

ORIGINAL

WP0035C-ORD  
02/24/93

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4498

AN ORDINANCE relating to accessory dwelling units; amending Section 20.10.440 and adding a new Section 20.20.120 to Bellevue City Code (Land Use Code).

WHEREAS, the Bellevue City Council adopted Comprehensive Plan policies in July, 1990 which encourage a range of housing opportunities to meet varied needs; and

WHEREAS, the Bellevue City Council unanimously ratified the King County County-wide Planning Policies, which direct each jurisdiction to maximize its ability to accommodate sufficient, affordable housing by removing regulatory barriers and providing for a full range of housing types, including accessory dwelling units; and

WHEREAS, the Bellevue Planning Commission considers accessory dwelling units as a housing option for senior citizens, students, young couples, relatives of the property owners and other persons needing convenient and more affordable housing; and

WHEREAS, these regulations ensure that accessory dwelling units are compatible with existing single-family neighborhoods; and

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) Section 20.10.440 (Residential Chart and Notes) is amended as follows:

20.10.440 Residential Chart and Notes

CHART 20.10.440

USAGES IN LAND USE DISTRICTS

RESIDENTIAL

STD  
LAND  
USE  
CODE  
REF

LAND USE CLASSIFICATION

LAND USE CLASSIFICATION	GENERAL	AGRICULTURE	OPEN USE	RESIDENTIAL													PROFESSIONAL OFFICE	OFFICE	OFFICE/LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	CENTRAL BUSINESS DISTRICT	OFFICE DISTRICT 1	OFFICE DISTRICT 2	MIXED USE DISTRICT	RESIDENTIAL DISTRICT	OLD BELLEVUE DISTRICT	OFFICE AND LIMITED BUSINESS DISTRICT
	G	A	OU	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	PO	O	OLB	LI	GC	NB	CB		CBD 0-1	CBD 0-2	CBD MU	CBD R	CBD OB	CBD OLB		
1 RESIDENTIAL																														
SINGLE FAMILY DWELLING 3	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	S	S	S	S	S	S	S	S	S	S	
TWO TO FOUR DWELLING UNITS PER STRUCTURE			PD	PD	PD	PD	PD	PD	PD	PD	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
FIVE OR MORE DWELLING UNITS PER STRUCTURE			PD	PD	PD	PD	PD	PD	PD	PD	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
GROUP HOME CLASS 1-A	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
GROUP HOME CLASS 1-B 2											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
GROUP HOME CLASS 1-C 2											C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
GROUP HOME CLASS II-A 2	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
GROUP HOME CLASS II-B 2											C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
GROUP HOME CLASS II-C 2											C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
DETOXIFICATION CENTER 2											C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
GROUP QUARTERS: DORMITORIES, FRATERNAL HOUSES, EXCLUDING MILITARY AND CORRECTIONAL INSTITUTIONS			PD								C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
SENIOR CITIZEN DWELLINGS 4,7			PD 5,6	PD 5,6	PD 5,6	PD 5,6	PD 5,6	PD 5,6	PD 5,6	PD 5,6	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
HOTELS AND MOTELS																		P	P	P	P	P	P	P	P	P	P	P	P	
TD																														
CONGREGATE CARE SENIOR HOUSING 4,7			PD								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
6516 NURSING HOME			C								C	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
ASSISTED LIVING 4,7			C								C	P	P	P	C	P	C	P	C	P	C	P	C	P	C	P	C	P	C	
ACCESSORY DWELLING UNIT 9	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C AND EH-D) are listed in Section 20.25F.010.

(Ordinance 4422, 9-28-92, Section 2; Ordinance 3530, 8-12-85, Section 7)

\*NOT EFFECTIVE WITHIN THE JURISDICTION OF THE EAST BELLEVUE COMMUNITY COUNCIL AND SAMMAMISH 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.

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## NOTES: USES IN LAND USE USE DISTRICTS-RESIDENTIAL

1. No more than 50% of the gross floor area of the structure shall be devoted to residential uses in O districts, unless Conditional Use permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses. (Ord. 4255, 6-3-91, Section 1)
2. A Group Home except for Class 1-A, or Detoxification Center may not be located within 1,000 feet in any direction of any other Group Home or Detoxification Center. (Ord. 4255, 6-3-91, Section 1; Ord. 2945, 2-2-81, Section 5)
3. A boardinghouse or bed and breakfast is permitted in a single family dwelling provided the requirements of 20.20.140 are met. (Ord. 4028, 7-17-89, Section 1)
4. An agreement must be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain in perpetuity as senior housing. (Ord. 4065, 10-23-89, Section 1)
5. Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities. (Ord. 4065, 10-23-89, Section 1)
6. Senior citizen dwellings are appropriate only on single family parcels which directly abut higher intensity zoning or on parcels that are not surrounded by established neighborhoods or single family housing. (Ord. 4065, 10-23-89, Section 1)
7. In areas where the Comprehensive Plan policies specifically state that multifamily development is not appropriate, senior housing shall be permitted only through the conditional use permit process. (Ord. 4065, 10-23-89, Section 1)
8. These residential uses are permitted in NB districts only if located on the second floor and above the permitted ground floor non-residential uses.
9. Accessory dwelling units are permitted only as subordinate to single family dwellings and are subject to the provisions of Section 20.20.120.

