

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5430

AN ORDINANCE amending the Bellevue Land Use Code to allow a limited amount of administrative office use in the Neighborhood Business land use district; amending Sections 20.10.340, 20.10.440, and 20.20.010 of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, the City adopted Ordinance No. 5394 amending the Comprehensive Plan of the City of Bellevue by modifying the definition of Neighborhood Business to allow for a limited amount of administrative office use in the Neighborhood Business district; and

WHEREAS, the Land Use Code of the City of Bellevue must be amended to implement the provisions of Ordinance No. 5394; and

WHEREAS, the Planning Commission held a public hearing on November 20, 2002 with regard to such proposed Land Use Code amendment; and

WHEREAS, the Planning Commission recommends that the City Council approve such proposed amendment; and

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

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

Section 1. Section 20.10.340 is hereby amended as follows:

**20.10.340 Neighborhood Business District (NB).**

Neighborhood Business Districts are small scale, mixed-use commercial areas that provide housing opportunities and retail and service businesses for the surrounding residential community. These sites may also accommodate a limited amount of administrative office space, provided that the office use does not interfere with the site's primary neighborhood-serving function. NB Districts front on designed primary or minor arterials and are generally 1,000 feet or more apart along the arterials. It is the intent of the City that any such district be located adjacent to existing or proposed residential areas. The maximum size of an NB District, composed of contiguous properties and located on one side of a street, is four and one-half acres. The maximum size is expanded to six acres for NB sites separated by a street.

Section 2. Section 20.10.440 Services Chart is hereby amended as follows:

**Chart 20.10.440**

**Uses in land use districts**

**Services**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
6	Services											
61	Finance, Insurance, Real Estate Services											
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair											
6241	Funeral and Crematory Services											
6262	Cemeteries	C	C	C	C	C	C	C	C	C	C	C
629	Child Care Services 3,4											
	Family Child Care Home in Residence	P	P	P	P	P	P	P	P	P	P	P
	Child Day Care Center								C	C	P	P
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment											
634	Building Maintenance and Pest Control Services											
637	Warehousing and Storage Services, Excluding Stockyards											
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools											
641	Auto Repair and Washing Services											
649	Repair Services: Watch, TV, Electrical, Upholstery											
	Professional Services: Medical Clinics and Other Health Care Related Services											
	Professional Services: Other											
6513	Hospitals											
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape											

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

Permitted uses in the Office Limited Business – Open Space District (OLB-OS) are listed in LUC 20.25L.020.

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

**KEY**

P – PERMITTED USE  
C – CONDITIONAL USE (see Part 20.30B or Part 20.30C)  
PD – PERMITTED subject to planned unit development only.  
(See Part 20.30D)  
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)  
S – Permitted only as a subordinate use to a permitted or special use

**Chart 20.10.440**

**Uses in land use districts**

**Services**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		PO	O	OLB	LI	GC	NB 16	CB	F1	F2	F3	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
6	Services																
61	Finance, Insurance, Real Estate Services	P	P	P	P 1	P	P	P	P	P	P	P 13	P 13	P	P 11, 12	P	P
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair			S	P 2	P	P	P	P	S	S	P	P	P	P 11, 12	P	P 11, 20
6241	Funeral and Crematory Services	C	C	C						C	C						
6262	Cemeteries	C	C	C	C	C	C	C	C	C	C						
629	Child Care Services 3,4																
	Family Child Care Home in Residence	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Child Day Care Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment	P	P	P	P 5	P	P 17	P	P	P	P	P	P	P	P 11, 12	P	P
634	Building Maintenance and Pest Control Services				P	P		P	P								
637	Warehousing and Storage Services, Excluding Stockyards				P	P		S	S								
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools			S	P 6	P	A 18	P 7	P 7	S	S			P			S
641	Auto Repair and Washing Services				P	P	A 19	P	P					P 8			
649	Repair Services: Watch, TV, Electrical, Upholstery				P	P	P	P	P			P	P	P		P	
	Professional Services: Medical Clinics and Other Health Care Related Services	P	P	P		P	P	P	P	P	P	P	P	P	P 11, 12	P 11	P
	Professional Services: Other	P	P	P	P 9	P		P	P	P	P	P	P	P	P 11, 12	P 11	P
6513	Hospitals	C	C	C	C	C		C	C	C	C			C	C		
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape				P	P											

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

Permitted uses in the Office Limited Business – Open Space District (OLB-OS) are listed in LUC 20.25L.020.

