

ORIGINAL

0018-ORD
03/11/97

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4977

AN ORDINANCE relating to the regulation of height, size, and location of accessory structures in residential land use districts; amending Sections 20.20.010, and 20.20.125 of the Bellevue Land Use Code.

WHEREAS, the City of Bellevue recognizes the value of adopting regulations which preserve the residential character of neighborhoods; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), RCW 43.21C, 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 20.20.010 of the Bellevue Land Use Code is hereby amended as follows:

20.20.010 Chart 20.20.010

[See Charts on next 2 pages]

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Chart 20.20.010

Uses in land use districts

Dimensional Requirements

STD LAND USE CODE REF	LAND USE CLASSIFICATION	General	Open Use	Residential										
		G	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
	DIMENSIONS													
	Minimum Setbacks of Structures (feet) Front Yard (18) (20)	35	35	35	30	20	20	20	20	20	20	20	20	20
	Rear Yard (17) (18) (20)	25	25	25	25	25	25	20	20	20	25	25	25	25
	Side Yard (17) (18) (20)	10	10	5	5	5	5	5	5	5	5	5	5	5(1)
	2 Side Yards (17) (18) (20)	20	20	20	15	15	15	15	15	10	15	15	15	15
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3)	1A	1A	35	20	13.5	10	8.5	7.2	4.7	8.5	8.5	8.5(12)	8.5(12)
	Dwelling Units per Acre (15) (21) (22)			1	1.8	2.5	3.5	4	5	7.5	10	15	20	30
	Minimum Dimensions (feet) Width of Street Frontage	30	30	30	30	30	30	30	30	30	30	30	30	30
	Width Required in Lot (4)	150	60	100	90	80	70	65	60	50	70	70	70	70
	Depth Required in Lot (4)	150	80	150	80	80	80	80	80	80	80	80	80	80
	Maximum in Building Height (feet) (10) (19) (26)	30	30	30	30	30	30	30	30	30	30	30	30	40
	Maximum Lot Coverage by Structures (percent) (13) (14) (26)		35	35	35	35	35	35	40	40	35	35	35	35

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

NOTE Dimensional Requirements for Central Business District are found in Part 20.25A LUC.
Dimensional Requirements for Evergreen Highlands Design District (EH-A, EH-B, EH-C, EH-D) are found in Part 20.25F LUC.

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Chart 20.20.010

Uses in land use districts

Dimensional Requirements

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		PO	O	OLB	LI	GC	NB	CB	DTN O-1	DTN O-2	DTN MU	DTN R	DTN OB	DTN OLB
	DIMENSIONS	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(7)	(7)	(7)	(7)	(7)	(7)
	Minimum Setbacks of Structures (feet)	30	30	50	15	15	(2)	(2)						
	Front Yard (18) (20)													
	Rear Yard (17) (18) (20)	25	25	50	(2)	(2)	(2)	(2)						
	Side Yard (17) (18) (20)	20	20	30	(2)	(2)	(2)	(2)						
	2 Side Yards (17) (18) (20)	40	40	60	(2)	(2)	(2)	(2)						
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3)			2A										
	Dwelling Units per Acre (15) (21) (22)	10(23)	20(23)	30(23)			15(23)	30(23)						
	Minimum Dimensions (feet)			200										
	Width of Street Frontage													
	Width Required in Lot (4)			200										
	Depth Required in Lot (4)													
	Maximum in Building Height (feet) (10) (19)	20	30	45(6)	45(9)	30	20(25)	45						
	Maximum Lot Coverage by Structures (percent) (13) (14)	35(24)	35(24)	35(24)	50		35(24)							

(Ord. 4816, 12-4-95, § 402; Ord. 4422, 9-28-92, § 2; Ord. 4270, 7-8-91, § 6; Ord. 4065, 10-23-89, § 3; Ord. 3780, 5-26-87, § 1; Ord. 3775, 5-26-87, § 6; Ord. 3747, 1-20-86, § 2; Ord. 3690, 8-4-86, § 2)

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council*

NOTE: Dimensional Requirements for Downtown are found in Part 20.25A LUC.
Dimensional Requirements for Evergreen Highlands Design District (EH-A, EH-B, EH-C, EH-D) are found in Part 20.25F LUC.

