

CITY OF BELLEVUE

ORDINANCE NO. 2010-12-01

AN ORDINANCE APPROVING THE PROPOSED TEXT AMENDMENT OF THE OFFICIAL ZONING ORDINANCE ATTACHED HERETO BE APPROVED

WHEREAS, the proposed text amendments to the Official Zoning Ordinance of the City of Bellevue were initiated by the City of Bellevue Planning and Zoning Commission; and

WHEREAS, the City of Bellevue conducted a series of public workshops in February and March soliciting input from City residents, property owners, business owners, regional leaders, utility companies for input on the calibration of this text; and

WHEREAS, the Bellevue Planning and Zoning Commission conducted a public hearing on October 28, 2010 and November 29, 2010 to solicit additional public comment on the proposed text amendments to the Official Zoning Ordinance, and has reviewed the written record which is attached hereto and incorporated herein by reference; and

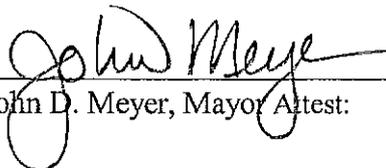
WHEREAS, it is necessary to review and update the Official Zoning Ordinance of the City of Bellevue through amendments, additions, deletions and insertions, and;

WHEREAS, the Bellevue Planning and Zoning Commission has found it necessary to update the Official Zoning Ordinance of the City of Bellevue to provide text for the type of zones which may be used and the regulations which may be imposed in each zone; and

WHEREAS, the Bellevue Planning and Zoning Commission has found it necessary to update the Official Zoning Ordinance of the City of Bellevue to regulate the activity on land, regulate buildings, structures and signs, regulate open spaces, regulate intensity of use, regulate districts of special interest, and regulate fringe areas of each district; and

WHEREAS, the Bellevue Planning and Zoning Commission has found it necessary to update the Official Zoning Ordinance of the City of Bellevue to include a form based code to regulate anticipated changing land use conditions, setbacks, building form, off-street parking, road and sidewalk dimensions within the zoning districts regulated by the proposed text amendment.

NOW, THEREFORE, be it ordained by City of Bellevue that the text amendments attached hereto be approved and that the Official Zoning Ordinance be updated to reflect these changes



John D. Meyer, Mayor Attest:

ATTEST



Mary H. Scott, City Clerk

First Reading: 12-8-10
Second Reading: 12-22-10
Publication: 1-13-11

To: City Council

From: John Yung

Date: December 4, 2010

Re: Zoning Text Amendments Staff Report

Overview

The following amendments tie the Transect Zones in Chapter 21 to the remainder of the zoning code. Deleted text is struck out, new text is underlined.

Overview of Text Amendment

- Overview of zones
 - Section 8 will be amended to include the new Transect Zones.
- Fences
 - T3 and T4 will be regulated under residential fence regulations because the nature of these transect zones are primarily residential.
 - T5 and T5.5 will be regulated under commercial fence regulations to reflect the mixed use and primarily commercial types of construction in these transect zones.
- Temporary Advertising Signs
 - These signs will only be allowed in T5 and T5.5 of the new Transect Zones.
- Temporary Commercial Use
 - Allowed for non-conforming properties with retail frontage in T5 & T5.5.

Recommendation

Planning Commission approved these text amendments along with Article XXI on November 29, 2010. Staff recommends the text amendments be approved.

SECTION 12.3 - RESIDENTIAL ZONES: *Fences* and/or walls within all R-1A, R-1A (RCD), R-1B, R-1C, R-1H, R-2, and R-3 (MF), T3 and T4 zones shall conform to the requirements depicted on Figure 12-1 of this ordinance and the following:

1. *Front yards:* Class 2, 4 and 6 *fences* may be erected up to a maximum height of forty-two (42) inches.
 2. *Side and/or rear yards:* Class 1, 2, 3, 4, 5, or 6 *fences* or walls may be erected up to a maximum height of seventy-two (72) inches.
 3. If a property is located on a *lot* that is formed by the intersection of two streets, a street and an *alley*, a street and the railroad tracks and/or a street and parking lot area, *fences* and walls shall conform to Section 12.0.
-

