

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6567

AN ORDINANCE to amend Land Use Code chapter 20.20.120, Accessory Dwelling Units, to remove the three-year wait period to establish an Accessory Dwelling Unit in new single-family home construction; providing for severability; and establishing an effective date.

WHEREAS, the City adopted the Affordable Housing Strategy (AHS) in 2017, recognizing the housing crisis in the Puget Sound region and the City; and

WHEREAS, AHS Action B-2 calls for updating the Accessory Dwelling Unit (ADU) standards in the Land Use Code to increase the overall supply of ADUs in the City; and

WHEREAS, the City of Bellevue Comprehensive Plan Policies HO-15, HO-17, HO-19, and LU-15 allow attached ADUs in single family districts, support housing options that allow seniors to stay in their homes or neighborhood, and encourage a broad range of housing choices to meet the changing needs of the community; and

WHEREAS, the City is required under RCW 36.70A.040(4)(d) to implement the goals and policies of the City's Comprehensive Plan by adoption of implementing development regulations; and

WHEREAS, Chapter 3.64.070 of the Bellevue City Code and Chapter 20.35.410 of the Land Use Code establish the powers and duties of the Planning Commission to act in an advisory capacity to the City Council by holding public hearings, advising, and making recommendations to the City Council on land use ordinances and regulations to implement the Comprehensive Plan; and

WHEREAS, the City seeks to respond to and mitigate the affordable housing crisis pursuant to the AHS by removing barriers to ADU construction in Bellevue, thereby increasing the housing stock available within the City; and

WHEREAS, the Land Use Code currently restricts the establishment of an ADU until three (3)-years after the final building permit inspection of new construction; and

WHEREAS, the adoption of the Land Use Code Amendment would allow for ADUs to be built concurrently with new single-family construction; and

WHEREAS, the Planning Commission held a study session on December 9, 2020, to discuss the Land Use Code amendment to remove the three-year wait period to establish an ADU; and

WHEREAS, the Development Services Department encouraged public participation and provided information on the Land Use Code amendment on its website; and

WHEREAS, the Environmental Coordinator for the City of Bellevue has determined that this text amendment to the Land Use Code would be Categorically Exempt from the Threshold Determination requirements of the State Environmental Policy Act pursuant to the terms of WAC 197-11-800(19); and

WHEREAS, after providing legally-required public notice, the Planning Commission held a public hearing on January 13, 2021 for the ADU Land Use Code amendment; and

WHEREAS, the Planning Commission, after holding the required public hearing, recommended that the City Council approve the draft Land Use Code amendment without modification; and

WHEREAS, the City Council finds that the draft Land Use Code amendment meets the decision criteria of LUC 20.30J.135 and is consistent with the Comprehensive Plan, enhances the public safety and welfare, and is not contrary to the best interest of the citizens and property owners of the City of Bellevue, as more completely analyzed in the Staff Report for the amendment dated December 17, 2020; now, therefore,

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

Section 1. The definitions in 20.20.120.A of the Bellevue Land Use Code are hereby deleted.

Section 2. Section 20.20.120 of the Bellevue Land Use Code is hereby amended to read as follows:

A. General.

One accessory dwelling unit is permitted as subordinate to a single-family dwelling provided the following criteria are met:

1. Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the primary residence structure;
2. Either the primary residence or the accessory dwelling unit must be occupied by an owner of the property that meets the definition of owner occupancy in LUC 20.50.038;
3. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in LUC 20.50.020;

4. The accessory dwelling unit shall contain not less than 300 square feet and not more than 800 square feet, excluding any related garage area; provided, if the accessory unit is completely located on a single floor, the Director may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met;
5. The square footage of the accessory dwelling unit, excluding any garage area, shall not exceed 40 percent of the total square footage of the primary residence and accessory dwelling unit combined, excluding any garage area;
6. There shall be one off-street parking space provided for the accessory dwelling unit, which is in addition to any off-street spaces required for the primary residence;
7. The construction of a second entry door facing a street front for entrance into an accessory unit is prohibited; new entrances not facing a street front are permitted on the sides and rear of a house, or on the front side of a house facing a street where no other entry door exists; provided, that existing single-family structures with two or more entry doors facing a street shall not be prohibited from using one of those doors to access the accessory unit; and
8. The accessory dwelling unit shall meet all technical code standards, BCC Title 23, including building, electrical, fire, and plumbing code requirements.

B. Location.

Accessory dwelling units shall not be permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.

C. Limitations.

A site may not contain both an accessory dwelling unit and a business subject to the regulations in Part 20.30N LUC for a Home Occupation Permit.

D. Affordable Housing.

The creation of an accessory dwelling unit shall not satisfy the affordable housing requirements in LUC 20.20.128.

E. Inspection and Registration.

1. Any property owner seeking to establish an accessory dwelling unit shall apply to register the unit with the Development Services Department.
2. The property owner shall file a completed registration application form affirming that at least one owner will occupy the primary residence or the accessory unit, and the property owner shall agree to the limits on total number of residents and all other standards provided in this section. The registration application shall include a requirement for mailing labels for all owners of property lying within 500 feet of the site.

3. After receipt of a complete application form and prior to approval of any accessory dwelling unit, the Director shall inspect the property to confirm that minimum and maximum size limits are met, required parking is provided, design limitations regarding front entrances are met, and technical code standards are met.
4. The registration form or other form as required by the Director shall be filed as a deed restriction with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, the requirement of owner occupancy, and other standards for maintaining the unit as described above.
5. The Director shall report annually to the City Council on accessory dwelling unit registration, number of units and distribution throughout the City, average size of units, and number and type of complaint- and enforcement-related actions.
6. After approval, the Director shall provide notice of the registration of the accessory unit to owners of property within 500 feet of the registered site. The notice shall state that the unit complies with the standards of this section, shall describe the requirements for maintaining the unit, and shall explain how to obtain general information and how to request inspections.
7. Cancellation of the accessory unit's registration may be accomplished by the owner filing a certificate with the Director for recording at the King County Department of Records and Elections, or may occur as a result of enforcement action. The cancellation certificate will confirm that the residence has reverted to use as a single dwelling.

Section 3. Section 20.50.010 of the Bellevue Land Use Code is hereby amended to read as follows:

Accessory dwelling unit. A subordinate dwelling unit incorporated within a single-family structure.

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Section 4. Section 20.50.038 of the Bellevue Land Use Code is hereby amended to read as follows:

...

Owner occupancy. A property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year, and at no time receives rent for the owner-occupied unit.

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Section 5. Severability. 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 6. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2021 and signed in authentication of its passage this _____ day of _____, 2021.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:

Kathryn L. Gerla, City Attorney

Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published: _____