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Notes: Uses in land use districts - Dimensional requirements

- (1) Side yard setback in R-30 districts increases to 20 feet on any side yard where structure exceeds 30 feet above finished grade.
- (2) All rear and side yards shall contain landscaping as required by LUC 20.20.520.
- (3) See LUC 20.20.012.
- (4) See LUC 20.20.015.
- (5) The maximum allowable building height in R-20 districts is 40 feet if the ground floor of such building is devoted to parking.
- (6) The maximum allowable building height is 75 feet on any property designated OLB which lies within 475 feet of the right-of-way of I-405, between I-90 and SR-520.
- (7) Dimensional requirements for CBD Land Use Districts are listed in LUC 20.25A.020.
- (8) Any office building or any office portion of a building shall comply with the following limitations on Floor Area Ratio:
 - (a) At 0.5 FAR, no office building or office portion of a building may exceed 50,000 square feet of gross floor area; and
 - (b) For any office building or office portion of a building greater than 50,000 square feet in gross floor area the following sliding scale shall be observed as interpolated and extrapolated below:
 - (i) At 0.3 FAR, no office building or office portion of a building may exceed 100,000 square feet of gross floor area; and
 - (ii) At 0.1 FAR, no office building or office portion of a building may exceed 150,000 square feet of gross floor area.
- *(9) The maximum building height may be exceeded upon approval of the Director of Community Development. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Part 20.30E LUC. Before granting any such approval, the Director of Community Development must find that:
 - (a) The height increase is only to accommodate equipment, structures or buildings that contain special equipment primarily related to light manufacturing, wholesale, trade and distribution use, and is not for office or bulk retail use; and
 - (b) There is functional need for a height increase; and
 - (c) The overall site development will minimize adverse impacts caused by the height increase.Notwithstanding the provisions of this note, no height increase is permitted within a Transition Area as defined in Part 20.25B LUC.
*Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in LI Districts shall remain 30 feet.
- *(10) Except in transition areas, the allowable building height of any building located in PO, O, OLB, GC, NB, CB, or OU districts may be increased by one story, but not to exceed 15 feet, if underground parking for that building occupies a minimum of 75 percent of the building footprint.
* Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in the LI Districts shall remain 30 feet.
- (11) See LUC 20.25H.090 for additional sensitive area setbacks.

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(12) For each square foot of lot area devoted to open space in excess of 30 percent of the total lot area, one square foot is added to the lot area for the purpose of calculating density.

(13) Lot coverage is calculated after subtracting all Protected Areas defined by LUC 20.25H.070.

(14) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.

(15) If there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls.

(16) Dwelling units per acre is determined pursuant to Part 20.30D LUC.

(17) If the setback abuts a street right-of-way, access easement or private road, the minimum dimension is 10 feet unless a greater dimension is specified.

(18) See LUC 20.20.030 for designation and measurement of setbacks.

*(19) Notwithstanding any other provision of this Code, except Part 20.25B LUC or LUC 20.20.900 through 20.20.910, as applicable, the allowable building height of an office building may be increased by one story, not to exceed 15 feet, if a minimum of 75 percent of the ground floor of that building is devoted to parking for that building.

*Effective only within Community Council jurisdiction.

(20) See LUC 20.25H.090 for additional sensitive area setbacks.

(21) Dwelling units per acre is determined pursuant to LUC 20.30D.155.

(22) Density for senior citizen dwelling, congregate care senior housing, and assisted living is calculated as follows: units less than 600 square feet count as 0.5 unit and units 600 square feet or greater count as one unit.

(23) This residential density may be in addition to FAR only for senior citizen dwellings, assisted living and congregate care senior housing.

(24) Lot coverage may be increased to 50 percent if congregate care senior housing, senior citizen dwellings, assisted living or nursing homes are constructed on site; provided, however, that coverage for the non-residential portions of the development cannot exceed the maximum limits indicated. Lot coverage within NB districts may be increased to 50 percent for mixed use development which includes residential uses comprising at least one-half the square footage of the building footprint. Underground parking in excess of 50 percent of the site area shall not be included in lot coverage calculations.

(25) The maximum building height for structures is increased to 30 feet only if residential uses are provided on the second floor and provided the structure does not exceed two stories. For purposes of this note, a story is defined pursuant to the Uniform Building Code, Section 420 as amended.

(26) See LUC 20.20.125 for specific requirements applicable to detached accessory structures. (Ord. 4816, 12-4-95, § 403; Ord. 4654, 6-6-94, § 18; Ord. 4065, 10-23-89, § 3; Ord. 3936, 7-18-88, § 2; Ord. 3780, 5-26-87, § 1; Ord. 3775, 5-26-87, § 6; Ord. 3747, 1-20-87, § 2; Ord. 3690, 8-4-86, § 2; Ord. 3530, 8-12-85, § 11; Ord. 3498, 5-28-85, § 2)

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Section 2. Section 20.20.125 of the Bellevue Land Use Code is hereby amended as follows:

20.20.125 Detached accessory structures in residential districts.

A. Purpose. The purpose of this section is to regulate the height, size, and location of detached accessory structures in residential districts in order to maintain compatibility with surrounding neighborhoods and reduce the visual impacts on adjacent residential properties.

