

0083-ORD
07/03/97

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4999

AN ORDINANCE amending Land Use Code section 20.10.440 and repealing Land Use Code sections 20.50.010 (part), 20.50.016 (part), 20.50.020 (part), 20.50.022 (part), 20.50.044 (part), 20.50.046 (part) as adopted by Ordinance No. 4861 (Group Facilities Ordinance) in response to the Federal District Court decision which invalidated the City of Bellevue Group Facility Ordinance as violating federal law.

WHEREAS, the City of Bellevue adopted Ordinance No. 4861 (the Group Facilities Ordinance) on March 18, 1996; and

WHEREAS, Ordinance No. 4861 was subsequently invalidated by decision of Federal Court Judge Thomas Zilly as being in violation of Amendments to the Federal Fair Housing Act; now, therefore,

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

Section 1. Section 20.10.440, "Uses in Land Use Districts - Residential," is amended to read as follows:

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	P
	Two to Four Dwelling Units Per Structure	PD	PD	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
	Five or More Dwelling Units Per Structure	PD	PD	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
12	Group Quarters; Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions	PD									C	P	P	P
	Senior Citizen Dwellings 4,7	PD5	PD5	PD5	PD5	PD5	PD5	PD5	PD5	PD5	P	P	P	P
13 15	Hotels and Motels													
	Congregate Care Senior Housing 4,7	PD									P	P	P	P
6516	Nursing Home	C									C	P	P	P
	Assisted Living 4,7	C									C	P	P	P
	Accessory Dwelling Unit 9	S	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.*

Key	
P	PERMITTED USE
C	CONDITIONAL USE (see Part 20.30B or Part 20.30C)
PD	PERMITTED subject to planned unit development only. (See Part 20.30D)
A	ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S	Permitted only as a subordinate use to a permitted or special use.

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	P15	P1	S	S	S	P8	S	P	P	P	P	P	
	Two to Four Dwelling Units Per Structure		P1	P			P8	P6	P	P	P	P	P	
	Five or More Dwelling Units Per Structure		P1	P			P8	P6	P	P	P	P	P	
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			P8	P	P	P	P	P	P	
13 15	Hotels and Motels			P				C	P	P	P	P	P	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 4696-A, 11-21-94 §2; 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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Notes: Uses in land use districts – Residential

- (1) No more than 50 percent 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.
- (2) Deleted.
- (3) A boardinghouse or bed and breakfast is permitted in a single-family dwelling provided the requirements of LUC 20.20.140 are met.
- (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.
- (5) Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities.
- (6) Multifamily development in Planning Districts B and E of the Crossroads Subarea is not allowed. Refer to the Crossroads Subarea Plan policies of the Comprehensive Plan.
- (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.
- (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.
- (9) Accessory dwelling units are permitted only as subordinate to single-family dwellings and are subject to the provisions of LUC 20.20.120.
- (10) Deleted.
- (11) Deleted.
- (12) Deleted.
- (13) Deleted.
- (14) Deleted.
- (15) One single-family dwelling unit, occupying no more than 25 percent of the floor area of the structure, is permitted in the PO district.

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Section 2. Section 20.50.010 (part) of the Land Use Code, "Adult Family Home," is repealed.

Section 3. Section 20.50.016 (part) of the Land Use Code, "Domestic Violence Shelter Home," is repealed.

Section 4. Section 20.50.020 (part) of the Land Use Code, "Foster Care," is repealed.

Section 5. Section 20.50.020 (part) of the Land Use Code, "Foster Family Home," is repealed.

Section 6. Section 20.50.020 (part) of the Land Use Code, "Foster Family Home, Large," is repealed.

Section 7. Section 20.50.022 (part) of the Land Use Code, "Group Facility," is repealed.

Section 8. Section 20.50.044 (part) of the Land Use Code, "Resident, Group Facility," is repealed.

Section 9. Section 20.50.044 (part) of the Land Use Code, "Resident Staff, Group Facility," is repealed.

Section 10. Section 20.50.046 (part) of the Land Use Code, "Short Term Occupant," is repealed.

Section 11. Section 20.50.046 (part) of the Land Use Code, "Staff, Group Facility," is repealed.

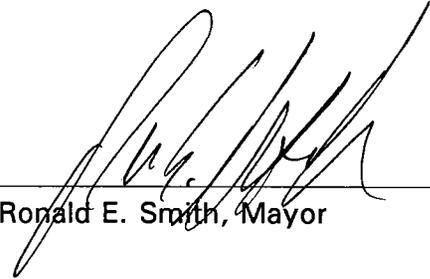
Section 12. Section 1 of Ordinance No. 4861 is repealed.

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Section 13. This ordinance shall take effect and be in force five (5) days after passage by the City Council.

PASSED by the City Council this 7th day of July, 1997, and signed in authentication of its passage this 7th day of July, 1997.

(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published July 11, 1997