SECTION 12.4 - COMMERCIAL ZONES: *Fences* and/or walls within all NC zones, the C-1 zone, and the SC zone, the T5 and T5.5 zones including those permitted with all conditionally *permitted uses* in these zones, shall conform to the following requirements:

1. *Front yards:* Class 2, 4 and 6 *fences* may be erected up to a maximum height of forty-two (42) inches.
 2. *Side and/or rear yards:* Class 1, 2, 3, 4, 5, or 6 *fences* and/or walls may be erected up to a maximum height of ninety-six (96) inches.
 3. If a property is located on a *lot* that is formed by the intersection of two streets, a street and an *alley*, a street and the railroad tracks and/or a street and parking lot area, *fences* and walls shall conform to Section 12.0.
-

SECTION 12.5 - INDUSTRIAL ZONES: *Fences* or walls within the I-1 Zone shall conform to the following requirements:

1. *Front, side and/or rear yards:* Class 1, 2, 3, 4, 5, or 6 *fences* and/or walls may be erected up to a maximum height of ninety-six (96) inches except that additional height may be required by the *Zoning Administrator*.
2. Barbed wire topped *fences* may be used in this zone only in conjunction with seventy-two (72) inch high *fences* as determined by the *Zoning Administrator*.
3. If a property is located on a *lot* that is formed by the intersection of two streets, a street and an *alley*, a street and the railroad tracks and/or a street and parking lot area, *fences* and walls shall conform to Section 12.0.

SECTION 9.27 - TEMPORARY COMMERCIAL USES:

PURPOSE: The purpose of this section is to benefit the public by providing access to general *commercial* goods and services by allowing temporary commercial displays and sales of goods and services on *paved surfaced* areas with adequate parking. Such temporary *uses* are subject to certain limitations and, if these limitations cannot be satisfied, the *use* is prohibited.

- A. Temporary Commercial Uses are permitted on *paved surfaced* areas located within the Shopping Center (SC) zoning district or property with retail frontage in T5 and T5.5 zoning districts, subject to the terms of Section 9.27 and other provisions of the zoning regulations as applicable. Temporary Commercial Uses are exhibits or showings of products, goods, or equipment, or services allowed as principally *permitted uses* in the Shopping Center (SC), Neighborhood Commercial-One (NC-1), Neighborhood Commercial-Two (NC-2), and Neighborhood Commercial-Three (NC-3) zoning districts.
- F. The *Zoning Administrator* is permitted to issue a permit for the Temporary Commercial use upon receiving a completed application containing all required information, the full application fee, and approval from the Bellevue - Dayton Fire Department. After reviewing the completed application, the *Zoning Administrator* may issue a permit if review of the application and plans submitted indicates that:
1. The Temporary Commercial Use as depicted is compatible with existing *commercial* development on the site.
 2. Anticipated pedestrian and vehicular traffic flow is shown to be compatible with existing traffic patterns at the site.
 3. Maximum estimated parking spaces necessary for the Temporary Commercial Use are not anticipated to significantly detract from parking area provided for existing *commercial* development at the site.
 4. No *structure* shown will block, impair or otherwise unduly inconvenience patrons of existing *commercial* development on the site. To ensure the safety of the individuals utilizing the site, retain a positive aesthetic view and adequate parking, the location of all proposed Temporary Uses will be evaluated in regard to pedestrian and vehicular traffic patterns, emergency access, *access points*, parking *lots*, *setbacks*, and existing *structures*.
 5. Proposed site is paved and is located in the Shopping Center zoning district (SC) or property with retail frontage in T5 and T5.5 zoning districts.
 6. The construction of the display area is immobile in nature such as in a *building* or tent and not readily mobile such as in a *motor vehicle*.
 7. The *Zoning Administrator* must approve any deviation in the location of a Temporary Commercial Use from the requirements of the zoning regulations.