B. Applicability. This section applies to detached accessory structures located on lots less than 20,000 square feet within any residential land use district. This section is not applicable to Guest Cottages regulated pursuant to LUC 20.20.250. This section is not applicable to structures exempt from regulation under the Uniform Building Code, as adopted by the City of Bellevue.

C. Definition of Detached Accessory Structure. Detached accessory structure refers to buildings or structures which are secondary to and associated with a primary single family or multifamily structure.

D. Height limitations. Detached accessory structures are limited to a maximum height of 15 feet except as otherwise provided in paragraph F.1. of this section.

E. Limitations on Location and Lot Coverage.

1. Detached accessory structures shall not be located less than six (6) feet from the associated primary structure.

2. Detached accessory structures shall be included in the calculation of lot coverage necessary to comply with the Maximum Lot Coverage by Structures requirements contained in LUC section 20.20.010. In addition, detached accessory structures are limited to a maximum lot coverage of 10 percent except as otherwise provided in paragraph F.2. of this section.

3. Detached accessory structures are required to comply with the front and side setbacks required for the primary structure and are required to maintain a five-foot setback from the rear lot line except as otherwise provided in paragraph F.3. of this section.

Note: The Uniform Building Code as adopted by the City of Bellevue contains additional fire protection requirements that are applicable to some structures constructed within a side or rear yard setback.

F. Exception Process

1. Height Limit. The 15 foot maximum height limit applicable to detached accessory structures can be increased to the maximum building height allowed in the underlying residential district provided a written mutual agreement of all abutting property owners is recorded with the King County Division of Records and Elections and

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filed with the City Clerk. The 15 foot height limit applicable to detached accessory structures located within required setback areas shall not be exceeded.

2. Lot Coverage. The 10 percent maximum lot coverage applicable to detached accessory structures located on lots less than 20,000 square feet can be exceeded provided a written mutual agreement of all abutting property owners is recorded with the King County Division of Records and Elections and filed with the City Clerk. However, the requirements for maximum lot coverage by structures contained in LUC 20.20.010 shall not be exceeded.

3. Setback Requirements. Detached accessory structures may be built to the side or rear lot line subject to the following limitations.

a) A written mutual agreement of the abutting property owners of the property lines affected shall be recorded with the King County Division of Records and Elections and filed with the City Clerk.

b) The detached accessory structure shall not exceed 15 feet.

c) The detached accessory structure shall not occupy more than 50 percent of the area of a required rear or side setback.

d) The detached accessory structure shall not be located within 10 feet of a street right-of-way, access easement or private road.

e) The detached accessory structure shall not be located within a setback required by LUC 20.25H.090 except as otherwise provided by LUC 20.20.025.B. (Ord. 3775, 5-26-87, § 11)

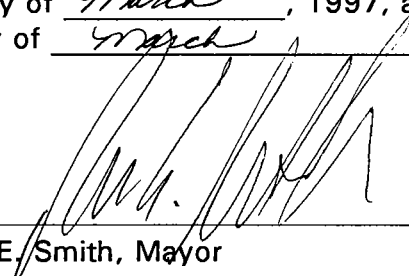
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Section 3. This ordinance shall take effect and be in force five (5) days after passage by the City Council.

PASSED by the City Council this 17th day of March, 1997, and signed in authentication of its passage this 17th day of March, 1997.

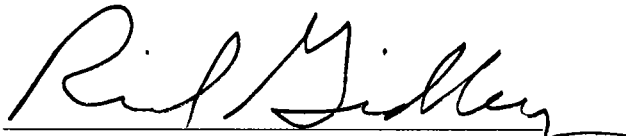
(SEAL)



Ronald E. Smith, Mayor


Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published March 21, 1997

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CITY OF BELLEVUE, WASHINGTON

ORDINANCE 4978 amending the Bellevue City Code (BCC), to correct errors and omissions in procedural sections of the Land Use Code and create a centralized location for the filing of appeals from City administrative decisions by amending various sections of the BCC.

SECTION BY SECTION SUMMARY

This summary of City of Bellevue Ordinance No. 4978 is published in accordance with RCW 35A.12.160, and RCW 35A.13.200. The full text of the Ordinance will be mailed on request. Requests should be made to the Office of the City Clerk, 11511 Main Street, Bellevue, WA, telephone 455-6805.

