

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6323

AN ORDINANCE amending the City of Bellevue Land Use Code to incorporate Low Impact Development Principles by amending Chapters 20.20 (General Development Requirements); 20.25 (Special and Overlay Districts); 20.50 (Definitions); and Part 20.30D (Planned Unit Development); providing for severability; and establishing an effective date.

WHEREAS, the City of Bellevue (the "City") is subject to the terms of the National Pollutant Discharge Elimination System ("NPDES") and Phase II Western Washington Municipal Stormwater Permit ("Phase II Permit" or "Permit"), issued August 1, 2012, and modified on January 16, 2014, by the State of Washington Department of Ecology ("Ecology") in compliance with the federal Clean Water Act and state law; and

WHEREAS the Permit requires that the City review, revise and make effective development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development ("LID") principles by December 31, 2016; and

WHEREAS, the intent of the revisions under the Permit are to make low impact development the preferred and commonly-used approach to site development; and

WHEREAS, the City initiated the LID Principles Project in order to review its existing development-related codes, rules, standards, or other enforceable documents in September of 2013; and

WHEREAS, the City's review of its documents followed a process similar to that outlined in *Integrating LID into Local Codes: A Guidebook for Local Governments* (Puget Sound Partnership, 2012), as required under the Permit; and

WHEREAS, in August 2015, following substantial work by the Planning Commission, the City Council adopted updated low impact development policies into the Environmental Element of the Comprehensive Plan; and

WHEREAS, making low impact development the preferred and commonly-used approach to site development to minimize impervious surfaces, native vegetation loss, and stormwater runoff is a goal of the City's Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments beginning on July 27, 2016, and finishing on September 14, 2016, after providing legally required public notice; and

WHEREAS, the Planning Commission, after holding the public hearing, unanimously recommended that the City Council approve the proposed land use code amendments; and

WHEREAS the City Council finds that the proposed amendments meet the decision criteria of LUG 20.30J.135, are consistent with the City's Comprehensive Plan, enhance the public safety and welfare, and are not contrary to the best interests of the citizens and property owners of the City of Bellevue; and

WHEREAS, the City has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, chapter 22.02 BCC; now, therefore,

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

Section 1. Chart 20.20.010 (Uses in land use districts, Dimensional) (Residential) requirements, of the Bellevue Land Use Code, is hereby amended as follows:

1. Under the row titled "Maximum Lot Coverage by Structures" insert a new row titled: "Maximum Hard Surface Coverage (percent)".
 - a. To this new row, add the following Maximum Hard Surface coverage limits to each residential land use district column as indicated:
 - i. R-1 through R-4: 75;
 - ii. R-5 and R-7.5: 80; and
 - iii. R-10 through R-30: 90.
 - b. Add footnotes (37), (39), and (47) to the heading row for Maximum Hard Surface Coverage (percent).
2. Amend the existing row titled "Maximum Impervious Surface (percent)" as follows:
 - a. Amend the surface coverage limits for each land use district:
 - i. R-1 through R-4: 45;
 - ii. R-5 and R-7.5: 55; and
 - iii. R-10 through R-30: 65.
3. Under the existing row titled "Maximum Impervious Surface (percent)" insert a new row titled: "Alternative Maximum Impervious Surface (percent)".

- a. To this new row, add the following Alternative Maximum Impervious Surface limits to each residential land use district column as indicated:
 - i. R-1 through R-4: 50;
 - ii. R-5 and R-7.5: 55; and
 - iii. R-10 through R-30: 80.
- b. Add footnote (36) to columns R-1 through R-7.5
- c. Add footnotes (35), (37), (39) and (48) to the heading row for the new row, "Alternative Maximum Impervious Surface (percent)".

