City Council Adopted May 18, 2009
Vote: 6-0

1080-ORD
05/14/09

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 R-7.5*
Multifamily Residential	R-10 R-15 R-20 R-30
Professional Office	PO
Office	O
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

			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. 3)No structure to house the household pet may be within 15 feet of a property line.
2. Small Domestic Animals or Hobby Kennel (6)	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	20,000 sq. ft. or 10,000 sq. ft.	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: 1) A lot which is fenced along all lot lines so as to enclose the entire lot, or 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. 3) No structure to house the household pet may be within 25 feet of a property line.
3. Large Domestic Animals (6)	1: each 10,000 sq. ft.	20,000 sq. ft.	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

			animal within the following areas, provided it must roam freely therein: 1) A lot which is fenced along all lot lines so as to enclose the entire lot, or 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. 3) No structure to house the animal may be within 25 feet of a property line.
4. Bees (7)	Maximum of four hives, each with one colony: Lots containing 15,000 sq. ft. or less; Maximum of 15 hives, each with one colony: Lots containing more than 15,000 sq. ft. but less than 35,000 sq. ft.; Maximum of 25 hives, each with one colony: Lots containing 35,000 sq. ft. or more	7,200 sq. ft.	Hives must be at least 25 feet from a property line, except when situated 8 feet or more above adjacent ground level, or when situated less than 6 feet above adjacent ground level and behind a solid fence or hedge at least 6 feet high parallel to any property line within 25 feet of the hive and extending at least 25 feet level, or when situated beyond the hive in both directions.
5. Kennel (3)(8)	Determined in Conditional Use Process	35,000 sq. ft.	May not be restrained or enclosed outdoors so that the animal is able to come within 50 feet of a property line. This limitation does not prohibit the keeping of an animal 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 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. 3) No structure to house the animal may be within 50 feet of a property line.
6. Commercial Stable or Riding Academy (3) (9)	Determined in Conditional Use Process	35,000 sq. ft.	May not be restrained or enclosed outdoors so that the animal is able to come within 50 feet of a property line. This limitation does not prohibit the keeping of an animal 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 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. 3) No structure to house the animal may be within 50 feet of a property line.

Notes: Animal Regulations

(1) Number of adult animals. One unweaned litter of offspring, and foals are not included in the number of animals allowed.

(2)More than three rabbits are regulated as small domestic animals.

(3)Requires a Conditional Use Permit.

(4)More than six fowl are regulated as small domestic animals.

(5) The purpose of these setback requirements is to prohibit the confinement of an animal within specific distances from neighboring property, as by leashing the animal to a stake or placing the animal in an enclosure, but to allow animals to be kept in yards fenced on their perimeter so long as the animal is free to roam within the fenced area.

(6) Special Regulations: Open pasture, foraging or grazing may extend to the property line.

(7) Special Regulations:
   (a) Must register with the Washington State Department of Agriculture or any successor organization responsible for oversight of bee keeping.
   (b) Must requeen annually or anytime following swarming or aggressive behavior with a breeder raised queen of suitable docile strain.
   (c) Hives must be maintained to avoid overpopulation and minimize swarming.
   (d) Must be maintained in a movable frame hive at all times.

(8) Special Regulations: See LUC 20.10.440.

(9) Special Regulations: See LUC 20.10.440. Open pasture, foraging or grazing may extend to the property line.

C. Prohibited Animals.

The keeping of mink, foxes or hogs is prohibited.

D. Pet Daycare.

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

1. Facilities for the boarding of animals may occupy no more than 25 percent of the gross floor area of the pet daycare center.

2. Applicants shall submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which are to be followed for the life of the business, shall address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.

E. Veterinary Services.

In addition to the development standards applicable to the land use district, including Title 8 and Chapter 9.18 of the 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 daycare services may be allowed as a subordinate use subject to the provisions of LUC 20.20.840 and LUC 20.20.130(D). All pet daycare 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.

7. A veterinary clinic or hospital building shall not be located closer than 100 feet to an existing residence, residential district (R-1 through R-30), restaurant, clinic or hospital for humans.

8. The setback required above shall not apply in the case of a residence used by the veterinarian himself, or any caretaker or watchman on the same or an adjoining lot.

Section 10. Section 20.20.195.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.195 Communication, broadcast and relay facilities.

A. Definitions.

The following definitions apply to this section:

1. "Flush mounted" shall mean attached to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

2. "Gateway intersection" shall mean those intersections identified on Figure UD-1 in the Comprehensive Plan, now or as hereafter amended.

3. "Nonresidential land use districts" shall mean PO, O, OLB, OLB-OS, LI, GC, NB, CB, F1, F2, F3, EH, MI, all Downtown land use districts, and all Bel-Red land use districts.

4. "Residential land use districts" shall mean R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20 and R-30.

5. "Utility support structure" shall mean street or pedestrian light standards, guy poles, traffic signal standards, and poles or towers supporting electrical, telephone, cable or other similar facilities.

. . . .

Section 11. Section 20.20.255.D of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.255 Electrical utility facilities.

. . . .

D. Alternative Siting Analysis.

In addition to the requirements set forth in Part 20.30B LUC, Part 20.25B LUC (if applicable), and the decision criteria and design standards set forth in this section, the applicant shall identify alternative sites, provide required content showing analysis relating to identified sites, describe technologies considered, and describe community outreach conducted for proposals relating to new or expanding electrical utility facilities on sensitive sites as described in this section.

1. Alternative Sites Analyzed. Prior to submittal of the application for Conditional Use Permit required pursuant to subsection C of this section, the applicant shall identify not less than three alternative site options to meet the system needs for the proposed new or expanding electrical utility facility. At least one of the alternative sites identified by the applicant shall be located in the land use district to be primarily served by the proposed electrical utility facility.

2. Content of Alternative Siting Analysis. Upon submittal of the Conditional Use Permit required pursuant to subsection C of this section, the applicant shall submit results of the siting analysis which:

   a. Describe the sites identified in subsection D.1 of this section and the land use districts within which the sites are located.

   b. Map the location of the sites identified in subsection D.1 of this section and depict the proximity of the sites to Neighborhood Business Land Use Districts, Residential Land Use Districts, and Transition Areas.

   c. Describe which of the sites analyzed are considered practical or feasible alternatives by the applicant, and which of the sites analyzed are not considered practical or feasible, together with supporting information that justifies the conclusions reached. For sites located within a Neighborhood

Business Land Use District, Residential Land Use District, and/or Transition Area (including the Bel-Red Office/Residential Transition (BR-ORT), the applicant shall:

i. Describe whether the electrical utility facility location is a consequence of needs or demands from customers located within the district or area; and

ii. Describe whether the operational needs of the applicant require location of the electrical utility facility in the district or area.

d. Identify a preferred site from the alternative locations considered for the proposed new or expanding electrical utility facility. The following location selection hierarchy shall be considered during identification of the preferred site alternative: (i) nonresidential land use districts not providing transition, (ii) nonresidential Transition Areas (including the Bel-Red Office/Residential Transition (BR-ORT), and (iii) residential areas. The applicant may identify a preferred site alternative in a Residential Land Use District or Transition Area (including the Bel-Red Office/Residential Transition (BR-ORT) upon demonstration that the location has fewer site compatibility impacts than a nonresidential land use district location.

3. Technology Considered for the Preferred Site Alternative. Upon submittal of the Conditional Use Permit required pursuant to subsection C of this section, the applicant shall:

a. Describe the range of technologies considered for the proposed electrical utility facility;

b. Describe how the proposed electrical utility facility provides reliability to customers served;

c. Describe components of the proposed electrical utility facility that relate to system reliability; and

d. Describe how the proposed facility includes technology best suited to mitigate impacts on surrounding properties.

4. Community Outreach Conducted. Upon submittal of the Conditional Use Permit application required pursuant to subsection C of this section, the applicant shall provide a description of all methods of community outreach or involvement conducted by the applicant prior to selecting a preferred site for the proposed electrical utility facility.

Section 12. Section 20.20.350.A and C of the Bellevue Land Use Code are hereby amended to read as follows:

20.20.350 Essential public facility (EPF).

A. Applicability.

This section applies to each essential public facility (EPF) within the City except where a specific use is otherwise identified and regulated in the use charts in LUC 20.10.440 and Chapter 20.25 LUC. The requirements of this section shall be imposed at the establishment of any such EPF use, and upon any addition or modification to any such EPF use or structure housing that use.

Any EPF specifically identified and regulated in the use charts in LUC 20.10.440 and Chapter 20.25 LUC shall be subject to the permitting procedures and requirements for that use, and shall not be subject to this section.

. . . .

C. Decision Criteria.

In addition to the decision criteria applicable to any permit required to construct or modify the EPF, the City may approve, or approve with modifications, a proposal to construct or modify an EPF if:

1. The location and design is consistent with any planning document under which the proposing agency, special district or organization operates, as determined by the person or body having authority to interpret such document;

2. The location, design, use and operation of the EPF complies with any applicable guidelines, rules, regulations or statutes adopted by state law, or any agency or jurisdiction with authority;

3. A building which houses all or a majority of an EPF must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to an EPF where significant elements of the facility are not housed in a building or to isolated minor elements such as utility meters;

4. An EPF may be permitted in a Neighborhood Business or residential land use district (R-1 through R-30), only if there is an operational or other need that requires locating in that district to achieve the purpose or function of the EPF;

5. The City may approve a request to exceed the height limit for the underlying land use district if the applicant demonstrates that:

    a. The requested increase is the minimum necessary for the effective functioning of the EPF; and

    b. Visual and aesthetic impacts associated with the EPF have been mitigated to the greatest extent technically feasible;

6. If the City determines that the EPF is potentially dangerous to human life, appropriate protective measures may be required.

