

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5431

AN ORDINANCE amending the Bellevue Land Use Code requirements for public and private schools; amending Sections 20.20.520, 20.20.590, 20.20.740, 20.25B.040, 20.25B.050, 20.25L.020 and 20.50.046 of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, the City initiated a Land Use Code Amendment to amend certain substantive regulations applicable to public and private schools in all land use districts; and

WHEREAS, the Planning Commission held a public hearing on December 11, 2002 with regard to this 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 20.20.520F.2 of the Bellevue Land Use Code is hereby amended to read as follows:

2. Planting Requirements for Specific Uses. Notwithstanding the provisions of paragraph F.1 of this section, the uses listed in this paragraph require specific landscaping as follows:
 - a. Subject to paragraph F.6 of this section, the following uses require 15 feet of Type I landscaping on all sides when located above ground and not housed within a building or accessory to another use; and if located outside of a public right-of-way:
 - i. Utility sub-station;
 - ii. Sewage pumping station;
 - iii. Water distribution facility.

Alternative landscaping may be approved by the Director of Planning and Community Development if the requirements of subsection J of this section are met, and if visibility is essential to safety, security, or maintenance access.

- b. Subject to paragraph F.6 of this section, the following uses require 10 feet of Type II landscaping along the street frontage, and 10 feet of Type III landscaping along interior property lines unless a more stringent requirement is specified in paragraph F.1 of this section:
 - i. Church;
 - ii. Commercial or public parking lot not serving a primary use;
 - iii. Mobile home park;
 - iv. Government service building;
 - v. Community club;
 - vi. Charitable or fraternal organization;
 - vii. Hospital.

Alternative landscaping may be approved by the Director of Planning and Community Development if the requirements of subsection J of this section are met.

- c. Subject to paragraph F.6 of this section, equipment and vehicle storage yards require 15 feet of Type I landscaping on all sides if in a Transition Area, or visible from a public right-of-way. Alternative landscaping may be approved by the Director of Planning and Community Development if the requirements of subsection J of this section are met.
- d. Subject to paragraph F.6 of this section, the perimeter landscaping requirements for schools are set forth in Section 20.20.740. Alternative landscaping may be approved by the Director of Planning and Community Development if the requirements of subsection J of this section are met.

Section 2. Section 20.20.590K.8.a of the Bellevue Land Use Code is hereby amended to read as follows:

- 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 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.

Section 3. Section 20.20.740 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.740 Schools.

- A. Public and private schools are permitted as indicated by the chart in LUC 20.10.440, "Education: Primary and Secondary", provided the following standards are met:
1. School buildings in residential districts shall cover not more than 35 percent of their site area.
 2. Except as allowed in this section, school buildings in residential districts shall provide 50-foot side and rear yard setbacks. A reduction in the side or rear yard setback may be approved as follows:
 - a. In no event may a side or rear yard setback be less than 30 feet;
 - b. The landscaping required along interior property lines required pursuant to subsection 5 below shall be increased to a minimum of 20 feet in depth;
 - c. No portion of a structure exceeding the building height allowed for the district may be within 50 feet of the side or rear property line; and
 - d. Building entrances or exits, other than required emergency exits, are not located within 50 feet of a side or rear property line.
 3. Building Height.
 - a. An increase in building height of up to 10 feet above the maximum building height of the underlying district is allowed for schools so long as:
 - i. No mechanical equipment is located on the roof of any building or portion of building that exceeds the maximum building height of the underlying district; and
 - ii. The school is located on a site of at least five acres.
 - b. An increase in building height above that allowed under subsection 3.a above may be approved if that portion of the structure exceeding the maximum building height of the underlying district satisfies the following criteria:
 - i. The increase in height is necessary to accommodate uses or equipment functionally related to a program

offered as part of the educational programs of the school, for example for a performing arts center, library or gymnasium;