Section 2. Chart 20.20.010 (Uses in land use districts, Dimensional) (Commercial land use districts) requirements, of the Bellevue Land Use Code, is hereby amended as follows:

4. Under the row titled "Maximum Lot Coverage by Structures" insert a new row titled: "Maximum Hard Surface Coverage (percent)".
 - a. To this new row, add the following Maximum Hard Surface coverage limits to each residential land use district column as indicated:
 - i. PO, O, OLB, GC, CB, F2 and F3: 85;
 - ii. LI: 90; and
 - iii. NB: 80.
 - b. Add footnotes (37) and (47) to the heading row for "Maximum Hard Surface Coverage (percent)".
5. Amend the existing row titled "Maximum Impervious Surface (percent)" as follows:
 - a. Amend the surface coverage limits for each land use district:
 - i. PO, O, OLB, NB, F2 and F3: 60;
 - ii. LI, GC and CB: 65; and
 - iii. NB: 80.
6. Under the existing row titled "Maximum Impervious Surface (percent)" insert a new row titled: "Alternative Maximum Impervious Surface (percent)".
 - a. To this new row, add the following Alternative Maximum Impervious Surface limits by residential land use district:
 - i. PO, O, OLB, NB, F2 and F3: 80; and
 - ii. LI, GC and CB: 85.
 - b. Add footnotes (35), (37), (39) and (48) to the row heading for the new row, "Alternative Maximum Impervious Surface (percent)".

Section 3. “Notes: Uses in land use districts – Dimensional requirements following Chart 20.20.010 of the Bellevue Land Use Code are hereby amended as follows:

1. Amend footnote 36 to read: Surface limits for legally established nonconforming nonresidential uses and for new allowed nonresidential uses in these residential land use districts shall be 80 percent.”
2. Amend footnote 37 to read: (37) Maximum hard surface, maximum impervious surface and maximum lot coverage by structures are independent limitations on allowed development. All areas of lot coverage by structures are included in the calculation of total maximum impervious surface, unless such structures are excepted under LUC 20.20.460.
3. Add a new footnote 47 to read as follows: (47) See LUC 20.20.425 for exceptions and performance standards related to hard surfaces.
4. Add a new footnote 48 to read: (48) Maximum impervious surface limit only for sites where the use of permeable surfacing techniques is determined to be infeasible according to the criteria in the 2014 Department of Ecology Stormwater Management Manual for Western Washington, now or as hereafter amended.

Section 4. Section 20.20.025 of the Bellevue Land Use Code is amended to add a new paragraph F to read as follows:

F. Stormwater BMPs. Where feasible, Stormwater BMPs, as required by the 2014 Department of Ecology Stormwater Management Manual for Western Washington, now or as hereafter amended, may be located within setbacks required in LUC 20.20.010, provided they conform to the setback requirements in the City of Bellevue Storm and Surface Water Engineering Standards, now or hereafter amended.

Section 5. Chapter 20.20 of the Bellevue Land Use Code is hereby amended to add a new section, 20.20.425, as follows:

20.20.425 Hard surface.

A. Purpose.

Limits on the total amount of hard surfaces associated with site development are desirable to minimize vegetation loss and limit stormwater runoff, which are impacted by the increased level of surface flow generated by hard surfaces. Live plant foliage and groundcover intercept stormwater by retaining or slowing the flow of precipitation to the ground, and their roots protect soil from erosion. Preservation of naturally vegetated areas is a passive stormwater management tool that effectively reduces watershed function deterioration.

B. Applicability.

Hard surfaces are defined in LUC 20.50, and shall include all surfaces considered impervious under 20.20.460, as well as permeable pavement

surfaces and vegetated roofs. The hard surface limits contained in LUC 20.20.010 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. Exemptions.

The following are exempted from determining maximum hard surface. These exemptions do not apply to any other Land Use Code requirement, including setbacks and limits on maximum lot coverage by structure, building code, utilities code or other applicable City of Bellevue codes or regulations.