Ord. Sec.	BCC Sec. Amended	Description of Amendment
1	20.20.200.A	Replaces incorrect cross-reference to Process VI with Process II.
2	20.25J.050	Replaces incorrect cross-reference to Process I with Process III, deletes submittal requirements section, adds binding site plan section, and adds section regarding modifications to approved Master Development Plans.
3	20.30N.160	Changes time period to show cause why permit should not be revoked from 17 days to 14 days, deletes redundant references to Community Development, and replaces incorrect cross-reference to Process VI with Process II.
4	20.30P.110	Adds "Small Lot" Protected Area Development Exception to scope section.
5	20.30P.130	Clarifies applicability of Protected Area Development Exception and Small Lot Protected Area Development Exception.
6	20.30P.135	Repeals Protected Area Exception "Submittal Requirements" section.
7	20.30P.155	Changes "Design and Development" to "Community Development."
8	20.35.015	Adds Protected Area Development Exception, Small Lot Protected Area Development Exception, and Master Development Plans for Institutional Uses to the Framework for Decisions section.
9	20.35.085	Updates cross-references to various sections of the BCC.
10	20.35.150.A	Establishes the City Clerk's Office as the location for filing appeals and adds public notice of appeal hearing provisions to the Appeal of Hearing Examiner Decision section.
11	20.35.350	Establishes the City Clerk's Office as the location for filing appeals and adds public notice of appeal hearing provisions to the Appeal of Hearing Examiner Recommendation section.

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- 12 20.45A.070 Replaces incorrect cross-reference to 20.45A.090 with 20.45A.100 and replaces 20.45A.270 with 20.45A.260.
- 13 20.45A.190 Replaces incorrect cross-reference to 20.45A.200 with 20.45A.180.
- 14 20.45B.110 Repeals "Preliminary Short Plat - Public Notice of Upcoming Decision" section.
- 15 20.45B.140 Replaces incorrect cross-reference to Process VI with Process II.
- 16 20.45B.260.F Repeals provisions governing appeals from administrative determination for boundary line adjustments.
- 17 3.40.060 Changes "storm and surface water utility" to "Utilities Department," and establishes the City Clerk's Office as the location for filing appeals of intensity of development classifications.
- 18 3.40.065 Establishes the City Clerk's Office as the location for filing appeals of changes in billing rates issued by the Director of Utilities.
- 19 3.40.070 Establishes the City Clerk as the party who receives appeals of Utility Department administrative decisions, and changes "storm and surface water utility" to "Utilities Department."
- 20 3.50.060 Establishes the City Clerk's Office as the location for filing appeals of technical codes and ordinances, and adds a new section regarding the required format for an appeal.
- 21 3.50.070 Establishes the City Clerk as the party who receives appeals of technical codes and ordinances.
- 22 3.50.100.A Updates citation to reference most recent Uniform Housing Code.
- 23 3.68.260 Replaces incorrect cross-reference to 20.35.500 with 20.35.200, replaces incorrect cross-reference to 20.35.600 with 20.35.300, and deletes reference to Chapter 22C.10 BCC.
- 24 5.08.090 Replaces incorrect cross-reference to Process VI with Process II.
- 25 5.12.120 Replaces incorrect cross-reference to BCC 4.08.220 with Process II.
- 26 9.16.060 Establishes the City Clerk's Office as the location for filing notice of appeal from administrative decisions regarding False Alarms.
- 27 9.18.046 Replaces incorrect cross-reference to Process III - Variance Process, BCC 20.35.300 with Process II, LUC 20.35.200 et seq.
- 28 9.21.070.D Replaces incorrect cross-reference to Process VI with Process II.
- 29 9.21.100 Replaces incorrect cross-reference to Process VI with Process II.
- 30 14.10.040.D Establishes the City Clerk's Office as the location for filing appeals of decisions regarding the Traffic Standards Code.

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- 31 14.40.130 Establishes the City Clerk's Office as the location for filing appeals of decisions regarding the Commute Trip Reduction Code, and replaces incorrect cross-reference to Process VI with Process II.
- 32 22.02.150.E Establishes the City Clerk's Office as the location for filing appeals of decisions on proposals under the Bellevue Environmental Procedures Code.
- 33 22.16.095 Establishes the City Clerk's Office as the location for filing appeals of transportation impact fees and replaces incorrect cross-reference to 20.35.200 with 20.35.250.
- 34 22.18.070.B Establishes Process II as the procedure for appealing School Impact Fees for Issaquah School District No. 411, and establishes the City Clerk's Office as the location for filing those appeals.
- 35 23.05.040.CC Adds the Uniform Code for the Abatement of Dangerous Buildings to the definition of "Technical Codes."
- 36 24.04.100.B Replaces incorrect cross-reference to Process VI with Process II.
- 37 24.06.135.A Provides for the Hearing Examiner to conduct public hearings for exceptions to Engineering and Design Requirements contained in the Storm and Surface Water Utility Code.
- 38 None Specifies effective date of ordinance to be 30 days after passage by the City Council.

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Section 38. This ordinance shall take effect and be in force thirty (30) days after passage by the City Council.

PASSED by the City Council this 17th day of March, 1997, and signed in authentication of its passage this 17th day of March, 1997.

(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published March 21, 1997