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

# Chart 20.10.440

## Uses in land use districts

## Services

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions					C 15						
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops	C	C	C	C	C	C	C	C	C	C	C
	Limited Governmental Services: Protective Functions <sup>21</sup>								P	P	P	P
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions <sup>22</sup>											
674 675	Military and Correctional Institutions	C	C	C	C	C	C	C	C	C	C	C
	Secure Community Transition Facility 23, 24											
681	Education: Primary and Secondary	C	C	C	C	C	C	C	C	C	C	C
682	Universities and Colleges	C	C	C	C	C	C	C	C	C	C	C
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools											
691	Religious Activities	C	C	C	C	C	C	C	C	C	C	C
692 (A)	Professional and Labor Organizations Fraternal Lodge											
692 (B)	Social Service Providers	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14
	Administrative Office General											
	Computer Program, Data Processing and Other Computer Related Services											
	Research, Development and Testing Services											

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

Permitted uses in the Office, Limited Business – Open Space District (OLB-OS) are listed in LUC 20.25L.020.

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## KEY

P – PERMITTED USE  
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PD – PERMITTED subject to planned unit development only .  
(See Part 20.30D)  
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)  
S – Permitted only as a subordinate use to a permitted or special use

**Chart 20.10.440**

**Uses in land use districts**

**Services**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		PO	O	OLB	LI	GC	NB 16	CB	F1	F2	F3	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions	C	C	C				C	C	C	C	P	P	P	P 11, 12	P 11	A
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops	C	C	C	C 10	C 10	C	C	C	C	C			P	C	C	A
	Limited Governmental Services: Protective Functions <sup>21</sup>																
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions <sup>22</sup>	P	P	P		P	P	P	P	P	P	P	P	P	P 12	P	P
674 675	Military and Correctional Institutions	C	C	C	C	C	C	C	C	C	C						
	Secure Community Transition Facility 23, 24				C	C											
681	Education: Primary and Secondary	C	A	A	A	A	C	A	A	A	A	A	A	A	C	A	A
682	Universities and Colleges	P	P	P	P	P	C	P	P	P	P	P	P	P			
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P	P	P	P	P		P	P	P	P			P	P 11, 12	P 11	P
691	Religious Activities	P	P	P	P	P	C	P	P	P	P	P	P	P	C	C	P
692 (A)	Professional and Labor Organizations Fraternal Lodge	C	C	P		P		P	P	P	P	P	P	P	C	C	P
692 (B)	Social Service Providers	C	C	P	P	P	P	P	P	P	P	P	P	P	C	C	P
	Administrative Office General	P	P	P	P 5	P	P	P	P	P	P	P	P	P	P 11, 12	P	P
	Computer Program, Data Processing and Other Computer Related Services	P	P	P	P 5	P				P	P	P	P	P	P 11, 12	P	P
	Research, Development and Testing Services	P	P	P	P 5	P				P	P	P	P	P	P 11, 12	P	P

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

Permitted uses in the Office, Limited Business – Open Space District (OLB-OS) are listed in LUC 20.25L.020.

