required to maintain a five-foot setback from the rear lot line except as otherwise provided in paragraph F.3. of this section.

Note: The International Residential Code as adopted and amended by the City of Bellevue contains additional fire protection requirements that are applicable to some structures constructed within a side or rear yard setback.

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

20.20.130.E Veterinary Services.

In addition to the development standards applicable to the land use district, including BCC Title 8 and Chapter 9.18 BCC, veterinary services are subject to the following requirements:

1. A veterinary clinic designed for the treatment and care of pet animals shall be operated by a registered veterinarian.

2. Animals shall be confined within the exterior walls of the building at all times.

3. Pet day care services may be allowed as a subordinate use subject to the provisions of subsection D of this section and LUC 20.20.840. All pet day care services shall be isolated by soundproofing from all adjacent property and uses.

4. Walls of interior-court animal runs shall be a minimum of eight feet high. Interior-court animal runs shall be roofed and if there are open air spaces between the top of the wall and the roof, they shall be enclosed with wire mesh.

5. All rooms housing animals shall have ample natural or mechanical ventilation.

6. There shall be no cremation or other disposal of dead animals on the premises.

Section 10. Section 20.20.170.C of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.170.C Child care service use.

C. Family Child Care Home in a Residence.

Family child care providers must obtain an operating license from the Department of Early Learning. Minimum licensing requirements can be found in Chapter 170-296 WAC. Family child care providers also must obtain a Registration Certificate from the City of Bellevue as required by Chapter 4.03 BCC (Tax Administration Code). All family child care homes must comply with applicable building and fire codes, the Sign Code, Chapter 22B.10 22 BCC, and LUC provisions governing lot size, building dimensions, setbacks and lot coverage requirements for the zone in which they are located.

Section 11. Section 20.20.520.K of the Bellevue Land Use Code is hereby amended to add a new subsection 3, to read:

20.20.520.K Maintenance of Plant Materials.

3. Streetscape plant materials shall be maintained in a manner consistent with the Bellevue Parks & Community Services 2012 "Environmental Best Management Practices & Design Standards", Chapter 8 – Streetscape Management, now, or as hereafter amended.

Section 12. Section 20.20.590.F.1 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.590.F Parking, circulation and walkway requirements.

F. Minimum/Maximum Parking Requirement by Use.

1. Specified Uses. 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:

	Use	Minimum Number of Parking Spaces Required	Maximum Number of Parking Spaces Allowed
a.	Auditorium/assembly room/exhibition hall/theater/commercial recreation (2)	1:4 fixed seats or 10:1,000 nsf (if there are no fixed seats)	No max.
b.	Boat moorage, public or semi-public	1:2 docking slips	No max.
c.	Financial institution	4:1,000 nsf	5:1,000 nsf
d.	Funeral home/mortuary	1:5 seats	No max.
e.	High technology/industry	4:1,000 nsf	5:1,000 nsf
f.	Home furnishing-retail and major appliances-retail	1.5:1,000 nsf	3:1,000 nsf
g.	Hospital/in-patient treatment facility/outpatient surgical facility	1:patient bed	No max.
h.	(Deleted by Ord. 5790)		
i.	Manufacturing/assembly (other than high technology/light industry)	1.5:1,000 nsf	No max.

j. Office business services/professional services/general office	4:1,000 nsf	5:1,000 nsf
k. Office medical/dental/health-related services	4.5:1,000 nsf	5:1,000 nsf
l. Personal services:		
Without fixed stations	3:1,000 nsf	No max.
With fixed stations	1.5:station	No max.
m. Residential:		
Single-family detached	2:unit	No max.
Multiple unit structure:		
One-bedroom or studio unit	1.2:unit	No max.
Two-bedroom unit	1.6:unit	No max.
Three or more bedroom unit	1.8:unit	No max.
n. Restaurant:		
Sitdown only	14:1,000 nsf	No max.
With takeout service	16:1,000 nsf	No max.
o. Retail/mixed retail/shopping center uses (1):		
Less than 15,000 nsf	5:1,000 nsf	5.5:1,000 nsf

15,000 – 400,000 nsf	4:1,000 nsf	4.5:1,000 nsf
400,000 – 600,000 nsf	4:1,000 nsf	5:1,000 nsf
More than 600,000 nsf	5:1,000 nsf	5:1,000 nsf
p. Senior housing:		
Nursing home	0.33:bed	1:bed
Congregate care senior housing	0.5:unit	1.5:unit
Senior citizen dwelling	0.8:unit	1.5:unit
q. Rooming/boarding	1:rented room	No max.
r. Wholesale, warehouse	1.5:1,000 nsf	No max.
s. Vendor cart	1:cart	No max.

nsf = net square feet (See LUC 20.50.036).