Section 13. Section 20.20.460.B and C and F of the Bellevue Land Use Code are hereby amended to read as follows:

20.20.460 Impervious surface.

. . . .

B. Applicability.

The impervious surface limits contained in LUC 20.20.010 and Chapter 20.25 LUC, and the standards 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 International Building Code.

C. Modifications to Impervious Surface Limits.

The impervious surface limits contained in LUC 20.20.010 and Chapter 20.25 LUC may be modified pursuant to a critical areas report, LUC 20.25H.230, so long as the critical areas report demonstrates that the effective impervious surface on the site does not exceed the limit established in LUC 20.20.010 and Chapter 20.25 LUC.

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. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. Intrusion into the front setbacks, as provided in LUC 20.20.025.B, may be required. On slopes in excess of 25 percent, driveways shall be designed to minimize disturbance and should provide the most direct connection between the building and the public or private street; and

3. Changes in existing grade outside the building footprint shall be minimized. Excavation shall not exceed 10 feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; and engineered fill may be approved in exceptional circumstances to exceed five feet to a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized variations in topography.

. . . .

F. Existing Impervious Surfaces.

Impervious surfaces legally established on a site prior to August 1, 2006, and which exceed the limits set forth in LUC 20.20.010 and Chapter 20.25 LUC shall not be considered nonconforming. Proposals to increase impervious surface on a site shall conform to the limits of LUC 20.20.010 and Chapter 20.25 LUC; where a site already exceeds the allowed amount of impervious surface, the additional impervious surface shall not be approved unless an equal amount of existing impervious surface is removed such that the net amount of impervious surface is unchanged.

Section 14. Section 20.20.560.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.560 Nonconforming structures, uses and sites.

E. Exceptions.

1. Downtown. The provisions of this section shall not apply in the Downtown Special Overlay District, Part 20.25A LUC. Refer to LUC 20.25A.025 for the requirements for nonconforming uses, structures, and sites located within the Downtown Special Overlay District.

2. Critical Areas Overlay District. The provisions of this section do not apply to structures or sites nonconforming to the requirements of Part 20.25H LUC. Refer to LUC 20.25H.065 for the requirements for such nonconforming structures and sites.

3. Shoreline Overlay District. The provisions of this section do not apply to uses, structures or sites nonconforming to the requirements of Part 20.25E LUC. Refer to LUC 20.25E.055 for the requirements for such nonconforming uses, structures and sites.

4. Bel-Red (BR) Land Use Districts. The provisions of this section do not apply to uses, structures, or sites located in the Bel-Red Land Use Districts. For uses in the Bel-Red Land Use Districts established before [insert Code adoption date] refer to the existing conditions regulations in LUC 20.25D.060.

Section 15. Section 20.20.590.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.590 Parking, circulation and walkway requirements.

A. Scope.

This section contains standards and design requirements for parking, circulation and internal walkways, except as otherwise provided in Chapter 20.25 LUC for Special and Overlay Districts.

. . .

Section 16. Section 20.20.620.B of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.620 Produce stands.

. . .

B. Permanent stands for the sale of fruit and vegetables may be erected in zoning districts permitting such retail sales and are exempt from Design Review requirements so long as:

1. Setback requirements are met;

2. The vendor provides safe vehicular and pedestrian ingress and egress from the street to the stand;

3. The site provides parking for retail uses according to the requirements of LUC 20.20.590 or district specific parking requirements contained in Chapter 20.25 LUC;

4. The stand meets technical code requirements for utilities and structural integrity;

5. Refuse, recycling, and similar containers are sight-screened and are made of sound-muffling material such as molded plastic;

6. Lighting is designed to prevent spillover of light from the site to surrounding properties; and

7. Where interior property lines abut residentially zoned property, sight-screening in the form of solid board fencing, evergreen plantings, berming, or a combination thereof, to a height of six feet, is provided.

Section 17. Section 20.20.650.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.650 Public utilities – Design and performance standards.

A. Utility Facility Site Standards.

1. Architectural Form and Character. A building which houses all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed in a building or to isolated minor elements such as pad mounted transformers, telephone pedestals and metering stations.

2. Screening and Fence Requirements.

   a. A utility facility must be sight-screened as specified for that use in LUC 20.20.520.F.2 or as required by district specific landscape standards contained in Chapter 20.25 LUC. Alternatively, the provisions of LUC 20.20.520.J may be used.

   b. If the Director of Planning and Community Development and the Transportation or Utilities Director, as applicable, determine that the utility facility is potentially dangerous to human life, an eight-foot fence may be required.

3. Required Setback.

   a. Any structure, facility or fence must conform to the setback requirement for structures in the land use district in which the structure, facility or fence is located, except as specified in paragraph A.3.b of this section.

   b. The minimum side setback for a structure, facility or fence in an R Land Use District is 20 feet.

Section 18. Section 20.20.730 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.730 Large satellite dish antennas.

A. Large Satellite Dish Antennas in Nonresidential Land Use Districts.

Large satellite dish antennas in all nonresidential districts (all land use districts except R-1 through R-30), shall be screened in accordance with the requirements of LUC 20.20.525.C for mechanical equipment screening.

B. Large Satellite Dish Antennas in Residential Land Use Districts.

The requirements for screening of large satellite dish antennas in residential districts (R-1 through R-30) shall depend upon the nature of use and building type of the development.

1. Large satellite dish antennas in any residential development other than detached or single-family attached housing shall be screened in accordance with the requirements of LUC 20.20.525.C for mechanical equipment screening.

2. Large satellite dish antennas in any residential development consisting of detached or single-family attached housing shall be screened in accordance with subsection C of this section.

C. Large satellite dish antennas in any residential development consisting of detached or single-family attached housing as specified in subsection B.2 of this section are permitted subject to the following criteria, provided the Director 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 buffer or setback required by the City's critical areas regulations (see Part 20.25H LUC), unless affixed to a structure allowed pursuant to Part 20.25H LUC; and

4. The antenna shall be 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.

Section 19. Section 20.20.740.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.740 Schools.

A. Public and private schools are permitted as indicated by the chart in LUC 20.10.440 and use charts applicable to specific land use districts contained in Chapter 20.25 LUC, "Education: Primary and Secondary," provided the following standards are met:

1. School buildings in residential districts shall cover not more than 35 percent of their site area.

2. Except as allowed in this section, school buildings in residential districts shall provide 50-foot side and rear yard setbacks. A reduction in the side or rear yard setback may be approved as follows:

   a. In no event may a side or rear yard setback be less than 30 feet;

   b. The landscaping required along interior property lines required pursuant to subsection A.5 of this section shall be increased to a minimum of 20 feet in depth;

   c. No portion of a structure exceeding the building height allowed for the district may be within 50 feet of the side or rear property line; and

   d. Building entrances or exits, other than required emergency exits, are not located within 50 feet of a side or rear property line.

3. Building Height.

   a. An increase in building height of up to 10 feet above the maximum building height of the underlying district is allowed for schools so long as:

      i. No mechanical equipment is located on the roof of any building or portion of building that exceeds the maximum building height of the underlying district; and

      ii. The school is located on a site of at least five acres.

   b. An increase in building height above that allowed under subsection A.3.a of this section may be approved if that portion of the structure exceeding the maximum building height of the underlying district satisfies the following criteria:

      i. The increase in height is necessary to accommodate uses or equipment functionally related to a program offered as part of the educational programs of the school, for example, for a performing arts center, library or gymnasium;

      ii. That portion of the structure exceeding the maximum building height is set back from any property line a distance equal to 1.5 times the height of that portion of the structure, unless a greater setback is required pursuant to LUC 20.20.010, or the dimensional charts applicable to specific land use districts contained in Chapter 20.25 LUC, or this section;

      iii. The building and site design minimize the impact of the additional height on the surrounding land uses;

iv. The school is located on a site of at least five acres; and

v. In no event may the height of a structure or portion of a structure exceed 75 feet.

4. The Director may administratively consider, approve or disapprove the addition of temporary, portable classrooms to existing public schools subject to the criteria set forth in Part 20.30E LUC for an Administrative Conditional Use.

5. Perimeter Landscaping. In lieu of the Perimeter Landscaping Requirements set forth in LUC 20.20.520.F.1, schools shall provide the following landscaping, subject to LUC 20.20.520.F.6:

   a. Schools in Residential Districts or in Transition Areas as Described in Part 20.25B LUC and in the Bel-Red Office/Residential Transition (BR-ORT) Land Use District.

      i. Ten feet of Type III landscaping along the street frontage, except that 100 percent of the required trees may be planted with deciduous trees; and

      ii. Ten feet of landscaping meeting the requirements of LUC 20.25B.040.C.2.c along interior property lines, unless more stringent requirements apply pursuant to this section.

   b. Schools in All Other Districts.

      i. Ten feet of Type III landscaping along the street frontage, except that 100 percent of the required trees may be planted with deciduous trees; and

      ii. Ten feet of Type III landscaping along interior property lines.

   Alternative landscaping may be approved by the Director if the requirements of LUC 20.20.520.J are met.

