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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4075

AN ORDINANCE relating to the regulation of Land Use Code nonconformity; amending Section 20.20.560 and 20.50.036 of the Bellevue City Code (Land Use Code).

WHEREAS, revisions to the Land Use Code are necessary to regulate structures, sites and uses which do not conform to current codes; and

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

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

Section 1. Bellevue City Code (Land Use Code) 20.20.560 is amended as follows:

20.20.560 Non-Conforming Structures, Uses and Sites

A. Non-Conforming Structures

1. Ordinary maintenance and repair of a non-conforming structure and its equipment or fixtures is permitted provided the fair market value of the repair does not exceed 25% of the assessed value of the structure as determined by the County Assessor for the year in which the work is done.
2. A non-conforming structure may not be enlarged or reconstructed unless the enlargement or reconstruction conforms to the regulations of this code. However, in single-family district an enlargement or reconstruction may extend along existing building setbacks provided the area affected by the expansion is not a Protected Area designated by Section 20.25H.070 or a Protected Area Setback required by Section 20.25H.090 or within the Shoreline Overlay District Setback required by Section 20.25E.080.
3. If a non-conforming structure is destroyed by fire, explosion, or other unforeseen circumstances to the extent of 75% or less of its assessed value as determined by the King County Assessor for the year of its destruction, it may be reconstructed consistent with its previous non-conformity. If such a structure is destroyed to the extent of greater than 75% of its assessed value, then any structure erected and any related site development shall conform to the regulations of this code.

B. Non-Conforming Uses

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1. A non-conforming use may be continued by successive owners or tenants, except where that use has been abandoned. No change to a different use classification shall be made unless that change conforms to the regulations of this code.
2. If a non-conforming use of a structure or land is discontinued for a period of twelve months with the intention of abandoning that use, any subsequent use shall thereafter conform to the regulations of the district in which it is located. Discontinuance of a non-conforming use for a period of twelve months or greater constitutes prima facie evidence of an intention to abandon.
3. A non-conforming use may be expanded only pursuant to an administrative conditional use permit if the expansion is not more than 20% or 20,000 square feet, whichever is less, or by a conditional use permit if the expansion is over 20% or 20,000 square feet.

C. Non-Conforming Sites

1. A non-conforming site may not be changed unless the change conforms to the regulations of this code.
2. Upon the restoration of a structure demolished by fire, explosion or other unforeseen circumstances to greater than 75% of its assessed value on a non-conforming site, the site shall be brought into conformance with the regulations of this code.
3. For remodels or repairs of an existing structure made within any twelve-month period which together exceed 50% of the assessed value of the previously existing structure as defined by the King County Assessor for the year in which the work was commenced, the site shall be brought into compliance with existing Land Use Code requirements. Remodels or repairs which do not exceed 50% shall not be required to comply with the requirements of this paragraph.
4. Upon expansion of any structure or complex of structures within a single site, the site shall be brought into compliance in accordance with this paragraph.

For the purpose of this section, expansion means construction which increases the floor area within an existing complex or an existing structure. If the expansion is over 50% of the existing floor area, all of the nonconformities on the site must be brought up to the then current Land Use Code requirements. If the expansion is 50% or less, the following is required:

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- a. A Conformance Plan may be required to identify the nonconformities as well as the cost of individual improvements.
- b. Required improvements for a nonconforming site:

The percentage of required physical site improvements to be installed to reduce or eliminate the nonconformity of the site shall be established by the following formula:

- i. Divide the dollar value of the proposed improvements by the assessed value of the existing structure(s) as determined by the King County Assessor for the year in which the work commenced, up to 100 percent.
- ii. That percentage is then multiplied by the dollar amount identified by the Conformance Plan as necessary to bring the site into compliance.
- iii. The dollar value of this equation is then applied toward reducing the nonconformities.

Example:

Value of existing structure(s) = \$20,000
 Value of proposed improvements = \$ 5,000
 \$20,000 divided into \$5,000 equals 25%
 Cost identified in Conformance Plan equals \$4,000
 25% times \$4,000 equals \$1,000
 \$1,000 would be applied toward reducing the nonconformities

- iv. The Director of Design and Development shall determine the type, location and phasing sequence of the proposed improvements. No portion of this amount shall be applied toward the requirements of any other City Code.
5. This section is not intended to apply to street frontage improvements and other requirements outlined in Section 20.20.950.D.

Section 2. Bellevue City Code (Land Use Code) 20.50.036 is amended as follows:

020.50.036 Additional Definitions

NONCONFORMING. A use, structure, site or lot which conformed to the applicable codes in effect on the date of creation but which no longer complies because of changes in code requirements or annexation.

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NONCONFORMING SITE. A lot which does not conform to site development regulations, including but not limited to, the landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening and curb cut regulations of the district in which it is located due to changes in code requirements or annexation.

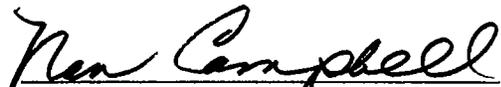
NONCONFORMING STRUCTURE. A structure which does not conform to the dimensional regulations, including but not limited to, setback, height, lot coverage, density and building configuration regulations of the district in which it is located due to changes in code requirements or annexation. For structures not conforming to Building Code requirements, see U.B.C. Section 104.

NONCONFORMING USE. The use of a structure or of land which does not conform to the regulations of the district in which the use exists due to changes in code requirements or annexation.

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

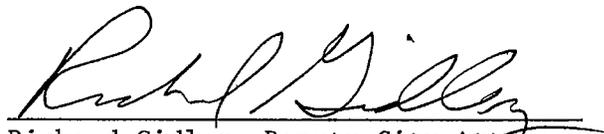
PASSED by the City Council this 23rd day of October, 1989, and signed in authentication of its passage this 9th day of November 1989.

(SEAL)

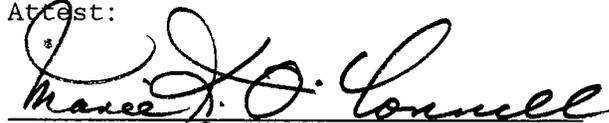

Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard G. Gilley, Deputy City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published November 13, 1989