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

**Notes: Uses in land use districts – Services**

- (1) Finance, Insurance, Real Estate Services are permitted only if commercially or industrially related in LI Districts.
- (2) Personal Services are permitted in LI Districts only if located in a multiple function building or complex.
- (3) Refer to Chapter 20.50 LUC for definitions of child care service, family child care home, and child day care center.
- (4) A child care service may be located in a community facility in any land use district pursuant to LUC 20.20.170.E.
- (5) These uses are permitted in LI only if located in a multiple function building or complex.
- (6) Automobile rental and leasing services require administrative conditional use approval and are subject to the decision criteria in LUC 20.20.135.
- (7) Rental Services are restricted to autos and furniture in CB and F1 Districts and to truck, trailer, and tool rentals provided the site has two street frontages.
- (8) Auto repair and washing services are permitted only if washing services are a subordinate use to a permitted or special use in Downtown-MU Districts.
- (9) Professional services are permitted in LI Districts only if located in a multiple function building or complex.
- (10) Governmental Services include maintenance shops in LI and GC Districts.
- (11) Limited to a maximum of 1,500 gross square feet per establishment.
- (12) Nonresidential uses are permitted in Downtown-R only if developed in a building which contains residential uses.
- (13) Drive-in facilities may be permitted through Design Review Part 20.30F LUC at any location in the Downtown-O-2 District, or within 200 feet of NE 4th Street or NE 8th Street in the Downtown-O-1 District; but only if all the following criteria are met:
  - (a) On-site capacity for vehicle stacking of 10 spaces for one drive-up station and 20 spaces for two or more drive-up stations must be provided.
  - (b) The design of the vehicular access is compatible with high volume pedestrian walkways and parking access. The vehicular access will not disrupt established retail or service frontages designed to serve pedestrians, nor can the vehicular access lanes be located between the street and the main pedestrian access to the buildings.
  - (c) The vehicle stacking lanes must be contained within a structured parking area, or be otherwise screened.
  - (d) Landscaping or screening must be provided to mitigate any adverse effects on nearby property. Perimeter walkways and sidewalks must conform to the requirements of LUC 20.25A.060.

- (e) Walk up banking service, whether manned or electronically activated customer service stations, must be provided on-site during regular daytime business hours for pedestrian business when there is no interior banking service.
- (14) These uses are permitted only in Bellevue School District schools, whether under control of the School District or the City.
- (a) In the review of the proposed use or uses under the Administrative Conditional Use Permit application, Part 20.30E LUC, the following criteria shall be considered:
    - (i) Consistency of the proposal with the goals and policies of the Comprehensive Plan.
    - (ii) Extent to which the physical environment will be modified by the proposal.
    - (iii) Ability to provide on-site parking facilities to accommodate intended uses under the proposal.
    - (iv) Extent of additional demand on public utilities and public services resulting from the proposal.
    - (v) Noise impacts of the proposal.
    - (vi) Traffic volumes and street classifications in the area of the proposal.
    - (vii) Compatibility of the proposal with surrounding land uses.
    - (viii) Impact of the proposal on the visual and aesthetic character of the neighborhood.
- In addition, the proposed use or uses shall not be more intensive than if the school were being used as a school.
- (b) A Master Conditional Use Permit listing a range of permissible uses from those permitted in the land use district as listed in LUC 20.10.440 can be obtained for the entire school by using the conditional use process, Part 20.30B or Part 20.30C LUC. Uses listed in the permit shall be permitted outright and uses not listed but permitted as conditional uses shall obtain a Conditional Use Permit.
- (15) Permitted in inactive elementary school facilities. The following criteria shall be considered:
- (a) Criteria a.i-viii, Note 14 – Uses in land use districts – Services.
  - (b) Hours of operation.
  - (c) Proposed signing.

- (16) Other than administrative office use, each individual service use in NB Districts is limited to 5,000 square feet. Administrative office use is limited as follows: when located on the first floor of a building, administrative office use is limited to 5,000 square feet or 25% of the first floor footprint, whichever is less; when located above the first floor of a building, administrative office use is allowed without a limit on total aggregate square footage, so long as each individual administrative office use is limited to 5,000 square feet. In no event may administrative office uses exceed more than 50% of the total building square footage. Administrative conditional use approval is required for hours of operation between 12:00 midnight and 6:00 a.m. The applicant must meet the decision criteria for an Administrative Conditional Use Permit set forth in Chapter 20.30E LUC, and must demonstrate that: 1) the use will meet the requirements of the Noise Control Ordinance, Chapter 9.18 BCC; 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 City of Bellevue Ordinance No. 4422 are exempt from the ACUP requirements.
- (17) Only travel agencies are permitted in NB District.
- (18) Rental services limited to truck, trailer and tool rentals are permitted in NB Districts with administrative conditional use approval, provided the site has two street frontages.
- (19) Auto repair and washing services are permitted with administrative conditional use approval only in NB sites that have two street frontages.
- (20) Personal services are permitted only when functionally integrated within a building or complex used primarily as a hotel or motel; office building; university or college; charitable, social service, professional or labor organization; or recreational facility.
- (21) Uses are limited to neighborhood community police stations of 1,000 square feet or less.
- (22) Uses are limited to 1,000 square feet, except for protective functions which are limited to community police stations of 1,500 square feet or less.
- (23) No portion of a property on which a Secure Community Transition Facility is proposed to be located may be within 300 feet of the boundary of any land use district within which the SCTF use is prohibited. The required 300 feet shall be measured in accordance with the policy guidelines established by the Department of Social and Health Services pursuant to RCW 71.09.285(4), now or as hereafter amended.
- (24) Secure Community Transition Facilities are subject to the regulations for Secure Community Transition Facilities in LUC 20.20.750.