6. Vehicular and Pedestrian Circulation. In addition to the requirements of LUC 20.20.590, school vehicular and pedestrian circulation shall satisfy the following criteria:

   a. Vehicular and bus loading and unloading areas shall be designed to minimize impacts on traffic on public rights-of-way;

   b. Parking areas shall be designed to minimize conflicts between pedestrian and vehicular movements; and

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

7. Design Guidelines for Schools in Residential Districts and in Transition Areas. Schools in residential land use districts and in Transition Areas shall meet the site and building design standards set forth in LUC 20.25B.040.D through G and 20.25B.050.

8. Playfields. Schools are not required to provide on- or off-site playfields. Where playfields are provided, however, they must meet the following requirements:

   a. On-site playfields developed to the limits of their property and which are adjacent to developed private property shall be fenced with an eight-foot-high fence; and

   b. Travel to and from the school site to any off-site playfield must not be hazardous.

. . . .

Section 20. Section 20.20.820.B of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.820 Solid waste disposal.

. . . .

B. Decision Criteria.

In addition to the decision criteria applicable to any permit required to construct or modify a solid waste disposal facility pursuant to general use charts contained in LUC 20.10.440 and use charts applicable to specific land use districts contained in Chapter 20.25 LUC, the City may approve, or approve with modifications, a proposal to construct or modify a solid waste disposal facility, provided the following standards are met:

1. All components of the solid waste disposal facility shall be contained within a building that is compatible with the architectural form of surrounding buildings. This requirement shall not apply to those components of the facility that cannot effectively function inside of a building.

2. A transportation plan may be required. The City shall determine the level of detail to be disclosed in the plan such as estimated trip generation, access routes and surrounding area traffic counts, based on the probable impacts and/or scale of the proposed facility.

3. The facility shall be designed to include design and operation measures to control odor emissions and airborne pollutants, rodents, birds, and other vectors.

4. The location, design, use and operation of the facility shall comply with any applicable guidelines, rules, regulations or statutes adopted by state law, or any agency or jurisdiction with authority.

5. The location and design is consistent with any planning document under which the proposing agency, special district or organization operates, as determined by the person or body having authority to interpret such document.

Section 21. Section 20.20.840 is hereby added to the Bellevue Land Use Code as follows:

20.20.840 Subordinate Uses.

A. Purpose.

The purpose of this section is to provide performance standards for subordinate uses, as defined in LUC 20.50.046.

B. Applicability.

The performance standards contained in this section shall be required for subordinate uses, as defined in LUC 20.50.046, whether or not establishment of the use is subject to a permit, approval, or land use review.

C. Performance Standards.

Subordinate uses as defined in LUC 20.50.046 shall be:

1. Located on the same lot or in the same structure as the permitted or principal use;

2. Functionally related to the permitted or principal use; and

3. Generally limited in size to 25 percent of the floor area devoted to the related permitted or principal use.

Section 22. Section 20.20.900.B and D of the Bellevue Land Use Code are hereby amended to read as follows:

20.20.900 Tree retention and replacement.

. . . .

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 the Bellevue City Code or Land Use Code. Subsection F of this section shall apply to permits for new single-family structures and for additions to impervious surface areas that exceed 20 percent when located on a single-family lot developed with a residential use. Subsection E of this section applies to the removal of any significant trees in the R-1 Land Use District located in the Bridle Trails Subarea.

. . . .

D. Retention of Significant Trees for Subdivisions, Short Subdivisions, Planned Unit Development, Change in Lot Coverage, or Change in the Area Devoted to Parking and Circulation, Excluding Areas Located in the R-1 Land Use District in the Bridle Trails Subarea and for New or Expanding Single-Family Structures.

1. Perimeter Landscaping Area. In the required perimeter landscaping area, as set forth in LUC 20.20.520.F.1, the applicant shall retain all significant trees which will not constitute a safety hazard. For properties located in Bel-Red Land Use Districts, refer to perimeter landscape development at LUC 20.25D.110. Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC), 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 landscaping 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; and

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 subsection D.2.a of this section if a group of trees and its associated undergrowth can be preserved.

3. Exemption. The provisions of this subsection 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.

Section 23. Section 20.20.920 is hereby deleted from the Bellevue Land Use Code:

Section 24. Section 20.25B.020.B of the Bellevue Land Use Code is hereby amended to read as follows:

20.25B.020 Applicability.

. . . .

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 feet 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.

. . . .

Section 25. Section 20.25H.045.B and C of the Bellevue Land Use Code are hereby amended to read as follows:

20.25H.045 Development density/intensity.

. . . .

B. Dwelling Units per Acre.

The maximum density allowed for a site in the Critical Areas Overlay District is equal to the number of dwelling units per acre as specified in LUC 20.20.010, times the buildable area in acres, plus the dwelling units per acre times the total area of critical area and critical area buffer in acres times the development factor derived from subsection D of this section:

[(DU/acre)(Buildable area in acres) + (DU/acre)(Total critical area and critical area buffer in acres)(Development factor)] = Maximum dwelling unit potential

The Dwelling Unit per Acre calculation contained in this paragraph does not apply in the Bel-Red Land Use Districts.

C. Floor Area Ratio.

1. Office floor area outside the Bel-Red Land Use Districts

a. The maximum allowable office floor area for a site which contains a critical area or critical area buffer is equal to 0.5 times the buildable area in square feet plus 0.5 times the total area in critical area and critical area buffer in square feet times the development factor derived from subsection D of this section:

[(0.5)(Buildable area in square feet) + (0.5)(Total critical area and critical area buffer in square feet)(Development factor)] = Maximum office development potential

b. A property within the Critical Areas Overlay District is exempt from the sliding scale FAR requirement of LUC 20.20.010, Note 8. The applicable maximum floor area ratio to the buildable area is 0.5 regardless of building square footage.

2. Floor area within the Bel-Red Land Use Districts

The maximum allowable floor area for a site which contains a critical area or critical area buffer is equal to the maximum FAR for the applicable Bel-Red Land Use District (refer to dimensional requirements of LUC 20.25D.080) times the buildable area in square feet plus the maximum FAR for the applicable Bel-Red Land Use District times the total area in critical area and critical area buffer in square feet times the development factor derived from subsection D of this section:

[(Maximum FAR for the applicable Bel-Red Land Use District)(Buildable area in square feet) + (Maximum FAR for the applicable Bel-Red Land Use District)(Total critical area and critical area buffer in square feet)(Development factor)] = Maximum development potential within the Bel-Red Land Use Districts.

. . . .

Section 26. Section 20.30D.150.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.30D.150 Planned Unit Development plan – Decision criteria.

. . . .

E. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this code, LUC 20.20.520 and landscaping requirements applicable to specific districts contained in Chapter 20.25 LUC, and enhances the visual compatibility of the development with the surrounding neighborhood; and

. . . .

Section 27. Section 20.30D.165.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.30D.165 Planned Unit Development plan – Request for modification of zoning requirements.

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

A. Density.

1. General. The applicant may request a bonus in the number of dwelling units permitted by the underlying land use district (see general dimensional requirements contained in LUC 20.20.010, and district specific requirements contained in Chapter 20.25 LUC.

. . . .

Section 28. Section 20.30D.170.B of the Bellevue Land Use Code is hereby amended to read as follows:

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

. . . .

B. Any provision of LUC 20.10.440, Uses in Land Use Districts and district specific requirements contained in Chapter 20.25 LUC; or

. . . .

Section 29. Section 20.30F.145 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30F.145 Decision criteria.

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

A. The proposal is consistent with the Comprehensive Plan; and

B. The proposal complies with the applicable requirements of this Code; and

C. The proposal addresses all applicable design guidelines or criteria of this Code in a manner which fulfills their purpose and intent; and

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

E. The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and,

F. The proposal is consistent with any required Master Development Plan approved pursuant to Part 20.30V LUC or other applicable code section.

Section 30. Section 20.30F.180 is hereby added to the Bellevue Land Use Code as follows:

20.30.F.180 Recording Required

Following approval of a Design Review and any subsequent modifications thereto, the applicant shall record the plans and conditions that constitute the approval with the King County Division of Records and Elections or its successor agency. Components of the approval required to be recorded include but are not limited to the applicable conditions of approval, total amount (square footage) of floor area earned through the FAR Amenity Incentive System, or floor area earned through the Special Dedication of right-of-way, parks, or open space. A copy of the recorded document shall be provided to the city for inclusion in the project file.

Section 31. Section 20.30G.150 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30G.150 Limitation on authority.

The decision maker may not grant a variance to:

A. The provisions of LUC 20.10.440 or Chapter 20.25 LUC, establishing the allowable uses in each land use district; or

. . . .

Section 32. Section 20.30V.180 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30.V.180 Recording Required

Following approval of a Master Development Plan and any subsequent modifications thereto, the applicant shall record the plans and conditions that constitute the approval with the King County Division of Records and Elections or its successor agency. Components of the approval required to be recorded include but are not limited to the applicable conditions of approval, total amount (square footage) of floor area earned through an FAR amenity incentive system, or floor area earned through special dedication of right-of-way, parks, or open space. A copy of the recorded document shall be provided to the city for inclusion in the project file.

Section 33. Section 20.40.450 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.450 Violation of this Code.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Code, or contrary to or in violation of the terms and conditions of any permit or approval issued by the city pursuant to this Code, or contrary to or in violation of any concomitant agreement or development agreement with the city. No permit, approval or other entitlement shall be granted by the City for activities to occur on property that is the subject of any active civil violation proceeding under Chapter 1.18 BCC.