Notes: Minimum/Maximum Parking by Use:

(1) Office, restaurant and movie theater uses included within a retail/mixed retail/shopping center use (paragraph F.1.o of this section) must provide parking stalls as indicated below:

a. Office Uses. If office uses comprise more than 10 percent of the total net square footage of a retail/mixed retail/shopping center use with 25,000 to 400,000 total nsf, the property owner shall provide parking for all office uses at a ratio of at least 4.0 parking stalls per 1,000 nsf for all office space. The office net square footage is not used to calculate the parking for other associated uses.

b. Restaurant Uses. If restaurant uses comprise more than five percent of the total net square footage of a retail/mixed retail/shopping center use, the property owner shall provide parking for all restaurant space at a ratio of at least 14 stalls per 1,000 nsf for sitdown restaurants or at least 16 stalls per 1,000 nsf for restaurants with take-out service. The restaurant net square footage is not used to calculate the parking for other uses.

c. Movie Theaters. Movie theaters in a retail/mixed retail/shopping center use shall provide additional parking as follows:

Size of Retail/Mixed Retail/ Shopping Center Development (nsf)	**Parking required in addition to requirements of LUC 20.20.590.F.1**

less than 100,000	3.0:100 total seats
100,000-199,999 and more than 450 seats	3.0:100 total seats
200,000 and more than 750 seats	3.0:100 total seats

Movie theater square footage is used to calculate the parking for LUC 20.20.590.F.1.

(2) Room or seating capacity as specified in the International Building Code, as adopted and amended by the City of Bellevue, at the time of the application is used to establish the parking requirement.

Section 13. Section 20.20.720.F of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.720.F Recreational vehicles, watercraft, and utility trailers. *

F. As to recreational vehicles only, the requirements of subsection A of this section shall not apply to a residence if one or more occupants thereof has a current windshield placard or special license plate issued to them by the State of Washington as a qualified disabled person in accordance with RCW 46.19.010. Persons claiming this exemption shall apply to the Director for approval thereof. The Director shall establish procedures and standards for acting on exemption requests hereunder. Only one recreational vehicle per residence may be exempted under this provision.

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

Section 14. Section 20.20.890.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.890.E Trailers, boats, and large vehicles – Use as dwelling units. *

E. As to recreational vehicles only, the requirements of subsection D of this section shall not apply to a residence if one or more occupants thereof has a current windshield placard or special license plate issued to them by the State of Washington as a qualified disabled person in accordance with RCW 46.19.010. Persons claiming this exemption shall apply to the Director for approval thereof. The Director shall establish procedures and standards for acting on exemption requests hereunder. Only one recreational vehicle per residence may be exempted under this provision.

* Effective only within the jurisdiction of the East Bellevue Community Council.

Section 15. Section 20.20.900.E.1 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.900.E Tree retention and replacement.

E. Retention of Significant Trees in the R-1 Land Use District in the Bridle Trails Subarea for any Type of Land Alteration or Development.

1. Permit Required. As required by BCC 23.76.035.A.8, a clearing and grading permit must be obtained from the City prior to the removal of any significant tree from any lot in the R-1 Land Use District in the Bridle Trails Subarea. The applicant may request a vegetation management plan to cover all proposed tree removal activities within a three-year period. In addition, for the removal of more than two significant trees within any three-year period, the requirements of subsections E.2 and E.3 below apply.

Section 16. Section 20.25B.010 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25B.010 Purpose

The Transition Area Design District provides a buffer between residential uses in a residential land use district and a land use district which permits development of higher intensity. Where multifamily development is planned adjacent to single-family residential uses or commercial development is planned adjacent to residential uses, such development should incorporate elements in the site design and building design to soften its impact and to result in a compatible transition.

Section 17. Section 20.25B.020 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25B.020 Applicability

A. General.

This chapter applies to any portion of property located in a district designated on the chart below as "Districts providing transition" which is located within 300 feet of property located in a district designated on the chart as "Single-family districts receiving transition" or within 150 feet of property located in a district designated on the chart as "Multifamily districts receiving transition."

