

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4696-A

AN ORDINANCE regarding group homes uses; amending the group home classifications; adding definitions of adult family home; confidential group home; domestic violence shelter home; foster care; foster family home; large foster family home; group care facility for children; handicap; resident, group home; staff, group home; group home, large; adding decision criteria for large group home permits; amending Bellevue City Code (Land Use Code) 20.10.440; adding a new Chapter 20.30T to the Bellevue City Code (Land Use Code); amending the definition of family in Bellevue City Code (Land Use Code) 20.50.020; and adding definitions to Bellevue City Code (Land Use Code) 20.50.010, 20.50.014, 20.50.016, 20.50.020, 20.50.022, 20.50.024, 20.50.044 and 20.50.046.

WHEREAS, by Resolution No. 5726, enacted on December 6, 1993, under the authority granted by the Constitution of the State of Washington, RCW Chapter 35A.63, Optional Municipal Code and RCW 36.70A, Growth Management, the City Council adopted the Comprehensive Plan for the City; and

WHEREAS, under RCW 36.70A.070(2) of the Growth Management Act, the Comprehensive Plan of the City is required to include a Housing Element, which identifies sufficient land for housing, including group homes and foster care facilities; and

WHEREAS, to comply with RCW 36.70A.070(2) the City Council adopted Section IV, Housing Element, as part of its Comprehensive Plan, including Goals and Policies related to "Special Needs Housing;" and

WHEREAS, RCW 36.70A.120 of the Growth Management Act requires the City to adopt regulations that are consistent with and implement its Comprehensive Plan; and

WHEREAS, it is the policy and intent of the City of Bellevue to make provision in the Land Use Code for such reasonable accommodations as may be necessary to afford persons with handicaps equal opportunity to use and enjoy a dwelling, as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. Section 3604(f)(3)(b); and

WHEREAS, the purpose of the regulations herein contained is to implement the comprehensive Plan of the City as it relates to Group Homes; and

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WHEREAS, the City 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. Title, Purpose and Contents.

This ordinance shall be known as the Group Homes Amendment Ordinance of 1994. The purpose of this ordinance is to set forth the conditions under which group homes, group care facilities, and other shared-living arrangements designed to serve persons with identifiable or diagnosable particular or special needs, may be located within the City of Bellevue.

Section 2. Land Use Code 20.10.440, Uses in Land Use Districts, Residential, is amended to read as follows:

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Chart 20.10.440

Uses in land use districts

Residential

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		PO	O	OLB	LI	GC	NB	CB	O-1	O-2	MU	R	OB	OLB
1	Residential													
	Single-family Dwelling 3		P 1	S	S	S	P 8	S			S	P	P	
	Two to Four Dwelling Units Per Structure		P 1	P			P 8	P	P	P	P	P	P	
	Five or More Dwelling Units Per Structure		P 1	P			P 8	P	P	P	P	P	P	
NOT CODED IN LAND USE CODE	Group Home Class I 2,10,11	P	P	P	P	P	P	P	P	P	P	P	P	P
	Group Home Class II 10	P	P	P	P	P	P	P	P	P	P	P	P	P
	Group Home Class III 2,10,11	C	C	C	C	C	C	C	C	C	C	C	C	C
12	Group Quarters; Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions							C	P	P	P	P	P	
	Senior Citizen Dwellings 4,7	P	P	P			P 8	P	P	P	P	P	P	
13 15	Hotels and Motels			P				C	P	P	A	C	A	P
	Congregate Care Senior Housing 4,7	P	P	P			P	P	P	P	P	P	P	
6516	Nursing Home	C	P	P			C	P			P	P	P	
	Assisted Living 4,7	C	P	C			C	P			P	P	P	
	Accessory Dwelling Unit 9	S	S	S	S	S	S	S			S	S	S	

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

(Ord. 4498, 3-15-93, § 1; Ord. 4422, 9-28-92, § 2; Ord. 3530, 8-12-85, § 7)