Section 34. Section 20.40.460 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.460 Violation – Penalty.

A. Any violation of this Code as described in LUC 20.40.450 constitutes a civil violation under Chapter 1.18 BCC for which a monetary penalty may be assessed and abatement may be required as provided therein.
B. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates this Code as described in LUC 20.40.450 shall be guilty of a misdemeanor.

Section 35. Section 20.50.010 A Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.010 A Definitions.

. . . .

Adult Day Care. An adult care service use providing regularly scheduled care for a period less than 24 hours. An adult care service use meeting the definition of an Adult Family Home as defined pursuant to RCW 70.128.010(1) does not fall within the scope of this definition.

. . . .

Affordable Housing. Housing used as the primary residence of an affordable housing qualified household. The price of affordable units is based on that amount a household can afford to pay for housing, when household income is less than 80 percent of the median annual income, adjusted for household size, as determined by the United States

Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area, and when the household pays no more than 30 percent of household income for housing expenses. Households with income less than 80 percent of the median annual income, adjusted for household size, may purchase or rent these affordable units. In addition, affordable housing in the Bel-Red Subarea shall include for sale units that are affordable up to 100% of the median annual income.__The Director shall issue administrative rules for establishing the sales or rental price of affordable units and the eligibility of residents.

. . . .

Animal Service. Retail sale, service, or veterinary uses in which health care, pet grooming, pet daycare, or hobby kennel, kennel, or boarding services for animals are provided.

Section 36. Section 20.50.012 B Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.012 B Definitions.

. . .

Bel- Red. The area of the city located generally from Interstate 405 to Bellevue's border with Redmond at 148th Ave NE (including a small triangle west of 156th Ave NE) and between State Route 520 and Bel-Red Road, which area is more specifically described in the Bel-Red legislative rezone (Ordinance No. 5875).

. . . .

Boarding. An animal service, which may include hobby kennel, kennel, veterinary, or pet daycare uses.

. . . .

Section 37. Section 20.50.014 C Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.014 C Definitions.

. . . .

Conditional Use. A use, which is compatible with its surrounding area, permitted if approved by a Hearing Body. See LUC 20.10.440 and district specific land use charts contained in Chapter 20.25 LUC.

. . . .

Section 38. Section 20.50.016 D Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.016 D Definitions

. . . .

Development Services Department. The Development Services Department is an administrative department of the City as described in Chapter 3.44 BCC.

Director. The Director of the Development Services Department for the City of Bellevue, the Director's authorized representative, or any representative authorized by the City Manager, unless otherwise specified.

Director of Planning and Community Development. For the purposes of administering this Code, references to the Director of Planning and Community Development shall refer to the Director of the Development Services Department.

. . . .

Section 39. Section 20.50.025 H Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.025 H Definitions

. . . .

Health Club. A place of business with equipment and facilities for exercising and improving physical fitness. A broader range of services such as restaurant and meeting rooms are not included, except when subordinate to the permitted use.

. . . .

Section 40. Section 20.50.032 L Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.032 L Definitions.

. . . .

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 and district specific land use charts contained in Chapter 20.25 LUC.

. . . .

Lot Coverage. The percentage of a lot which is built upon subject to the exclusions listed in LUC 20.20.012 and the exceptions contained in the dimensional requirements charts contained in LUC 20.20.010 and 20.25A.020. For reference to district specific regulations which govern lot coverage, refer to Chapter 20.25 LUC.

. . . .

Section 41. Section 20.50.034 M Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.034 M definitions.

. . . .

Multiple Function Building or Complex. A building or complex of buildings containing multiple activities such as office, warehousing, manufacturing, or services, as determined by the Director pursuant to LUC 20.10.440 provided this definition does not apply to multiple function buildings or complexes located in Bel-Red Land Use Districts.

Section 42. Section 20.50.040 P Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.040 P Definitions.

. . . .

Pet Daycare. An animal service that regularly provides care for animals, which may include boarding or kennel services.

. . . .

Primary Structure. The structure on a site that houses the principal use. For residential uses, the primary structure houses the dwelling unit(s). For nonresidential uses, the primary structure houses the use undertaken on the site, as classified by LUC 20.10.440 and district specific land use charts contained in Chapter 20.25 LUC. Primary structures do not include structures that contain only certain functions or equipment that support the principal use, such as sheds, garages, or mechanical equipment structures.

. . . .

Section 43. Section 20.50.046 S Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.046 S Definitions.

. . . .

Special Use. A use which requires a Conditional Use Permit, Administrative Conditional Use Permit, or planned unit development pursuant to LUC 20.10.440 and district specific land use charts contained in Chapter 20.25 LUC.

. . . .

Subordinate Use. A use which is secondary or incidental to a permitted or principal use. These uses are governed pursuant to LUC Section 20.20.840.

. . . .

Section 44. The City Council finds that the Consistency Amendments to the Bellevue Land Use Code have met the Land Use Code text amendment decision criteria contained in the Land Use Code (Part 20.30J), and that the amendments are consistent with the Comprehensive Plan, the Bel-Red Subarea Plan, and other goals and policies of the city.

Section 45. The City Council finds that public notice was provided for the Consistency Amendments to the Bellevue Land Use Code as required by LUC 20.35.400 for Process IV amendments to the text of the Land Use Code and Comprehensive Plan.

Section 46. This ordinance shall take effect and be in force five days after its passage and legal publication. This ordinance and the Bellevue Land Use Code shall be available for public inspection in the office of the City Clerk.

1080-ORD
05/14/09

Passed by the City Council this 18 day of May, 2009, and signed in authentication of its passage this 18 day of May, 2009.

(SEAL)

Grant S. Degginger, Mayor

Approved as to form:
Lori M. Riordan, City Attorney

Mary Kate Berens, Deputy City Attorney

Attest:
Michelle Murphy
Deputy City Clerk

Myrna L. Basich, City Clerk

Published: 5/21/09

City of Bellevue

MEMORANDUM

DATE: June 23, 2009

TO: Chair Kasner, Members of the East Bellevue Community Council

FROM: Catherine A. Drews, Legal Planner, Development Services Department

SUBJECT: Bel-Red Consistency Amendments to the Land Use Code

INTRODUCTION

Pursuant to Bellevue Land Use Code (LUC) Section 20.35.450, the East Bellevue Community Council (EBCC) will hold a public hearing on the Bel-Red Consistency Amendments to the LUC. The amendments are codified in Ordinance No. 5876 that is attached to this memorandum as Attachment A, and will be described in more detail at the Final Hearing. Although the Consistency Amendments are necessary to implement the Bel-Red Overlay, the amendments have general applicability to all properties located in Bellevue, and thus are subject to EBCC review. The codes were introduced to the EBCC at a courtesy hearing that occurred on May 6, 2008.

The Bellevue City Council adopted Ordinance No. 5876 on May 18, 2009, and it is not effective within the East Bellevue Community Council area until the EBCC either approves the ordinance, or fails to act to disapprove the ordinance within 60 days following its enactment by the City Council.

AMENDMENTS

The Consistency Amendments are necessary to effectively integrate and ensure consistency with the new Part 20.25D, Bel-Red. The Consistency Amendments include modifications to the general provisions of the LUC, and such changes largely include cross-referencing and are applicable only to properties located in Bel-Red. The amendments also include substantive provisions related subordinate uses and animal services. Other substantive amendments include:

- LUC 20.10.420. Adopting an appeal process for informal land use code interpretations.
- LUC 20.20.030. Amending animal regulations, adding footnotes 6-9, and provisions for pet daycare and veterinary services.
- LUC 20.20.840. Adding regulations applicable to subordinate uses. Defines subordinate uses and provides performance standards.
- LUC 20.30F.180 Requiring design review approvals to be recorded with the King County Auditor.
- LUC 20.130V.180. Requiring approvals of Master Development Plans to be recorded with the King County Auditor.

- LUC 20.20.450. Violation of this Code. The amendment adds concomitant agreements and development agreements to the list of regulations with which citizens must comply when developing property.

LUC 20.20.450 currently does not apply in the EBCC. The provision was amended in July 2007 (Ord. No. 5233) to prohibit the City from issuing permits, approvals, or other entitlements for activities that are to occur on property subject to code enforcement proceedings. The EBCC did not approve this change; consequently, LUC 20.40.450 does not apply within the jurisdiction of the EBCC. If the EBCC approves the proposed Consistency Amendments, this action will repeal the former EBCC decision, resulting in the application of LUC 20.40.450 throughout the jurisdiction of the EBCC, allowing for consistent application and enforcement of code violations throughout the jurisdiction.

- **Relevant New Definitions**
  - Adult Day Care. Defines type of services that do and do not qualify as adult day care.
  - Animal Services. Includes pet day care, kennels, and veterinary services.
  - Bel-Red. Provides a geographical description of the new Bel-Red subarea.
  - Boarding. Applies to uses that provide animal boarding services.
  - Pet Daycare. An animal care service that may or may not provide animal boarding.

Attachment:

Ordinance No. 5876

1080-ORD
05/14/09

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 R-7.5*
Multifamily Residential	R-10 R-15

	R-20 R-30
Professional Office	PO
Office	O
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 ~~c~~Charts by Director~~ of Planning and Community Development – Appeal~~.

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 ~~of Planning and Community Development~~ shall have the authority to make the final determination. The Director ~~of Planning and Community Development~~ 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, ~~and~~ the Standard Industrial Classification Manual and the North American Industry Classification System.

