

AN ORDINANCE RELATING TO LAND USE REGULATION AND ZONING, ADDING THE FOLLOWING SECTIONS TO THE BELLINGHAM MUNICIPAL CODE: SECTION 20.08.020 C. (16), CONFIDENTIAL SHELTER DEFINITION AND SECTION 20.10.047 GENERAL PROVISIONS FOR CONFIDENTIAL SHELTERS; AND AMENDING SECTIONS 20.30.030 A., 20.32.030 A., 20.34.030 A. AND 20.38.050 B (2) TO ADD CONFIDENTIAL SHELTERS AS A PERMITTED USE IN RESIDENTIAL SINGLE, RESIDENTIAL MULTI, NEIGHBORHOOD COMMERCIAL AND PLANNED RESIDENTIAL ZONES.

WHEREAS, confidential shelters as defined herein are found to be a beneficial service which serves to promote the health, safety, and general welfare of the community; and

WHEREAS, it is appropriate that these facilities locate in residential zones in the same manner as other family residences subject to appropriate standards; and

WHEREAS, the Planning and Development Commission held a public hearing on March 19, 1998 and thereafter recommended approval of the amendment, and

WHEREAS, the City Council held a public hearing on May 26, 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 Sections 20.08.020 C. (16) through (22) are hereby re-numbered (17) through (23) and Section 20.08.020 C. (16) is hereby added as follows:

- C. (16) Confidential Shelter: A place of temporary refuge, offered on a twenty-four hour, seven day per week basis to victims of domestic violence and their children. "Domestic violence" is a categorization of offenses, as defined in RCW 10.99.020, committed by one cohabitant against another.

Section 2. A new BMC Section 20.10.047 is hereby added as follows:

.047 CONFIDENTIAL SHELTERS

- A. The Director of Planning and Community Development may grant a special accommodation approval to confidential shelters as defined in Section 20.08.020 C. (16). Applications shall be processed administratively by the Department. No public notice is required. The decision of the Director is not subject to administrative appeal. Confidential shelters are subject to the following requirements:
1. The applicant shall provide satisfactory evidence that the organization operating the shelter has a demonstrated capability to operate the program (such as by having a record of successful operation of a similar program, maintaining a board of directors with appropriate experience, and/or obtaining program recognition through grants, etc.)
 2. The applicant shall submit a site and floor plan for approval and demonstrate to the satisfaction of the Director that adequate provision has been made for parking, screening and mitigation of impacts and that the building complies or will comply with housing and building codes as determined by the Building Official. The site and facilities shall be of a size and nature to provide for

adequate mitigation of impacts based on the number of residents and staff while maintaining a single family residential appearance. The Director may impose conditions to satisfy these requirements. Any required Certificate of Occupancy shall be obtained.

3. The Director shall have the authority to revoke the grant of special accommodation if the conditions of approval are not satisfied or if unacceptable impacts cannot be adequately mitigated.

Section 3. Section 20.30.030 A., Residential Single Permitted Uses, is hereby amended as follows:

- A. Uses Permitted Outright. No building or land shall be used within an area designated residential single, except as follows:

- (1) Single Family Dwelling Unit with less than 5,500 square feet of total floor area. (See Conditional Uses)
- (2) Publicly Owned Parks and Playgrounds.
- (3) Private Recreation Facilities, Recreational Vehicle Storage Lots and/or Common Open Space (when approved by Council as part of a subdivision).
- (4) Mixed Use (where such a use is specifically listed in a neighborhood land use plan which has been designated with a "mixed" use qualifier).
- (5) Public Utilities (when located within a public right of way).
- (6) Attached Accessory Dwelling Unit (consistent with procedures and requirements outlined in section 20.10.035.)

- (7) Detached Accessory Dwelling Units existing prior to January 1, 1995 (consistent with procedures and requirements outlined in Section 20.10.035).
- (8) Confidential Shelters subject to the provisions of Section 20.10.047.