B. Limitations.

1. Where a transition area abuts a portion of I-90, I-405, SR 520, Burlington Northern Railroad right-of-way, or power transmission line which is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.

2. If the applicant establishes that a minimum 150-foot width of greenbelt or native growth protection easement is permanently dedicated for nonbuildable purposes and is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.

3. Development within any Downtown Land Use District is not subject to Transition Area Design District requirements (refer to LUC 20.25A.090, Perimeter Design District).

4. Development within the F1 Land Use District is not subject to Transition Area Design District requirements.

5. Development within the OLB-OS Land Use District is not subject to Transition Area Design District requirements where that property receiving transition is developed in a nonresidential use.

6. Development of a wireless communications facility is not subject to Transition Area Design District requirements.

7. Development within the Medical Institution Land Use District is not subject to Transition Area Design District requirements.

8. Development within the Bel-Red Land Use Districts is not subject to the Transition Area Design District requirements unless specifically made applicable pursuant to Part 20.25D LUC.

9. Where a transition area abuts a single-family or multifamily district and all properties that would receive transition are developed with legally-permitted non-residential uses, the requirements of this Part 20.25B shall not apply.

. . . .

Section 18. Section 20.25B.040.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.25B.040 Development Standards

A. Building Height.

1. Definition. In a Transition Area, building height shall be measured from average existing grade around the building to the highest point of a flat roof or to the mean height between the tallest eave and tallest ridge of a pitched roof. Mechanical equipment and satellite dish antennas are included in building height calculations, except that mechanical equipment may be located within the upper one-half of a pitched roof form not to exceed 10 feet above maximum building height. This additional 10 feet is for equipment or screening purposes only and not to obtain additional habitable space. Specifically excluded from this definition are parapet walls designed solely, and only to the extent necessary, to screen mechanical and elevator equipment, and slender structural elements not intended for human habitation and not exceeding 10 feet above the maximum building height including chimneys, smoke ventilation stacks, omni-directional antennas, and flagpoles. This definition supersedes the building height definition in LUC 20.50.012 for purposes of this chapter only.

Section 19. Section 20.25D.070, Bel-Red Services Land Use Chart, of the Bellevue Land Use Code is hereby amended to remove note (4) from the Professional Services: Medical Clinics and Other Health Care Related Services use in the BR Residential Commercial Nodes districts (BR-RC-1, RC-2, and RC-3).

Section 20. Section 20.25D.080.A – Dimensional Requirements Chart - of the Bellevue Land Use Code is hereby amended to read as follows:

20.25D.080 Dimensional Requirements.

A. General.

This subsection (Chart 20.25D.080.A, Dimensional Requirements in Bel-Red Districts) sets forth the dimensional requirements for each land use district in the Bel-Red Subarea. The Dimensional Requirements of Chart 20.20.010 do not apply in the Bel-Red land use districts. Each structure, development, or activity in a Bel-Red land use district shall comply with these requirements except as otherwise provided in this section. If a number appears in a box at the intersection of a column and a row, the dimensional requirement is subject to the special limitation indicated in the corresponding Note.

Chart 20.25D.080.A

Dimensional Requirement in Bel-Red Districts.

Bel-Red Land Use District (19)	Tower Type (1) (17)	Minimum Setbacks/Stepbacks (3) (5) (7) (8) (10)			Gross SF/Floor Above 40 ft. (gsf/f) (16) (20) (21)	Gross SF/Floor Above 80 ft. (gsf/f) (16) (20) (21)	Maximum Impervious Surface/ Lot Coverage (6)	Building Height (4)(22)		Floor Area Ratio (4) (9)	
		Front	Rear	Side				Base	Max.	Base	Max.
MO-1 OR-1 RC-1	Nonresidential Residential	0 (2)	0 (14)	0 (14)	28,000 28,000/12,000	28,000 9,000	75%	45	150	1.0	4.0
OR-2 RC-2	Nonresidential Residential	0 (2)	0 (14)	0 (14)	28,000 28,000/12,000	28,000 9,000	75%	45	125	1.0	4.0
RC-3 (15)	Nonresidential Residential	0 (2)	0	0	28,000 28,000	NA	75%	45 (13)	70 (13)	1.0	4.0
CR (15)	Nonresidential Residential	0 (2)	0	0	28,000 28,000	NA	75%	45 (13)	70 (13)	1.0	2.0
R	Nonresidential Residential	0 (2)	0	0	NA	NA	75%	30	45	1.0	2.0
MO OR	Nonresidential Residential	0 (2)	0	0	28,000 28,000	NA	75%	70	70	1.0	1.0
GC	Nonresidential Residential	0 (2)	0	0	NA	NA	75%	45	45	1.0	1.0
ORT	Nonresidential	20	30	20	NA	NA	75%	45(11)	45	0.75	0.75