- ii. That portion of the structure exceeding the maximum building height is set back from any property line a distance equal to 1.5 times the height of that portion of the structure, unless a greater setback is required pursuant to Section 20.20.010 or this Section 20.20.740;
 - iii. The building and site design minimize the impact of the additional height on the surrounding land uses;
 - iv. The school is located on a site of at least five acres; and
 - v. In no event may the height of a structure or portion of a structure exceed 75 feet.
4. The Director of Planning and Community Development may administratively consider, approve or disapprove the addition of temporary, portable classrooms to existing public schools subject to the criteria set forth in Part 20.30E LUC for an Administrative Conditional Use.
5. Perimeter Landscaping. In lieu of the Perimeter Landscaping Requirements set forth in Section 20.20.520F.1, schools shall provide the following landscaping, subject to Section 20.20.520F.6:
- a. Schools in residential districts or in Transition Areas as described in Part 20.25B.
 - i. 10 feet of Type III landscaping along the street frontage, except that 100% of the required trees may be planted with deciduous trees; and
 - ii. 10 feet of landscaping meeting the requirements of Section 20.25B.040C.2.c along interior property lines, unless more stringent requirements apply pursuant to this Section 20.20.740.
 - b. Schools in all other districts.
 - i. 10 feet of Type III landscaping along the street frontage, except that 100% of the required trees may be planted with deciduous trees; and
 - ii. 10 feet of Type III landscaping along interior property lines.

Alternative landscaping may be approved by the Director of Planning and Community Development if the requirements of Section 20.20.520J are met.

6. Vehicular and Pedestrian Circulation. In addition to the requirements of Section 20.20.590, school vehicular and pedestrian circulation shall satisfy the following criteria:
 - i. vehicular and bus loading and unloading areas shall be designed to minimize impacts on traffic on public rights of way;
 - ii. Parking areas shall be designed to minimize conflicts between pedestrian and vehicular movements; and
 - iii. Opportunities shall be found for safe, convenient, and pleasant pedestrian connections to existing transit facilities. Where needed, shelters and lay-bys for transit vehicles shall be incorporated into site development.
 7. Design Guidelines for Schools in Residential Districts and in Transition Areas. Schools in residential land use districts and in Transition Areas shall meet the site and building design standards set forth in Sections 20.25B.040D through G and 20.25B.050.
 8. Playfields. Schools are not required to provide on or off-site playfields. Where playfields are provided, however, they must meet the following requirements:
 - i. on-site playfields developed to the limits of their property and which are adjacent to developed private property shall be fenced with an eight-foot-high fence; and
 - ii. travel to and from the school site to any off-site playfield must not be hazardous.
- B. In the event that any provision of this subsection conflicts with any state law or regulation, the provisions of the state law shall control.

Section 4. Section 20.25B.040F of the Bellevue Land Use Code is hereby amended to read as follows:

F. Refuse Containers.

All refuse and recycling containers shall be contained within structures enclosed on all four sides and utilize lids made of molded plastic or other sound buffering material.

Section 5. Section 20.25B.050B of the Bellevue Land Use Code is hereby amended to read as follows:

B. Building Design Guidelines.

1. Building surfaces facing abutting residential districts should be clad with materials which are similar to or compatible with surrounding

uses, and which minimize reflected lighting.

2. Building facades should incorporate elements such as stepbacks, offsets, angled facets, deep roof overhangs, recesses and other architectural features which serve to break down the scale. The larger the building, the greater the number and variety of such elements that may be necessary to achieve the effect of diminishing scale.
3. Pitched roof forms are preferred in order to enhance the compatibility with nearby residential areas. However, under certain circumstances, a stepped roof form could achieve a similar effect.
4. Communication dishes greater than one meter (3.28 feet) in diameter should not be visible from adjacent residential districts.
5. Materials and colors used on the building facades should be compatible with nearby residential buildings and the surrounding natural environment; however, colors and materials used for the purpose of accent may be approved.

Section 6. Section 20.25L.020 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25L.020 Permitted Land Uses

The following chart indicates the permitted land uses within the OLB-OS Land Use District.

Land Use	Process
Hotels and Motels	P
Measuring, Analyzing and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks Mfg.; Computer Software	P
Rail Transportation: Right of Way, Yards, Terminals, Maintenance Shops	C
Aircraft Transportation: Airports; Fields, Terminals, Heliports, Storage and Maintenance	C
Accessory Parking (1)	P
Auto Parking Commercial Lots and Garages	C
Park and Ride (2)	C

Land Use	Process
Radio and Television Broadcasting Studios	P
Highway and Street Right of Way	P
Utility Facility	C
Local Utility System	P
Regional Utility System	C
On-site Hazardous Waste Treatment and Storage Facility (3)	A
Wireless Communication Facility (WCF): Attached (4), (5)	P/A
Communication, Broadcast and Relay Towers Including WCF with Support Structures (Freestanding) (5), (6)	A/C
Satellite Dishes (7)	P
Gasoline Service Stations (8)	A
Apparel and Accessories (Retail)	S
Eating and Drinking Establishments (9), (10)	P
Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies	S
Adult Retail Establishments (11)	S
Finance, Insurance, Real Estate Services	P
Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	S
Funeral and Crematory Services	C
Cemeteries	C
Child Day Care Center	P
Business Services, Duplicating and Blue Printing, Steno, Advertising (except outdoor), Travel Agencies and Employment	P