~~Examples: A large sales office, where business is conducted by telephone or not on the premises, where no goods other than samples pass into or out of the site, is an office rather than a retail or wholesale use; a shop selling handcrafted items made on the premises where the manufacturing processes are undetectable outside the premises and require no heavy trucking, is a retail use, not a manufacturing use.~~

B. Conflict. In the case of a conflict between the Land Use District Descriptions (contained in LUC 20.10.0180 through 20.10.395)~~general description~~ and the Use

Chart, the Use Charts contained in LUC 20.10.440 or Chapter 20.25 LUC ~~chart~~ 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 ~~will be processed using~~ Part 20.30K LUC~~, Interpretation of the Land Use Code~~.

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, ~~and~~ 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~~s~~ Keeping and Services.

A. General.

~~The keeping of animals is~~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 ~~the~~ keeping ~~of animals~~.

Animal Regulations

Type of Animal/Use	Maximum Number (1~~A~~)	Minimum Lot Size	Minimum Setback (5~~E~~)
1. Household Pets~~*~~ (6)	Dogs, Cats, Rabbits: 3(2~~B~~); Fowl: 6(4~~D~~); 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 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. ~~*~~ 3)No structure to house the household pet may be within 15 feet of a property line.

2. Small Domestic Animals or Hobby Kennel (6)*	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	20,000 sq. ft. or 10,000 sq. ft.	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: 1) A lot which is fenced along all lot lines so as to enclose the entire lot, or 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. 3) No structure to house the household pet may be within 25 feet of a property line.
3. Large Domestic Animals* (6)	1: each 10,000 sq. ft.	20,000 sq. ft.	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 animal within the following areas, provided it must roam freely therein: 1) A lot which is fenced along all lot lines so as to enclose the entire lot, or 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. ~~•~~ 3) No structure to house the animal may be within 25 feet of a property line.
~~*Special Regulations: Open pasture, foraging or grazing may extend to the property line.~~			
4. Bees (7)**	Maximum of four hives, each with one colony: Lots containing 15,000 sq. ft. or less; Maximum of 15 hives, each with one colony: Lots containing more than 15,000 sq. ft. but less than 35,000 sq. ft.; Maximum of 25 hives, each with one colony: Lots containing 35,000 sq. ft. or more	7,200 sq. ft.	Hives must be at least 25 feet from a property line, except when situated 8 feet or more above adjacent ground level, or when situated less than 6 feet above adjacent ground level and behind a solid fence or hedge at least 6 feet high parallel to any property line within 25 feet of the hive and extending at least 25 feet level, or when situated beyond the hive in both directions.
~~**Special Regulations:~~ ~~• Must register with the Washington State Department of Agriculture.~~ ~~• Must requeen annually or anytime following swarming or aggressive behavior with a breeder raised queen of suitable docile strain.~~ ~~• Hives must be maintained to avoid overpopulation and minimize swarming.~~ ~~• Must be maintained in a movable frame hive at all times.~~			
5. Kennel (3~~C~~)***(8)	Determined in Conditional Use Process	35,000 sq. ft.	May not be restrained or enclosed outdoors so that the animal is able to come within 50 feet of a property line. This limitation does not prohibit the keeping of an animal 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 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. ~~•~~ 3) No structure to house the animal may be within 50 feet of a property line.
~~***Special Regulations: See LUC 20.10.440.~~			
6. Commercial Stable or Riding Academy (3~~C~~) (9)+	Determined in Conditional Use Process	35,000 sq. ft.	~~•~~ May not be restrained or enclosed outdoors so that the animal is able to come within 50 feet of a property line. This limitation does not prohibit the keeping of an animal 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 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. ~~•~~ 3) No structure to house the animal may be within 50 feet of a property line.
~~+Special Regulations: See LUC 20.10.440. Open pasture, foraging or grazing may extend to the property line.~~			

Notes: Animal Regulations

~~(A)~~(1) Number of adult animals. One unweaned litter of offspring, and foals are not included in the number of animals allowed.

~~(B)~~(2) More than three rabbits are regulated as small domestic animals.

~~(C)~~(3)—Requires a Conditional Use Permit.
~~(D)~~(4)—More than six fowl are regulated as small domestic animals.
~~(E)~~(5) The purpose of these setback requirements is to prohibit the confinement of an animal within specific distances from neighboring property, as by leashing the animal to a stake or placing the animal in an enclosure, but to allow animals to be kept in yards fenced on their perimeter so long as the animal is free to roam within the fenced area.
(6) Special Regulations: Open pasture, foraging or grazing may extend to the property line.
(7) Special Regulations:
(a) Must register with the Washington State Department of Agriculture or any successor organization responsible for oversight of bee keeping.
(b) Must requeen annually or anytime following swarming or aggressive behavior with a breeder raised queen of suitable docile strain.
(c) Hives must be maintained to avoid overpopulation and minimize swarming.
(d) Must be maintained in a movable frame hive at all times.
(8) Special Regulations: See LUC 20.10.440.
(9) Special Regulations: See LUC 20.10.440. Open pasture, foraging or grazing may extend to the property line.

C. Prohibited Animals.

The keeping of mink, foxes or hogs is prohibited.

D. Pet Daycare.

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

1. Facilities for the boarding of animals may occupy no more than 25 percent of the gross floor area of the pet daycare center.

2. Applicants shall submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which are to be followed for the life of the business, shall address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.

E. Veterinary Services.

In addition to the development standards applicable to the land use district, including Title 8 and Chapter 9.18 of the 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 daycare services may be allowed as a subordinate use subject to the provisions of LUC 20.20.840 and LUC 20.20.130(D). All pet daycare 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.

7. A veterinary clinic or hospital building shall not be located closer than 100 feet to an existing residence, residential district (R-1 through R-30), restaurant, clinic or hospital for humans.

8. The setback required above shall not apply in the case of a residence used by the veterinarian himself, or any caretaker or watchman on the same or an adjoining lot.

Section 10. Section 20.20.195.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.195 Communication, broadcast and relay facilities.

A. Definitions.

The following definitions apply to this section:

1. "Flush mounted" shall mean attached to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

2. "Gateway intersection" shall mean those intersections identified on Figure UD-1 in the Comprehensive Plan, now or as hereafter amended.

3. "Nonresidential land use districts" shall mean PO, O, OLB, OLB-OS, LI, GC, NB, CB, F1, F2, F3, EH, MI, ~~and~~ all Downtown land use districts, and all Bel-Red land use districts.

4. "Residential land use districts" shall mean R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20 and R-30.

5. "Utility support structure" shall mean street or pedestrian light standards, guy poles, traffic signal standards, and poles or towers supporting electrical, telephone, cable or other similar facilities.

. . . .

Section 11. Section 20.20.255.D of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.255 Electrical utility facilities.

. . . .

D. Alternative Siting Analysis.

In addition to the requirements set forth in Part 20.30B LUC, Part 20.25B LUC (if applicable), and the decision criteria and design standards set forth in this section, the applicant shall identify alternative sites, provide required content showing analysis relating to identified sites, describe technologies considered, and describe community outreach conducted for proposals relating to new or expanding electrical utility facilities on sensitive sites as described in this section.

1. Alternative Sites Analyzed. Prior to submittal of the application for Conditional Use Permit required pursuant to subsection C of this section, the applicant shall identify not less than three alternative site options to meet the system needs for the proposed new or expanding electrical utility facility. At least one of the alternative sites identified by the applicant shall be located in the land use district to be primarily served by the proposed electrical utility facility.

2. Content of Alternative Siting Analysis. Upon submittal of the Conditional Use Permit required pursuant to subsection C of this section, the applicant shall submit results of the siting analysis which:

   a. Describe the sites identified in subsection D.1 of this section and the land use districts within which the sites are located.

b. Map the location of the sites identified in subsection D.1 of this section and depict the proximity of the sites to Neighborhood Business Land Use Districts, Residential Land Use Districts, and Transition Areas.

c. Describe which of the sites analyzed are considered practical or feasible alternatives by the applicant, and which of the sites analyzed are not considered practical or feasible, together with supporting information that justifies the conclusions reached. For sites located within a Neighborhood Business Land Use District, Residential Land Use District, and/or Transition Area (including the Bel-Red Office/Residential Transition (BR-ORT)), the applicant shall:

i. Describe whether the electrical utility facility location is a consequence of needs or demands from customers located within the district or area; and

ii. Describe whether the operational needs of the applicant require location of the electrical utility facility in the district or area.

d. Identify a preferred site from the alternative locations considered for the proposed new or expanding electrical utility facility. The following location selection hierarchy shall be considered during identification of the preferred site alternative: (i) nonresidential land use districts not providing transition, (ii) nonresidential Transition Areas (including the Bel-Red Office/Residential Transition (BR-ORT)), and (iii) residential areas. The applicant may identify a preferred site alternative in a Residential Land Use District or Transition Area (including the Bel-Red Office/Residential Transition (BR-ORT)) upon demonstration that the location has fewer site compatibility impacts than a nonresidential land use district location.

3. Technology Considered for the Preferred Site Alternative. Upon submittal of the Conditional Use Permit required pursuant to subsection C of this section, the applicant shall:

a. Describe the range of technologies considered for the proposed electrical utility facility;

b. Describe how the proposed electrical utility facility provides reliability to customers served;

c. Describe components of the proposed electrical utility facility that relate to system reliability; and

d. Describe how the proposed facility includes technology best suited to mitigate impacts on surrounding properties.