1. Decks/Platforms. Decks and platforms constructed with gaps measuring one-eighth inch or greater between boards, so long as the surface below the deck or platform is pervious;
2. Rockeries/Retaining Walls. Rockeries and retaining walls shall be exempt from the maximum impervious surface limits;
3. Stabilization Measures. Shoreline stabilization measures shall be exempt from the maximum impervious surface limits; and
4. Landscape Features. Fences, arbors with lattice or open roof materials and similar structures, individual stepping stones placed in the ground but not cemented or held together with an impervious material, and organic mulch shall be exempt from the maximum impervious surface limits.

D. Performance Standards.

1. Design shall minimize topographic modification. 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.
2. High-value natural areas, which include, but are not limited to retained significant trees and their understory and areas of native vegetation, shall be identified during site development. Locations of buildings, roads and infrastructure shall not impact high-value natural areas. Retained significant trees and their understory, and areas of native vegetation shall be fenced and adequately protected during construction, consistent with the provisions in BCC 23.76. Native plants should be salvaged from areas to be cleared and transplanted to other areas of the site where feasible.

E. Maintenance and Assurance.

Pervious pavement and other hard surface techniques designed to mimic shall be designed by a professional engineer licensed by the State of Washington and the plans are approved by the Director. The Director may require a maintenance plan and long-term performance assurance device to ensure the continued function of the pervious pavement or other technique.

Section 6. Section 20.20.460 of the Bellevue Land Use Code is hereby amended to read as follows:

A. Purpose.

Limits on the total amount of impervious surfaces associated with site development are desirable to protect critical areas and limit stormwater runoff, which are impacted by the increased levels and rates of surface flow generated by impervious surfaces.

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F. Existing Impervious Surfaces.

Impervious surfaces legally established on a site prior to [insert effective date of ordinance], 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.

G. Innovative Techniques.

Surfaces paved with permeable pavement or other innovative techniques designed to mimic the function of a pervious surface shall not be included in the calculation of impervious surface areas, so long as the technique is designed by a professional engineer licensed by the State of Washington and the plans are approved by the Director. These surfaces, however, shall be included in the calculation of maximum hard surface areas. The Director may require a maintenance plan and long-term performance assurance device to ensure the continued function of the ~~pervious~~ permeable pavement or other technique

Section 7. Section 20.20.590.K.8.c.i of the Bellevue Land Use Code is hereby amended to read as follows:

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K. Parking Area and Circulation Improvements and Design.

Parking of vehicles for all uses is only permitted in parking areas that meet the requirements of this section; except that, vehicles on residential lots may also be parked in areas that meet the requirements of LUC 20.20.720 and 20.20.890 relating to the storage of recreational vehicles and trailers.

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8. Internal Walkways.

a. When Required. The property owner shall install internal walkways in each new development or substantial remodel of existing development in R-10, R-15, R-20, R-30, NB, PO, O, OLB, OLB-OS, CB, LI, GC, MI or Downtown Land Use Districts. In addition, schools in all land use districts shall install internal walkways in each new facility or substantial remodel of an existing facility.

b. Location. The property owner shall provide internal walkways around the building to the extent necessary to assure safe access to the building from parking areas, adjacent properties, and public sidewalks or street rights-of-way and to assure consistency with the requirements of Part 20.25A LUC. All required internal walkways must be located and constructed as an integrated part of existing sidewalks and pedestrian trails, and must coordinate with City plans for pedestrian circulation, including, but not limited to, the Comprehensive Plan, formed or planned Local Improvement Districts, and approved Capital Improvement Projects.

c. Design Criteria. Except as otherwise specified in Part 20.25A LUC, internal walkways provided pursuant to this section must be designed and installed in conformance with the following:

i. Surface Materials. Internal walkways must be paved with hard-surfaced material such as concrete, asphalt, stone, brick, tile, permeable pavement, etc. Only nonskid paving may be used in walkway construction.

