

ORIGINAL

WP0311C-ORD
04/29/94

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4646

AN ORDINANCE regarding the definitions of retail and wholesale sales; limiting the size of retail uses in certain subareas; providing that the Director of the Department of Community Development may require additional parking in certain cases; and amending sections 20.50.046, 20.20.590.G, and 20.10.440 of the Land Use Code.

WHEREAS, the concept of retail marketing has expanded over recent years to include warehouse style retailing that often combines discounted sales and wholesale marketing with more traditional retail sales; and

WHEREAS, warehouse-style retail establishments, in some cases, require higher on site parking ratios due to a slower turnover in parking stalls than more traditional retail sites; and

WHEREAS, the City of Bellevue has complied with the Environmental Procedures Code and the State Environmental Policy Act; now therefore,

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

Section 1. The following subsections of Section 20.50.046 of the Land Use Code are hereby amended to read as follows:

SALES, RETAIL. Sale to the ultimate consumer for direct consumption, provided that sales at a wholesale or discounted price for resale to the general public are permitted where more than 50% of total sales are to the ultimate consumer for direct consumption.

SALES, WHOLESALE. Sale for resale not for direct consumption. Wholesale sales include trade sales and distribution activities. Wholesaling establishments are those businesses engaged primarily (more than 50% of total sales) in selling merchandise to retailers or to industrial, commercial, or professional business uses.

Section 2. Section 20.20.590.G of the Land Use Code is hereby amended to read as follows:

20.20.590...

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G. Director's Authority to Require Parking Exceeding Maximum:

The Director of Community Development may require the installation of more than the maximum number of parking stalls, for other than office uses, if the Director determines that-

1. Such additional parking is necessary to meet the parking demand for a specified use, and
2. Cooperative use of parking is not available or adequate to meet demand, and
3. The maximum number of compact size stalls has been used, and
4. Any required Transportation Management Program will remain effective.

Section 3. Section 20.10.440 (Wholesale and Retail Chart) of the Bellevue City Code (Land Use Code) is hereby amended to read as follows:

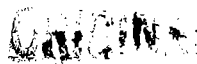


CHART 20.10.440
USES IN LAND USE DISTRICTS

WHOLESALE & RETAIL

STD LAND USE CODE REF	LAND USE CLASSIFICATION	PROFESSIONAL OFFICE	OFFICE	OFFICE/LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	OFFICE DISTRICT 1	OFFICE DISTRICT 2	MIXED USE DISTRICT	RESIDENTIAL DISTRICT	OLD BELLEVUE DISTRICT	OFFICE AND LIMITED BUSINESS DISTRICT
		PO	O	OLB	LI	GC	NB 5	CB 36	CBD 0-1	CBD 0-2	CBD MU	CBD R	CBD OB	CBD OLB
5	TRADE (WHOLESALE & RETAIL)													
51	WHOLESALE TRADE: GENERAL MERCHANDISE, PRODUCTS, SUPPLIES MATERIALS & EQUIPMENT EXCEPT THE FOLLOWING: 1				P	P								
5111 5156 5157 5191 5192	WHOLESALE TRADE: MOTOR VEHICLES, PRIMARY & STRUCTURAL METALS, BULK PETROLEUM 2				P	C								
5193	SCRAP WASTE MATERIALS, LIVESTOCK													
	RECYCLING CENTERS				P	P	P	P	P	P	P	C	C	
521 522 523 524	LUMBER & OTHER BULKY BUILDING MATERIALS INCLUDING PREASSEMBLED PRODUCTS 3				P 35	P		P	P	P	P			
5251	HARDWARE PAINT, TILE & WALLPAPER (RETAIL)				S 35	P	P	P	P	P	P	P 21, 23	P 30	
5252	FARM EQUIPMENT				P 35									
53	GENERAL MERCHANDISE: DRY GOODS VARIETY & DEPT. STORES (RETAIL)							P	P	P	P	P 22, 23	P 30	
54	FOOD & CONVENIENCE STORE (RETAIL) 27					P	P	P	P	P	P	P 22, 23	P 30	
5511	AUTOS (RETAIL)				A 4, 35	P		C	P 24	P 24	P			
	TRUCKS, MOTORCYCLES, RECREATIONAL VEHICLES (RETAIL)				P 7, 35	P			P 24, 25	P 24, 25	P			
	BOATS (RETAIL)				P 35	P			P 24	P 24	P			
552	AUTOMOTIVE & MARINE ACCESSORIES (RETAIL)				P 35	P		P			P			
553	GASOLINE SERVICE STATIONS			A 34	P 34, 35	P	P	P	A S	A S	P			A 34 S

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.

