

ORIGINAL

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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2229

AN ORDINANCE relating to Planned Residential Unit Developments and repealing Ordinances 1514, 2131 and 2158, and Bellevue Zoning Code Chapter 18.42 and substituting thereof; amending Bellevue Zoning Code Section 18.05.025 and adding a new section to Bellevue Zoning Code Section 18.41.

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

Section 1. Bellevue City Ordinances 1514 and 2131 are each hereby repealed in their entirety and Sections 3 and 4 of Ordinance 2158 are each hereby repealed and Bellevue Zoning Code Chapter 18.42 is hereby repealed in its entirety.

Section 2. There is hereby added to the Bellevue Zoning Code a new Chapter 18.42 to read as follows:

Chapter 18.42

I. GENERAL

Sections

18.42.005. Planned Residential Unit Developments--Intent. There are hereby established use regulations for a project classification to be known as a planned residential unit development, the purpose of which is to allow for innovations and special features in residential site development including the structures, conservation of natural land features, and efficient utilization of open space.

It is intended that the establishment of a planned residential unit development will provide a method which will allow for variety in type, design, and arrangement of residential dwellings, and enable the coordination of residential project characteristics with features of particular sites in a manner consonant with the public health, safety and welfare.

18.42.010. Land Use Areas Included. Planned residential unit developments may be established only in districts permitting residential as an essential or primary use (R-, MR-, O, OL, OU), in accordance with the provisions of this chapter, and upon final approval of a proposal concerning a specific parcel or parcels of land.

18.42.015. Permitted uses. Only residential uses allowed in the underlying zoning are permitted within planned residential unit developments. PROVIDED THAT, for purposes of this PRUD ordinance, a Dwelling, ONE FAMILY as defined in 18.05.030 of the Bellevue Zoning Code may be construed to include dwellings attached by common walls.

18.42.020. Application of Zoning Regulations. The approval of a planned residential unit development may include modifications in the requirements and standards of the underlying zoning classification of the property upon which the project is located, subject to the limitations provided by the standards set forth in this Chapter.

18.42.025. Planned Residential Unit Development Standards  
--General. A planned residential unit development shall:

- A. Accomplish, by the use of permitted flexibility and variation in design, a planned development that is as good as or better than that resulting from the traditional lot by lot development, with total net improvement to be gained by combinations and options of: placement, type, and bulk of building structures, coordinated open space, recreation facilities, controlled circulation, conservation of natural features, decreased water and air pollution, aesthetic features, harmonious design, and similar elements.
- B. Avoid an overburden on the present or planned projected capacity of public utilities, services and roads, as compared to that which would be required by lot by lot development of the underlying land use.

- C. Avoid creation of conditions which would constitute a net impact, which, on balance would be less desirable than that compared to the lot by lot development of the underlying land use and/or would detrimentally affect the enjoyment, use, and property rights of the adjoining nearby area.

18.42.030. Planned Residential Unit Development Standards  
--Specific Applications. The following standards shall apply to all planned residential unit developments:

- A. The density of allowable dwelling units of the underlying zoning shall not be exceeded by more than 10%, based on the gross land area of the property excluding either that area utilized for traffic circulation roads of the project, or, 20%.
- B. Height may be varied from the underlying zoning, provided topography and arrangement does not unreasonably impair primary scenic views (mountains, lakes, unique skyline) of the nearly surrounding areas, as compared to lot by lot development.
- C. The perimeter of the project shall be aesthetically compatible with the land use of adjoining properties. Perimeter lots adjoining or abutting property outside the project, shall comply with the requirements of the underlying zoning, or shall be screened from adjoining properties so as to protect them from visual and audible pollution emanating from the project which is inconsistent with the underlying zoning.
- D. Improvements on the site shall be obscured by adequate landscaping so as to provide a compatible visual affect as seen from the adjoining properties.
- E. One or more major egress circulation points will be functionally connected to public arterial or collector street(s).
- F. Open space shall be so arranged as to be an integrated part of the project, not isolated and apart therefrom.