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

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Chart 20.10.440

Uses in land use districts

Residential

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Open Use	Residential										
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
1	Residential												
	Single-family Dwelling 3	P	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units Per Structure	PD	PD	PD	PD	PD	PD	PD	PD	PD	P	P	P
	Five or More Dwelling Units Per Structure	PD	PD	PD	PD	PD	PD	PD	PD	PD	P	P	P
NOT CODED IN LAND USE CODE	Group Home Class I 2,10,11,12,13,14	P	P	P	P	P	P	P	P	P	P	P	P
	Group Home Class II 10,14	P	P	P	P	P	P	P	P	P	P	P	P
	Group Home Class III 2,10,11,14	C	C	C	C	C	C	C	C	C	C	C	C
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions	PD									C	P	P
	Senior Citizen Dwellings 4,7	PD 5, 6	PD 5, 6	PD 5, 6	PD 5, 6	PD 5, 6	PD 5, 6	PD 5, 6	PD 5, 6	PD 5, 6	P	P	P
13 15	Hotels and Motels												
	Congregate Care Senior Housing 4,7	PD									P	P	P
6516	Nursing Home	C									C	P	P
	Assisted Living 4,7	C									C	P	P
	Accessory Dwelling Unit 9	S	S	S	S	S	S	S	S	S	S	S	S

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

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NOTES: USES IN LAND USE DISTRICTS - RESIDENTIAL

1. No more than 50% of the gross floor area of the structure shall be devoted to residential use in O districts, unless Conditional Use permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses. (Ord. 4255, 6-3-92, Section 1)
2. Except for confidential group homes, group care facilities for children and Class III group homes may not be established within 1,000 feet in any direction of any other Group Home.
3. A boardinghouse or bed and breakfast is permitted in a single family dwelling provided the requirements of 20.20.140 are met. (Ord. 4028, 7-17-89, Section 1)
4. An agreement must be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain in perpetuity as senior housing. (Ord. 4065, 10-23-89, Section 1)
5. Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities. (Ord. 4065, 10-23-89, Section 1)
6. Senior citizen dwellings are appropriate only on single family parcels which directly abut higher intensity zoning or on parcels that are not surrounded by established neighborhoods or single family housing. (Ord. 4065, 10-23-89, Section 1)
7. In areas where Comprehensive Plan policies specifically state that multifamily development is not appropriate, senior housing shall be permitted only through the conditional use permit process. (Ord. 4065, 10-23-89, Section 1)
8. These residential uses are permitted in NB districts only if located on the second floor and above the permitted ground floor non-residential uses. (Ord. 4422, 9-28-92, Section 2)
9. Accessory dwelling units are permitted only as subordinate to single family dwellings and are subject to the provisions of Section 20.20.120. (Ord. 4498, 3-15-93, Section 1)
10. A group home must provide at least two off-street parking stalls.

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11. Group home operators, except for operators of confidential group homes, must comply with the following additional requirements:
 - a. Each operator must register with the Department of Community Development by filing a signed registration form as provided by the Department prior to the initiation of the use. The operator must certify compliance with all applicable requirements and conditions of 20.10.440 and 20.50.022 as listed on the registration form.
 - b. The operator shall assign a staff person to serve as contact person for the group home and shall advise the Director of the name of the staff person and shall provide a telephone number where the staff person may be reached during normal working hours, and a confidential alternate telephone number, which shall be available to and usable by City staff only, where the staff person may be reached at other than normal working hours.
12. Large group homes are permissible, if approved through the process set forth in Bellevue City Code Chapter 20.30T, subject to the provisions of 20.30T.110 regarding reasonable accommodation.
13. Group care facilities for children are not permitted in any residential district.
14. Group homes in residential districts must meet the following requirements:
 - a. The home shall not display exterior signage that would alter the residential character of the premises.
 - b. No structural alterations to the exterior of the structure shall be made which change its residential character except for alterations required by the Uniform Building or Fire Codes.
 - c. The property must be landscaped in a manner compatible with surrounding residences.