4. Community Outreach Conducted. Upon submittal of the Conditional Use Permit application required pursuant to subsection C of this section, the applicant shall provide a description of all methods of community outreach or involvement conducted by the applicant prior to selecting a preferred site for the proposed electrical utility facility.

Section 12. Section 20.20.350.A and C of the Bellevue Land Use Code are hereby amended to read as follows:

20.20.350 Essential public facility (EPF).

A. Applicability.

This section applies to each essential public facility (EPF) within the City except where a specific use is otherwise identified and regulated in the use charts in LUC 20.10.440 and Chapter 20.25 LUC. The requirements of this section shall be imposed at the establishment of any such EPF use, and upon any addition or modification to any such EPF use or structure housing that use.

Any EPF specifically identified and regulated in the use charts in LUC 20.10.440 and Chapter 20.25 LUC shall be subject to the permitting procedures and requirements for that use, and shall not be subject to this section.

. . . .

C. Decision Criteria.

In addition to the decision criteria applicable to any permit required to construct or modify the EPF, the City may approve, or approve with modifications, a proposal to construct or modify an EPF if:

1. The location and design is consistent with any planning document under which the proposing agency, special district or organization operates, as determined by the person or body having authority to interpret such document;

2. The location, design, use and operation of the EPF complies with any applicable guidelines, rules, regulations or statutes adopted by state law, or any agency or jurisdiction with authority;

3. A building which houses all or a majority of an EPF must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to an EPF where significant elements of the facility are not housed in a building or to isolated minor elements such as utility meters;

4. An EPF may be permitted in a Neighborhood Business or residential land use district (R-1 through R-30), only if there is an operational or other need that requires locating in that district to achieve the purpose or function of the EPF;

5. The City may approve a request to exceed the height limit for the underlying land use district if the applicant demonstrates that:

   a. The requested increase is the minimum necessary for the effective functioning of the EPF; and

   b. Visual and aesthetic impacts associated with the EPF have been mitigated to the greatest extent technically feasible;

6. If the City determines that the EPF is potentially dangerous to human life, appropriate protective measures may be required.

Section 13. Section 20.20.460.B and C and F of the Bellevue Land Use Code are hereby amended to read as follows:

20.20.460 Impervious surface.

. . . .

B. Applicability.

The impervious surface limits contained in LUC 20.20.010 <u>and Chapter 20.25 LUC</u>, and the standards 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 International Building Code.

C. Modifications to Impervious Surface Limits.

The impervious surface limits contained in LUC <u>20.20.010</u> <u>and Chapter 20.25 LUC</u> may be modified pursuant to a critical areas report, LUC 20.25H.230, so long as the critical areas report demonstrates that the effective impervious surface on the site does not exceed the limit established in LUC <u>20.20.010 and Chapter 20.25 LUC</u>.

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. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. Intrusion into the front setback, as provided in LUC 20.20.025.B, may be required. On slopes in excess of 25 percent, driveways shall be designed to minimize disturbance and should provide the most direct connection between the building and the public or private street; and

3. Changes in existing grade outside the building footprint shall be minimized. Excavation shall not exceed 10 feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; and engineered fill may be approved in exceptional circumstances to exceed five feet to a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized variations in topography.

. . . .

F. Existing Impervious Surfaces.

Impervious surfaces legally established on a site prior to August 1, 2006, and which exceed the limits set forth in LUC 20.20.010 and Chapter 20.25 LUC shall not be considered nonconforming. Proposals to increase impervious surface on a site shall conform to the limits of LUC 20.20.010 and Chapter 20.25 LUC; where a site already exceeds the allowed amount of impervious surface, the additional impervious surface shall not be approved unless an equal amount of existing impervious surface is removed such that the net amount of impervious surface is unchanged.

Section 14. Section 20.20.560.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.560 Nonconforming structures, uses and sites.

E. Exceptions.

1. Downtown. The provisions of this section shall not apply in the Downtown Special Overlay District, Part 20.25A LUC. Refer to LUC 20.25A.025 for the requirements for nonconforming uses, structures, and sites located within the Downtown Special Overlay District.

2. Critical Areas Overlay District. The provisions of this section do not apply to structures or sites nonconforming to the requirements of Part 20.25H LUC. Refer to LUC 20.25H.065 for the requirements for such nonconforming structures and sites.

3. Shoreline Overlay District. The provisions of this section do not apply to uses, structures or sites nonconforming to the requirements of Part 20.25E LUC. Refer to LUC 20.25E.055 for the requirements for such nonconforming uses, structures and sites.

4. Bel-Red (BR) Land Use Districts. The provisions of this section do not apply to uses, structures, or sites located in the Bel-Red Land Use Districts. For uses

in the Bel-Red Land Use Districts established before [insert Code adoption date] refer to the existing conditions regulations in LUC 20.25D.060.

Section 15. Section 20.20.590.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.590 Parking, circulation and walkway requirements.

A. Scope.

This section contains standards and design requirements for parking, circulation and internal walkways, except as otherwise provided in Chapter 20.25 LUC for Special and Overlay Districts ~~(e.g., Part 20.25A LUC governs requirements in Downtown Districts)~~.

. . .

Section 16. Section 20.20.620.B of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.620 Produce stands.

. . .

B. Permanent stands for the sale of fruit and vegetables may be erected in zoning districts permitting such retail sales and are exempt from Design Review requirements so long as:

1. Setback requirements are met;

2. The vendor provides safe vehicular and pedestrian ingress and egress from the street to the stand;

3. The site provides parking for retail uses according to the requirements of LUC 20.20.590 ~~for retail uses~~ or district specific parking requirements contained in Chapter 20.25 LUC;

4. The stand meets technical code requirements for utilities and structural integrity;

5. Refuse, recycling, and similar containers are sight-screened and are made of sound-muffling material such as molded plastic;

6. Lighting is designed to prevent spillover of light from the site to surrounding properties; and

7. Where interior property lines abut residentially zoned property, sight-screening in the form of solid board fencing, evergreen plantings, berming, or a combination thereof, to a height of six feet, is provided.

Section 17. Section 20.20.650.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.650 Public utilities – Design and performance standards.

A. Utility Facility Site Standards.

1. Architectural Form and Character. A building which houses all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed in a building or to isolated minor elements such as pad mounted transformers, telephone pedestals and metering stations.

2. Screening and Fence Requirements.

   a. A utility facility must be sight-screened as specified for that use in LUC 20.20.520.F.2 or as required ~~for~~ by district specific landscape standards contained in Chapter 20.25 LUC~~the applicable land use district~~. Alternatively, the provisions of LUC 20.20.520.J may be used.

   b. If the Director of Planning and Community Development and the Transportation or Utilities Director, as applicable, determine that the utility facility is potentially dangerous to human life, an eight-foot fence may be required.

3. Required Setback.

   a. Any structure, facility or fence must conform to the setback requirement for structures in the land use district in which the structure, facility or fence is located, except as specified in paragraph A.3.b of this section.

   b. The minimum side setback for a structure, facility or fence in an R Land Use District is 20 feet.

Section 18. Section 20.20.730 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.730 Large satellite dish antennas.

A. Large Satellite Dish Antennas in Nonresidential Land Use Districts.

Large satellite dish antennas in all nonresidential districts (all land use districts except R-1 through R-30), shall be screened in accordance with the requirements of LUC 20.20.525.C for mechanical equipment screening.

B. Large Satellite Dish Antennas in Residential Land Use Districts.

The requirements for screening of large satellite dish antennas in residential districts (R-1 through R-30) shall depend upon the nature of use and building type of the development.

1. Large satellite dish antennas in any residential development other than detached or single-family attached housing shall be screened in accordance with the requirements of LUC 20.20.525.C for mechanical equipment screening.

2. Large satellite dish antennas in any residential development consisting of detached or single-family attached housing shall be screened in accordance with subsection C of this section.

C. Large satellite dish antennas in any residential development consisting of detached or single-family attached housing as specified in subsection B.2 of this section are permitted subject to the following criteria, provided the Director ~~of Planning and 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 buffer or setback required by the City's critical areas regulations (see Part 20.25H LUC), unless affixed to a structure allowed pursuant to Part 20.25H LUC; and

4. The antenna shall be 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.

Section 19. Section 20.20.740.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.740 Schools.

A. Public and private schools are permitted as indicated by the chart in LUC 20.10.440 and use charts applicable to specific land use districts contained in Chapter

20.25 LUC, "Education: Primary and Secondary," provided the following standards are met:

1. School buildings in residential districts shall cover not more than 35 percent of their site area.

2. Except as allowed in this section, school buildings in residential districts shall provide 50-foot side and rear yard setbacks. A reduction in the side or rear yard setback may be approved as follows:

   a. In no event may a side or rear yard setback be less than 30 feet;

   b. The landscaping required along interior property lines required pursuant to subsection A.5 of this section shall be increased to a minimum of 20 feet in depth;

   c. No portion of a structure exceeding the building height allowed for the district may be within 50 feet of the side or rear property line; and

   d. Building entrances or exits, other than required emergency exits, are not located within 50 feet of a side or rear property line.

