

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

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and usability, ensure consistency with State law, improve internal Land Use Code consistency, and correct inaccurate or outdated citations, which includes amendments to the following sections of the Land Use Code: 20.10.440 (Use Charts), 20.20.125 (Accessory structures in residential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

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(2) ensure consistency with State law; (3) improve internal Land Use Code consistency; and (4) correct inaccurate or outdated citations; and

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

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

WHEREAS, the Planning Commission held a public hearing on _____, 201___ with regard to such proposed Land Use Code amendments; and

WHEREAS, the Planning Commission recommends that the City Council approve the proposed amendments, now, therefore,

February 12, 2014 Draft

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

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

~~(16) For Single Family Land Use Districts, "building height" is defined as the vertical distance measured from the average existing grade around the building to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof, provided this measurement does not apply to flag poles and short wave radio antennas. Refer to the definition of building height for Single Family Land Use Districts at LUC 20.50.012.~~

Comment [CoB1]: Removes errant note; 20.10.440 does not address building height.

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

(16) See LUC 20.20.190 for additional regulations.

Comment [CoB2]: User convenience – directs user to special setback and auto access requirements in 20.20.190.

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

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

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

20.10.440 Recreation Land Use Chart.

(11) See LUC 20.20.190 for additional regulations.

Comment [CoB3]: User convenience – directs user to special setback and auto access requirements in 20.20.190.

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

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

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

20.10.440 Services Land Use Chart.

(26) See LUC 20.20.190 for additional regulations.

Comment [CoB4]: User convenience – directs user to special setback and auto access requirements in 20.20.190.

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

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

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

February 12, 2014 Draft

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

Comment [CoB5]: User convenience.

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

20.20.125.E Accessory structures in residential districts – Detached.

E. Limitations on Location and Lot Coverage.

~~1. Detached accessory structures shall not be located less than six feet from the associated primary structure.~~

Comment [CoB6]: Consistency with International Residential Code adopted by the City of Bellevue.

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

~~32.~~ Detached accessory structures are required to comply with the front and side setbacks required for the primary structure and are required to maintain a five-foot setback from the rear lot line except as otherwise provided in paragraph F.3. of this section.

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

Comment [CoB7]: The IRC is the code now used by the City of Bellevue.

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

20.20.170.C Child care service use.

C. Family Child Care Home in a Residence.

Family child care providers must obtain an operating license from the Department of ~~Social and Health Services~~ [Early Learning](#). Minimum licensing requirements can be found in Chapter ~~388-155170-296~~ WAC. Family child care providers also must obtain a Registration Certificate from the City of Bellevue as required by Chapter ~~4-024.03~~ BCC (Tax Administration Code). All family child care homes must comply with applicable building and fire codes, the Sign Code, Chapter 22B.10 22 BCC, and LUC provisions governing lot size, building dimensions, setbacks and lot coverage requirements for the zone in which they are located.

Comment [CoB8]: Reference and code citation corrections.

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

20.20.520.K Maintenance of Plant Materials.

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

Comment [CoB9]: Clarification of maintenance standards.

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

20.20.590.F Parking, circulation and walkway requirements.

F. Minimum/Maximum Parking Requirement by Use.

1. Specified Uses. Subject to LUC 20.20.590.G and 20.20.590.H, the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below:

Use	Minimum Number of Parking Spaces Required	Maximum Number of Parking Spaces Allowed
a. Auditorium/assembly room/exhibition hall/theater/commercial recreation (24)	1:4 fixed seats or 10:1,000 nsf (if there are no fixed seats)	No max.
b. Boat moorage, public or semi-public	1:2 docking slips	No max.
c. Financial institution	4:1,000 nsf	5:1,000 nsf
d. Funeral home/mortuary	1:5 seats	No max.
e. High technology/industry (4)	4:1,000 nsf	5:1,000 nsf
f. Home furnishing-retail and major appliances-retail	1.5:1,000 nsf	3:1,000 nsf

Comment [CoB10]: Numbering change resulting from elimination on notes 1 and 2.

Comment [CoB11]: Note eliminated. See below.

g.	Hospital/in-patient treatment facility/outpatient surgical facility	1:patient bed	No max.
h.	(Deleted by Ord. 5790)		
i.	Manufacturing/assembly (other than high technology/light industry)	1.5:1,000 nsf	No max.
j.	Office (1) business services/professional services/general office	4:1,000 nsf	5:1,000 nsf
k.	Office (2) medical/dental/health-related services	4.5:1,000 nsf	5:1,000 nsf
l.	Personal services:		
	Without fixed stations	3:1,000 nsf	No max.
	With fixed stations	1.5:station	No max.
m.	Residential:		
	Single-family detached	2:unit	No max.
	Multiple unit structure:		
	One-bedroom or studio unit	1.2:unit	No max.
	Two-bedroom unit	1.6:unit	No max.