- G. A minimum of 40% of the land area of every planned residential unit development project shall be comprised of open space, as defined in Section 18.05.066; and, a minimum of 20% of the land area of every planned residential unit development shall be comprised of recreation space, as defined in Section 18.05.066, which recreation space may be included as a part of the required open space; provided, that such recreation space shall also meet the definition of open space contained in Section 18.05.066; and, provided further, that no less than 20% of the land area in any planned residential unit development project shall be comprised of nonrecreation open space.
- H. Roads and streets within and contiguous to the site shall be in compliance with Department of Public Works guidelines for construction of streets.

18.42.035. The Initiation of Project--Application. An application for approval of a proposed planned residential unit development (PRUD) shall be made to the Planning Department upon forms furnished by the City, and all such applications, together with all required attachments, shall be submitted in duplicate. Application shall be made by the owner or owners of the parcel or parcels intended to be developed as a unit, or his or their duly authorized agent or agents. The ownership of all parcels to be included must join in or be represented in the application.

18.42.040. Procedure for Approval. The procedure to be followed for approval of a Planned Residential Unit Development shall be composed of five steps:

1. Public Hearing by the Hearing Body of the preliminary development plan and recommendation to Council;
2. Approval of preliminary development plan by the Council at a public meeting;
3. Review of the preliminary development plan by the Community Council, if applicable.

4. Review of the final development plan by the Planning Department for compliance with the approved preliminary development plan.
5. Approval of the final development plan by the City Council.

18.42.045. Hearing Examiner designated. For the purposes of this chapter, hearing body shall mean hearing examiner.

18.42.050. Platting, Subdivision and Resale.

- A. Platting shall be required of all projects which involve or contemplate the subdivision of land;
- B. Lots in a platted planned residential unit development may be sold to separate owners according to the separate lots as shown in the plat filed and approved in connection therewith. No sale shall be permitted which subdivides a lot in such a manner as will create a new lot line, except as provided in Section 18.43.455;
- C. All lots or sections of a subdivided planned residential unit development are to be controlled by the final development plan and such provisions of the Bellevue land platting and subdivision ordinance as are not in conflict with this chapter.

II. PRELIMINARY DEVELOPMENT PLAN

18.42.100. Preliminary development plan. An applicant shall submit to the Planning Department as part of an application for a planned residential unit development, four copies of a preliminary development plan which shall include the following:

1. A legal description and site location map of the property.
2. A proposed site plan and/or drawings showing the principal topographic contours, designated placement, location, and principal dimensions of building, streets, parking areas, recreation areas, other open space, landscaping areas, and general arrangement.

2229  
8-14-75

3. Elevation and perspective drawings of project structures and improvements;
4. Special features.
5. A text describing conditions or features which cannot be adequately displayed on maps or drawings.
6. A description of plans for covenants, uses, and continuous maintenance provisions for the project.
7. The following plans and diagrams:
  1. A survey of the property, showing existing features, including contours, buildings, structures, trees over four inches in trunk diameter measured at four feet above grade, streets, utility easements, rights-of-way, and existing land use;
  2. An off-street parking plan;
  3. A circulation diagram indicating the proposed movement of vehicles and pedestrians within the planned residential unit development, and to and from existing and programmed thoroughfares. Any special engineering features and traffic regulating devices needed to facilitate or insure the safety of this circulation pattern must be shown;
  4. Landscaping and tree planting plan, including site grading; and
  5. A topographic map or model of the site and surrounding vicinity.
  6. Drainage plan.
  7. Lighting plan.
  8. Additional information as required at the discretion of the Planning Department.

18.42.105. Preliminary plat. Preliminary plat drawing's may be submitted by the applicant in conjunction with the preliminary development plan if the applicant requests a joint hearing on the preliminary development plan and the preliminary plat.

18.42.110. Routing--Staff Recommendations. Upon acceptance by the Planning Department of a sufficient application for approval of a planned residential unit development the Planning Department shall route the same to all appropriate City departments. Each such department shall submit to the Planning Department recommendations and comments regarding the same. In addition, the Planning Department shall notify any Community Municipal Corporation which has the power of review over the particular project, of the receipt of the planned residential unit development application.

