

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5432

AN ORDINANCE amending the Bellevue Land Use Code process requirements for certain public and private school projects; amending Sections 20.10.440, and 20.20.740 of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, the City initiated a Land Use Code Amendment to amend certain regulations governing the process applicable to public and private school development proposals in certain 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 20.10.440 Services Chart is hereby amended as follows:

**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.*

<b>KEY</b>	
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

**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 <sub>1</sub>	P	P	P	P	P	P	P <sub>13</sub>	P <sub>13</sub>	P	P <sub>11, 12</sub>	P	P
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair			S	P <sub>2</sub>	P	P	P	P	S	S	P	P	P	P <sub>11, 12</sub>	P	P <sub>11, 20</sub>
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 <sub>5</sub>	P	P <sub>17</sub>	P	P	P	P	P	P	P	P <sub>11, 12</sub>	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 <sub>6</sub>	P	A <sub>18</sub>	P <sub>7</sub>	P <sub>7</sub>	S	S			P			S
641	Auto Repair and Washing Services				P	P	A <sub>19</sub>	P	P					P <sub>8</sub>			
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 <sub>11, 12</sub>	P <sub>11</sub>	P
	Professional Services: Other	P	P	P	P <sub>9</sub>	P		P	P	P	P	P	P	P	P <sub>11, 12</sub>	P <sub>11</sub>	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.

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**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 <sup>23, 24</sup>											
681	Education: Primary and Secondary <sup>25</sup>	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/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.

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**Chart 20.10.440**

**Uses in land use districts**

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		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 <sup>11, 12</sup>	P <sup>11</sup>	A
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops	C	C	C	C <sup>10</sup>	C <sup>10</sup>	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 <sup>12</sup>	P	P
674 675	Military and Correctional Institutions	C	C	C	C	C	C	C	C	C	C						
	Secure Community Transition Facility <sup>23, 24</sup>				C	C											
681	Education: Primary and Secondary <sup>25</sup>	A	A	A	A	A	A	A	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 <sup>11, 12</sup>	P <sup>11</sup>	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 <sup>5</sup>	P	P	P	P	P	P	P	P	P	P <sup>11, 12</sup>	P	P
	Computer Program, Data Processing and Other Computer Related Services	P	P	P	P <sup>5</sup>	P				P	P	P	P	P	P <sup>11, 12</sup>	P	P
	Research, Development and Testing Services	P	P	P	P <sup>5</sup>	P				P	P	P	P	P	P <sup>11, 12</sup>	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.

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**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.
- (25) Primary and secondary educational facilities are an administrative conditional use in all land use districts; provided, that in all residential land use districts and



the DNTN-R district a conditional use permit is required for:

- (a) the siting of such educational facility on a site not previously developed with an educational facility; or
- (b) the addition to or modification of a site previously developed with an educational facility where that addition or modification involves:
  - (i) an increase of 20% or more in the number of students occupying the school. The increase shall be measured against the number of students for which the school was designed prior to the addition or modification, without regard to temporary structures that may have been added to the site over time. If there is no information establishing the number of students for which the school was originally designed, then the increase shall be measured against the average number of students occupying the school in the three academic years immediately preceding the proposed addition or modification; or
  - (ii) a change in the age group of students occupying the school, or the addition of an age group where such age group was not previously served at the school, except that the addition of students younger than kindergarten age consistent with the definition of school in Section 20.50.046 shall not be considered a change in the age group of students or an addition of an age group for purposes of this subsection. For purposes of this subsection, age group refers to elementary, middle, junior or high school, as defined and used by the school district operating the school; or
  - (iii) the addition of facilities or programs that may result in impacts not anticipated at the time the original school was developed, including, for example: development of lighted ballfields or the addition of lighting to existing ballfields; development of an exterior sound amplification system; development of fixed outdoor seating; or proposal to increase the height of the facility pursuant to Section 20.20.740A.3.b.

Section 2. 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. The Director may approve a

reduction in the side or rear yard setback 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 by the Director 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 landscaping along the street frontage, planted with deciduous trees and shrubs; 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 landscaping along the street frontage, planted with deciduous trees and shrubs; 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 should be designed to minimize conflicts between pedestrian and vehicular movements; and
  - iii. Opportunities should be found for safe, convenient, and pleasant pedestrian connections to existing transit facilities. Where needed, shelters and lay-bys for transit vehicles should 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.
- C. The applicant for a proposal subject to the administrative conditional use process in all residential districts or the DNTN-R district shall hold one community meeting on the proposal. Such meeting shall be held as early in the review process as possible for the proposal. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

Section 3. 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