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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3936

AN ORDINANCE relating to uses and density requirements for Open Use zoning districts and to the permissible intrusion of rockeries into required setbacks; amending Bellevue City Code (Land Use Code) 20.10.440, 20.20.010, and 20.20.025; and adding new section 20.30D.155.

WHEREAS, the City Council and community councils have directed staff to consider the reinstatement of the density requirements for Open Use zoning districts which existed prior to the Natural Determinants Regulations; and

WHEREAS, the density in Open Use shall be presumed to be one unit per acre but may be increased to up to five units per acre if demonstrated as appropriate by the applicant; and

WHEREAS, the City Council desires to require planned unit development approval for certain uses in the OU District; and

WHEREAS, changes to the Natural Determinants Regulations have created difficulties for locating rockeries and retaining walls on single family residential and small commercial lots where significant grade changes necessitate placement within the required setback; and

WHEREAS, the City of Bellevue has complied with the State Environmental Procedures 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) Section 20.10.440 - Residential Chart and Notes is amended as follows:

† 20.10.440

S IN LAND USE DISTRICTS

RESIDENTIAL

STD LAND USE CODE REF	LAND USE CLASSIFICATION	RESIDENTIAL																												
		GENERAL	AGRICULTURE	OPEN USE	RESIDENTIAL ESTATE			SUBURBAN RESIDENTIAL			URBAN RESIDENTIAL				PROFESSIONAL OFFICE	OFFICE	OFFICE/LIMITED BUSINESS	LIGHT INDUSTRY	GENERAL COMMERCIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	CENTRAL BUSINESS DISTRICT	OFFICE DISTRICT 1	OFFICE DISTRICT 2	MIXED USE DISTRICT	RESIDENTIAL DISTRICT	OLD BELLEVUE DISTRICT	OFFICE AND LIMITED BUSINESS DISTRICT		
		G	A	OU	R-1	R-18	R-25	R-35	R-4	R-5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB			CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB	
1	RESIDENTIAL																													
	SINGLE FAMILY DWELLING	P	P	P	P	P	P	P	P	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	P	P	P	P		P	C				C			P	P	P	P	P		
	FIVE OR MORE DWELLING UNITS PER STRUCTURE			PD	PD	PD	PD	PD	PD	PD	C	P	P	P		P	C				C			P	P	P	P	P		
NOT CODED IN LAND USE CODE	GROUP HOME CLASS I-A 3	P	P	P	P	P	P	P	P	P	P	P	P	P										P	P	P	P	P		
	GROUP HOME CLASS I-B 3										P	P	P	P			C				C			P	P	P	P	P		
	GROUP HOME CLASS I-C 3										C	C	C	C			C				C			P	P	P	P	P		
	GROUP HOME CLASS II-A 3	C	C	C	C	C	C	C	C	C	P	P	P	P			C				C			P	P	P	P	P		
	GROUP HOME CLASS II-B 3										C	C	C	C			C				C			P	P	P	P	P		
	GROUP HOME CLASS II-C 3										C	C	C	C			C				C			P	P	P	P	P		
	DETOXIFICATION CENTER 3										C	C	C	C			C	C	C	C	C			P	P	P	P	P		
12	GROUP QUARTERS, DORMITORIES, RETIREMENT HOMES, FRATERNAL HOUSES, EXCLUDING MILITARY AND CORRECTIONAL INSTITUTIONS			C							C	P	P	P							C			P	P	P	P	P		
	RETIREMENT APARTMENTS & SENIOR CITIZEN APTS.			C							C	P	P	P	C	C	C				P			P	P	P	P	P		
13 15	HOTELS AND MOTELS																P				C			P	P	A	C	A	P	

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

(Ordinance 3530, 8-12-85, Section 7)

**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.)

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Section 2. Bellevue City Code (Land Use Code) Section 20.20.010 -  
Dimensional Requirements - Chart and Notes is amended as follows:



