

ORDINANCE NO. 1998-05-032

AN ORDINANCE RELATING TO LAND USE REGULATION AND ZONING, AMENDING CHAPTERS 20.08.020 D. (1)(a) and 20.16.020 D. (1) OF THE BELLINGHAM MUNICIPAL CODE TO EXEMPT FAMILY DAY CARE FOR 12 OR FEWER CHILDREN FROM CITY LAND USE PERMIT REQUIREMENTS IN COMPLIANCE WITH STATE LAW.

WHEREAS, RCW 36.70A.450 prohibits cities from maintaining zoning or other regulations which prohibit the use of a residential dwelling, located in a area zoned for residential or commercial use, as a family day-care provider's home facility, and

WHEREAS, RCW 74.15.020 defines family day care provider as, "A licensed day-care provider who regularly provides day care for not more than twelve children in the provider's home in the family living quarters", and

WHEREAS, the Planning and Development Commission held a public hearing on January 22, 1998 and thereafter recommended approval of the amendment, and

WHEREAS, the City Council held a public hearing on May 11, 1998 to take testimony on the proposed amendment, and

WHEREAS, a determination of nonsignificant environmental impact was issued by the responsible official under the procedures of the Environmental Policy Act, and

WHEREAS, the City Council hereby adopts the Findings of Fact and Conclusions of the Planning Commission;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. BMC Section 20.08.020 D. (1), regarding the definition of day care is hereby amended as follows:

- D. (1) Day Care: The supervised non-medical care of people for periods less than 24 hours. There are three day care subcategories. The care of up to 12 children under the age of 12 years, including children who reside at the home, supervised by the occupant of the residence and licensed as a "family child care home" by the State of Washington shall be regarded as an accessory use requiring no permits. All day care facilities, including family day care homes, shall comply with state regulations and licensing requirements. Day care does not include transitional facilities intended to provide rehabilitation or social adjustment.
- (a) Mini-Day Center: The care of more than 12 children, including children who reside at the home, conducted by the occupant within their residence. A mini-day center shall be regarded as a home occupation (no temporary permits).
- (b) Day Center: The care of children within a non-residential facility.
- (c) Adult Day Care: The care of not more than ten elderly adults within a residential structure not requiring a license from the State of Washington.


Section 2. BMC Section 20.16.020 D. (1) regarding conditional use criteria for day care is hereby amended as follows:

- D. (1) Day Care:
- (a) Definition -- The supervised non-medical care of people for periods less than 24 hours. There are three day care subcategories. The care of up to 12 children under the age of 12 years, including children who reside at the home, supervised by the occupant of the residence and licensed as a "family child care home" by the State of Washington shall be regarded as an accessory use

requiring no permits. All day care facilities, including family day care homes, shall comply with state regulations and licensing requirements. Day care does not include transitional facilities intended to provide rehabilitation or social adjustment.


- i. Mini-Day Center: The care of more than 12 children, including children who reside at the home, conducted by the occupant within their residence. A mini-day center shall be regarded as a home occupation (no temporary permits).
 - ii. Day Center: The care of children within a non-residential facility.
 - iii. Adult Day Care: The care of not more than ten elderly adults within a residential structure not requiring a license from the State of Washington.
- (b) Day Centers and adult day care are a conditional use in the Residential Single, Multi, and the Neighborhood Commercial designations.
- (c) Special requirements (day center only):
- i. The facility must be licensed by the State of Washington.
 - ii. The entire site shall be fenced if located abutting an arterial street.
 - iii. When outdoor play is permitted, there shall be provided a fenced play area of at least seventy-five (75) square feet of play area per child and in no case shall the area be less than seven hundred and fifty (750) square feet.

PASSED by the Council this 26th day of May, 1998.

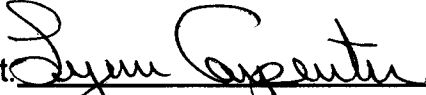


Council President

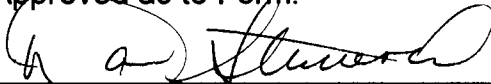
APPROVED by me this 29th day of May, 1998.



Mayor

Attest: 

Finance Director

Approved as to Form:


Office of the City Attorney

Published: June 1, 1998