18.42.115. Public Notice--Hearing on preliminary development plan. When it is found that an application meets the filing requirements for preliminary development plans, it shall be accepted and assigned for public hearing, before the Hearing Body. Before rendering a recommendation on any such application, the Hearing Body shall hold at least one public hearing thereon, notice of such public hearing to be advertised in a newspaper of general circulation throughout the city and by official postings within the Municipal Building and at the site at least 10 days preceding the hearing.

18.42.120. Hearings may be continued without public notice. If, for any reason, testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the Hearing Body at such public hearing may, before adjournment or recess of such matters under consideration, publicly announce the time and place to, and at which, said hearing or meeting will be continued and no further notice is required.

18.42.125. Report by the Planning Department. When an application has been set for public hearing, the Department shall coordinate and assemble the reviews of other departments and the governmental agencies having an interest in the subject of the application and shall prepare a report summarizing the factors involved and the Department findings and recommendation. At least seven days prior to the scheduled hearing the report shall be filed with the Hearing Body and copies thereof

shall be mailed to the applicant and shall be made available for use by any interested party.

18.42.130. Conduct of hearings - Rules and regulations. The Hearing Body shall have the power to prescribe rules and regulations for the conduct of hearings before them subject to confirmation by the Council; to administer oaths, and to preserve order. The privilege of cross examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the Hearing Body. Modifications or changes in such rules may be made, but such changes or modifications shall not become effective until thirty days following the date such changes or modifications are determined. Copies of the rules shall be made available to the public at the Planning Department Office.

18.42.135. Recommendation to Council. The Hearing Body shall recommend to the City Council approval, disapproval, or approval with modifications, and/or conditions of the preliminary development plan, and if applicable, the preliminary plat. Recommendations shall be in writing and shall include findings and conclusions supporting the recommendations. Copies of the report shall be transmitted to all parties of record. When the Hearing Body renders such recommendations, it shall make and enter findings from the record and conclusions thereof which support its recommendation and find that:

- A. The proposed project will not be detrimental to present and potential surrounding land use, but will have a beneficial effect which would not normally be achieved by traditional lot by lot development;
- B. Undeveloped land surrounding the proposed development can be planned in coordination with the proposed development and the proposed development is compatible with existing adjacent development;
- C. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project;



- D. Utility services and other improvements, existing and proposed, are adequate to serve the development;
- E. Each phase of the proposed development, as it is planned to be completed contains the required parking spaces, open spaces, recreation spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment;
- F. The proposed development will implement the goals and objectives of the comprehensive plan and Sections 18.42.005, 010, 015, 020, 025, and 030 of this Chapter.

18.42.140. Reconsideration. After action by the Hearing Body on the preliminary development plan, any aggrieved person feeling that the recommendation of the Hearing Body is based on errors of procedure of fact may make a written request for review by such Hearing Body within ten (10) working days of the filing of the Hearing Body's report with the Planning Department. This request shall set forth the alleged errors and the Hearing Body may, after a review of the record, take such further action as deemed proper and may render a revised recommendation.

18.42.145. Council consideration of preliminary development plan. The hearing by the Hearing Body as provided for by Section 18.42.115 shall constitute the hearing by the Council. Council review of a preliminary development plan shall be limited to review of the record. Any interested party may submit an argument in writing either for or against the Hearing Body's recommendation and/or finding of fact by filing same with the City Clerk at least five (5) working days before the public meeting of the Council and such shall become a part of the record before the Council. Any argument submitted later than this will not be considered. Such argument will be confined to alleged errors of fact, or an allegation that there is new information which was not before the Hearing Body. At its discretion, the Council may request information from any staff member or party for the purpose of clarification at the meeting.

If the Council believes that there has been a substantial error or new information which was not available at the time of Hearing Body review and which may make a material difference in the recommendation before the Council, it may remand for a further hearing before the Hearing Body.

If the Council believes that there has been no substantial error and if the Hearing Body approves the preliminary development plan, and forwards its recommendation for approval to the Council as prescribed by Section 18.42.135, the Council may concur with the recommendation of the Hearing Body and approve the preliminary development plan, may modify the proposal and approve the plan, or may reject the recommendation and deny the preliminary development plan.