*NOT EFFECTIVE WITHIN THE JURISDICTION OF THE EAST BELLEVUE COMMUNITY COUNCIL AND SAMMAMISH COMMUNITY COUNCIL

CHART 20.10.440
USES IN LAND USE DISTRICTS

WHOLESALE & RETAIL

STD LAND USE CODE REF	LAND USE CLASSIFICATION	PROFESSIONAL OFFICE	OFFICE	OFFICE/LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	OFFICE DISTRICT 1	OFFICE DISTRICT 2	MIXED USE DISTRICT	RESIDENTIAL DISTRICT	OLD BELLEVUE DISTRICT	OFFICE AND LIMITED BUSINESS DISTRICT
		PO	O	OLB	LI	GC	NB 5	CB 35	CBD 0-1	CBD 0-2	CBD MU	CBD R	CBD OB	CBD OLB
56	APPAREL & ACCESSORIES (RETAIL)			S				P	P	P	P	P 21, 23	P 30	S
57	FURNITURE, HOME FURNISHING (RETAIL)				P 11, 35	P		P	P	P	P	P 21, 23	P 30	
58	EATING AND DRINKING ESTABLISHMENTS		P 13	P 14	P 15, 29, 35	P	P 16	P	P 28	P 28	P 28	P 23, 28	P 28	P 14, 28
59	MISC. RETAIL TRADE: DRUGS, LIQUOR, ANTIQUES, BOOKS, SPORTING GOODS, JEWELRY, FLORIST, PHOTO SUPPLIES, VIDEO RENTALS & COMPUTER SUPPLIES		P 17	S		P 18	P 19	P	P	P	P	P 21, 23	P 30	S
	ADULT RETAIL ESTABLISHMENTS 31			S				P	P	P	P		P	S
5961	FARM SUPPLIES, HAY, GRAIN, FEED AND FENCING, ETC. (RETAIL)				P 35	P								
596	RETAIL FUEL YARDS				P 35	P								
5996	GARDEN SUPPLIES, SMALL TREES, SHRUBS, FLOWERS, GROUND COVER, HORTICULTURAL NURSERIES & LIGHT SUPPLIES AND TOOLS				P 35	P	P 20	P 20			P 20			
5999	PET SHOP (RETAIL & GROOMING)				P 26, 35	P 26	P	P	P	P	P	P 21, 23	P 30	
	FIREWORKS STANDS 32	P	P	P	P 35	P	P	P	P	P	P	P	P	P
	COMPUTERS & ELECTRONICS (RETAIL)				P 12, 35	P 12		P	P	P	P	P 21, 23	P 30	

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.

(Ordinance 4516, 4-12-93, Section 1; Ordinance 4422, 9-28-92, Section 2; Ordinance 3530, 8-12-85, Section 7)

*NOT EFFECTIVE WITHIN THE JURISDICTION OF THE EAST BELLEVUE COMMUNITY COUNCIL AND SAMMAMISH COMMUNITY COUNCIL

NOTES: USES IN LAND USE DISTRICTS-WHOLESALE AND RETAIL

1. Wholesale Trade includes sales offices for these goods.
2. Wholesale trade of motor vehicles, primary and structural metals, bulk petroleum includes sales offices for these goods and excludes tank farms.
3. Bulk Retail includes sales offices for these goods.
4. Automobile (Retail) is subject to the decision criteria in Section 20.20.135. (Ord. 4176, 11-26-90, Section 3)
5. Each individual wholesale and retail use in NB districts, except retail food stores and miscellaneous retail trade, is limited to 5000 square feet. Wholesale and retail uses intending to operate between the hours of 12:00 midnight and 6:00 a.m. must obtain administrative conditional use approval. The applicant must meet the decision criteria for an Administrative Conditional Use Permit set forth in LUC Chapter 20.30E, and must demonstrate that: 1) the use will meet the requirements of the Noise Control Ordinance, BCC Chapter 9.18; and 2) the use will meet the lighting standards of the Community Retail Design District for all lighting fixtures on the premises that would be lit between the hours of 12:00 midnight and 6:00 a.m. Businesses operating between the hours of 12:00 midnight and 6:00 a.m. on the effective date of this ordinance are exempt from the ACUP requirements.
6. Deleted by Ord. 4422.
7. Motorcycle (Retail) requires administrative conditional use approval in LI districts. (Ord. 4176, 11-26-90, Section 3)
8. Boats (Retail) are permitted subject to Planned Unit Development and only as a subordinate use in waterfront areas of the OU district.
9. Automotive & Marine Accessories (Retail) are permitted only as a subordinate use to a permitted or special use and only if it is marine-related in OU districts.
10. Gasoline Service Stations are permitted only as a subordinate use to a permitted or special use and only if it is marine-related in OU districts.
11. Furniture and Home Furnishings are limited to uses with on-site warehousing in LI districts.
12. Computer supplies are permitted as a subordinate use to computer sales in LI and GC districts. (Ord. 4176, 11-26-90, Section 3)
13. Eating and Drinking establishments are excluded in Transition Areas in O districts.
14. Eating and Drinking establishments are permitted in OLB and CBD-OLB districts subject to the following criteria:
 - a. Such uses are physically integrated within a structure primarily used as a hotel or motel, office building, charitable, social, professional