Land Use	Process
Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools	S
Professional Services: medical Clinics and Other Health Care Related Services	P
Professional Service: Other	P
Hospitals	C
Governmental Services: Executive, Legislative, Administrative and Judicial Functions	C
Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops	C
Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions	P
Military and Correctional Institutions	C
Education: Primary and Secondary (16)	A
Universities and Colleges	P
Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P
Religious Activities	P
Professional and Labor Organizations Fraternal Lodge	P
Social Service Providers	P
Administrative Office – General	P
Computer Program, Data Processing and Other Computer Related Services	P
Research, Development and Testing Services	P
Library, Museum	P
Art Gallery	P
Nature Exhibitions: Aquariums, Botanical Gardens and Zoos	C

Land Use	Process
Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but excluding School Facilities	P
Motion Picture, Theaters, Night Clubs, Dance Halls, and Teen Clubs	P
Adult Theaters (12)	P
Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools (13)	C
Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreation Instruction	C
Camping Sites and Hunting Clubs	C
Private Leisure and Open Space Areas Excluding Recreations Activities Above	P
Public/Private Park	P
City Park (14)	P/C
Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs (15)	P
Forestry, Tree Farms and Timber Production	C
Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction	C

P: The use is permitted subject to general requirements for the use and the use district.

A: The use is permitted subject to the Administrative Conditional Use provisions as specified in Part 20.30E LUC and to general requirements for the use and the use district.

C: The use is permitted subject to the Conditional Use provisions as specified in Part 20.30B or 20.30C LUC, and to general requirements for the use and the use district.

S: Permitted only as a subordinate use to a permitted or special use.

- (1) Accessory parking requires approval through the review process required for the primary land use which it serves.
- (2) Park and Ride. A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an existing use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a Conditional Use Permit.
- (3) On-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 are only permitted as administrative conditional use approvals as a subordinate use to a permitted or special use. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
- (4) Attached WCFs meeting the requirements of LUC 20.20.195A and B are permitted in all land use districts (subject to the limitations contained in Note 14 above); provided, that attached WCFs which require greater height than that allowed by the underlying land use district require administrative conditional use approval. The 15-foot building height increase permitted for some nonhabitable structural elements does not apply in single-family land use districts; therefore, attached WCFs located in single-family residential land use districts require administrative conditional use approval to exceed the maximum building height limit contained in LUC 20.20.010.
- (5) Refer to LUC 20.20.195 for general requirements applicable to wireless communication, broadcast and relay facilities.
- (6) Wireless communication facilities (WCFs) with freestanding support structures require administrative conditional use approval in all nonresidential land use districts; provided, that when located in a transition area, WCFs with freestanding support structures require conditional use approval.
- (7) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes.
- (8) Gasoline service stations may include subordinate convenience stores.
- (9) Eating and Drinking Establishments are permitted in the OLB-OS District 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 percent 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.
- (10) Microbrewery manufacturing is permitted subordinate to an eating and drinking establishment; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.
 - (11) Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.
 - (12) Adult Theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.
 - (13) For carnivals, see LUC 20.20.160.
 - (14) City parks are generally permitted in all zones. However, the following types of uses or facilities in city parks in single-family or R-10 zones require conditional use approval: lighted sports and play fields, sports and play fields with amplified sound, community recreation centers, motorized boat ramps, and beach parks on Lake Washington, Lake Sammamish, Phantom Lake and Larson Lake. Nonrecreation uses in city parks in all zones outside the Downtown require conditional use approval. For purposes of this requirement, "nonrecreation use" means a commercial, social service or residential use located on park property but not functionally related to city park programs and activities.
 - (15) Agriculture is limited to the production of food and fiber crops.
 - (16) Primary and secondary education facilities are subject to the regulations for schools in LUC 20.20.740.

Section 7. Section 20.50.046 of the Bellevue Land Use Code is hereby amended to read as follows:

School. An institution primarily engaged in academic instruction for all or part of the K through 12 education program, public, parochial or private, and recognized or approved as such by the State. A school may include a program for children of pre-kindergarten age so long as the proportion of pre-kindergarten age children served by the school does not exceed 25% of the total students.

Section 8. 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)

Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

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