

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. [Abstract]

AN ORDINANCE to amend Land Use Code (LUC) Chapter 20.10 Land Use Districts, Chapter 20.20 General Development Requirements, Chapter 20.25 Special and Overlay Districts, Chapter 20.30 Permits and Decisions, and Chapter 20.50 Definitions for general clean-ups to improve clarity and internal consistency, and correct inaccurate or outdated citations; providing for severability; and establishing an effective date.

WHEREAS, throughout the process of administering the LUC the City has identified necessary amendments to improve the function, clarity, internal consistency, and usability of the LUC; and

WHEREAS, the City seeks to modify the LUC to improve the administration and clarity of this code through non-substantive amendments; and

WHEREAS, Bellevue City Code section 3.64.070, LUC 20.35.410, and LUC 20.30J.130 establish the powers and duties of the Planning Commission to act in an advisory capacity to the City Council by holding public hearings, advising, and making recommendations to the City Council on land use ordinances and regulations to implement the Comprehensive Plan; and

WHEREAS, the Planning Commission held a study session on October 27, 2021 to discuss these proposed LUC amendments to improve clarity, internal consistency, and correct inaccurate or outdated citations in the LUC; and

WHEREAS, the Environmental Coordinator for the City of Bellevue has determined that this text amendment to the LUC is Categorically Exempt from the Threshold Determination requirements of the State Environmental Policy Act, chapter 43.21C RCW, pursuant to the terms of WAC 197-11-800(19); and

WHEREAS, after providing legally-required public notice, the Planning Commission held a public hearing for the clean-up LUC amendments on December 8, 2021; and

WHEREAS, the City Council finds that this Land Use Code amendment meets the decision criteria of LUC 20.30J.135 and is consistent with the Comprehensive Plan, enhances the public safety and welfare, and is not contrary to the best interest of the citizens and property owners of the City of Bellevue, as more completely analyzed in the Staff Report dated November 18, 2021; now, therefore,

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

Section 1. Section 20.10.200 of the Bellevue Land Use Code is hereby amended to read as follows:

Suburban Residential Districts provide for residential areas of low to moderate densities (2.5, 3.5, 4 and 5 dwellings per acre), and permit compatible, related activities.

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

Section 2. Section 20.20.255.C of the Bellevue Land Use Code is hereby amended to read as follows:

C. Required Review.

For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.7 of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT-7, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC.

...

Section 3. Section 20.20.900.E.1 of the Bellevue Land Use Code is hereby amended to read as follows:

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

1. Permit Required. As required by BCC 23.76.035.A.9, 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 of this section apply.

...

Section 4. Section 20.25A.010.A.3 of the Bellevue Land Use Code is hereby amended to read as follows:

3. Land Use Code Sections Not Applicable in Downtown. The following sections of the Land Use Code, Title 20 Bellevue City Code (BCC), now or as hereafter amended, do not apply in Downtown. Unless specifically listed below, all other sections apply.
 - a. LUC 20.10.400;
 - b. LUC 20.10.440;
 - c. LUC 20.20.005 through 20.20.025;
 - d. LUC 20.20.030;
 - e. LUC 20.20.060 and 20.20.070;
 - f. LUC 20.20.120 and 20.20.125;
 - g. LUC 20.20.128;
 - h. LUC 20.20.135 and 20.20.140;
 - i. LUC 20.20.190 and 20.20.192;
 - j. LUC 20.20.250;
 - k. LUC 20.20.400;
 - l. LUC 20.20.540;
 - m. LUC 20.20.525;
 - n. LUC 20.20.560;
 - o. LUC 20.20.700 and 20.20.720;
 - p. LUC 20.20.750 through 20.20.800;
 - q. LUC 20.20.890 and 20.20.900.

Section 5. Section 20.25A.080.B of the Bellevue Land Use Code at the Downtown Parking Requirements Chart is hereby amended to add a new reference to note 8 to k. Residential Land Use classification, to read as follows:

