

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6746

AN ORDINANCE amending sections 20.20.120, 20.20.590, and 20.50.016 of the City of Bellevue Land Use Code (LUC) removing barriers to, and encouraging production of, attached accessory dwelling units (ADUs); creating a mechanism for separate ownership of ADUs; allowing for existing ADU applicants to utilize new code provisions under this Ordinance; providing for severability; and establishing an effective date.

WHEREAS, on July 5, 2022, in building upon the 2017 Affordable Housing Strategy, the City Council prioritized a set of “Next Right Work” actions to further increase housing production and affordable housing opportunities within the City, and identified ADUs as a part of the housing effort; and

WHEREAS, on January 17, 2023, the City Council initiated processing of this LUC amendment to remove barriers to and encourage construction of attached ADUs, and to create a mechanism for separate ownership of ADUs; and

WHEREAS, Affordable Housing Strategy Action B-2 encourages updating standards for ADUs to spur their development; and

WHEREAS, Comprehensive Plan Policy HO-15 promotes attached ADU development in the City, subject to certain standards; and

WHEREAS, the LUC currently permits attached ADUs as a subordinate use to single-family residences, but additional requirements for owner occupancy, design controls, parking, and other provisions have limited construction of ADUs in the City; and

WHEREAS, the City has complied with the State Environmental Policy Act, Chapter 43.21C RCW, and the City’s Environmental Procedures Code, Chapter 22.02 BCC, for this LUC amendment; and

WHEREAS, the Planning Commission held a study session on March 22, 2023, to discuss the proposed LUC amendment; and

WHEREAS, after providing legally-required public notice, the Planning Commission held a public hearing on May 10, 2023, for this proposed LUC amendment; and

WHEREAS, following the required public hearing, the Planning Commission recommended unanimously that the City Council approve the proposed LUC amendment with modifications; and

WHEREAS, the City Council considered this LUC amendment at its June 12, 2023, study session; and

WHEREAS, the City Council finds that the proposed LUC amendment meets the decision criteria of LUC 20.30J.135, is consistent with the Comprehensive Plan, enhances the public health, safety and welfare, and is not contrary to the best interests of the citizens and property owners of the City of Bellevue; now, therefore:

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

Section 1. Section 20.20.120 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.120 Accessory dwelling units.

- A. One accessory dwelling unit is permitted as subordinate to a single-family dwelling provided the following criteria are met:
1. The accessory dwelling unit shall be located within the same structure as the principal residence and shall not be a detached structure or located within existing detached accessory structures such as garages, workshops, or guest cottages.
 2. The floor area of the accessory dwelling unit shall be limited to the larger of 1,200 square feet or 40 percent of the gross floor area of the primary residence and accessory dwelling unit combined, excluding any related garage area.
 3. In addition to any off-street spaces required for the primary residence, and except when the property has frequent transit service as provided in LUC 20.20.590.L.1, off-street parking shall be provided for accessory dwelling units as follows:
 - a. No off-street parking is required for accessory dwelling units less than 1,000 square feet in floor area (excluding any garage area).
 - b. One off-street parking space is required for accessory dwelling units between 1,000 and 2,000 square feet in floor area (excluding any garage area).
 - c. For accessory dwelling units exceeding 2,000 square feet:
 - i. One off-street parking space is required on lots smaller than 6,000 square feet.

- ii. Two off-street parking spaces are required on lots greater than 6,000 square feet.
 - iii. For purposes of this subsection (A)(3)(b), lot area shall refer to the square footage of a parent lot prior to any unit lot subdivision as described in LUC 20.45A.065 and 20.45B.057.
4. The accessory dwelling unit shall meet all technical code standards, BCC Title 23, including building, electrical, fire, and plumbing code requirements.
 5. A site may not contain both an accessory dwelling unit and a business subject to the regulations in Part 20.30N LUC for a Home Occupation Permit.
 6. The creation of an accessory dwelling unit shall not satisfy the affordable housing requirements in LUC 20.20.128.

Section 2. Section 20.20.590.L of the Bellevue Land Use Code is hereby amended as follows:

20.20.590 Parking, circulation and walkway requirements

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L. Minimum Parking for Residential Uses with Frequent Transit Service.

1. Applicability

...

c. For accessory dwelling units, frequent transit service shall be defined as:

- i. Within one-half mile of a transit stop that receives transit service at least four times per hour for 12 or more hours per day; or
- ii. Within one-half mile of a future light rail or bus rapid transit station scheduled to begin service within two years.

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Section 3. Section 20.50.016 of the Bellevue Land Use Code is hereby amended to read as follows:

20.50.016 D definitions.

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Dwelling, Duplex. A building containing two kitchens and designed to be occupied by two families living independently of each other, but not including single-family dwellings with an approved accessory dwelling unit.

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Section 4. Existing Applications. Building permit and registration applications for accessory dwelling units submitted prior to the effective date of this Ordinance shall not be required to comply with any of the "Inspection and Registration" requirements of deleted LUC 20.20.120.E.

Section 5. Severability. 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 6. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this 17th day of JULY, 2023 and signed in authentication of its passage this 17th day of JULY, 2023.

(SEAL)



A handwritten signature in black ink, appearing to read "Lynne Robinson".

Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney

A handwritten signature in blue ink, appearing to read "Nicole De Leon".

Nicole De Leon, Assistant City Attorney

Attest:

A large, stylized handwritten signature in blue ink, appearing to read "Charmaine Arredondo".

Charmaine Arredondo, City Clerk

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