Section 2. Bellevue City Code (Land Use Code) is amended by the addition of a new Section 20.20.120:

20.20.120 Accessory Dwelling Units

A. Definitions:

1. "Accessory dwelling unit" means a subordinate dwelling unit incorporated within a single family structure. Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the primary residence structure.

2. "Existing single-family dwelling" means that permits for construction of the principal dwelling were finalized (occupancy approved) at least three years prior to application for accessory dwelling unit.

3. "Owner occupancy" means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year, and at no time receives rent for the owner-occupied unit.

B. General: One accessory dwelling unit is permitted as subordinate to an existing single-family dwelling provided the following criteria are met:

1. Either the primary residence or the accessory dwelling unit must be occupied by an owner of the property;

2. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in Section 20.50.020;

3. The accessory dwelling unit shall contain not less than 300 square feet and not more than 800 square feet, excluding any related garage area; provided, if the accessory unit is completely located on a single floor, the Director may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met;

4. The square footage of the accessory dwelling unit, excluding any garage area, shall not exceed 40% of the total square footage of the primary residence and accessory dwelling unit combined, excluding any garage area;

5. There shall be one off-street parking space provided for the accessory dwelling unit, which is in addition to any off-street spaces required for the primary residence;

6. The construction of a second entry door facing on a street front for entrance into an accessory unit is prohibited; new entrances not facing on a street front are permitted on the sides and rear of a house, or on a front side facing on a street where no other door exists; provided that existing single family structures with two or more entry doors facing on a street shall not be prohibited from using one of those doors to access the accessory unit; and

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7. The accessory dwelling unit shall meet all technical code standards (Title 23, Bellevue City Code, including building, electrical, fire, and plumbing code requirements).

C. Location: Accessory dwelling units shall not be permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.

D. Limitations: A site may not contain both an accessory dwelling unit and a business subject to the regulations in 20.30N for a Class A or Class B Home Occupation Permit.

E. Affordable Housing: The creation of an accessory dwelling unit shall not satisfy the affordable housing requirements in Section 20.20.128.

F. Inspection and Registration

1. Any property owner seeking to establish an accessory dwelling unit shall apply to register the unit with the Design and Development Department.

2. The property owner shall file a completed registration application form affirming that at least one owner will occupy the primary residence or the accessory unit and agreeing to the limits on total number of residents and other standards as provided above. The registration application shall include a requirement for mailing labels for all owners of property lying within 200' of the site.

3. After receipt of a complete application form and prior to approval of any accessory dwelling unit, the Director shall inspect the property to confirm that minimum and maximum size limits are met, required parking is provided, design limitations regarding front entrances are met, and technical code standards are met.

4. The registration form or other form as required by the Director shall be filed as a deed restriction with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.

5. The Director shall report annually to the Council on accessory dwelling unit registration, number of units and distribution throughout the city, average size of units, and number and type of complaint and enforcement related actions.

6. After approval, the Director shall provide notice of the registration of the accessory unit to owners of property within 200' of the registered site. The notice shall state that the unit complies with the standards of this section, shall describe the requirements for maintaining

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the unit, and shall explain how to obtain general information and how to request inspections.

7. Cancellation of the accessory unit's registration may be accomplished by the owner filing a certificate with the Director for recording at the King County Department of Records and Elections, or may occur as a result of enforcement action. The cancellation certificate will confirm that the residence has reverted to use as a single dwelling.


Section 3. Violations: Any violation of any provision hereof is a civil violation under Bellevue City Code Chapter 1.18, for which a monetary penalty may be assessed and abatement may be required as provided therein.

Section 4. Additional Enforcement Procedures: In addition, or as an alternative, to the provisions of Section 3 above, any person who violates this ordinance shall be guilty of a misdemeanor.

Section 5. This ordinance shall take effect and be in force five days after passage and legal publication.

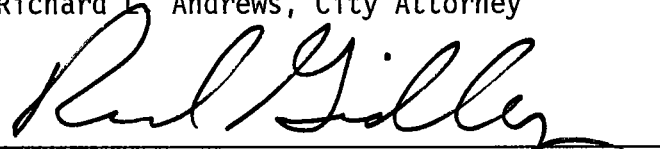
PASSED by the City Council this 15<sup>th</sup> day of March, 1992, and signed in authentication of its passage this 15<sup>th</sup> day of March, 1993.

(SEAL)

  
Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard Gidley, Deputy City Attorney

Attest:

  
Myrna L. Basich, City Clerk

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