Comment [CoB12]: Note eliminated. See below.

Comment [CoB13]: Note eliminated. See below.

Three or more bedroom unit	1.8:unit	No max.
n. Restaurant:		
Sitdown only	14:1,000 nsf	No max.
With takeout service	16:1,000 nsf	No max.
o. Retail/mixed retail/shopping center uses (13):		
Less than 15,000 nsf	5:1,000 nsf	5.5:1,000 nsf
15,000 – 400,000 nsf	4:1,000 nsf	4.5:1,000 nsf
400,000 – 600,000 nsf	4:1,000 nsf	5:1,000 nsf
More than 600,000 nsf	5:1,000 nsf	5:1,000 nsf
p. Senior housing:		
Nursing home	0.33:bed	1:bed
Congregate care senior housing	0.5:unit	1.5:unit
Senior citizen dwelling	0.8:unit	1.5:unit
q. Rooming/boardings	1:rented room	No max.
r. Wholesale, warehouse	1.5:1,000 nsf	No max.
s. Vendor cart	1:cart	No max.

nsf = net square feet (See LUC 20.50.036).

Notes: Minimum/Maximum Parking by Use:

~~(1) A property owner proposing a high technology light industry use or an office use (excluding medical/dental/health related office) shall provide area for future parking so that 4.5 stalls per 1,000 net square feet can be provided, if the proposed initial installation is less than 4.5 stalls per 1,000 nsf. (See paragraph K.7 of this section for design requirements). If at any time the Director of the Development Services Department determines that adequate parking has not been provided through the initial installation ratio, the Director may require the installation of stalls designated as reserve parking up to the 4.5 per 1,000 nsf ratio to assure that parking availability satisfies parking demand. Reserved parking areas must be clearly designated on the approved site plan and a document describing such area and the~~

Comment [CoB14]: Numbering change resulting from elimination on notes 1 and 2.

Comment [CoB15]: Provisions contained in Notes 1 and 2 have not been utilized and are unnecessary.

~~obligation to convert such area to parking must be recorded with the King County Division of Records and Elections and the Bellevue City Clerk.~~

~~(2) A property owner proposing a medical/dental/health related office use shall provide area for future parking so that 5.0 stalls per 1,000 nsf can be provided, if the initial installation is less than 5.0 stalls per 1,000 nsf. (See paragraph K.7 of this section for design requirements.) If at any time the Director of the Development Services Department determines that adequate parking has not been provided through the initial installation ratio, the Director may require the installation of stalls designated as reserve parking up to the 5.0 per 1,000 nsf ratio to assure that parking availability satisfies parking demand. Reserved parking areas must be clearly designated on the approved site plan and a document describing such area and the obligation to convert such area to parking must be recorded with the King County Division of Records and Elections and the Bellevue City Clerk.~~

Comment [CoB16]: Provisions contained in Notes 1 and 2 have not been utilized and are unnecessary.

~~(13) Office, restaurant and movie theater uses included within a retail/mixed retail/shopping center use (paragraph F.1.o of this section) must provide parking stalls as indicated below:~~

Comment [CoB17]: Numbering change resulting from elimination on notes 1 and 2.

- a. Office Uses. If office uses comprise more than 10 percent of the total net square footage of a retail/mixed retail/shopping center use with 25,000 to 400,000 total nsf, the property owner shall provide parking for all office uses at a ratio of at least 4.0 parking stalls per 1,000 nsf for all office space. The office net square footage is not used to calculate the parking for other associated uses.
- b. Restaurant Uses. If restaurant uses comprise more than five percent of the total net square footage of a retail/mixed retail/shopping center use, the property owner shall provide parking for all restaurant space at a ratio of at least 14 stalls per 1,000 nsf for sitdown restaurants or at least 16 stalls per 1,000 nsf for restaurants with take-out service. The restaurant net square footage is not used to calculate the parking for other uses.
- c. Movie Theaters. Movie theaters in a retail/mixed retail/shopping center use shall provide additional parking as follows:

Size of Retail/Mixed Retail/ Shopping Center Development (nsf)	Parking required in addition to requirements of LUC 20.20.590.F.1
less than 100,000	3.0:100 total seats
100,000-199,999 and more than 450 seats	3.0:100 total seats
200,000 and more than 750 seats	3.0:100 total seats

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

~~(24) Room or seating capacity as specified in the International Building Code, as adopted and amended by the City of Bellevue, at the time of the application is used to establish the parking requirement.~~

Comment [CoB18]: Numbering change resulting from elimination on notes 1 and 2.