3. Building Height.

   a. An increase in building height of up to 10 feet above the maximum building height of the underlying district is allowed for schools so long as:

      i. No mechanical equipment is located on the roof of any building or portion of building that exceeds the maximum building height of the underlying district; and

      ii. The school is located on a site of at least five acres.

   b. An increase in building height above that allowed under subsection A.3.a of this section may be approved if that portion of the structure exceeding the maximum building height of the underlying district satisfies the following criteria:

      i. The increase in height is necessary to accommodate uses or equipment functionally related to a program offered as part of the educational programs of the school, for example, for a performing arts center, library or gymnasium;

      ii. That portion of the structure exceeding the maximum building height is set back from any property line a distance equal to 1.5 times the height of that portion of the structure, unless a greater setback is required pursuant to LUC 20.20.010, or the dimensional charts

applicable to specific land use districts contained in Chapter 20.25 LUC, or this section;

iii. The building and site design minimize the impact of the additional height on the surrounding land uses;

iv. The school is located on a site of at least five acres; and

v. In no event may the height of a structure or portion of a structure exceed 75 feet.

4. The Director ~~of Planning and Community Development~~ may administratively consider, approve or disapprove the addition of temporary, portable classrooms to existing public schools subject to the criteria set forth in Part 20.30E LUC for an Administrative Conditional Use.

5. Perimeter Landscaping. In lieu of the Perimeter Landscaping Requirements set forth in LUC 20.20.520.F.1, schools shall provide the following landscaping, subject to LUC 20.20.520.F.6:

a. Schools in Residential Districts or in Transition Areas as Described in Part 20.25B LUC and in the Bel-Red Office/Residential Transition (BR-ORT) Land Use District.

i. Ten feet of Type III landscaping along the street frontage, except that 100 percent of the required trees may be planted with deciduous trees; and

ii. Ten feet of landscaping meeting the requirements of LUC 20.25B.040.C.2.c along interior property lines, unless more stringent requirements apply pursuant to this section.

b. Schools in All Other Districts.

i. Ten feet of Type III landscaping along the street frontage, except that 100 percent of the required trees may be planted with deciduous trees; and

ii. Ten feet of Type III landscaping along interior property lines.

Alternative landscaping may be approved by the Director ~~of Planning and Community Development~~ if the requirements of LUC 20.20.520.J are met.

6. Vehicular and Pedestrian Circulation. In addition to the requirements of LUC 20.20.590, school vehicular and pedestrian circulation shall satisfy the following criteria:

a. Vehicular and bus loading and unloading areas shall be designed to minimize impacts on traffic on public rights-of-way;

b. Parking areas shall be designed to minimize conflicts between pedestrian and vehicular movements; and

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

7. Design Guidelines for Schools in Residential Districts and in Transition Areas. Schools in residential land use districts and in Transition Areas shall meet the site and building design standards set forth in LUC 20.25B.040.D through G and 20.25B.050.

8. Playfields. Schools are not required to provide on- or off-site playfields. Where playfields are provided, however, they must meet the following requirements:

a. On-site playfields developed to the limits of their property and which are adjacent to developed private property shall be fenced with an eight-foot-high fence; and

b. Travel to and from the school site to any off-site playfield must not be hazardous.

. . . .

Section 20. Section 20.20.820.B of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.820 Solid waste disposal.

. . . .

B. Decision Criteria.

In addition to the decision criteria applicable to any permit required to construct or modify a solid waste disposal facility pursuant to general use charts contained in LUC 20.10.440 and use charts applicable to specific land use districts contained in Chapter 20.25 LUC, the City may approve, or approve with modifications, a proposal to construct or modify a solid waste disposal facility, provided the following standards are met:

1. All components of the solid waste disposal facility shall be contained within a building that is compatible with the architectural form of surrounding buildings. This requirement shall not apply to those components of the facility that cannot effectively function inside of a building.

2. A transportation plan may be required. The City shall determine the level of detail to be disclosed in the plan such as estimated trip generation, access routes and surrounding area traffic counts, based on the probable impacts and/or scale of the proposed facility.

3. The facility shall be designed to include design and operation measures to control odor emissions and airborne pollutants, rodents, birds, and other vectors.

4. The location, design, use and operation of the facility shall comply with any applicable guidelines, rules, regulations or statutes adopted by state law, or any agency or jurisdiction with authority.

5. The location and design is consistent with any planning document under which the proposing agency, special district or organization operates, as determined by the person or body having authority to interpret such document.

Section 21. Section 20.20.840 is hereby added to the Bellevue Land Use Code as follows:

20.20.840 Subordinate Uses.

A. Purpose.

The purpose of this section is to provide performance standards for subordinate uses, as defined in LUC 20.50.046.

B. Applicability.

The performance standards contained in this section shall be required for subordinate uses, as defined in LUC 20.50.046, whether or not establishment of the use is subject to a permit, approval, or land use review.

C. Performance Standards.

Subordinate uses as defined in LUC 20.50.046 shall be:

1. Located on the same lot or in the same structure as the permitted or principal use;

2. Functionally related to the permitted or principal use; and

3. Generally limited in size to 25 percent of the floor area devoted to the related permitted or principal use.

Section 22. Section 20.20.900.B and D of the Bellevue Land Use Code are hereby amended to read as follows:

20.20.900 Tree retention and replacement.

. . . .

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 the Bellevue City Code or Land Use Code. Subsection F of this section shall apply to permits for new single-family structures and for additions to impervious surface areas that exceed 20 percent when located on a single-family lot developed with a residential use. Subsection E of this section applies to the removal of any significant trees in the R-1 Land Use District located in the Bridle Trails Subarea.

. . . .

D. Retention of Significant Trees for Subdivisions, Short Subdivisions, Planned Unit Development, Change in Lot Coverage, or Change in the Area Devoted to Parking and Circulation, Excluding Areas Located in the R-1 Land Use District in the Bridle Trails Subarea and for New or Expanding Single-Family Structures.

1. Perimeter Landscaping Area. In the required perimeter landscaping area, as set forth in LUC 20.20.520.F.1, the applicant shall retain all significant trees which will not constitute a safety hazard. <u>For properties located in Bel-Red Land Use Districts, refer to perimeter landscape development at LUC 20.25D.110.</u> Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC), 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 landscaping 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; and

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 subsection D.2.a of this section if a group of trees and its associated undergrowth can be preserved.

3. Exemption. The provisions of this subsection 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.

Section 23. Section 20.20.920 is hereby deleted from the Bellevue Land Use Code:

~~**20.20.920 Veterinary clinics or hospitals.**~~

~~A veterinary clinic designed for the treatment and care of pet animals, shall be operated by a registered veterinarian. The animals must be confined within the exterior walls of the building at all times. 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. All rooms housing animals shall have ample natural or mechanical ventilation. There shall be no cremation or other disposal of dead animals on the premises. A veterinary clinic or hospital building shall not be located closer than 100 feet to an existing residence, residential district, restaurant, clinic or hospital for humans. The setback required above~~

~~shall not apply in the case of a residence used by the veterinarian himself, or any caretaker or watchman on the same or an adjoining lot. Overnight keeping of animals shall occupy less than 25 percent of the space in a clinic and shall be isolated by soundproofing from all adjacent property and uses.~~

Section 24. Section 20.25B.020.B of the Bellevue Land Use Code is hereby amended to read as follows:

20.25B.020 Applicability.

. . . .

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 feet 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. <u>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.</u>

. . . .

Section 25. Section 20.25H.045.B and C of the Bellevue Land Use Code are hereby amended to read as follows:

20.25H.045 Development density/intensity.

. . . .

B. Dwelling Units per Acre.

The maximum density allowed for a site in the Critical Areas Overlay District is equal to the number of dwelling units per acre as specified in LUC 20.20.010, times the buildable area in acres, plus the dwelling units per acre times the total area of critical area and critical area buffer in acres times the development factor derived from subsection D of this section:

[(DU/acre)(Buildable area in acres) + (DU/acre)(Total critical area and critical area buffer in acres)(Development factor)] = Maximum dwelling unit potential

The Dwelling Unit per Acre calculation contained in this paragraph does not apply in the Bel-Red Land Use Districts.

C. Floor Area Ratio ~~for Office Space~~.

1. Office floor area outside the Bel-Red Land Use Districts

a. The maximum allowable office floor area for a site which contains a critical area or critical area buffer is equal to 0.5 times the buildable area in square feet plus 0.5 times the total area in critical area and critical area buffer in square feet times the development factor derived from subsection D of this section:

[(0.5)(Buildable area in square feet) + (0.5)(Total critical area and critical area buffer in square feet)(Development factor)] = Maximum office development potential

~~2~~b. A property within the Critical Areas Overlay District is exempt from the sliding scale FAR requirement of LUC 20.20.010, Note 8. The applicable maximum floor area ratio to the buildable area is 0.5 regardless of building square footage.

2. Floor area within the Bel-Red Land Use Districts

The maximum allowable floor area for a site which contains a critical area or critical area buffer is equal to the maximum FAR for the applicable Bel-Red Land Use District (refer to dimensional requirements of LUC 20.25D.080) times the buildable area in square feet plus the maximum FAR for the applicable Bel-Red Land Use District times the total area in critical area and critical area buffer in

square feet times the development factor derived from subsection D of this section:

[(Maximum FAR for the applicable Bel-Red Land Use District)(Buildable area in square feet) + (Maximum FAR for the applicable Bel-Red Land Use District)(Total critical area and critical area buffer in square feet)(Development factor)] = Maximum development potential within the Bel-Red Land Use Districts.

. . . .

Section 26. Section 20.30D.150.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.30D.150 Planned Unit Development plan – Decision criteria.

. . . .

E. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this code, LUC 20.20.520 and landscaping requirements applicable to specific districts contained in Chapter 20.25 LUC, and enhances the visual compatibility of the development with the surrounding neighborhood; and

. . . .