Bel-Red Land Use District (19)	Tower Type (1) (17)	Minimum Setbacks/Stepbacks (3) (5) (7) (8) (10)			Gross SF/Floor Above 40 ft. (gsf/f) (16) (20) (21)	Gross SF/Floor Above 80 ft. (gsf/f) (16) (20) (21)	Maximum Impervious Surface/ Lot Coverage (6)	Building Height (4)(22)		Floor Area Ratio (4) (9)	
		Front	Rear	Side				Base	Max.	Base	Max.
	Residential								(11)		
All	Parking (12) (18)				NA	NA	75%	30	30	0.5	0.5

Notes: Chart 20.25D.080.A Dimensional Requirement in Bel-Red Districts.
(1) - (10) *No change*
(11) Maximum building height in the BR-ORT land use district shall be measured from average existing grade. See LUC 20.25D.130.D.4.d for additional transition edge development requirements.
(12) The ground floor of a parking structure shall include Required Ground Floor Uses pursuant to LUC 20.25D.130.A.
(13) – (22) *No change*

Section 21. Section 20.25D.080.C.3 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25D.080.C Bel-Red Dimensional Requirements

C. Impervious Surface/Lot Coverage

3. Buildings constructed partially below grade and not higher than 30 inches above average finished grade are not structures for the purpose of calculating impervious surface; provided, that the rooftop of the building shall be landscaped consistent with the City of Bellevue's Utilities Department Engineering Standards, Chapter D6, now or as hereafter amended, for the building roof area as approved by the Director.

Section 22. Section 20.25D.130.D.4.d of the Bellevue Land Use Code is hereby amended to read as follows:

4. Applicable Standards for Building Design.
   a. Building facades shall incorporate elements including but not limited to stepbacks, offsets, roof overhangs, and recesses with a minimum depth of 18 inches. Incorporated recess and offset elements should generally occur along the building facade at intervals no greater than 30 feet.
   b. A building facade visible from abutting residential properties shall not exceed 150 feet.
   c. A primary structure shall be a minimum of 20 feet from another primary structure, provided this dimension may be modified pursuant to LUC 20.25H.040 on sites in the Critical Areas Overlay District.
   d. The maximum building height of 45 feet above average existing grade may be reached only when incorporating pitched or stepped roof forms.
   e. Communication dishes greater than one meter (3.28 feet) in diameter shall not be visible from adjacent residential districts.

f. Natural materials and neutral colors shall be used.

Section 23. Section 20.30D.285 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30D.285 Amendment of an approved Planned Unit Development

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

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

C. Land Use Exemption for a Planned Unit Development.

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

1. The change is necessary because of natural features of the subject property; and

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

2. The change will not have the effect of increasing the density of the Planned Unit Development; and

3. The change will not add square footage that is more than 20 percent of the existing gross square footage of the Planned Unit Development; and

4. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not add square footage that exceeds 20 percent of existing gross square footage of the Planned Unit Development; and

5. The change will not result in any structure, circulation or parking area being moved significantly in any direction; and

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

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

8. The change does not result in any significant adverse impacts beyond the site.

. . . .

Section 24. Section 20.30N.140.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.30N.140 Decision Criteria

A. The Director of the Development Services Department may approve or modify and approve a Home Occupation Permit if the following decision criteria are met:
   1. *(no change)*
   2. *(no change)*
   3. *(no change)*
   4. There is no exterior display, exterior alteration of the property, including expansion of parking or the addition or expansion of exterior mechanical equipment, no exterior sign other than business signage on the applicant's vehicle, no exterior storage of materials or other exterior indication of the business; and
   5. *(no change)*
   6. *(no change)*
   7. *(no change)*
   8. *(no change)*
   9. *(no change)*
   10. *(no change)*
   11. *(no change)*
   12. *(no change)*

Section 25. Part 20.30T of the Bellevue Land Use Code is hereby amended to read as follows:

20.30T Reasonable Accommodation

Any person claiming to have a handicap or disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Director of the Development Services Department with verifiable documentation of handicap or disability eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap or disability eligibility and need for accommodation are demonstrated, the Director shall approve an accommodation which may include granting an exception to the provisions of this Code. The Director shall not charge any fee for responding to such a request. The Director's decision shall constitute final action by the City on the request for accommodation, and review of that decision will be available only in court. An action seeking such review must be filed not more than 21 days after the Director's decision.

