0651-ORD
10/9/2003

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5489

AN ORDINANCE amending the Bellevue Land Use Code to allow retail auto sales in additional areas of the Office-Limited Business Land Use District; amending the Wholesale Retail Use Chart of Section 20.10.440 of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, the City initiated a Comprehensive Plan Amendment to allow the auto retail sales in an expanded portion of the Office-Limited Business Land Use District; and

WHEREAS, the Land Use Code of the City of Bellevue must be amended to implement such amendments to the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on September 17, 2003 with regard to such proposed amendments to the Land Use Code; 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 of the Land Use Code is hereby amended to read as follows:

Chart 20.10.440

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Wholesale and Retail – Residential Districts										
		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
5	Trade (Wholesale and Retail)											
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following: (1)											
5111 5156 5157 5191 5192	Wholesale Trade: Motor Vehicles, Primary and Structural Metals, Bulk Petroleum (2)											
5193	Scrap Waste Materials, Livestock											
	Recycling Centers	C	C	C	C	C	C	C	C	C	C	C
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products (3)											
5251	Hardware Paint, Tile and Wallpaper (Retail)											
5252	Farm Equipment											
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)											
54	Food and Convenience Store (Retail) (27)											
5511	Autos (Retail)											
	Trucks, Motorcycles, Recreational Vehicles (Retail)											
	Boats (Retail)											
552	Automotive and Marine Accessories (Retail)											
553	Gasoline Service Stations											
56	Apparel and Accessories (Retail)											
57	Furniture, Home Furnishing (Retail)											
58	Eating and Drinking Establishments (37)											
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies											
	Adult Retail Establishments (31)											
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)											
596	Retail Fuel Yards											

5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools											
5999	Pet Shop (Retail and Grooming)											
	Computers and Electronics (Retail)											

Uses in land use districts

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

** Not effective within the jurisdiction of the East Bellevue 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

20.10.440

Chart 20.10.440

		Wholesale and Retail – Nonresidential Districts									
STD LAND USE CODE REF		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
	LAND USE CLASSIFICATION	PO	O	OLB	LI	GC	NB (5)	CB (36)	F1	F2	F3
5	Trade (Wholesale and Retail)										
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following: (1)				P	P					
5111 5156 5157 5191 5192	Wholesale Trade: Motor Vehicles, Primary and Structural Metals, Bulk Petroleum (2)				P	C					
5193	Scrap Waste Materials, Livestock										
	Recycling Centers				P	P	P	P	P		
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products (3)				P 35	P		P	P		
5251	Hardware Paint, Tile and Wallpaper (Retail)				S 35	P	P	P	P		
5252	Farm Equipment				P 35						
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)							P	P		
54	Food and Convenience Store (Retail) (27)					P	P	P	P		
5511	Autos (Retail)			P 6	A 4, 35	P		C	C		
	Trucks, Motorcycles, Recreational Vehicles				P 7, 35	P					

	(Retail)										
	Boats (Retail)				P 35	P					
552	Automotive and Marine Accessories (Retail)				P 35	P		P	P		
553	Gasoline Service Stations			A 34	P 34, 35	P	P	P	P	A 34	A 34
56	Apparel and Accessories (Retail)			S		P		P	P	S	S
57	Furniture, Home Furnishing (Retail)				P 11, 35	P		P	P		
58	Eating and Drinking Establishments (37)		P 13	P 14	P 15, 29, 35	P	P 16, 28	P	P	P 14	P 14
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies		P 17	S		P	P 19	P	P	S	S
	Adult Retail Establishments (31)			S				P	P	S	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 and Light Supplies and Tools				P 35	P	P 20	P 20	P 20		
5999	Pet Shop (Retail and Grooming)				P 26, 35	P 26	P	P	P		
	Computers and Electronics (Retail)				P 12, 35	P 12		P	P		

Uses in land use districts

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 and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Institutional District are listed in LUC 20.25J.020