Section 3. Section 20.20.010 is hereby amended to read as follows:

**20.20.010 Uses in land use districts dimensional requirements.**

**Chart 20.20.010**

**Uses in land use districts**

**Dimensional Requirements**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
	<b>DIMENSIONS</b>											
	Minimum Setbacks of Structures (feet)											
	Front Yard (18) (20)	35	30	20	20	20	20	20	20	20	20	20
	Rear Yard (11) (17) (18) (20)	25	25	25	25	20	20	20	25	25	25	25
	Side Yard (11) (17) (18) (20)	5	5	5	5	5	5	5	5	5	5	5(1)
	2 Side Yards (17) (18) (20)	20	15	15	15	15	15	10	15	15	15	15
	Minimum Lot Area											
	Acres (A) or Thousands of Sq. Ft. (3)	35	20	13.5	10	8.5	7.2	4.7	8.5	8.5	8.5(12)	8.5(12)
	Dwelling Units per Acre (15) (21) (22)	1	1.8	2.5	3.5	4	5	7.5	10	15	20	30
	Minimum Dimensions (feet)											
	Width of Street Frontage	30	30	30	30	30	30	30	30	30	30	30
	Width Required in Lot (4)	100	90	80	70	65	60	50	70	70	70	70
	Depth Required in Lot (4)	150	80	80	80	80	80	80	80	80	80	80
	Maximum in Building Height (feet) (10) (19) (26)	30	30	30	30	30	30	30	30	30	30 (5)	40
	Maximum Lot Coverage by Structures (percent) (13) (14) (16) (26) (27)	35	35	35	35	35	40	40	35	35	35	35

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

NOTE: Dimensional Requirements for Downtown are found in Part 20.25A LUC.  
Dimensional Requirements for Evergreen Highlands Design District (EH-A, EH-B, EH-C, EH-D) are found in Part 20.25F LUC.

**Chart 20.20.010**

**Uses in land use districts**

**Dimensional Requirements**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	<b>DIMENSIONS</b>	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(21, 31)	(21, 32)	(7)	(7)	(7)	(7)	(7)	(7)
	Minimum Setbacks of Structures (feet)	30	30	50	15	15	(2)	(2)	(2, 28)	50	20						
	Front Yard (18) (20)																
	Rear Yard (17) (18) (20)	25	25	50	(2)	(2)	(2)	(2)	(2, 28)	30	5						
	Side Yard (17) (18) (20)	20	20	30	(2)	(2)	(2)	(2)	(2, 28)	30	5						
	2 Side Yards (17) (18) (20)	40	40	60	(2)	(2)	(2)	(2)	(2, 28)	60	10						
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3)			2A						2A	2A						
	Dwelling Units per Acre (15) (22)	10(23)	20(23)	30(23)			15(23)	30(23)	30(23)	30(23)	30(23)						
	Minimum Dimensions (feet)			200						200	200						
	Width of Street Frontage																
	Width Required in Lot (4)			200						200	200						
	Depth Required in Lot (4)																
	Maximum in Building Height (feet) (10) (19)	20	30	45(6)	45(9)	30	20(25)	45	45/60 (29, 30)	75	75/135 (33, 34)						
	Maximum Lot Coverage by Structures (percent) (13) (14) (16)	35(24)	35(24)	35(24)	50		35(24)			35(24)	35(24)						

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NOTE: Dimensional Requirements for Downtown are found in Part 20.25A LUC.