Section 3. A new definition is added to Section 20.50.010 of the Land Use Code, as follows:

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20.50.010 DEFINITIONS

ADULT FAMILY HOME: The regular family abode of a person or persons providing state-licensed personal care, room, and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the home is state-licensed for that number under the provisions of applicable state-licensing laws.

Section 4. A new definition is added to Section 20.50.014 of the Land Use Code, as follows:

CONFIDENTIAL GROUP HOME: A group home for which confidentiality of location is necessary to protect the safety of the residents.

Section 5. A new definition is added to Section 20.50.016 of the Land Use Code, as follows:

20.50.016 ADDITIONAL DEFINITIONS

DOMESTIC VIOLENCE SHELTER HOME: A facility which provides housing for adults and their dependent children, if any, who are victims of domestic violence perpetrated by the spouse, domestic partner or significant other of the adult victim. A domestic violence shelter home is a confidential group home.

Section 6. Land Use Code 20.50.020, "Family" of the Land Use Code, is amended to read as follows:

20.50.020 FAMILY. One or more persons (but not more than six unrelated persons) living together as a single nonprofit housekeeping unit. For purposes of this section, a housekeeping unit is not nonprofit if it is operated by or under the sponsorship of an entity which receives payment per resident on a monthly or other periodic basis from any governmental or private agency to provide care or shelter for any resident of the unit who is unrelated to the caregiver. However, adult family homes as defined in Section 20.50.010; domestic violence shelter homes as defined in Section 20.50.016; foster family homes as defined in Section 20.50.020; and state-licensed homes for persons sixty-five years of age or older shall be considered to be nonprofit housekeeping units. Nothing in this definition shall be applied so as to prevent the City from making reasonable accommodations as may be necessary to afford persons with handicaps equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(3)(b).

Section 7. New definitions are added to Section 20.50.020 of the Land Use Code, as follows:

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20.50.020 ADDITIONAL DEFINITIONS

FOSTER CARE: 24-hour per day state-licensed substitute care for a child or children whose parents cannot or will not provide normal family care for the child or children. Foster care may be provided in either a state-licensed family home or a state-licensed group care facility.

FOSTER FAMILY HOME: A person or persons regularly providing state-licensed care on a 24-hour per day basis to one or more, but not more than four, children, expectant mothers, or developmentally disabled persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or developmentally disabled person is placed.

FOSTER FAMILY HOME, LARGE: A state-licensed foster family home with at least two adult residents in the home providing care on a 24-hour per day basis to five or six children or developmentally disabled persons.

Section 8. A new definition is added to Section 20.50.022 of the Land Use Code, as follows:

GROUP CARE FACILITY FOR CHILDREN: A state-licensed group care facility serving children 17 years of age and younger who need foster care but cannot ordinarily adjust to the close, personal relationships normally required by a foster family home, or who need emergency placement pending more permanent planning or during temporary disruption of their current placement, or who are emotionally disturbed or physically or mentally handicapped or whose behavior is inappropriate for foster family care. The agency, through its own program or by the marshalling of appropriate community resources, must be able to provide the necessary specialized services required by the group which the facility serves.

A group care facility for children does not include any facility licensed or defined by state-licensing regulations as a juvenile detention facility, and does not include any facility providing temporary one night shelter for homeless persons.

To be considered a group care facility for children under this definition, the facility operator must:

- (1) Establish and maintain a working relationship with the juvenile court system, local schools, law enforcement agencies and mental health agencies; and
- (2) Establish and maintain screening procedures approved by the Director of Department of Community Development after consultation with the Police and Fire Departments, which determine the appropriateness of each potential

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placement in light of the child's needs and the ability of the facility to address those needs, while protecting the child and the community; and

(3) Establish and maintain policies expressing a preference for accepting Eastside children.

Group care facilities for children shall not be permitted in any residential district.