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Section 8. Section 20.25A.060.A of the Bellevue Land Use Code is hereby amended as follows:

A. Walkways and Sidewalks – Perimeter.

1. Minimum Width.

a. The minimum width of perimeter walkway or sidewalk on the streets identified in this paragraph is 16 feet plus a 6-inch curb. Included within that 16 feet and adjacent to the curb, there shall be a planter strip or tree pit as prescribed by Plate A of this section:

- i. NE 6th between 110th Avenue NE and 112th Avenue NE; and
- ii. 106th Avenue NE between NE 4th and NE 8th; and
- iii. 108th Avenue NE between NE 4th and NE 8th; and
- iv. 110th Avenue NE between NE 4th and NE 8th; and

- v. Bellevue Way between Main and NE 12th; and
 - vi. NE 4th between 100th Avenue NE and 112th Avenue NE; and
 - vii. NE 8th between 100th Avenue NE and 112th Avenue NE.
- b. Along any other street not listed in subsection A.1.a of this section, the minimum width of a perimeter walkway or sidewalk is 12 feet plus a 6-inch curb. Included in that 12 feet and adjacent to the curb, there shall be a planter strip or tree pit as prescribed in Plate A of this section.
- c. Within the width of the walkway or sidewalk, at least six feet of unobstructed travel path shall be maintained for safe pedestrian access.
- d. Planter Strips and Tree Pits.

Planter strips shall be at least five feet wide and as long as the street frontage, excluding curb cuts, driveways and spacing for utilities. Planter strips and tree pits shall be located adjacent to the curb unless precluded by existing utilities which cannot be reasonably relocated. Tree pits may shall be covered with protective grate or pavers. Where stormwater facilities are used in conjunction with tree pits, removable gates shall be utilized.

2. Street Trees and Landscaping – Perimeter.

- a. Tree Species. The property owner shall install street trees, in addition to any landscaping required by LUC 20.25A.040, according to the requirements of Plate B of this section as now or hereafter amended and this section.
- b. Installation. Street trees, at least 2.5 inches in caliper or as approved by the Director, must be planted at least 3 feet from the face of the street curb, and a maximum of 20 feet for small trees, 25 feet for medium trees, and 30 feet for large trees. The size of the tree shall be determined by Plate B of this section, as now or hereafter amended. A street tree planting area may also include decorative paving and other plant materials except grass that requires mowing. The use of planter strips for stormwater treatment is encouraged. Installation shall be in accordance with the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.
- c. Irrigation. A permanent automatic irrigation system shall be provided at the time of installation of street trees and sidewalk planting strip landscaping located in a required planter strip or tree pit. The irrigation system shall be served by a separate water meter installed by the applicant and served by City-owned water supply with 24-hour access by the City. The use of rainwater to supplement irrigation is encouraged. Irrigation system shall be designed per the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.

d. Street Landscaping. Street trees together with shrubbery, groundcover and other approved plantings are required in a planter strip along the length of the frontage. Vegetation included in the planter strip shall be able to withstand urban conditions, shall be compatible with other plantings along the same street, and shall reflect the character of the area within which they are planted, as approved by the Director.

Section 9. Section 20.25A.090.D.4 of the Bellevue Land Use Code is hereby amended as follows:

4. Landscape Development.

a. General. The standards of this paragraph supplement other landscape requirements of this Part 20.25A and LUC 20.20.520 for development in the Perimeter Design District.

b. Linear Buffers.

i. General. Any development situated within Perimeter Design District – Subdistrict A shall provide a “linear buffer” within the minimum setback adjacent to the Downtown boundary required by paragraph D.2 of this section. The purpose of this feature is to produce a green buffer that will soften the visual impact of the relatively larger buildings. These design standards are minimum requirements for the size and quantity of trees, shrubs and other “linear buffer” elements. The specific design of the “linear buffer” for each project site will be determined through the Design Review Process. Design considerations include but are not limited to the placement of elements and their relationship to adjacent property as well as to the proposed development. Different sets of design standards apply to each of the locational conditions.

ii. Where the Downtown boundary falls within the Main Street, 100th Avenue NE or NE 12th Street right-of-way, the minimum setback from the Downtown boundary shall be landscaped according to the basic requirements and either Alternative A or B of the supplemental requirement.