If the Council believes that there has been no substantial error, and the Hearing Body disapproves the preliminary development plan and forwards its recommendation for disapproval to the Council as prescribed in Section 18.42.135, the Council may concur with the recommendation of the Hearing Body and disapprove the preliminary development plan, or may reject the recommendation and approve the preliminary development plan and/or may add conditions for such approval.

18.42.150. Community Council Action. The approval by the City Council of a preliminary development plan for a planned residential unit development, which is in an area over which a community council organized pursuant to Chapter 35.14 of the Revised Code of Washington has jurisdiction, shall not become effective unless such community council shall approve or fail to disapprove within sixty days of the City Council action.

### III. FINAL DEVELOPMENT PLAN

18.42.200. Final Development Plan. The applicant shall, within one year of the date of the preliminary development plan approval, submit at least four copies of a final development plan of the proposed development to the Department of Planning for review and approval of applicant's compliance with conditions imposed on the preliminary development plan. In addition to the information required under Section 18.42.100 for the preliminary development plan, the final development plan shall include the following:

- A. Elevation and perspective drawings of project structures and improvements;
- B. Agreements, covenants, or other provisions which will govern the use, maintenance, and assure continued protection of, the planned residential unit development;
- C. A proposed plat (preliminary or final) of the area, if subdivision of the planned residential unit development is intended or required;
- D. Development Schedule of construction;
- E. Any other information necessary to demonstrate compliance with the approval of the Preliminary Development Plan at the discretion of the Planning Department.

No final development plan shall be deemed acceptable for filing unless all of the above information is submitted in accurate and complete form sufficient for the purposes of Planning Department review. After receiving the final development plan, the Planning Department shall route the same to all appropriate City Departments, and each department shall again submit to the Planning Department comments and recommendations.

18.42.205. Open Space, Recreation Space--Guarantees and Maintenance. Included with, and as a part of, the final development plan, the applicant shall submit adequate guarantees insuring the retention and continued maintenance of open space and recreation space land areas and facilities resulting from the application of the provisions of this chapter, including but not limited to, grants to or reservations for, the use of residents within the development or dedication to the public, conveyance to resident associations or corporations, or by a combination thereof.

18.42.210. Time for submittal of final development plan. If the final development plan is not submitted within one year of the date of the preliminary development plan approval, such planned residential unit development shall be deemed void, provided that, the Planning Department may grant one six months extension upon application of the applicant.

18.42.215. Public Notice. The Planning Department shall notify in writing adjacent property owners and all parties of record appearing at the preliminary development plan hearing at least twenty days prior to review by the Planning Department of the final development plan. Comments will be received in writing during this period by the Planning Department.

18.42.220. Planning Department Report to Council. The Planning Department after the expiration of the public review period prescribed in Bellevue Zoning Code Section 18.43.165 shall prepare a written evaluation to the City Council of compliance with conditions imposed on the preliminary development plan and summarization of public input. This written evaluation shall be mailed to all parties of record and to the city council.

18.42.225. Council consideration of final development plan. The Council shall consider the recommendations of the Planning Department at a public meeting and shall approve, disapprove or approve with modifications the final development plan, and if applicable, the preliminary or final plat.

18.42.230. Council final action. The final development plan as approved by the Council shall be filed with the City Clerk and a second copy shall be transmitted to the Division of Structural Safety.

18.42.235. Final development plan-effect. Approval by the Council of the final development plans for a planned residential unit development shall not authorize the owner or owners to proceed with construction of the project, until a bond has been filed as provided in 18.42.190 and, if applicable, a final plat.

18.42.240. Bond required. No construction permits shall be issued unless a bond approved by the City, executed by a surety company authorized to do business in the State of Washington, in an amount equal to the estimated costs of all public improvements, utilities, and all landscaping portions of the final development plan, conditioned upon the petitioner's completion of such portions of the project according to the submitted final development plan and the provisions of this chapter, and in addition, providing that no change, extension of time, alteration, or addition to the

project will in any way affect the obligations on the bond.