Section 27. Section 20.30D.165.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.30D.165 Planned Unit Development plan – Request for modification of zoning requirements.

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

A. Density.

1. General. The applicant may request a bonus in the number of dwelling units permitted by the underlying land use district (see general dimensional requirements contained in LUC 20.20.010, and district specific requirements contained in Chapter 20.25 LUC~~or 20.25H.045 for sites in the Critical Areas Overlay District~~).

. . . .

Section 28. Section 20.30D.170.B of the Bellevue Land Use Code is hereby amended to read as follows:

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

. . . .

B. Any provision of LUC 20.10.440, Uses in Land Use Districts and district specific requirements contained in Chapter 20.25 LUC; or

. . . .

Section 29. Section 20.30F.145 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30F.145 Decision criteria.

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

A. The proposal is consistent with the Comprehensive Plan; and

B. The proposal complies with the applicable requirements of this Code; and

C. The proposal addresses all applicable design guidelines or criteria of this Code in a manner which fulfills their purpose and intent; and

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

E. The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and,

F. The proposal is consistent with any required Master Development Plan approved pursuant to Part 20.30V LUC or other applicable code section.

Section 30. Section 20.30F.180 is hereby added to the Bellevue Land Use Code as follows:

20.30.F.180 Recording Required

Following approval of a Design Review and any subsequent modifications thereto, the applicant shall record the plans and conditions that constitute the approval with the King County Division of Records and Elections or its successor agency. Components of the approval required to be recorded include but are not limited to the applicable conditions of approval, total amount (square footage) of floor area earned through the FAR Amenity Incentive System, or floor area earned through the Special Dedication of right-

of-way, parks, or open space. A copy of the recorded document shall be provided to the city for inclusion in the project file.

Section 31. Section 20.30G.150 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30G.150 Limitation on authority.

The decision maker may not grant a variance to:

A. The provisions of LUC 20.10.440 or Chapter 20.25 LUC, establishing the allowable uses in each land use district; or

. . . .

Section 32. Section 20.30V.180 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30.V.180 Recording Required

Following approval of a Master Development Plan and any subsequent ~~or a~~ modifications thereto, the applicant shall record the plans and conditions ~~which~~ that constitute the approval ~~ed Master Development Plan and the amount (square footage) of any area dedicated in conformance with LUC 20.30V.170.B above~~ with the King County Division of Records and Elections or its successor agency. Components of the approval required to be recorded include but are not limited to the applicable conditions of approval, total amount (square footage) of floor area earned through an FAR amenity incentive system, or floor area earned through special dedication of right-of-way, parks, or open space. A copy of the recorded document shall be provided to the city for inclusion in the project file. ~~The Master Development Plan is binding on and runs with the land.~~

Section 33. Section 20.40.450 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.450 Violation of this Code.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Code, or contrary to or in violation of the terms and conditions of any permit or approval issued by the city pursuant to this Code, or contrary to or in violation of any concomitant agreement or development agreement with the city. No permit, approval or other entitlement shall be granted by the City for

activities to occur on property that is the subject of any active civil violation proceeding under Chapter 1.18 BCC.

Section 34. Section 20.40.460 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.460 Violation – Penalty.

A. Any violation of this Code as described in LUC 20.40.450 ~~any provision of BCC Title 20, Land Use Code,~~ constitutes a civil violation under Chapter 1.18 BCC for which a monetary penalty may be assessed and abatement may be required as provided therein.
B. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates ~~any provision of this chapter~~this Code as described in LUC 20.40.450 shall be guilty of a misdemeanor.

Section 35. Section 20.50.010 A Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.010 A Definitions.

. . . .

Adult Day Care. An adult care service use providing regularly scheduled care for a period less than 24 hours. An adult care service use meeting the definition of an Adult Family Home as defined pursuant to RCW 70.128.010(1) does not fall within the scope of this definition.

. . . .

Affordable Housing. Housing used as the primary residence of an affordable housing qualified household. The price of affordable units is based on that amount a household can afford to pay for housing, when household income is less than 80 percent of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area, and when the household pays no more than 30 percent of household income for housing expenses. Households with income less than 80 percent of the median annual income, adjusted for household size, may purchase or rent these affordable units. In addition, affordable housing in the Bel-Red Subarea shall include for sale units that ~~only~~ are ~~considered~~ affordable up to 100% of the median annual income. The Director shall issue administrative rules for establishing the sales or rental price of affordable units and the eligibility of residents.

. . . .

Animal Service. Retail sale, service, or veterinary uses in which health care, pet grooming, pet daycare, or hobby kennel, kennel, or boarding services for animals are provided.

Section 36. Section 20.50.012 B Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.012 B Definitions.

. . .

Bel- Red. The area of the city located generally from Interstate 405 to Bellevue's border with Redmond at 148th Ave NE (including a small triangle west of 156th Ave NE) and between State Route 520 and Bel-Red Road, which area is more specifically described in the Bel-Red legislative rezone (Ordinance No. 5875).

. . . .

Boarding. An animal service, which may include hobby kennel, kennel, veterinary, or pet daycare uses.

. . . .

Section 37. Section 20.50.014 C Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.014 C Definitions.

. . . .

Conditional Use. A use, which is compatible with its surrounding area, permitted if approved by a Hearing Body. See LUC 20.10.440 and district specific land use charts contained in Chapter 20.25 LUC.

. . . .

Section 38. Section 20.50.016 D Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.016 D Definitions

. . . .

Development Services Department. The Development Services Department is an administrative department of the City as described in Chapter 3.44 BCC.

Director. The Director of ~~Planning and Community Development~~the Development Services Department for the City of Bellevue, the Director's authorized representative, or any representative authorized by the City Manager, unless otherwise specified.

Director of Planning and Community Development. For the purposes of administering this Code, references to the Director of Planning and Community Development shall refer to the Director of the Development Services Department. ~~The Director of Planning and Community Development for the City of Bellevue, the Director's authorized representative or any representative authorized by the City Manager.~~

. . . .

Section 39. Section 20.50.025 H Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.025 H Definitions

. . . .

Health Club. ~~A use featuring exercise, sports and other active physical fitness conditioning with limited subordinate uses.~~ A place of business with equipment and facilities for exercising and improving physical fitness. A broader range of services such as restaurant and meeting rooms are not included, except when subordinate to the permitted use.

. . . .

Section 40. Section 20.50.032 L Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.032 L Definitions.

. . . .

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 and district specific land use charts contained in Chapter 20.25 LUC.

. . . .

Lot Coverage. The percentage of a lot which is built upon subject to the exclusions listed in LUC 20.20.012 and the exceptions contained in the dimensional requirements charts contained in LUC 20.20.010 and 20.25A.020. For reference to district specific regulations which govern lot coverage, refer to Chapter 20.25 LUC.

. . . .

Section 41. Section 20.50.034 M Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.034 M definitions.

. . . .

Multiple Function Building or Complex. A building or complex of buildings containing multiple activities such as office, warehousing, manufacturing, or services, as determined by the Director ~~of Planning and Community Development~~ pursuant to LUC 20.10.440 provided this definition does not apply to multiple function buildings or complexes located in Bel-Red Land Use Districts.

Section 42. Section 20.50.040 P Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.040 P Definitions.

. . . .

Pet Daycare. An animal service that regularly provides care for animals, which may include boarding or kennel services.

. . . .

Primary Structure. The structure on a site that houses the principal use. For residential uses, the primary structure houses the dwelling unit(s). For nonresidential uses, the primary structure houses the use undertaken on the site, as classified by LUC 20.10.440 and district specific land use charts contained in Chapter 20.25 LUC. Primary structures do not include structures that contain only certain functions or equipment that support the principal use, such as sheds, garages, or mechanical equipment structures.

. . . .

Section 43. Section 20.50.046 S Definitions of the Bellevue Land Use Code are hereby amended to read as follows:

20.50.046 S Definitions.

. . . .

Special Use. A use which requires a Conditional Use Permit, Administrative Conditional Use Permit, or planned unit development pursuant to LUC 20.10.440 and district specific land use charts contained in Chapter 20.25 LUC.

. . . .

Subordinate Use. A use which is secondary or incidental to a permitted or principal use. These uses are governed pursuant to LUC Section 20.20.840.~~, located on the same lot or in the same structure as the permitted or principal use, and which is functionally related to the permitted or principal use. Subordinate uses generally are limited in size to 25 percent of the floor area devoted to the related permitted use.~~

. . . .

Section 44. The City Council finds that the Consistency Amendments to the Bellevue Land Use Code have met the Land Use Code text amendment decision criteria contained in the Land Use Code (Part 20.30J), and that the amendments are consistent with the Comprehensive Plan, the Bel-Red Subarea Plan, and other goals and policies of the city.

Section 45. The City Council finds that public notice was provided for the Consistency Amendments to the Bellevue Land Use Code as required by LUC 20.35.400 for Process IV amendments to the text of the Land Use Code and Comprehensive Plan.

Section 46. This ordinance shall take effect and be in force five days after its passage and legal publication. This ordinance and the Bellevue Land Use Code shall be available for public inspection in the office of the City Clerk.

Passed by the City Council this ____ day of _____, 2009, and signed in authentication of its passage this ____ day of _____, 2009.

(SEAL)

1080-ORD
05/14/09

_____

Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

_____

Mary Kate Berens, Deputy City Attorney

Attest:

_____

Myrna L. Basich, City Clerk

Published: _____