1103-ORD
08/03/09

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5896

AN ORDINANCE amending the Bellevue Land Use Code relating to Phase II of the Neighborhood Livability Action Agenda, specifically amending Land Use Code Sections, 20.20.010, 20.20.525.C, 20.20.900.D, 20.50.012 (B Definitions), 20.50.016 (D Definitions) and 20.50.020 (F Definitions) of the Bellevue Land Use Code; providing for severability and establishing an effective date.

WHEREAS, on September 25, 2006, the City Council initiated a strategy to address areas of neighborhood concern identified by residents, which is otherwise known as the Neighborhood Livability Action Agenda; and

WHEREAS, the City adopted a phased approach to address areas of neighborhood concern; and

WHEREAS, on December 3, 2007, the City Council adopted Ordinance No. 5791 implementing Phase 1 of the Neighborhood Livability Action Agenda; and

WHEREAS, the City seeks to implement Phase II of the Neighborhood Livability Action Agenda by modifying the Land Use Code to address concerns related to size, scale, and character of new single-family dwellings; and

WHEREAS, the Environmental Coordinator for the City of Bellevue determined that this proposal will not result in any probable, significant, adverse impacts and as such a final threshold determination of non-significance (DNS) was issued on April 23, 2009; and

WHEREAS, the Planning Commission held a public hearing on May 13, 2009 with regard to proposed Land Use Code amendments contained herein and reviewed the proposed Bellevue City Code amendments; and

WHEREAS, the Planning Commission recommends that the City Council approve amendments proposed to the Land Use Code, now, therefore;

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

Section 1. Section 20.20.010 of the Bellevue Land Use Code is hereby amended as follows:

20.20.010 Uses in Land Use Districts Dimensional Requirements.

Chart 20.20.010 - Uses in Land Use Districts Dimensional Requirements.

STD LAND USE CODE REF		Residential										
	LAND USE CLASSIFICATION	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
	DIMENSIONS	(42)	(42)	(42)	(42)	(42)	(42)	(42)				
	Minimum Setbacks of Structures (feet) Front Yard (18) (20) (38) (39)	35	30	20	20	20	20	20	20	20	20	20
	Rear Yard (11) (17) (18) (20) (38) (39)	25	25	25	25	20	20	20	25	25	25	25
	Side Yard (11) (17) (18) (20) (38) (39)	5	5	5	5	5	5	5	5	5	5	5(1)
	2 Side Yards (17) (18) (20) (38) (39)	20	15	15	15	15	15	10	15	15	15	15
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3) (39)	35	20	13.5	10	8.5	7.2	4.7	8.5	8.5	8.5(12)	8.5(12)
	Dwelling Units per Acre (15) (21) (22)	1	1.8	2.5	3.5	4	5	7.5	10	15	20	30
	Minimum Dimensions (feet) Width of Street Frontage	30	30	30	30	30	30	30	30	30	30	30
	Width Required in Lot (4)	100	90	80	70	65	60	50	70	70	70	70
	Depth Required in Lot (4)	150	80	80	80	80	80	80	80	80	80	80
	Maximum in Building Height (feet) (10) (19) (26)(44)	30/35 (43)	30/35 (43)	30/35 (43)	30/35 (43)	30/35 (43)	30/35 (43)	30/35 (43)	30	30	30 (5)	40
	Maximum Lot Coverage by Structures (percent) (13) (14) (16) (26) (27) (37) (39)	35	35	35	35	35	40	40	35	35	35	35
	Maximum Impervious Surface (percent) (35) (37) (39)	50 (36)	50 (36)	50 (36)	50 (36)	50 (36)	55 (36)	55 (36)	80	80	80	80
	Minimum Greenscape Percentage of Front Yard Setback (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)				

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Note 42 – Floor Area Ratio (FAR) Threshold: Development which exceeds a gross Floor Area Ratio (FAR) threshold of 0.5, shall comply with the following requirements:

(a) Applicability: FAR threshold requirements are applicable to new single family homes and additions to existing homes that result in a 20 percent or greater increase in gross square feet.

(b) Maintain a minimum structure setback of 7.5 feet for each side yard; AND, incorporate either daylight plane standards or a second story stepback of not less than 5 feet on each side of the building facing a side yard property line.

(c) Exemptions: New single family homes constructed as part of a Subdivision pursuant to Part 20.45A LUC or Planned Unit Development Part 20.30D LUC are not subject to FAR threshold requirements. The Director may modify the FAR threshold requirements on either side of the structure where it can be demonstrated that the adjacent structure has been constructed at an FAR that exceeds the 0.5 threshold and the adjacent structure is built to dimensions which exceed the requirements noted in paragraph b above.

Note 43 – Maximum building height in single family residential land use districts is 30 feet measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or 35 feet to the ridge of a pitched roof.

Note 44 – For new single family residential homes and additions in single family land use districts, the maximum height of any individual building façade is 40 feet measured from the existing grade at the building wall to the ridge of a pitched roof or top of a flat roof. New single family homes constructed as part of a Subdivision pursuant to Part 20.45A LUC or Planned Unit Development Part 20.30D LUC are exempt from this requirement.

Section 2. Section 20.20.525.C of the Bellevue Land Use Code is hereby amended as follows:

20.20.525.C Mechanical equipment.

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C. Implementation.

1. Mechanical equipment located at or below grade may be placed within a required rear or side setback area unless that setback is in a single family residential land use district, directly abuts a residential land use district, or that setback is within a critical area, critical area buffer, or critical area structure setback required by Part 20.25H LUC.