Downtown Parking Requirements

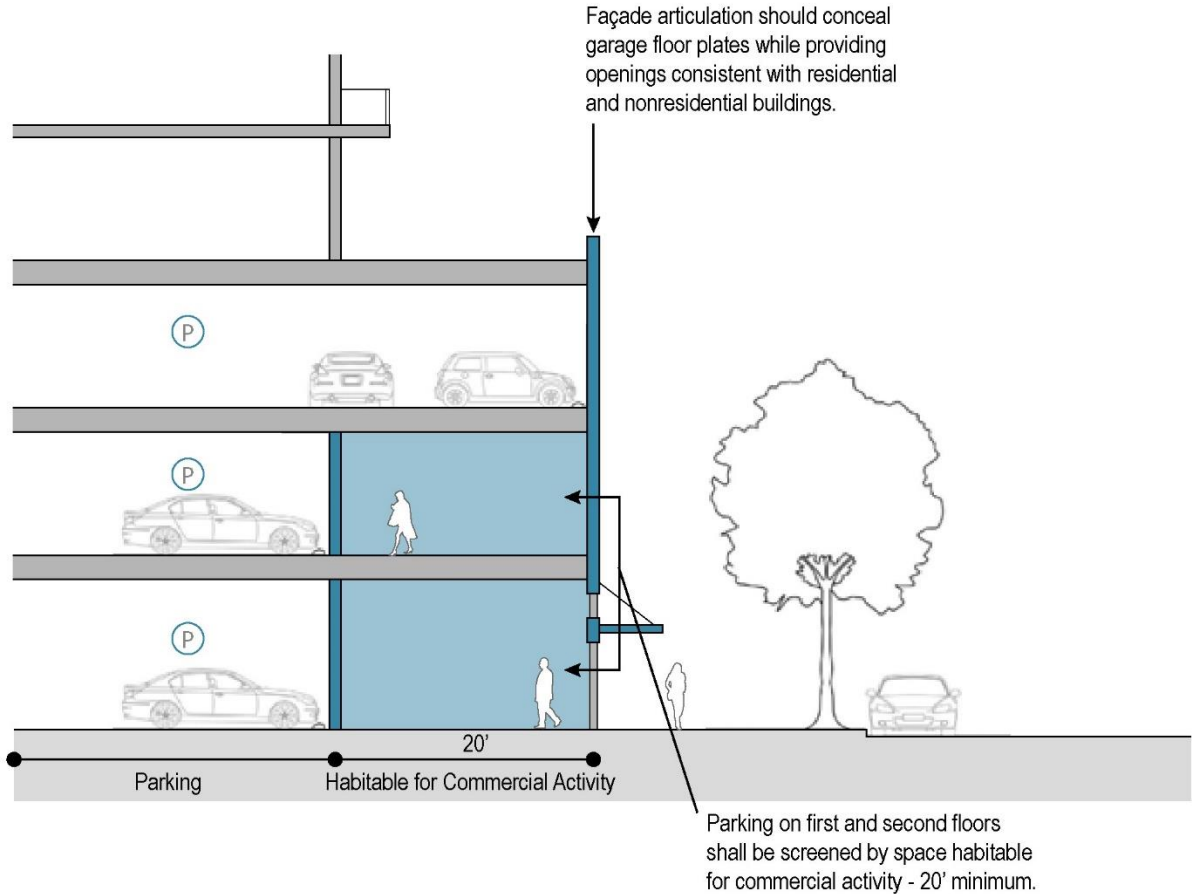
Land Use	Unit of Measure	Downtown Land Use Districts			
		-O-1, -O-2		-R, -MU, -OB, -OLB	
		Min.	Max.	Min.	Max.
...					
k. Residential (6) (8)	per unit	0	2.0	1.0 (5) (7)	2.0
...					

Section 6. Section 20.25A.080.B of the Bellevue Land Use Code, at the Notes to the Downtown Parking Requirements Chart, is hereby amended to add a new note 8 to read as follows:

- (8)** See LUC 20.25A.070.C.2.b for affordable housing minimum parking standards for projects meeting the amenity incentive system requirements of LUC 20.25A.070.C.2.a.

Section 7. Section 20.25A.170.A.8.b.xiii of the Bellevue Land Use Code is hereby amended to replace the image for this subsection, to read as follows and to include the following image:

- xiii. Where glazing is required, the applicant may elect to provide a maximum of 25 percent of the openings of the total perimeter wall area of each level as unglazed or the minimum required openings percentage for natural ventilation established by the applicable International Building Code Section 406.5.2, as amended by the Bellevue Building Code, whichever is greater, to ensure the natural ventilation of the garage.



Section 8. Section 20.25P.085.A.3 of the Bellevue Land Use Code is hereby amended to read as follows:

3. Applicable Standards for Ground Floor Uses.

- a. Ground floor uses shall satisfy the intent of subsection A.1 of this section and include uses such as:
 - i. Eating and drinking establishments;
 - ii. Merchandise sales (including but not limited to grocery, food retail, art, and clothing); or
 - iii. Personal services (including but not limited to laundry and beauty services).
- b. Continuous retail storefronts shall be provided for 100 percent of the building frontage on a designated street except as provided in subsection A.3.c of this section.

- c. Interruptions in storefronts shall be limited to residential lobbies and required emergency access. Lobby interruptions shall be limited to 25 percent of the building frontage.

Section 9. Section 20.30N.140.A.10 of the Bellevue Land Use Code is hereby amended to add a reference to LUC 20.20.140 and to read as follows:

- 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:

...

- 10. There are no more than six client visits per day and there is not more than one client on the premises at any one time, except in Boarding Houses and Bed and Breakfasts pursuant to LUC 20.20.140. One client does include a family arriving in a single vehicle; and

...

Section 10. Section 20.50.016 of the Bellevue Land Use Code, D definitions, is hereby amended to remove the definition of Director of Planning and Development.

Section 11. Section 20.50.034 of the Bellevue Land Use Code, M definitions, is hereby amended to remove the definition of Mid-Block Retail Connection.

Section 12. Section 20.50.036 of the Bellevue Land Use Code, N definitions, is hereby amended to revise the definition of Nonconforming Structure to read as follows:

Nonconforming Structure. A structure which does not conform to the dimensional regulations, including but not limited to, setback, height, lot coverage, density and building configuration regulations of the district in which it is located due to changes in Code requirements or annexation. For structures not conforming to Building Code requirements, see the International Existing Building Code (IEBC).

Section 13. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 14. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2022 and signed in authentication of its passage this _____ day of _____, 2022.

(SEAL)

_____, Mayor

Approved as to form:

Kathryn L. Gerla, City Attorney

Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published: _____