**NOTES: Uses in Land Use Districts—Dimensional Requirements**

- (1) These setbacks control except where street classification in Section 20.20.020 indicates a greater setback.
- (2) Side yard setback in R-30 districts increases to 20 ft. on any side yard where structure exceeds 30 ft. above finished grade.
- (3) All rear and side yards shall contain landscaping as required by Section 20.20.520.
- (4) See Section 20.20.012.
- (5) See Section 20.20.015.
- (6) The maximum allowable building height in R-20 districts is 40 feet if the ground floor of such building is devoted to parking.
- (7) The maximum allowable building height is 75 feet on any property designated OLB which lies within 475 feet of the right-of-way of I-405, between I-90 and SR-520, subject to obtaining a Conditional Use Permit, (Part 20.30B. or Part 20.30C). (Ord. 3530, 8-12-85, Section 10).
- (8) Dimensional requirements for CBD Land Use Districts are listed in Section 20.25A.020.
- (9) Any office building or any office portion of a building shall comply with the definition of "low intensity". See Section 20.50.032. (Ord. 3780, 5-26-87, Section 1)
- \*(10) The maximum building height may be exceeded upon approval of the Director of Design and Development. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Part 20.30E. Before granting any such approval, the Director of Design and Development must find that:
  - a) The height increase is only to accommodate equipment, structures or buildings that contain special equipment primarily related to light manufacturing, wholesale, trade and distribution use, and is not for office or bulk retail use; and
  - b) There is functional need for a height increase; and
  - c) The overall site development will minimize adverse impacts caused by the height increase.

Notwithstanding the provisions of this Note, no height increase is permitted within a Transition Area as defined in Part 20.25B. (Ord. 3530, 8-12-85, Section 11).

\* Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in LI Districts shall remain 30 feet.
- \*(11) Except in transition areas, the allowable building height of any office building located in a PO, O, OLB, GC, NB, CB or OU district may be increased by one story, but not to exceed 15 feet, if the ground floor of that building is devoted to parking for that building.
 

\* Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils. The maximum building height in LI Districts shall remain 30 feet.
- (12) See 20.25H.090 for additional Sensitive Area Setbacks. (Ord. 3775, 5-26-87, Section 6)
- (13) For each square foot of lot area devoted to open space in excess of 30% of the total lot area, one square foot is added to the lot area for the purpose of calculating density.
- (14) Lot coverage is calculated after subtracting all Protected Areas defined by Section 20.25H.070 and all areas of slope equal to or exceeding 40%. (Ord. 3775, 5-26-87, Section 6)
- (15) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.
- (16) If there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls.
- (17) Dwelling units per acre is determined pursuant to Section 20.30D.
- (18) If the setback abuts a street right-of-way, access easement or private road, the minimum dimension is 10 feet unless a greater dimension is specified. (Ord. 3498, 5-28-85, Section 2).
- (19) See 20.20.030 for designation and measurement of setbacks. (Ord. 3690, 8-4-86, Section 2)
- \*(20) Notwithstanding any other provision of this Code, except Part 20.25B or Section 20.20.900-910, as applicable, the allowable building height of an office building may be increased by one story, not to exceed 15 feet, if the ground floor of that building is devoted to parking for that building. (Ord. 3747, 1-20-87, Section 2)
 

\* Effective only within Community Council jurisdiction.
- (21) See Section 20.25H.090 for additional Sensitive Area Setbacks. (Ord. 3775, 5-26-87, Section 6)
- (22) Dwelling units per acre is determined pursuant to Section 20.30D.155.

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Section 3. Bellevue City Code (Land Use Code) is amended by the addition of Section 20.30D.155 as follows:

20.30D.155 Residential Density for OU Districts

The density of dwelling units in an OU District, which may not exceed an average of five units per acre, will be determined through Process I (Section 20.35.100 et. seq.). Density shall be one unit per acre unless the applicant can demonstrate the appropriateness of increased density based on the following criteria:

- A. The nature of the site and compatibility with surrounding development; and
- B. The Comprehensive Plan designation; and
- C. The percentage of the site affected by sensitive areas and sensitive area setback requirements; and
- D. Other relevant factors.

Section 4. Bellevue City Code (Land Use Code) Section 20.20.025 is amended by the addition of a new paragraph as follows:

20.20.025 Intrusions into Required Setbacks.

D. On lots .5 acre (21,780 sq ft) or less, rockeries and retaining walls 30" in height or greater may extend into setbacks established by Section 20.20.010 provided that the existing grade change is such that no feasible alternative to location or height exists. In any event, the Protected Area setback requirements of 20.25H.090 apply.

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

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PASSED by the City Council this 18<sup>th</sup> day of July,  
1988, and signed in authentication of its passage this 18<sup>th</sup> day  
of July, 1988.

(SEAL)

Nan Campbell  
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Andrews  
Richard L. Andrews, City Attorney

Attest:

Marie K. O'Connell  
Marie K. O'Connell, City Clerk

Published July 22, 1988