Section 9. Section 20.50.022 of the Land Use Code is hereby amended to read as follows:

20.50.022 ADDITIONAL DEFINITIONS

GROUP HOME: A staffed living facility for a group of persons with identifiable or diagnosable particular or special needs. A group home is a residence and as such is exempt from the provisions of Chapter 20.30N of this Code (Home Occupation regulations). Group Homes are classified as follows:

CLASS I

State-licensed adult family homes; state-licensed homes for the handicapped; state-licensed homes for persons 65 years of age or over; state-licensed foster family homes; state-licensed large foster family homes; and state-licensed group care facilities for children. Class I homes may be subject to the dispersal and registration requirements set forth at 20.10.440 of this Code.

Residence Maximums. Residence maximums for Class I group homes shall be those maximums established by state-licensing laws and regulations, including the Uniform Building and Housing Codes as adopted by the City. In no event shall the occupancy exceed the following maximums:

Residential zones - a maximum of six (6) residents (including live-in staff) in addition to the minor children of the residents shall be permitted to occupy a Class I group home at any one time. This maximum may be raised to 8 if a large group home permit is issued in accordance with Chapter 20.30T.

Commercial zones - a maximum of twenty (20) residents plus a maximum of five (5) live-in staff, are permitted to occupy a Class I group home at any one time.

The limitation on the number of residents in a Class I group home shall not be applied so as to prevent the City from making reasonable accommodations as may be necessary to afford persons with handicaps equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b).

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CLASS II:

Domestic violence shelter homes are Class II homes.

Residence Maximums. Residence maximums for Class II homes shall be those maximums established by state-licensing laws and regulations, including the Uniform Building and Housing Codes as adopted by the City, and subject to applicable criteria in Section 20.10.440. In no event shall the occupancy exceed the following maximums:

Residential Zones - A maximum of eight (8) residents (including live-in staff) in addition to the minor children of the residents are permitted to occupy a domestic violence shelter home at any one time. Class II homes which are located in residential zones and which have more than six residents are required to meet the criteria found in 20.30T.130(E) through (M), but are not required to obtain a large group home permit.

Commercial Zones - A maximum of twenty (20) residents in addition to the minor children of the residents, plus a maximum of five (5) live-in staff, are permitted to occupy a Class II domestic violence shelter at any one time.

CLASS III:

Any group home not permitted as a Class I or II group home is a Class III group home. Class III homes may be subject to the dispersal and registration requirements set forth at 20.10.440 of this code.

GROUP HOME, LARGE: A Class I group home housing seven or eight residents, including live-in staff, in addition to the minor children of the residents.

Section 10. A new definition is added to Section 20.50.024 of the Land Use Code, as follows:

20.50.024 ADDITIONAL DEFINITIONS

HANDICAP: With respect to a person:

1. A physical or mental impairment which substantially limits one or more of such person's major life activities,
2. A record of having such an impairment, or
3. Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as

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defined in Section 102 of the Controlled Substances Act (21 USC 802), provided further the term does not apply to a person solely because that person is a transvestite.

Section 11. A new definition is added to Section 20.50.044 of the Land Use Code, as follows:

20.50.044 ADDITIONAL DEFINITIONS

RESIDENT, GROUP HOME: A person who has assigned sleeping quarters in a group home.

Section 12. A new definition is added to Section 20.50.046 of the Land Use Code, as follows:

20.50.046 ADDITIONAL DEFINITIONS

STAFF, GROUP HOME: A person who provides or administers services, including providing assistance with daily living activities, in a group home. Residents of a group home who perform household or other tasks in or around the group home, whether or not for compensation, are not "staff" for the purposes of this Land Use Code. Group home staff must meet any and all licensing requirements, including but not limited to minimum levels of education, experience and supervision, as set forth in applicable state regulations. Unrelated foster parents who reside in a foster family home or large foster family home are "live-in staff" for purposes of this Land Use Code.