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Chart 20.10.440

		Wholesale and Retail – Downtown Districts					
STD LAND USE CODE REF		Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office & Limited Business District
	LAND USE CLASSIFICATION	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
5	Trade (Wholesale and Retail)						
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following: (1)						
5111 5156 5157 5191 5192	Wholesale Trade: Motor Vehicles, Primary and Structural Metals, Bulk Petroleum (2)						
5193	Scrap Waste Materials, Livestock						
	Recycling Centers	P	P	P	C	C	
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products (3)						
5251	Hardware Paint, Tile and Wallpaper (Retail)	P	P	P	P 21, 23	P 30	
5252	Farm Equipment						
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)	P	P	P	P 22, 23	P 30	
54	Food and Convenience Store (Retail) (27)	P	P	P	P 22, 23	P 30	P 38
5511	Autos (Retail)	P 24	P 24	P			
	Trucks, Motorcycles, Recreational Vehicles (Retail)	P 24, 25	P 24, 25	P			
	Boats (Retail)	P 24	P 24	P			
552	Automotive and Marine Accessories (Retail)			P			
553	Gasoline Service Stations	A, S	A, S	P			A 34, S 38

56	Apparel and Accessories (Retail)	P	P	P	P 21, 23	P 30	P 38
57	Furniture, Home Furnishing (Retail)	P	P	P	P 21, 23	P 30	
58	Eating and Drinking Establishments (37)	P 28	P 28	P 28	P 23, 28	P 28	P 28, 38
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies	P	P	P	P 21, 23	P 30	P 38
	Adult Retail Establishments (31)	P	P	P		P	S
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)						
596	Retail Fuel Yards						
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools			P 20			
5999	Pet Shop (Retail and Grooming)	P	P	P	P 21, 23	P 30	P 38
	Computers and Electronics (Retail)	P	P	P	P 21, 23	P 30	

Uses in land use districts

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

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S – Permitted only as a subordinate use to a permitted or special use

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 LUC 20.20.135.

(5) Each individual wholesale and retail use in NB Districts, except retail food stores and miscellaneous retail trade, is limited to 5,000 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 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 the ordinance codified in this chapter are exempt from the ACUP requirements.

(6) Retail auto sales are permitted on the west side of 116th Avenue NE between NE 8th Street and the SE 8th off-ramp from northbound I-405 only.

(7) Motorcycle (Retail) requires administrative conditional use approval in LI Districts.

(8) (Deleted by Ord. 5089).

(9) (Deleted by Ord. 5089).

(10) (Deleted by Ord. 5089).

(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.

(13) Eating and Drinking Establishments are excluded in transition areas in O Districts.

(14) Eating and Drinking Establishments are permitted in the OLB, F2 and F3 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 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.

(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.

(17) Other retail trade is limited to drugstores only in O Districts.

(18) Intentionally Deleted

(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, F1 and Downtown-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.

(23) Nonresidential uses are permitted in Downtown-R only when developed within the same project limit and simultaneously with an equal or greater amount of floor area devoted to residential uses.

(24) No on site outdoor display or inventory storage.

(25) Motorcycles only.

(26) Only pet grooming is permitted in the LI and GC Districts.

(27) Food and Convenience Stores (Retail) must contain at least 75 percent square footage of retail food sales not for consumption on premises.

(28) Drive-in windows are not permitted.

(29) No more than one eating and drinking establishment is permitted in any building.

(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.

(31) Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.

(32) (Reserved).

(33) (Deleted by Ord. 5089).

(34) Gasoline service stations may include subordinate convenience stores.

(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.

(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.

(37) 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.

(38) Eating and drinking establishments and retail uses are permitted in the Downtown-OLB District provided the following criteria are met:

(a) The uses are functionally integrated within a building or complex primarily used as a hotel or motel; office building; university or college; charitable, social service, professional or labor organization; or recreation facility.

(b) The uses do not exceed 30 percent of the total floor area of the building or complex.

(c) Each individual retail use is limited to 15,000 gross square feet in area.

(d) The entire complex achieves a unity of design through the use of similar exterior building materials, colors, and window patterns.

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

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Section 2. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

PASSED by the City Council this 20th day of October, 2003, and signed in authentication of its passage this 20th day of October, 2003.

(SEAL)

Connie B. Marshall

Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan

Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich

Myrna L. Basich, City Clerk

Published October 24, 2003