

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5991

AN ORDINANCE amending the Bellevue Land Use Code relating to nonconforming building height, specifically amending Land Use Code Section 20.20.070.B of the Bellevue Land Use Code; providing for severability and establishing an effective date.

WHEREAS, On July 19, 2010, the Director of the Development Services Department (DSD) initiated a code amendment work program for the balance of 2010 and 2011; and

WHEREAS, the City seeks to allow for the reasonable development of nonconforming lots consistent with neighborhood character code amendments that were adopted in 2007 and 2009; and

WHEREAS, the Environmental Coordinator for the City of Bellevue determined that this proposal will not result in any probable, significant, adverse impacts and as such a final threshold determination of non-significance (DNS) was issued on November 10, 2010; and

WHEREAS, the Planning Commission held a public hearing on December 1, 2010 with regard to the proposed Land Use Code amendment contained herein; and

WHEREAS, the Planning Commission recommends that the City Council approve such proposed amendments, now, therefore;

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

Section 1. Section 20.20.070 of the Bellevue Land Use Code is hereby amended as follows:

**20.20.070 Lots nonconforming as to area, street frontage, width or depth – Status.**

A. An individual nonconforming lot legally created pursuant to LUC 20.20.060 may be used for a building site if:

1. There are no restrictions on development imposed by prior permits or land use approvals; and
2. The lot does not lie within a Residential (R-1 – R-30) Land Use District; or
3. 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 percent 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 percent of the minimum requirements of the Residential (R-1 – R-30) Land Use District in which it is located,

- i. The lot's area meets or exceeds 3,000 square feet; and
- ii. The lot's width meets or exceeds 30 feet; and
- iii. The lot's depth meets or exceeds 50 feet.

B. Development of an individual lot failing to meet 70 percent 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). The maximum building height resulting from the following formula may be modified up to the maximum height allowed in the underlying land use district through a variance pursuant to Part 20.30G LUC or Part 20.30H LUC:

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

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.)

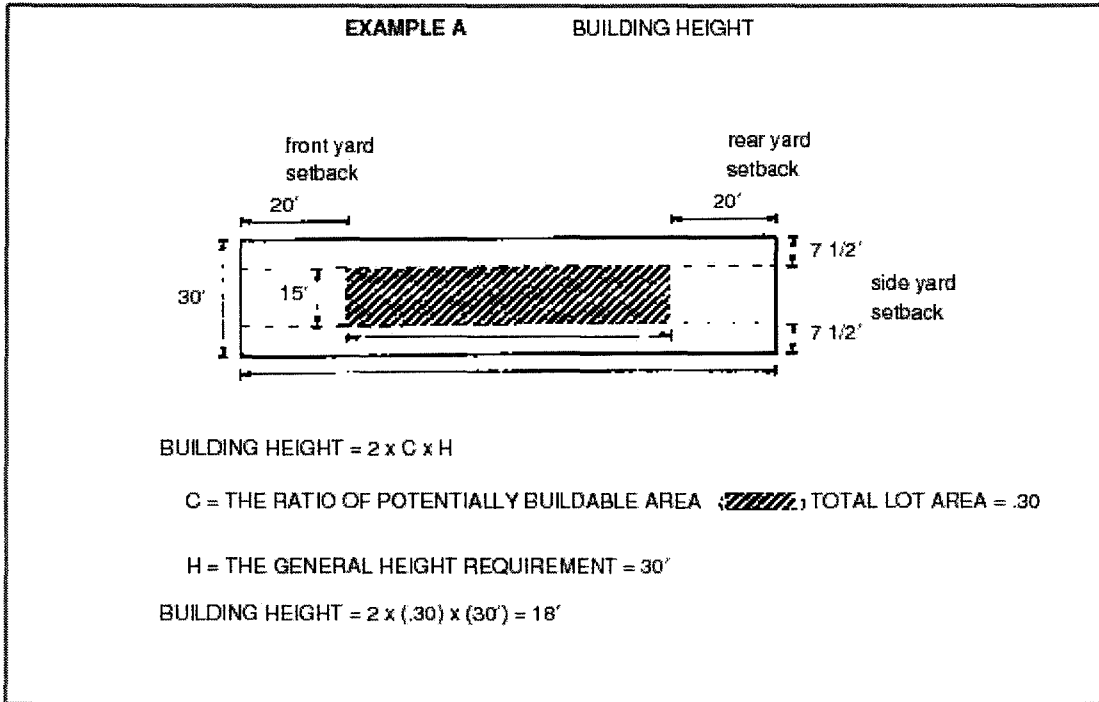
Provided, that in no event shall building height exceed the building height requirement otherwise applicable to the lot; and provided, that in no event shall a building height requirement be imposed less than 15 feet.

C. Notwithstanding subsection A of this section, a nonconforming lot in a Residential (R-1 – R-30) Land Use District failing to meet or exceed 70 percent 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 percent of the minimum requirements of the land use district in which the property is located. This subsection 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 the nonconforming provisions of LUC 20.20.560, the building height requirements of B and the applicable dimensional requirements of LUC 20.20.010 for the district in which it is located, unless a

variance has been granted pursuant to Part 20.30G or 20.30H LUC or modification has been granted pursuant to LUC 20.25H.040.B.

E. This section is not applicable in the Bel-Red Land Use Districts. Refer to LUC 20.25D.060 for regulations relating to existing conditions.



Section 2. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

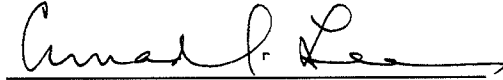
Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

1207-ORD  
02/02/11

**ORIGINAL**

Passed by the City Council this 7<sup>th</sup> day of February, 2011 and signed in authentication of its passage this 7<sup>th</sup> day of February, 2011.

(SEAL)



Don Davidson, DDS  
Mayor

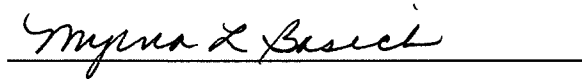
Approved as to form:

Lori M. Riordan, City Attorney



Lacey Madche, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published February 10, 2011