Dimensional Requirements for Evergreen Highlands Design District (EH-A, EH-B, EH-C, EH-D) are found in Part 20.25F LUC.

**Notes: Uses in land use districts – Dimensional requirements**

- (1) Side yard setback in R-30 Districts increases to 20 feet on any side yard where structure exceeds 30 feet above finished grade.
- (2) All rear and side yards shall contain landscaping as required by LUC 20.20.520.
- (3) See LUC 20.20.012.
- (4) See LUC 20.20.015.
- (5) Except in transition areas, the maximum allowable building height in R-20 Districts may be increased to 40 feet if ground floor or underground parking for that building is provided and occupies a minimum of 75 percent of the building footprint.
- (6) The maximum allowable building height is 75 feet on any property designated OLB which lies within 475 feet of the right-of-way of I-405, between I-90 and SR-520.
- (7) Dimensional requirements for Downtown Land Use Districts are listed in LUC 20.25A.020.
- (8) Any office building or any office portion of a building in the PO, O, OLB, LI, GC, NB, CB or F1 districts shall comply with the following limitations on Floor Area Ratio:
  - (a) At 0.5 FAR, no office building or office portion of a building may exceed 50,000 square feet of gross floor area; and
  - (b) For any office building or office portion of a building greater than 50,000 square feet in gross floor area the following sliding scale shall be observed as interpolated and extrapolated below:
    - (i) At 0.3 FAR, no office building or office portion of a building may exceed 100,000 square feet of gross floor area; and
    - (ii) At 0.1 FAR, no office building or office portion of a building may exceed 150,000 square feet of gross floor area.
- \*(9) The maximum building height may be exceeded upon approval of the Director of Planning and Community Development. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Part 20.30E LUC. Before granting any such approval, the Director of Planning and Community Development must find that:
  - (a) The height increase is only to accommodate equipment, structures or buildings that contain special equipment primarily related to light manufacturing, wholesale, trade and distribution use, and is not for office or bulk retail use; and
  - (b) There is functional need for a height increase; and
  - (c) The overall site development will minimize adverse impacts caused by the height increase.

Notwithstanding the provisions of this note, no height increase is permitted within a Transition Area as defined in Part 20.25B LUC.

*\*Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in LI Districts shall remain 30 feet.*

\*(10) Except in transition areas, the allowable building height of any building located in PO, O, OLB, GC, NB, or CB Districts may be increased by one story, but not to exceed 15 feet, if basement parking for that building occupies a minimum of 75 percent of the building footprint.

*\* Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in the LI Districts shall remain 30 feet.*

(11) The LUC contains enhanced setback requirements for churches, clubs, and institutions (refer to LUC 20.20.190) and schools (refer to LUC 20.20.740) located in residential land use districts.

(12) For each square foot of lot area devoted to open space in excess of 30 percent of the total lot area, one square foot is added to the lot area for the purpose of calculating density.

(13) Lot coverage is calculated after subtracting all Protected Areas defined by LUC 20.25H.070.

(14) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.

(15) If there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls.

(16) Exceptions to Lot Coverage.

(a) Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating lot coverage.

(b) Buildings constructed partially below grade and not higher than 30 inches above existing or finished grade, whichever is lower, are not structures for the purpose of calculating lot coverage subject to the following conditions:

(i) The 30-inch height limit must be met at all points along the building excluding those areas necessary to provide reasonable ingress and egress to the underground portions of the building; and

(ii) The rooftop of the building shall be screened from abutting properties with 10 feet of Type II landscaping as described in LUC 20.20.520G.2 except that the required trees shall be a minimum of 10 feet in height at planting; or, if a use is proposed for the rooftop, the rooftop may be landscaped consistent with the planting requirements for the specific use that is proposed and for the land use district in which the use is located. 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.