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

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

February 12, 2014 Draft

F. As to recreational vehicles only, the requirements of subsection A of this section shall not apply to a residence if one or more occupants thereof has a current windshield placard or special license plate issued to them by the State of Washington as a qualified disabled person in accordance with RCW ~~46.16.384~~46.19.010. Persons claiming this exemption shall apply to the Director for approval thereof. The Director shall establish procedures and standards for acting on exemption requests hereunder. Only one recreational vehicle per residence may be exempted under this provision.

Comment [CoB19]: Citation correction.

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

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

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

E. As to recreational vehicles only, the requirements of subsection D of this section shall not apply to a residence if one or more occupants thereof has a current windshield placard or special license plate issued to them by the State of Washington as a qualified disabled person in accordance with RCW ~~46.16.384~~46.19.010. Persons claiming this exemption shall apply to the Director for approval thereof. The Director shall establish procedures and standards for acting on exemption requests hereunder. Only one recreational vehicle per residence may be exempted under this provision.

Comment [CoB20]: Citation correction.

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

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

20.20.900.E Tree retention and replacement.

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

1. Permit Required. As required by BCC ~~23.76.025.A.7~~23.76.035.A.8, a clearing and grading permit must be obtained from the City prior to the removal of any significant tree from any lot in the R-1 Land Use District in the Bridle Trails Subarea. The applicant may request a vegetation management plan to cover all proposed tree removal activities within a three-year period. In addition, for the removal of more than two significant trees within any three-year period, the requirements of subsections E.2 and E.3 below apply.

Comment [CoB21]: Citation correction.

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

20.25B.010 Purpose

The Transition Area Design District provides a buffer between residential uses in a residential land use district and a land use district which permits development of higher intensity. Where multifamily development is planned adjacent to single-family residential uses or commercial development is planned adjacent to residential uses, such development should incorporate

Comment [CoB22]: Purpose clarification

February 12, 2014 Draft

elements in the site design and building design to soften its impact and to result in a compatible transition.

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

20.25B.020 Applicability

A. General.

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

B. Limitations.

1. Where a transition area abuts a portion of I-90, I-405, SR 520, Burlington Northern Railroad right-of-way, or power transmission line which is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.
2. If the applicant establishes that a minimum 150-foot width of greenbelt or native growth protection easement is permanently dedicated for nonbuildable purposes and is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.
3. Development within any Downtown Land Use District is not subject to Transition Area Design District requirements (refer to LUC 20.25A.090, Perimeter Design District).
4. Development within the F1 Land Use District is not subject to Transition Area Design District requirements.
5. Development within the OLB-OS Land Use District is not subject to Transition Area Design District requirements where that property receiving transition is developed in a nonresidential use.
6. Development of a wireless communications facility is not subject to Transition Area Design District requirements.
7. Development within the Medical Institution Land Use District is not subject to Transition Area Design District requirements.
8. Development within the Bel-Red Land Use Districts is not subject to the Transition Area Design District requirements unless specifically made applicable pursuant to Part 20.25D LUC.

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

Comment [CoB23]: Purpose clarification.

. . . .

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

20.25B.040 Development Standards

A. Building Height.

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

Comment [CoB24]: Clarification of building height in transition area, as opposed to the general LUC definition.

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

Comment [CoB25]: Removes errant footnote (note 4 relates to auto/motorcycle sales and leasing, not professional services).

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

20.25D.080.C Bel-Red Dimensional Requirements

C. Impervious Surface/Lot Coverage

- 3. Buildings constructed partially below grade and not higher than 30 inches above average finished grade are not structures for the purpose of calculating impervious surface; provided, that the rooftop of the building shall be landscaped consistent with the City of Bellevue's Utilities Department Engineering Standards, Chapter ~~D9D6~~, now or as hereafter amended, for the building roof area as approved by the Director.

Comment [CoB26]: Citation correction.