(1) Basic Requirements (applicable in all cases):

- (a) Must have a minimum width of 20 feet;
- (b) Must abut and be within three feet in elevation of a sidewalk, so as to be visually and physically accessible;
- (c) Must provide at least one sitting space for each 200 square feet of the perimeter setback area;
- (d) May not be used for parking; vehicular access drives shall be kept to a minimum;

- (e) Must be readily accessible to the public at all times;
- (f) Must include seasonal color in an amount of at least 10 percent of the perimeter setback area.
- (g) Must utilize native species for at least 50 percent of the plantings located within the perimeter setback area.

(2) Supplemental Requirements:

(a) Alternative A:

- (i) Three deciduous trees, with a minimum caliper of three inches, per each 1,000 square feet of the perimeter setback area; and
- (ii) Two flowering trees, with a minimum caliper of two inches, per each 1,000 square feet of perimeter setback area; and
- (iii) Ten evergreen shrubs, minimum five-gallon size, per 1,000 square feet of the perimeter setback area; and
- (iv) Any paved surfaces shall be no more than 10 percent of the perimeter setback area; and
- (v) Planting area must either be raised or sloped. If raised, the planting area shall be surrounded by a wall with a minimum height of 18 inches and a maximum height of 24 inches to allow for sitting.

(b) Alternative B:

- (i) Three deciduous trees, with a minimum caliper of three inches, per each 1,000 square feet of the perimeter setback area; and
- (ii) Lawn greater than five feet in width or ground cover on at least 25 percent of the perimeter setback area; and
- (iii) Any paved surfaces shall be no more than 75 percent of the perimeter setback area; and
- (iv) Paved areas shall use pervious pavement, brick, stone or tile in a pattern and texture that is level and slip-resistant; and
- (v) Opportunities for pedestrian flow from the sidewalk shall be frequent and direct. Changes in grade between the linear buffer and sidewalk shall be accommodated by steps or terraces, rather than walls.

iii. Where the Downtown boundary abuts property outside the Downtown other than right-of-way described in paragraph D.4.b.ii of this section, the minimum setback from the Downtown boundary (or perimeter property lines when the setback has been relocated pursuant to Note 10 of subsection 20.25A.090.D.2) shall be landscaped as follows:

- (1) The entire setback (20 feet) shall be planted. No portion may be paved except for vehicular entrance drives and required mid-block pedestrian connections.
 - (2) The setback must incorporate a berm having a minimum height of three and one-half feet.
 - (3) The setback must be planted with:
 - (a) Evergreen and deciduous trees, with no more than 30 percent deciduous, a minimum of 10 feet in height, at intervals no greater than 20 feet on center; and
 - (b) Evergreen shrubs, a minimum of two-gallon in size, at a spacing of three feet on center; and
 - (c) Living ground cover so that the entire remaining area will be covered in three years.
- c. Street Trees. Street trees required by LUC 20.25A.060.C along Main Street, 100th Avenue NE or NE 12th Street must be at least four inches in caliper.

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Section 10. Section 20.25A.110.B.4.B of the Bellevue Land Use Code is hereby amended as follows:

B. Require retention of significant existing vegetation, where it can be incorporated into efficient site design and maintained in a safe and healthful condition.

Section 11. Section 20.25B.040.C.2 of the Bellevue Land Use Code is hereby amended as follows:

C. Landscaping, Open Space and Buffers.

1. Landscaping. All landscaping shall comply with standards set forth in LUC 20.20.520. The provisions of LUC 20.20.520.J (Alternative Landscaping Option) are applicable and, in addition, may be used to modify up to 10 feet of required street frontage landscaping.