- and labor organization, fraternal lodge, recreational facility or institution such as a hospital or public assembly (indoor).
- b. Such uses do not exceed 20% of the gross floor area of the structure or structures.
 - c. The entire site complex has a unity of design in terms of wall and roof materials, roof slopes and window patterns.
15. Eating and drinking establishments are permitted in LI districts only if located in a multiple function building or complex.
 16. Eating and Drinking establishments may include liquor sales only if operated under a Class A or C liquor license issued by the Washington State Liquor Control Board. Eating and drinking establishments with other classes of liquor licenses require administrative conditional use approval. Drive-in windows are not permitted.
 17. Other Retail Trade is limited to drugstores only in O districts.
 18. Miscellaneous retail trade is limited to specialty sporting goods in GC district. (Ord. 4176, 11-26-90, Section 3)
 19. Except for drugstores, all miscellaneous retail uses combined cannot exceed 10,000 square feet and each individual use cannot exceed 3,000 square feet.
 20. Garden Supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment in NB, CB and CBD-MU districts.
 21. Limited to a maximum of 1,500 gross square feet per establishment.
 22. Limited to a maximum of 3,000 gross square feet per establishment, except for food, retail. (Ord. 4117, 1-16-90, Section 1)
 23. Nonresidential uses are permitted in CBD-R only when developed within the same project limit and simultaneously with an equal or greater amount of floor area devoted to residential uses. (Ord. 4117, 1-16-90, Section 1)
 24. No onsite outdoor display or inventory storage.
 25. Motorcycles only.
 26. Only pet grooming is permitted in the LI and GC districts. (Ord. 4176, 11-26-90, Section 3)
 27. Food and convenience stores (Retail) must contain at least 75% square footage of retail food sales not for consumption on premises. (Ord. 4028, 7-17-89, Section 1)
 28. Drive-in windows are not permitted.
 29. No more than one eating and drinking establishment is permitted in any building. (Ord. 2966, 1-18-82, Section 2)
 30. Limited to a maximum of 15,000 gross square feet per establishment or up to 25,000 gross square feet through a conditional use. (Ord. 3813, 7-20-87, Section 1)

31. Adult Retail Establishments are subject to the regulations for Adult Entertainment Uses in Section 20.20.127. (Ord. 3884, 2-16-88, Section 1)
32. Firework stands do not require temporary use approval but must comply with Bellevue City Code Section 23.10.1461. Adequate access to the stand and off-street parking must be provided. (Ord. 4028, 7-17-89, Section 1)
33. Horticultural nurseries are permitted without conditional use approval in OU Districts. (Ord. 4028, 7-17-89, Section 1)
34. Gasoline Service Stations may include subordinate convenience stores. (Ord. 4028, 7-17-89, Section 1)
35. Any business which combines two or more permitted retail sales uses and also includes subordinate retail sales uses shall be limited in size to 50,000 square feet. (Ord. 4516, 4-12-93, Section 1)
36. Retail uses in CB districts in the following subareas, as designated in the Comprehensive Plan, are limited in size to 100,000 gross square feet or less: Bridle Trails, Evergreen Highlands, Newcastle, North Bellevue, Northeast Bellevue, Richards Valley, South Bellevue, Southeast Bellevue, Wilburton.

Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

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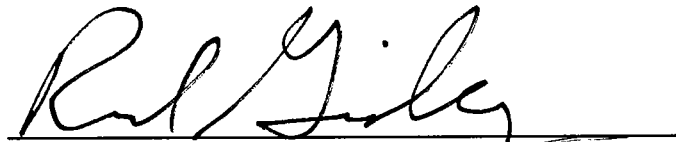
PASSED by the City Council this 2nd day of May, 1994, and
signed in authentication of its passage this 2nd day of
May, 1994.

(SEAL)


Donald S. Davidson, DDS, Mayor

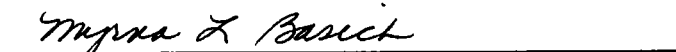
Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Richard Gidley, Deputy City Attorney

Attest:


Myrna L. Basich, City Clerk

Published May 6, 1994