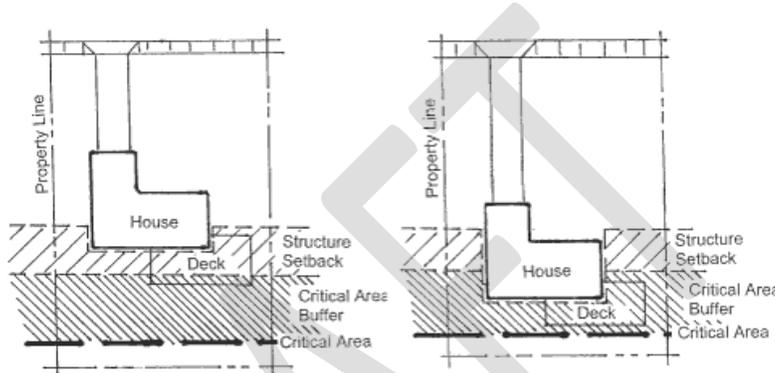
Section _____. Section 20.35H.035.B of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.035.B Critical area buffers and structure setbacks.

B. Buffer and Setbacks on Sites with Existing Primary Structure(s)

Where a primary structure legally established on a site prior to August 1, 2006, encroaches into the critical area buffer or structure setback established in subsection A, the critical area buffer and/or structure setback shall be modified to exclude the footprint of the existing primary structure. Where an existing deck encroaches into the critical area buffer or structure setback established in subsection A, that deck may be replaced with a new deck within the existing deck footprint. Expansion of any existing structure into the critical area buffer or critical area structure setback shall be allowed only pursuant to the provisions of LUC 20.25H.055 (single-family primary structures) or LUC 20.25H.230 (all other primary structures).

Comment [CoB27]: Clarification; reflects actual code application practice.



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

20.30N.140 Decision Criteria

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

Comment [CoB28]: Clarification; reflects actual code application practice.

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

20.35.015.A Framework for decisions

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

Comment [CoB29]: Correction; internal consistency.

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

20.35.015.C Framework for decisions

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

1. Administrative amendments;

. . . .

12. ~~Review under the State Environmental Policy Act (SEPA) when not consolidated with another permit.~~ Land use approvals requiring a threshold determination under SEPA when not consolidated with another land use decision identified in this Section 20.35.015.

Comment [CoB30]: Consistency with State law.

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

20.35.015.G Framework for decisions

G. Other types of land use applications and decisions made by the Director, including those set forth below, are minor or ministerial administrative decisions, exempt from the above land use processes. Notice and an administrative appeal opportunity are not provided. LUC 20.35.020 through 20.35.070, however, apply to all land use applications.

- 1. Boundary Line Adjustment;
- 2. Final Plat (also requires Hearing Examiner approval prior to recording);
- 3. Final Short Plat;
- 4. Land Use Exemption;
- 5. Temporary Use Permit;
- 6. Vendor Cart Permit;
- 7. Requests for Reasonable Accommodation as defined by Part 20.30T LUC.*

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

Comment [CoB31]: Clarifies relationship of Land Use Code and certain applications/decisions pursuant to Utilities Code.

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

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

20.35.210.A Notice of Application.

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

Table 20.25.210.A

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

Comment [CoB32]: Internal consistency.

Comment [CoB33]: Clarification, and consistency with Process II nature of MDPs (see LUC 20.35.015.C.10).

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

20.35.250 Appeal of Process II decisions.

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

Comment [CoB34]: Internal consistency.

. . . .

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

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

A. Vesting for Permits and Approvals

1. Permits and Approvals Other than Subdivisions and Short Subdivisions and Conditional Uses. Applications for all land use permits and approvals except subdivisions and short subdivisions and conditional uses shall be considered under the Land Use Code and other land use control ordinances in effect on the date that a fully complete Building Permit application, meeting the requirements of BCC ~~23-10-032~~23.05.090.E and F, is filed. If a complete Building Permit application is not filed, the land use permit or

Comment [CoB35]: Consistency with state law.

Comment [CoB36]: Citation correction.

approval shall become vested to the provisions of the Land Use Code upon the date of the City's final decision on the land use permit or approval.

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

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

- 2. Subdivisions and Short Subdivisions and Conditional Uses. An application for approval of a subdivision or short subdivision of land, as defined in LUC 20.50.046, or for a conditional use, as defined in LUC 20.50.014, shall be considered under the Land Use Code and other land use control ordinances in effect when a fully completed application is submitted for such approval which satisfies the submittal requirements of the Director specified pursuant to LUC 20.35.030.

Comment [CoB37]: Consistency with state law.

Comment [CoB38]: Consistency with state law.

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

20.45A.140 Preliminary plat – Time limitation.