2. Buffer.

- a. A landscaped buffer, at least 20 feet in width, shall be provided along the entire street frontage where any portion of the street frontage is abutting a district receiving transition and along the interior property line abutting the district receiving transition. Where feasible, bioretention swales and planters may be located within landscaped buffers.

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Section 12. Section 20.25D.150.B.4 of the Bellevue Land Use Code is hereby amended as follows:

4. Protect and Enhance Surface Water Resources.

a. Intent.

Conserve water quality, natural hydrology and habitat, and preserve biodiversity through protection of water bodies and wetlands.

b. Guideline.

Natural water systems regulate water supply, provide biological habitat and may provide recreational opportunities. Undeveloped ecosystems absorb the precipitation and convey only a small portion of rainfall as surface runoff. New and infill development should minimize disturbances to the on-site, adjacent, and regional natural water systems. Use of natural drainage practices are required unless infeasible.

c. Recommended.

- i. Grading and plan layout that captures and slows runoff.
- ii. Pervious or semi-pervious surfaces that allow water to infiltrate soil.

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Section 13. Section 20.25F.040.C.4 of the Bellevue Land Use Code is hereby amended as follows:

4. Drainage.

The applicant must submit a drainage plan consistent with the development standards of the City of Redmond and the City of Bellevue which produce the more protective drainage system as determined by the Redmond Public Works Director and the Bellevue Utilities Director. The use of LID stormwater management techniques is required unless infeasible.

Section 14. Section 20.25F1.070 of the Bellevue Land Use Code is hereby amended as follows:

A. Perimeter Sidewalks.

1. Minimum Width. The minimum width of perimeter street sidewalks shall be 12 feet inclusive of the planter strip plus six inches for curb, except as necessary to retain mature trees pursuant to paragraph A.2.e below.

2. Street Trees And Planter Strip Design.

a. Installation. The property owner shall install street trees and planter strips, in addition to any landscaping required by LUC 20.25F1.050, pursuant to the City of Bellevue Environmental Best Management Practices and Design Standards, now or as hereafter amended. Street tree and planter strips shall be irrigated. Appropriate tree species will be determined through the Master Development Plan process.

b. Location. The area in which planter strips are installed must be located between the street and the sidewalk unless precluded by existing utilities which cannot reasonably be relocated or as necessary to retain mature trees pursuant to paragraph A.2.e below.

c. Design. Required street trees should be placed in predominantly continuous planter strips together with shrubbery, ground cover and other plantings approved by the Director. The area in which street trees are planted must be at least four feet wide by six feet wide. Vegetation approved for a planter strip must be compatible with the F1 Design Guidelines for the development area within which the planter strip is located. A street planter strip may also include decorative paving and other plant materials except turf. Where feasible, bioretention swales and planters may be located within the planter strip.

d. Size and Spacing. Large growing deciduous street trees, at least three inches in caliper or as approved by the Director, shall be planted at least three feet from the street curb, and a maximum of 30 feet on center, and shall conform to the sight distance requirements of BCC 14.60.240.

e. Mature Tree Retention. The existing mature street trees located on the perimeter street frontages shall be maintained to the extent feasible. Sidewalks and planter strips may be reduced and/or relocated to the back of sidewalk if necessary to accommodate retention of the mature trees.

B. On-Site Sidewalks.

1. Minimum Width. The minimum width of on-site street sidewalks shall be 12 feet inclusive of the street tree planting wells.

2. Street Trees and Plantings.

a. Installation. The property owner shall install street trees and plantings, in addition to any landscaping required by LUC 20.25F1.050, pursuant to the City of Bellevue Environmental Best Management Practices and Design Standards, now or

as hereafter amended. Street trees and required landscaping shall be irrigated. Appropriate tree species will be determined through the Master Development Plan process.

b. Location. Street trees shall be planted in a continuous, rhythmic pattern. Street trees must be located between the street and the sidewalk.

c. Design. Required street trees shall be planted in tree pits with grates. The area in which street trees are planted must be at least four feet wide by six feet wide. Where stormwater facilities are used in conjunction with tree pits, removable grates shall be utilized.

d. Size and Spacing. Small growing pedestrian-scale deciduous street trees, at least three inches in caliper or as approved by the Director, shall be planted at least three feet from the street curb, and a maximum of 25 feet on center, and shall conform to the sight distance requirements of BCC 14.60.240.