2. Mechanical equipment associated with new single family residential homes and homes adding more than 1,000 gross square feet in single family residential land use districts shall be located in the rear yard or, if placed in the side yard outside of the side structure setback, shall provide sound screening

to attenuate noise impacts. Mechanical equipment located in the rear yard shall not be placed less than 5 feet to any property line.

3. Mechanical equipment located at or below grade will not be included for purposes of calculating lot coverage.

4. Mechanical equipment shall be visually screened by a solid, nonreflective visual barrier that equals or exceeds the height of the mechanical equipment; provided, that the function of a large satellite dish antenna or an antenna array may not be compromised by the screening requirement. The barrier may be provided by any of the following:

   a. Architectural features, such as parapets or mechanical penthouses;

   b. Walls or solid fencing, of a height at least as high as the equipment it screens;

   c. Vegetation and/or a combination of vegetation and view obscuring fencing, of a type and size which will provide a dense visual barrier at least as high as the equipment it screens within two years from the time of planting; or

   d. The natural topography of the site or the adjoining property or right-of-way.

5. Where screening from above is required, mechanical equipment shall be screened by incorporating one of the following measures:

   a. A solid nonreflective roof. The roof may incorporate nonreflective louvers, vents or similar penetrations to provide necessary ventilation or exhaust of the equipment being screened; or

   b. Painting of the equipment to match or approximate the color of the background against which the equipment is viewed.

6. For development which requires approval of a discretionary land use permit, the City may modify the screening requirements of subsections C.4 and C.5 of this section subject to the criteria set forth in paragraph C.7 of this section.

7. The Director may approve alternative screening measures not meeting the specific requirements of subsection C.4 or C.5of this section if the applicant demonstrates that:

   a. The proposed alternative screening measures will achieve the design objectives of subsection B of this section and produce an equal or better result than the requirements of subsection C.4 or C.5 of this section; or

   b. When screening of mechanical equipment on an existing roof is required:

i. The existing roof structure cannot safely support the required screening, or

ii. The integrity of the existing roof will be so compromised by the required screening as to adversely affect any existing warranty of the performance of the roof.

Section 3. Section 20.20.900.D of the Bellevue Land Use Code is hereby amended as follows:

20.20.900.D Tree retention and replacement.

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D. Retention of Significant Trees for Subdivisions, Short Subdivisions, Planned Unit Development, Change in Lot Coverage, or Change in the Area Devoted to Parking and Circulation, Excluding Areas Located in the R-1 Land Use District in the Bridle Trails Subarea and for New or Expanding Single-Family Structures.

1. Perimeter Landscaping Area. In the required perimeter landscaping area, as set forth in LUC 20.20.520.F.1, the applicant shall retain all significant trees which will not constitute a safety hazard. Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC), and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement.

2. Site Interior.

   a. In areas of the site other than the required perimeter landscaping area, the applicant must retain at least 15 percent of the diameter inches of the significant trees existing in this area; provided, that alder and cottonwood trees' diameter inches shall be discounted by a factor of 0.5. In applying the requirement for retention of significant trees, the Director shall consider the preservation of the following types of significant trees a priority:

      i. Healthy significant trees over 60 feet in height;

      ii. Significant trees which form a continuous canopy;

      iii. Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;

      iv. Significant trees which provide winter wind protection or summer shade;

      v. Groups of significant trees which create a distinctive skyline feature; and

vi. Significant trees in areas of steep slopes or adjacent to watercourses or wetlands.

b. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subsection D.2.a of this section if a group of trees and its associated undergrowth can be preserved.

3. For Subdivisions, Short Subdivisions, and Planned Unit Developments, the applicant shall retain a minimum of 30 percent of the diameter inches of significant trees existing on the total site area of the development; provided, that alder and cottonwood trees' diameter inches shall be discounted by a factor of 0.5.

4. Exemption. The provisions of this subsection which require retention of significant trees are not applicable in any Downtown Land Use District.

5. The applicant shall utilize tree protection techniques approved by the Director during land alteration and construction in order to provide for the continual healthy life of retained significant trees.

6. Reduced Parking Bonus. If the proposed landscape plan incorporates the retention of significant trees above that required by this section, the Director may approve a reduction of up to 10 percent of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on the subject property.

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Section 4. Section 20.50.012 B definitions of the Bellevue Land Use Code is hereby amended as follows:

20.50.012 B definitions.

Building Height – Single-Family Land Use Districts. The vertical distance measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or to the ridge of a pitched roof, provided this measurement does not apply to chimneys, wireless communication facility antenna arrays, shortwave radio antennas, smoke and ventilation stacks, and flag poles.

Section 5. Section 20.50.016 D definitions of the Bellevue Land Use Code is hereby amended as follows:

20.50.016 D definitions.

Daylight Plane. A daylight plane is a height limitation that when combined with the maximum height limit, defines the building envelope. A daylight plane shall begin at a

horizontal line at 10 feet directly above grade as measured at the side property line of each lot and shall slope inward at a forty-five (45) degree angle or less.

Section 6. Section 20.50.020 F definitions of the Bellevue Land Use Code is hereby amended as follows:

20.50.020 F definitions.

Facade. The front or face of a building.

Section 7. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 8. This ordinance shall take effect and be in force 5 days after passage and legal publication.

Passed by the City Council this 3rd day of August, 2009 and signed in authentication of its passage this 3rd day of August, 2009.

(SEAL)

Grant S. Degginger, Mayor

Approved as to form:
Lori M. Riordan, City Attorney

Lacey Madche, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____