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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3278

AN ORDINANCE relating to required yards; amending Bellevue City Code (Land Use Code) 20.50.046, 20.20.010 and 20.20.125; adding new Sections 20.20.025 and 20.20.030 to the Bellevue City Code (Land Use Code); and repealing Bellevue City Code (Land Use Code) 20.20.030, 20.20.035, 20.20.040, 20.20.050 and 20.50.056.

WHEREAS, it is desirable to clarify the definition of yards; and

WHEREAS, multiple front yard setback requirements can unreasonably limit the appropriate development of property; and

WHEREAS, it is necessary in the interest of public safety to require some setback from the edge of street rights of way, private roads and access easements; and

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

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

Section 1. Bellevue City Code (Land Use Code) 20.20.030 is hereby repealed.

Section 2. Bellevue City Code (Land Use Code) 20.20.035 is hereby repealed.

Section 3. Bellevue City Code (Land Use Code) 20.20.040 is hereby repealed.

Section 4. Bellevue City Code (Land Use Code) 20.20.050 is hereby repealed.

Section 5. Bellevue City Code (Land Use Code) 20.20 is amended by the addition of a new Section which reads as follows:

20.20.025 Intrusions into Required Setbacks

A. Signs, Marquees and Awnings: See Sign Code, Chapter 22B.10.

B. Garages on Slopes:

1. If the topography of a lot is such that the front building line is 8' or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling level, a garage may be built into the bank and set at least 5' back from the front property line.
2. If the topography of a lot is such that the land drops down steeply from the street level and there is no reasonable way to construct a driveway with a slope less than 15% down to the dwelling level, a garage may be built in the front yard setback subject to approval by the Planning Director. The garage must be set at least 5' back from the front lot line, and may not exceed 15' above street level measured to the peak of a pitched roof or 9' above street level measured to the top of a flat roof. The garage must be oriented so that its shortest dimension is essentially parallel to the street in order to mitigate view obstruction from upland properties.
3. All structures must comply with the street intersection site obstruction requirements of Section 20.20.830.

C. Minor Structural Elements:

Minor structural elements including patios, platforms, eaves, trellises, open beams, fireplace chimneys, decks, porches, balconies, lanais, bay windows, greenhouse windows and similar elements of a minor character may intrude into a required setback as follows:

1. Any portion of a minor structural element which equals or exceeds 30" above finished grade at its location may intrude into a required setback a distance no greater than 20% of the minimum dimension of that setback, or at least 18", whichever is greater.
2. Any portion of a minor structural element which is less than 30" above finished grade at its location may extend to any lot line.

For purposes of Paragraph C, heat pumps are not minor structural elements.

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- D. Underground buildings, not higher than 3 feet above finished grade, with their roofs in gardens, lawn or landscaping will not be considered as buildings encroaching on setbacks.

Section 6. Bellevue City Code (Land Use Code) 20.20 is amended by the addition of a new Section which reads as follows:

20.20.030 Designation and Measurement of Required Setbacks:

- A. Except as specifically provided in Paragraph B, each lot must contain only one front setback and only one rear setback. Any other setback will be considered a side setback.
- B. If a lot abuts the intersection of two public rights of way, a front setback is required along each right-of-way.
- C. The Planning Director is authorized to designate front, rear and side setbacks in accordance with the definitions of Section 20.50.046. If these definitions do not establish a front and rear setback, the Planning Director shall establish these setbacks based upon orientation of the lot to surrounding lots and to any existing development pattern. All other setbacks will be defined in relation to the established front and rear setback.
- D. A setback is measured from the interior edge of a street right of way, access easement or private road, except that if applicable, a rear setback is measured from the centerline of an alley. Where there is no street right of way, access easement or private road, a setback is measured from the property line.

Section 7. Bellevue City Code (Land Use Code) 20.50.056 (Additional Definitions) is hereby repealed.

Section 8. Bellevue City Code (Land Use Code) 20.50.046 (setback) is amended to read as follows:

SETBACK. A space unoccupied by structures except where intrusions are specifically permitted by this Code.

Section 9. Bellevue City Code (Land Use Code) 20.50.046 is amended by the addition of new definitions which read as follows:

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SETBACK, FRONT. Space abutting a street right-of-way, access easement or private road either from which the lot is addressed or from which the lot gains primary access, and extending the full width of the lot; and at the intersection of two public rights of way, space abutting each right of way extending the full width of the lot.

SETBACK, REAR. Space abutting a property line, access easement or private road and opposite to the front setback or as nearly so as the lot shape permits, and extending the full width of the lot. If more than one rear setback is described, that setback which is farthest from the front setback is the required rear setback. All others will be treated as side setbacks. If more than one front setback exists, the rear setback is opposite to the front setback from which the lot gains access or is addressed.

SETBACK, SIDE. Space abutting a property line, access easement or private road and generally between the required front and rear setback. Any setback not defined as a front or rear setback is a side setback.

Section 10. Bellevue City Code (Land Use Code) 20.20.125 is amended to read as follows:

20.20.125 Accessory Structures

Detached accessory buildings, if within the required setback area, in residential districts shall not exceed one story in height (not to exceed fifteen feet), and shall not occupy more than fifty per cent of the area of a required rear or side setback. Accessory buildings shall comply with the front and side setbacks required for the main building and shall include a five-foot setback from the rear lot line, except that a detached accessory building can be built to the side or rear lot line provided a written mutual agreement of the abutting property owners of the property lines affected be filed with the City Clerk. However, no accessory structure may be within 10' of a street right of way, access easement or private road.

Section 11. Bellevue City Code (Land Use Code) 20.20.010, Uses in Land Use Districts - Dimensional Requirements and Notes, is amended as indicated in Exhibit A, attached hereto and by this reference incorporated herein.

Section 12. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be

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in force five days after the date of posting.

PASSED by the City Council this 1st day of August, 1983,
and signed in authentication of its passage this 1st day
of August, 1983.

(SEAL)



Cary E. Bozeman, Mayor Pro Tem

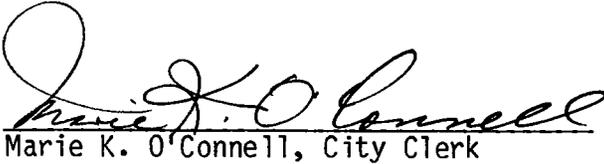
Approved as to form:

Linda M. Youngs, City Attorney



Richard Gidley, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published August 6, 1983