Section 26. Section 20.35.015.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.015.A Framework for decisions

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

Section 27. Section 20.35.015.C.12 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.015.C Framework for decisions

C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy Act (SEPA) made by the Environmental Coordinator and Sign Code variances are also Process II decisions. (See the Environmental Procedures Code, BCC 22.02.034, and Sign Code, BCC22B.10.180). The following types of applications require a Process II decision:

1. Administrative amendments;

. . . .

12. Land use approvals requiring a threshold determination under SEPA when not consolidated with another land use decision identified in this Section 20.35.015.

Section 28. Section 20.35.015.G of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.015.G Framework for decisions

G. Other types of land use applications and decisions made by the Director, including those set forth below, are minor or ministerial administrative decisions, exempt from the above land use processes. Notice and an administrative appeal opportunity are not provided. LUC 20.35.020 through 20.35.070, however, apply to all land use applications.
   1. Boundary Line Adjustment;
   2. Final Plat (also requires Hearing Examiner approval prior to recording);
   3. Final Short Plat;
   4. Land Use Exemption;
   5. Temporary Use Permit;
   6. Vendor Cart Permit;
   7. Requests for Reasonable Accommodation as defined by Part 20.30T LUC.*

8. Applications and decisions for activities for which the Director of the Utilities Department has granted an exemption to the "Minimum requirements for new development and redevelopment" pursuant to BCC 24.06.065.C.

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

Section 29. Section 20.35.210.A (Table 20.35.210.A) of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.210.A Notice of Application.

A. Notice of application for Process II land use decisions shall be provided within 14 days of issuance of a notice of completeness as follows:

Table 20.25.210.A

Application Type	Publish	Mail	Sign
Administrative Amendment	X	X	X
Administrative Conditional Use	X	X	X
Design Review	X	X	X
Home Occupation Permit	X	X	
Interpretation of Land Use Code	X		
Preliminary Short Plat	X	X	X
Shoreline Substantial Development Permit	X	X	
Variance, Shoreline Variance	X	X	
Critical Areas Land Use Permit	X	X	
Land Use approvals requiring SEPA Review when not consolidated with another land use decision, as provided for in LUC 20.35.015.C.12	X		
Master Development Plan	X	X	X

Section 30. Section 20.35.250.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.250 Appeal of Process II decisions.

A. Process II decisions, except for shoreline permits and SEPA Threshold Determinations on Process IV or Process V actions, may be appealed as follows:

. . . .

Section 31. Section 20.40.500.A.1 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.500.A 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 and Conditional Uses. Applications for all land use permits and approvals except subdivisions and short subdivisions and conditional uses 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 23.05.090.E and F, 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.

Section 32. Section 20.40.500.A.2 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.500.A Vesting and expiration of vested status of land use permits and approvals.

2. Subdivisions and Short Subdivisions and Conditional Uses. An application for approval of a subdivision or short subdivision of land, as defined in LUC 20.50.046, or for a conditional use, as defined in LUC 20.50.014, 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.

Section 33. Section 20.45A.140 of the Bellevue Land Use Code is hereby amended to read as follows:

20.45A.140 Preliminary plat – Time limitation.

A preliminary plat automatically expires and is void if the applicant fails to file for approval of the final plat within:

A. Seven years of the effective date of preliminary plat approval if preliminary plat approval is on or before December 31, 2014; or
B. Five years of the effective date of preliminary plat approval if preliminary plat approval is on or after January 1, 2015; or
C. Ten years of the effective date of preliminary plat approval if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

Provided, that, if the plat is a phased development and the applicant has received an extension for the preliminary plat pursuant to LUC 20.45A.150, these time limitations may be increased by the length of the approved extension.

Section 34. Section 20.45A.180 of the Bellevue Land Use Code is hereby amended to read as follows:

20.45A.180 Final plat – General.