(17) If the setback abuts a street right-of-way, access easement or private road, the minimum dimension is 10 feet unless a greater dimension is specified.

(18) See LUC 20.20.030 for designation and measurement of setbacks.

\*(19) Notwithstanding any other provision of this Code, except Part 20.25B LUC or LUC 20.20.900 through 20.20.910, as applicable, the allowable building height of an office building may be increased by one story, not to exceed 15 feet, if a minimum of 75 percent of the ground floor of that building is devoted to parking for that building.

*\*Effective only within Community Council jurisdiction.*

- (20) See LUC 20.25H.090 for additional sensitive area setbacks.
- (21) See LUC 20.25H.100 for additional sensitive are density/intensity limitations.
- (22) Density for senior citizen dwelling, congregate care senior housing, and assisted living is calculated as follows: units less than 600 square feet count as 0.5 unit and units 600 square feet or greater count as one unit.
- (23) This residential density may be in addition to FAR only for senior citizen dwellings, assisted living and congregate care senior housing.
- (24) Lot coverage may be increased to 50 percent if congregate care senior housing, senior citizen dwellings, assisted living or nursing homes are constructed on-site; provided, however, that coverage for the nonresidential portions of the development cannot exceed the maximum limits indicated. Lot coverage within NB Districts may be increased to 50 percent for mixed use development which includes residential uses comprising at least one-half the square footage of the building footprint. Underground parking in excess of 50 percent of the site area shall not be included in lot coverage calculations.
- (25) The maximum building height for structures is increased to 30 feet only if residential uses or administrative office uses are provided on the second floor and provided the structure does not exceed two stories. For purposes of this note, a story is defined pursuant to the Uniform Building Code, Section 420 as amended.
- (26) See LUC 20.20.125 for specific requirements applicable to detached accessory structures.
- (27) Lot coverage for schools located in residential land use districts is limited to 35 percent of the site area (refer to LUC 20.20.740).
- (28) A 15 foot setback from the right of way line of Factoria Boulevard is required for development in the F1 Land Use District. A 15 foot setback from the right of way line of SE 38<sup>th</sup> Street between Factoria Boulevard and 126<sup>th</sup> Avenue SE is required for development in the F1 Land Use District.
- (29) Maximum building height in the F1 Land Use District shall be measured from average existing grade. Maximum building height in Area II and Area III of the F1 Land Use District is 60 feet, measured from average existing grade.
- (30) The allowable maximum building height of any building located in the F1 Land Use District may be increased by one story, not to exceed 15 feet, if a minimum of 75 percent of the ground floor of that building is devoted to parking. In no event shall a building in Area II or Area III of the F1 District exceed 75 feet, as measured to the highest point of the structure from average existing grade, including pitched roof areas and penthouse equipment screening.
- (31) Any office building or any office portion of a building in the F2 district may not exceed a Floor Area Ratio of 0.6 FAR.
- (32) The maximum FAR for the combined properties in the F3 Land Use District, regardless of use, shall be 1.26 FAR; provided that individual parcels or portions of property lying within the F3 Land Use District may have FAR for those individual parcels or portions which exceed an FAR of 1.26 provided that the FAR calculated for

the entire aggregated property within the F3 Land Use District shall not exceed 1.26. The maximum FAR permitted herein is based on a maximum total development, including existing and new development of 950,000 square feet, calculated in the same manner as provided for in the calculation of FAR. In the event of an inconsistency between the FAR maximum of 1.26 and the maximum total development amount of 950,000 square feet, the latter shall control.

- (33) In no event shall building height exceed 324 feet above sea level, based on North American Vertical Datum, 1988 (NAVD – 88).
- (34) Maximum building height south of the F3 Land Use District Separation Line shall be 135 feet, with structural elements not intended for habitation above 135 feet, so long as structural elements do not exceed 275 feet above sea level based on NAVD – 88.

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

PASSED by the City Council this 21st day of January, 2003, and signed in authentication of its passage this 21st day of January, 2003.

(SEAL)

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Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

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Lori M. Riordan, Assistant City Attorney

Attest:

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Myrna L. Basich, City Clerk

Published January 24, 2003