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Section 15. Section 20.25H.080.A of the Bellevue Land Use Code is hereby amended as follows:

A. General.

Development on sites with a type S or F stream or associated critical area buffer shall incorporate the following performance standards in design of the development, as applicable:

1. Lights shall be directed away from the stream.
2. Activity that generates noise such as parking lots, generators, and residential uses shall be located away from the stream or any noise shall be minimized through use of design and insulation techniques.
3. Toxic runoff from new impervious area shall be routed away from the stream.
4. Treated water may be allowed to enter the stream critical area buffer.
5. The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use. Preference shall be given to native species.
6. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended.

Section 16. Section 20.25J.070.A.2 of the Bellevue Land Use Code is hereby amended as follows:

A. Sidewalks.

1. Minimum Width. The minimum width of sidewalks located on NE 8th Street, NE 12th Street, 116th Avenue NE and NE 10th Street east of East Campus Drive is eight feet plus four feet in which street plantings are to be installed plus six inches of curb along any street.
2. Street Trees and Plantings.
 - a. The property owner shall install street trees and plantings, in addition to any landscaping required by LUC 20.25J.060. Appropriate tree species will be determined through the Master Development Plan or Design Review where Master Development Plan approval is not required.
 - b. The area in which street plantings are installed must be located between the street and the sidewalk unless precluded by existing utilities which cannot reasonably be relocated. Required street trees together with shrubbery, groundcover and other approved plantings must be placed in a planter strip along the length of the frontage. Where feasible, bioretention swales and planters may be located within the planter strip. The planter strip must be at least four feet wide unless a smaller strip is approved by the Director. Vegetation included in the planter strip shall be urban in character, shall be compatible with other plantings within the property and along the same street, and shall reflect the character of the area in which they are planted. Designs should prioritize the selection of native species.
 - c. Street trees, at least three inches in caliper or as approved by the Director, must be planted at least three feet from the street curb, and a maximum of 25 feet on center, unless upon request of the applicant minor modification of this requirement is approved by the Director, and conforms to the sight distance requirements of BCC 14.60.240. A street tree planting area may also include decorative paving and other plant materials except turf.
 - d. Street trees and plantings shall be irrigated.

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Section 17. Section 20.30D.150 of the Bellevue Land Use Code is hereby amended as follows:

The City may approve or approve with modifications a Planned Unit Development plan if:

- A. The Planned Unit Development is consistent with the Comprehensive Plan; and
- B. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:
 1. Placement, type or reduced bulk of structures, or
 2. Interconnected usable open space, or

3. Recreation facilities, or
4. Other public facilities, or
5. Conservation of natural features, vegetation and on-site soils, or
6. Reduction in hard surfaces, or
7. Conservation of critical areas and critical area buffers beyond that required under Part 20.25H LUC, or
8. Aesthetic features and harmonious design, or
9. Energy efficient site design or building features, or
10. Use of low impact development techniques; and

. . . .

Section 18. Section 20.30D.165 of the Bellevue Land Use Code is hereby amended as follows:

A. Density and Floor Area Ratio.

1. General. The applicant may request a bonus in the number of dwelling units permitted by the underlying land use district or the maximum FAR_(see general dimensional requirements contained in LUC 20.20.010), and district-specific requirements contained in Chapter 20.25 LUC.
2. Bonus Decision Criteria. The City may approve a bonus in the number of dwelling units allowed by no more than 10 percent over the base density for proposals complying with this subsection A.2. Base density shall be determined on sites with critical areas or critical area buffers pursuant to LUC 20.25H.045. Base density on all other sites shall be determined based on the gross land area of the property excluding either that area utilized for traffic circulation roads or 20 percent, whichever is less. The bonus allowed by this section may be approved only if:
 - a. The design of the development offsets the impact of the increase in density; and
 - b. The increase in density is compatible with existing uses in the immediate vicinity of the subject property.
3. Senior Citizen Dwelling. An additional 10 percent density bonus may be approved for senior citizen dwellings if the criteria in subsection A.2 of this section are met and if the average dwelling unit size does not exceed 600 square feet.