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

Comment [CoB39]: Changes below are for consistency with state law.

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

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

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

20.45A.180 Final plat – General.

The applicant must submit the final plat within:

Comment [CoB40]: Changes below are for consistency with state law.

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

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

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

20.50.012 B definitions.

Building Height. The vertical distance measured from the average elevation of the finished grade around the building or building segment to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof. Specifically excluded from this definition and from the regulation of maximum building height are structural elements not intended for habitation and not exceeding 15 feet above the maximum building height including penthouses for mechanical and elevator equipment, chimneys, wireless communication facility antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment. This definition does not apply to projects located within a Transition Area Design District (refer to LUC 20.25B.040), the Shoreline Overlay District (refer to LUC 20.25E.017), Single-Family Land Use Districts (refer to the definition of Building Height – Single-Family Land Use Districts contained in this section; see also ~~LUC 20.10.440, Note (16)), and to~~ the F1 Land Use District (refer to LUC 20.25F1.040, Footnote (6)).

Comment [CoB41]: Internal consistency – footnote deleted.

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

20.50.012 B definitions.

Building Height – Single-Family Land Use Districts. The vertical distance measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or to the ridge of a pitched roof, provided this measurement does not apply to chimneys, wireless communication facility antenna arrays, shortwave radio antennas, smoke and ventilation stacks, and flag poles. This definition applies only to single-family residential structures, and structures accessory thereto, located in a single-family land use district. For all other structures, regardless of land use district, see the definition of Building Height contained in this section.

Comment [CoB42]: User convenience.

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

20.50.012 B definitions.

Building Height – Shoreline Overlay Districts. The vertical distance measured from average grade level (the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure) to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where they obstruct the view of a substantial number of residences; provided further, that temporary construction equipment is excluded in this calculation.

Comment [CoB43]: Internal consistency and clarification.

Comment [CoB44]: This definition was taken from the existing 20.25E and may change as a result of the SMP Update project.

Building Height – Transition Area Design Districts. The vertical distance measured from average existing grade around the building to the highest point of a flat roof or to the mean height between the tallest eave and tallest ridge of a pitched roof. Mechanical equipment and

Comment [CoB45]: Internal consistency and clarification.

Comment [CoB46]: This definition, if adopted, needs to be consistent with LUC 20.25B.040.A.1.

satellite dish antennas are included in building height calculations, except that mechanical equipment may be located within the upper one-half of a pitched roof form not to exceed 10 feet above maximum building height. This additional 10 feet is for equipment or screening purposes only and not to obtain additional habitable space. Specifically excluded from this definition are parapet walls designed solely, and only to the extent necessary, to screen mechanical and elevator equipment, and slender structural elements not intended for human habitation and not exceeding 10 feet above the maximum building height including chimneys, smoke ventilation stacks, omni-directional antennas, and flagpoles.

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

20.50.020 F definitions.

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

Comment [CoB47]: Internal consistency and user convenience.

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

20.50.020 F definitions.

Floor Area Ratio (FAR) – Single-Family Dwelling. A measure of development intensity equal to the gross floor area divided by net on-site land area (square feet). Included in the calculation of gross floor area is the floor area of the ground floor plus that of any additional stories of all buildings on the lot, including accessory structures. High-volume spaces – 16 feet or greater in height – are counted twice. Excluded in the calculation of gross floor area is the floor area or partially exposed lower levels that are less than five feet above finished grade, attic areas which are unfinished and non-habitable, and carports, porches, and decks that are open on at least two sides. See also LUC 20.20.010, Note (43).

Comment [CoB48]: Differentiates single-family FAR from other FAR, for clarification.

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

20.50.030 K definitions.

Kitchen. An identifiable area inside a building, including all appliances, fixtures, and features within that area together with high-voltage electrical wires and plumbing serving such appliances, fixtures, and features, that contains a combination of functionally related appliances including a stove, range, oven, microwave, or any combination thereof, a refrigerator or other food storage appliance, a sink, and a counter or cupboards, in proximity to each other.

Comment [CoB49]: Based on language used in the city's single family use agreement. Clarification of terms (important for determine what constitutes a "dwelling").

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

February 12, 2014 Draft

Section _____. This ordinance shall take effect and be in force **five/thirty (5/30) days** after legal publication.

Comment [CoB50]: City Attorney Office to determine.

PASSED by the City Council this _____ day of _____, 201____, and signed in authentication of its passage this _____ day of _____, 201____.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____

DRAFT