#### IV. PERMITS AND ENFORCEMENT

18.42.250. Permits. The City administration shall issue building permits for buildings and structures which conform with the approved final development plans for the planned residential unit development and with all other applicable City ordinances and regulations. The Building Department shall issue a certificate of occupancy for completed buildings or structures which conform to the requirements of the approved final development plans and all other applicable City ordinances and regulations. The construction and development of all the open spaces and public and recreation facilities of each project phase must be completed before any certificates of occupancy will be issued.

18.42.255. Adjustments. No major change, such as rearrangement of lots, blocks, streets, building, or other such changes may be made in the approved final development plans during the construction of the project except upon application to the Planning Department, approval by the Hearing Body after a public hearing held thereon with notice given in the manner provided in Section 18.42.115; and approval by the Council except that the Planning Department, is authorized to allow minor adjustments in the development schedule, location, placement, height, or dimension of buildings and structures or the adjustment of lot lines, not to exceed an alteration of two feet in height or ten feet in any other direction, if such minor changes and alterations are required by engineering and other circumstances not foreseen or reasonably foreseeable at the time of approval of the final development plans; except that such adjustments shall not increase the total amount of floor space authorized in the approved final development plans, or the number of dwelling units or density, or decrease the amount of parking or loading facilities, or permit buildings to locate closer to any boundary line, or change any points of ingress or egress to the site, or extend the development schedule for not more than six months.

18.42.260. Enforcement--Failure to Meet Approved Development Schedule--Extension of Time. The Planning Department shall periodically compare the actual development accomplished in a planned residential unit development with the approved development plan and/or schedule. If the developer fails to comply with the approved development plan and/or schedule or the administrative extension of such schedule the Planning Department shall initiate proceedings to repeal the authorization granted for the planned residential unit development. After a public hearing, the Hearing Body, may recommend to the Council repeal of the authorization granted for the planned residential unit development following procedures outlined in 18.42.115, 18.42.120, 18.42.125 and 18.42.140 herein. Or the Hearing Body after a public hearing may for good cause shown, grant an extension or adjustment of the time schedule for the development not to exceed a total extension of one year for any project. Delays attributable exclusively to strike or disaster shall excuse a failure to meet the approved development schedule and in such cases the Planning Department shall not initiate proceedings for repeal of the authorization for the planned residential unit development. Failure to meet the extended time schedule shall automatically terminate such authorization and all permits and approvals issued pursuant to such authorization shall expire and be null and void.

18.42.265. Relief may be Granted by City Council. In connection with proceedings under Section 18.42.260 of this chapter, the City Council may, in its discretion, on its own initiative or upon recommendation of the Hearing Body grant relief to the developer of the land involved in a planned residential unit development project by extending or making adjustments in the time schedule for development. Such relief may be granted only after a public hearing provided in Section 18.42.260 and only upon specific findings by the Council:

- A. That unforeseen circumstances or conditions have caused the delay in development;
- B. That termination of the authority for the project would result in an unreasonable hardship to the developer or to the owners of the land involved; and

- C. That an extension of time will not cause substantial detriment to the neighboring property owners or to the community.

18.42.280. Application. The provisions of this chapter shall apply to all planned residential unit development projects for which applications are filed after the effective date of the passage of this chapter, including all residential planned unit developments permitted by Section 18.35.044 in open use districts.

18.42.285. If any provision, section, or subsection of this chapter or its application to any person or circumstance is held invalid, the remainder of the provision, section, or subsection of this chapter and the remainder of this chapter, or the application thereof to other persons or circumstances is not affected.

Section 3. A new section is added to Chapter 18.41 of the Bellevue Zoning Code as follows:

18.41.290. Procedure - PUD. The procedure for obtaining approval of a PUD shall be the same procedure for obtaining approval of a PRUD as provided in Chapter 18.42.


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

PASSED by the City Council this 18 day of August, 1975, and signed in authentication of its passage this 18 day of August, 1975.

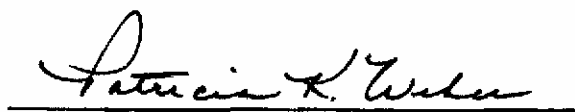
(SEAL)

  
Richard M. Foreman, Mayor

Approved as to form:

  
Laurence G. Nord, Jr., Asst. City Attorney

Attest:

  
Patricia K. Weber, City Clerk

Published August 28, 1975 -15-