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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3359

AN ORDINANCE regarding permit applications; providing building permit applications will not be accepted for filing until certain City approvals are obtained; providing that the filing of certain applications for City approvals does not establish vested rights to proceed with project construction; providing that the filing of a complete building permit application establishes a vested right to proceed with project construction; specifying the proposed projects to which such provisions apply; and adding new sections 23.10.032 and 23.10.033 to Chapter 23.10 of the Bellevue City Code, the Building Code.

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

Section 1. A new section 23.10.032 is hereby added to Chapter 23.10 of the Bellevue City Code, to read as follows:

23.10.032 Application for Building Permit - Other Approvals
Required Prior to Filing

- A. No building permit application shall be accepted for filing by the Building Official for any proposed project which requires an approval through the administrative design review process until the Planning Director has issued a written decision granting such approval and the time for appealing the decision under the Bellevue City Code has expired without an appeal to the Hearing Examiner having been filed. If an appeal to the Hearing Examiner is filed, no building permit application will be accepted for filing by the Building Official until the Hearing Examiner has made a written decision granting approval and the time for appealing the decision under the Bellevue City Code has expired without an appeal to the City Council having been filed. If an appeal to the City Council is filed, no building permit application will be accepted for filing by the Building Official until the Council has made a written decision granting approval.

In the case of a proposed project located in a CBD Land Use District, no building permit application will be accepted for filing by the Building Official for any proposed project which requires an approval through the administrative design

review process until the Planning Director has made a written decision granting such approval and the time for appealing the decision under the Bellevue City Code has expired without an appeal to the City Council having been filed. If an appeal to the City Council is filed, no building permit application shall be accepted for filing by the Building Official until the Council has made a written decision of approval.

- B. No building permit application will be accepted for filing by the Building Official for any proposed project which requires site plan review approval until the Planning Director and Public Works Director have made a written decision granting such approval and the time for appealing the decision to the Hearing Examiner under the Bellevue City Code has expired without an appeal to the Hearing Examiner having been filed. If an appeal to the Hearing Examiner is filed, no building permit application shall be accepted for filing by the Building Official until the Hearing Examiner has made a written decision granting approval and the time for appealing that decision under the Bellevue City Code has expired without an appeal to the City Council having been filed. If an appeal to the City Council is filed, no building permit application shall be accepted for filing by the Building Official until the Council has made a written decision of approval.
- C. No building permit application will be accepted for filing by the Building Official for any proposed project which requires an administrative conditional use approval until the Planning Director has made a written decision granting such approval and the time for appealing the decision under the Bellevue City Code has expired without an appeal to the Hearing Examiner having been filed. If an appeal to the Hearing Examiner is filed, no building permit application shall be accepted for filing by the Building Official until the Hearing Examiner has made a written decision granting approval and the time for appealing the decision under the Bellevue City Code has expired without an appeal to the City Council having been filed. If an appeal to the City Council is filed, no building permit application shall be accepted for filing by the Building Official until the Council has made a written decision of approval.
- D. No building permit application will be accepted for filing by the Building Official for any proposed project which requires a modification of landscaping approval until the Planning Director has issued a written decision granting such approval

and the time for appealing the decision under the Bellevue City Code has expired without an appeal to the Hearing Examiner having been filed. If an appeal to the Hearing Examiner is filed, no building permit application will be accepted for filing by the Building Official until the Hearing Examiner has made a written decision granting approval.

- E. No building permit application will be accepted for filing by the Building Official for any proposed project which requires design review approval by the Planning Commission until the Planning Commission has made a written decision granting such approval.
- F. No building permit application will be accepted for filing by the Building Official for any proposed project which requires approval of a conditional use, shoreline conditional use, planned unit development or planned residential unit development, until an ordinance has been passed by the City Council granting such approval.
- G. No building permit application will be accepted for filing by the Building Official for any proposed project which requires a variance or shoreline variance approval until the Board of Adjustment has made a written decision granting such approval.
- H. No building permit application will be accepted for filing by the Building Official for any proposed project which requires a shorelines substantial development permit until such a permit has been issued.

Section 2. A new section 23.10.033 is hereby added to Chapter 23.10 of the Bellevue City Code to read as follows:

23.10.033 Filing of Certain Applications - Vested Rights

- A. The filing of an application for an administrative design review, site plan review, administrative conditional use, modification of landscaping approval, Planning Commission design review, planned unit development, planned residential unit development, conditional use, shorelines conditional use, variance, shorelines variance or shorelines substantial development permit shall not establish any vested right to proceed with construction of any proposed project in accordance with any codes, ordinances or regulations existing at the time of the filing of such application.
- B. The issuance of a building permit for a proposed project, which project was in compliance with the Land Use Code of the City in effect at the time of the filing of a building permit

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application, shall establish a vested right as of the date of the building permit application to proceed with construction of the proposed project in accordance with the Land Use Code, BCC Title 20, which existed at the time of filing, provided, however, such proposed project may nonetheless be conditioned or denied by the City under the State Environmental Policy Act.

Section 3. Section 1 above will apply to all proposed projects for which an application for any of the approvals set forth in Section 1 has been filed, but for which an application for a building permit has not been filed, prior to the effective date of this ordinance.

Section 4. Section 1 above will apply to all proposed projects for which a building permit application has not been filed prior to the effective date of this ordinance.

Section 5. If any section or portion of a section of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance, and each portion thereof irrespective of the fact that any portions thereof had been declared invalid or unconstitutional.

Section 6. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

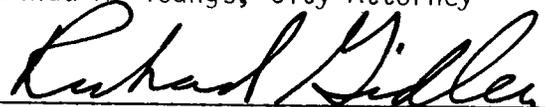
PASSED by the City Council this 2nd day of April, 1984, and signed in authentication of its passage this 2nd day of April, 1984.

(SEAL)

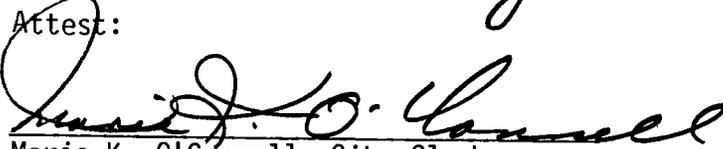

Cary E. Bozeman, Mayor

Approved as to form:

Linda M. Youngs, City Attorney


Richard G. Bidley, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published April 7, 1984