B. Height.

The applicant may request a modification of height from that allowed by the land use district, provided topography and arrangement of structures does not unreasonably impair primary scenic views (e.g., mountains, lakes, unique skylines) of the surrounding area, as compared to lot-by-lot development. Proposals earning bonus density pursuant to this section or LUC 20.30D.167 may only receive an increase in height if the requirements of subsection A.2 of this section are met, considering the impact of increased height.

C. Zero Lot Line. This is a configuration where the house and/or garage is built up to one of the side lot lines, providing the opportunity for more usable space in the opposing side yard.

1. General. The applicant may request a reduction in the required side setback from that required by the land use district and district specific requirements. Zero lot line setbacks are not permitted for side yards along the perimeter of the PUD.

2. Setback Reduction Decision Criteria. The City may approve a reduction in the setback of up to one side setback. The reduction in side setback shall be approved only if:

a. The opposing side setback shall be at least 10 feet.

b. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls along the zero lot line wall, except for windows that do not allow for visibility into the side yard of the adjacent lot.

D. Other.

The City may approve a modification of any provision of the Land Use Code, except as provided in LUC 20.30D.170, if the resulting site development complies with the criteria of this part.

Section 19. Section 20.30D.167 of the Bellevue Land Use Code is hereby amended to read as follows:

The following provisions of the Land Use Code may not be modified pursuant to LUC 20.30D.165:

A. Any provision of this Part 20.30D, Planned Unit Development; or

B. Any provision of LUC 20.10.440, Land Use Chart, and district-specific requirements contained in Chapter 20.25 LUC, except where district-specific requirements would prohibit Zero Lot-Line development, as provided for in section 20.30D.165.C (Zero Lot-Line); or

C. Any provision of Part 20.25E LUC, the Shoreline Overlay District; however, requests for modifications to the requirements of Part 20.25E LUC, where allowed under the provisions of that part, may be considered together with an application for a Planned Unit Development; or

- D. Any provision of the Land Use Code which specifically states that it is not subject to modification; or
- E. The procedural, enforcement and administrative provisions of the Land Use Code or any other applicable City Code; or
- F. Any provision of Part 20.25H LUC, the Critical Areas Overlay District, except as specifically provided for in that part; however, requests for modifications to the requirements of Part 20.25H LUC, where allowed under the provisions of that part, may be considered together with an application for a Planned Unit Development.

Section 20. Section 20.50.024 of the Bellevue Land Use Code is hereby amended as follows:

. . . .

Hard Surface. An impervious surface, permeable pavement, or a vegetated roof.

. . . .

Section 21. Section 20.50.026 of the Bellevue Land Use Code is hereby amended as follows:

Impervious Surface. Any structure or other non-vegetated surface affixed to the ground that prevents or retards the entry of water into the soil layer, or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow rate prior to addition of such surface. "Impervious Surfaces" include, without limitation: structures, including eaves; vehicular, bicycle, pedestrian or other circulation facilities constructed of solid surfaces, including pavement, concrete, u grouted brick or stone; solid decks, patios, sport courts, swimming pools, hot tubs and similar recreation facilities; and landscape features, including sheds, arbors, and play structures.

Section 22. 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 23. This Ordinance shall take effect and be in force on December 31, 2016.

Passed by the City Council this _____ day of _____, 2016
and signed in authentication of its passage this _____ day of _____,
2016.

(SEAL)

John Stokes, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Catherine A. Drews, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____