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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3921

AN ORDINANCE relating to the development of nonconforming lots and illegally created lots; amending Sections 20.20.017, 20.20.070, 20.50.032 and 20.50.036 of the Bellevue City Code (Land Use Code) and adding new sections to Chapter 20.20 of the Bellevue City Code (Land Use Code).

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and the City's Environmental Procedures Code; now, therefore,

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

Section 1. Bellevue City Code (Land Use Code) 20.20.017 is amended as follows:

20.20.017 Minimum Lot Size: Averaging in Plats

In an approved plat, excluding short plats, the individual lots of the plat shall be considered in compliance with minimum area requirements if the average of the areas of all the lots in the plat meets the minimum requirement for the district in which the plat is located, provided: (1) that no individual lot therein shall vary more than 10% from the district minimum required area; (2) a reduction of 5% in the required lot width may be applied to 20% of the lots of a plat provided no reduction in the required area is applied to these lots.

Section 2. A new section is added to Bellevue City Code (Land Use Code) Chapter 20.20 to read as follows:

20.20.060 Legally Created Lots: Development Permitted; Proof

- A. Development shall be permitted only on legally created lots.
- B. In order to establish that a lot for which permit approval is sought is a legally created lot, the applicant must provide:
 1. For lots created through subdivision, a plat approved by the City of Bellevue or King County separately describing the lot in question; or
 2. For lots created through short subdivision,

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- a. A short plat approved by the City of Bellevue or King County separately describing the lot in question, or
3. A deed, contract of sale, mortgage, property tax segregation, plat, recorded survey or building permit separately describing the lot in question if the instrument was--
 - a. Executed prior to March 14, 1969, or
 - b. Executed prior to July 1, 1974 while the lot in question was under the jurisdiction of King County.

Section 3. Bellevue City Code (Land Use Code) 20.20.070 is amended as follows:

20.20.070 Lots Nonconforming as to Area, Street Frontage, Width or Depth; Status

- A. An individual nonconforming lot otherwise complying with the requirements of the Bellevue City Code may be used for a building site if:
 1. The lot does not lie within a residential (R-1 - R-30) land use district; or
 2. The lot lies within a residential (R-1 - R-30) land use district; and
 - a. The area, width and depth of the lot each meet or exceed 70% of the minimum requirements for the residential (R-1 - R-30) land use district in which it is located; or
 - b. Although the area, width or depth of the lot, or a combination thereof, do not meet 70% of the minimum requirements of the residential (R-1 - R-30) land use district in which it is located,
 - 1) The lot's area meets or exceeds 3,000 sq. ft.; and
 - 2) The lot's width meets or exceeds 30 ft.; and
 - 3) The lot's depth meets or exceeds 50 ft.

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- B. Development of an individual lot failing to meet 70% of the area, width or depth requirements of the land use district in which it is located is restricted to a maximum Building Height computed by the following formula (see Example A, below) and is not subject to variance:

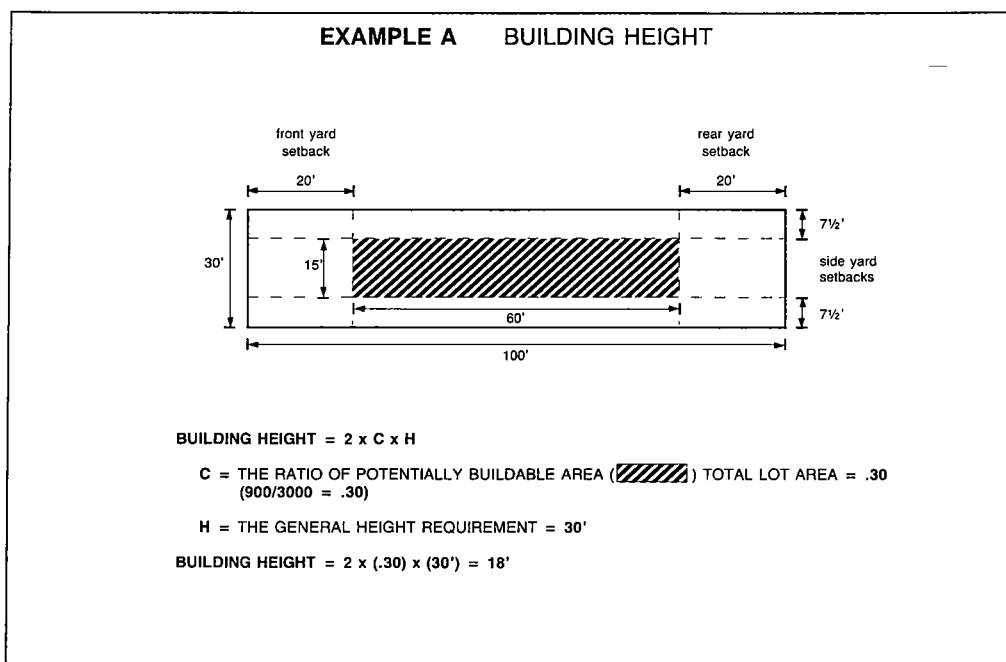
$$\text{Building Height} = 2 \times C \times H$$

C = The ratio of potentially buildable area (lot area less the area of the lot's minimum setback requirements) to total lot area.

H = The general building height requirement otherwise applicable to the lot.

(Calculation of Building Height is in no way intended to suggest a waiver of lot coverage requirements imposed elsewhere in the Code. Similarly, calculations are based on basic code requirements; any variances to setbacks of the property do not affect Building Height calculation.)

PROVIDED, that in no event shall Building Height exceed the building height requirement otherwise applicable to the lot, and PROVIDED that in no event shall a Building Height requirement be imposed less than 15'.



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- C. Notwithstanding paragraph A above, a nonconforming lot in a residential (R-1 - R-30) land use district failing to meet or exceed 70% of minimum area, width and depth requirements of the district in which it is located may not be used for a building site if at any time since the effective date of the ordinance which first established a minimum lot area, width, depth or street frontage requirement larger than the lot contains or annexation, whichever was later, has a person, partnership, corporation or marital community owning said lot simultaneously owned additional contiguous property. Such lots must be combined with additional contiguous property sufficient that the area, width and depth of the combined property each meets or exceeds 70% of the minimum requirements of the land use district in which the property is located. This paragraph does not constitute a waiver of any of the requirements of boundary line adjustment procedure.
- D. Any nonconforming lot used for a building site must meet all setback and lot coverage requirements of the district in which it is located, unless a variance has been granted pursuant to Part 20.30G or 20.30H. (Ord. 3690, 8-4-86, Section 4)

Section 4. Bellevue City Code (Land Use Code) 20.50.032 is amended by the addition of the following definitions:

* * *

LEGALLY CREATED LOT. A lot properly created pursuant to the laws and requirements of the State of Washington and the local government having jurisdiction at the time of the lot's creation.

* * *

LOT, LEGALLY CREATED. See Legally Created Lot.

* * *

LOT, NONCONFORMING. See Nonconforming Lot.

Section 5. Bellevue City Code (Land Use Code) 20.50.036 is amended by the addition of the following definitions:

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NONCONFORMING LOT. A lot which does not conform to the area, width, depth or street frontage regulations of the district in which it is located.

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Section 6. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 20th day of June, 1988, and signed in authentication of its passage this 20th day of June, 1988.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Andrews
Richard L. Andrews, City Attorney

Attest:

Marie K. O'Connell
Marie K. O'Connell, City Clerk

Published June 24, 1988