The applicant must submit the final plat within:

A. Seven years of the effective date of preliminary plat approval if preliminary plat approval is on or before December 31, 2014; or
B. Five years of the effective date of preliminary plat approval is preliminary plat approval is on or after January 1, 2015; or
C. Ten years of the effective date of preliminary plat approval if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

Provided, that, if an extension was granted pursuant to LUC 20.45A.150, these time limitations may be increased by the length of the approved extension.

Section 35. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Building Height" to read as follows:

20.50.012 B definitions.

Building Height. The vertical distance measured from the average elevation of the finished grade around the building or building segment to the highest point of a flat roof, or to the mean height between the tallest eave and tallest ridge of a pitched roof. Specifically excluded from this definition and from the regulation of maximum building height are structural elements not intended for habitation and not exceeding 15 feet above the maximum building height including penthouses for mechanical and elevator equipment, chimneys, wireless communication facility antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment. This definition does not apply to projects located within a Transition Area Design District (refer to LUC 20.25B.040), the Shoreline Overlay District (refer to LUC 20.25E.017), Single-Family Land Use Districts (refer to the definition of Building Height – Single-Family Land Use Districts contained in this section; see also the F1 Land Use District (refer to LUC 20.25F1.040, Footnote (6)).

Section 36. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Building Height – Single-Family Land Use Districts" to read as follows:

20.50.012 B definitions.

Building Height – Single-Family Uses in Single-Family Land Use Districts. The vertical distance measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or to the ridge of a pitched roof,

provided this measurement does not apply to chimneys, wireless communication facility antenna arrays, shortwave radio antennas, smoke and ventilation stacks, and flag poles. This definition applies only to single-family residential structures, and structures accessory thereto, located in a single-family land use district. For all other structures, regardless of land use district, see the definition of Building Height contained in this section.

Section 37. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to add the following new definitions:

20.50.012 B definitions.

Building Height – Shoreline Overlay Districts. See LUC 20.25E – Shoreline Overlay District definitions.

Building Height – Transition Area Design Districts. See LUC 20.25B.040.A.1 – Transition Area Design District Building Height definition.

Section 38. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of "Floor Area Ratio (FAR)" to read as follows:

20.50.020 F definitions.

Floor Area Ratio (FAR). A measure of development intensity equal to the gross floor area, excluding parking and mechanical floors or areas, divided by net on-site land area (square feet). Net on-site land area includes the area of an easement but does not include public right-of-way except in the Downtown as provided for in LUC 20.25A.020.D. Refer to LUC 20.25H.045 for additional limitations on development intensity applicable to sites with critical areas or critical area buffers. This definition does not apply to single-family dwellings (refer to the definition of Floor Area Ratio (FAR) – Single-Family Dwellings contained in this section).

Section 39. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to add the following new definition:

20.50.020 F definitions.

Floor Area Ratio (FAR) – Single-Family Dwelling. A measure of development intensity equal to the gross floor area divided by net on-site land area (square feet). Included in the calculation of gross floor area is the floor area of the ground floor plus that of any additional stories of all buildings on the lot, including accessory structures. High-volume spaces – 18 feet or greater in height – are counted twice. Excluded in the calculation of gross floor area is the floor area or partially exposed lower levels that are less than five feet above finished grade, attic areas which are unfinished and non-habitable, and carports, porches, and decks that are open on at least two sides. See also LUC 20.20.010, Note (43).

Section 40. Section 20.50.030 of the Bellevue Land Use Code is hereby amended to add the following new definition:

20.50.030 K definitions.

Kitchen. An identifiable area inside a building for the cooking or preparation of food, including, but not limited to, all appliances, fixtures, and features within that area together with high-voltage electrical wires and plumbing serving, or intended to serve, such appliances, fixtures, and features, and that contains a sink and combination of functionally related appliances including a stove, range, oven, microwave, or any combination thereof, a refrigerator or other food storage appliance, and a counter or cupboards, in proximity to each other.

Section 41. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 42. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

1425-ORD
11/13/14

Passed by the City Council this _____ day of _____, 2014 and signed in authentication of its passage this _____ day of _____, 2014.

(SEAL)

_____
Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

_____
Lacey Hatch, Assistant City Attorney

Attest:

_____
Myrna L. Basich, City Clerk

Published _____