Section 13. Title 20 of the Bellevue City Code (Land Use Code) is amended by adding a new chapter, 20.30T, to read as follows:

20.30T. Large group home permit

20.30T.110 Scope: This Part (20.30T) establishes the procedure and criteria that the City will use in making a decision upon an application for a Class I group home that proposes to exceed the residency maximums established in Section 20.50.022 for residential districts, provided the Director shall issue a large group home permit without compliance with this Part (20.30T) if he determines that requiring compliance would result in a failure to make reasonable accommodation as may be necessary to afford persons with handicaps equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendment Act of 1988, 42 U.S.C. 3604(f)(3)(b). Class I group homes which do not exceed the residency maximum do not require a large group home permit.

20.30T.115 **Applicability:** This Part applies to each application for a large group home permit.

20.30T.120 **Purpose:** A large group home permit is a mechanism by which the City may permit a Class I group home to house up to 8 residents (including live-in staff) and the minor children of the residents.

20.30T.125 **Applicable Procedure:**

- A. The Director of the Department of Community Development, in consultation with the Fire Department and Police Department as appropriate, shall review and decide upon each application for a large group home permit.
- B. Applications for large group home permits will be processed through Process II, Section 20.35.200 et seq.
- C. The decision of the Director may be appealed using Process VI, Section 20.35.600 et seq; provided, a decision of the Director under this Part 20.30T with respect to reasonable accommodation under the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b) is not appealable.

20.30T.130 **Decision Criteria:** The Director may approve or modify and approve an application for a large group home permit if the following decision criteria are met. The applicant must demonstrate that the application complies with these criteria.

- A. The group home has obtained any required state licenses;
- B. The increased number of residents will not create a significant increase in traffic, on-street parking or noise;
- C. If the application is for an expansion of an existing home, the group home operator has a history of substantial compliance with Bellevue City Codes while operating the existing home;
- D. The large group home will be served by adequate public facilities, including streets, fire protection, water, stormwater control and sanitary sewer;
- E. The large group home will provide adequate play area and/or recreational area for any children who are expected to be housed. The Director may require that any outdoor play areas be screened and/or located so as to minimize visual impacts on the surrounding properties;

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- F. At least three off-street parking spaces are provided;
- G. The large group home will meet all occupancy maximums established by state licensing laws and regulations, and the Uniform Building Code
- H. There is no exterior display, exterior alteration of the property or exterior signage;
- I. There is no variation from the residential character of the premises, except for alterations which are required by the Uniform Building or Fire Codes;
- J. There is no structural alteration to the exterior of the structure which changes its residential character except for alterations which are required by the Uniform Building or Fire Codes.
- K. If deemed necessary, the residence has been inspected by the City for compliance with all applicable City Codes, and the applicant commits to implement any required corrective measures within the stated time period;
- L. The property is landscaped in a manner compatible with surrounding residences;
- M. The large group home complies with all applicable requirements of the Land Use Code.
- N. Notwithstanding the failure of an applicant to meet any of the above criteria, the Director shall approve or approve with modifications an application for a large group home permit if such approval is necessary to afford persons with handicaps equal opportunity to use and enjoy a dwelling under the Federal Fair Housing Amendments of 1988, 42 U.S.C. 3604(f)(3)(b).

20.30T.140. Time Limitation: The Director may establish a time limitation on the duration of a large group home permit, where he makes a decision, supported by written findings, that circumstances unique to the proposal require a determination at the end of a designated period as to whether the proposal complies with the criteria of 20.30T.130.

20.30T.150 Revocation of permit: Upon a determination that there has been a violation of any of the decision criteria or any permit requirement, the Director may give written notice to the permit holder describing the alleged violation. Within 17 calendar days of the mailing of notice of violation, the permit holder shall correct the violation. At the end of the 17-day period, if the permit holder has not corrected the violation, the Director may revoke the permit. When a

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permit is revoked, the Director shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke permits will be processed using Process VI (Section 20.35.600 et seq.)

Section 13. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

PASSED by the City Council this 21st day of November, 1994, and signed in authentication of its passage this 30th day of November, 1994.

(SEAL)

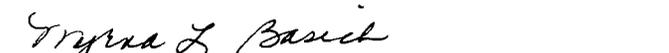

Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Myrna L. Basich, City Clerk

Published December 4, 1994