Section 4. BMC Section 20.32.030 A., Residential Multi Permitted Uses, is hereby amended as follows:

A. Uses Permitted Outright. No building or land shall be used within areas designated RM except as enumerated below corresponding to the applicable use qualifier:

<u>Use Qualifier</u>	<u>Permitted Use</u>
DUPLEX	<ul style="list-style-type: none"> (1) SINGLE FAMILY DWELLING UNIT with less than 5,500 square feet of total floor area. (See Conditional Uses) (2) DUPLEX/ATTACHED SINGLE FAMILY DUPLEX (3) PUBLICLY OWNED PARKS AND PLAYGROUNDS. (4) PRIVATE RECREATIONAL FACILITIES, recreational vehicle storage lots or common open space (where approved by Council as part of an approved subdivision). (5) MIXED USE (where such a use is specifically listed in the neighborhood land use plan).

- (6) PUBLIC UTILITIES (when located within a public right of way).
- (7) ATTACHED ACCESSORY DWELLING UNITS (Consistent with procedures and requirements outlined in Section 20.10.035).
- (8) DETACHED ACCESSORY DWELLING UNITS existing prior to January 1, 1995 (consistent with procedures and requirements outlined in Section 20.10.035).
- (9) Confidential Shelters subject to the provisions of Section 20.10.047.

Section 5. BMC Section 20.34.030 A. NEIGHBORHOOD, Neighborhood Commercial Permitted Uses, is hereby amended as follows:

NEIGHBORHOOD

- (1) RETAIL ESTABLISHMENTS of all types except those selling the following products:
 - (a) Automobiles and trucks
 - (b) Heavy farm and construction equipment
 - (c) Feed, grain and farm supplies
 - (d) House trailers, mobile homes and boats
- (2) PERSONAL SERVICE FACILITIES such as:
 - (a) Barber and beauty shops

- (b) Tailor Shops
 - (c) small animal care shops (keeping of three or fewer animals overnight is permitted as accessory use if animals are kept in an enclosed structure)
 - (d) Repair Shops for small items
- (3) BRANCH; POST OFFICES, BANKS, AND LIBRARIES (including drive through financial institutions)
- (4) BUSINESS AND PROFESSIONAL OFFICES
- (5) FROZEN FOOD LOCKERS
- (6) LAUNDRY AND DRY CLEANING ESTABLISHMENTS
- (7) FLORIST SHOPS
- (8) SERVICE STATIONS for automobiles:
- (a) Complete minor auto repairs are permitted, however engine overhaul, body and fender work, tire recapping and vehicle sales are prohibited.
- (9) PUBLICLY OWNED PARKS AND PLAY GROUNDS
- (10) EATING ESTABLISHMENTS
- (a) (Facilities where alcohol would be consumed on premise shall require conditional use approval.)
- (11) MIXED USE, where specifically listed in the neighborhood land use plan
- (12) PUBLIC UTILITIES, if located within a public right of way

- (13) SINGLE FAMILY DWELLING UNIT
- (14) DUPLEX AND MULTI FAMILY DWELLING UNITS; when within a structure housing other principal uses.
- (15) ANIMAL HOSPITALS (subject to standards in subsection .040 F)
- (16) BED AND BREAKFAST FACILITIES (subject to standards in Subsection .040 F 3.)
- (17) USES similar to the above, however adult entertainment uses shall be prohibited in the Neighborhood Commercial district.
- (18) ATTACHED ACCESSORY DWELLING UNIT (Consistent with procedures and requirements outlined in Section 20.10.035.)
- (19) DETACHED ACCESSORY DWELLING UNIT existing prior to January 1, 1995 (Consistent with procedures and requirements outlined in Section 20.10.035.)
- (20) Confidential Shelters subject to the provisions of Section 20.10.047.

Section 6. BMC Section 20.38.050 B. (2), Planned Residential Range of Uses Possible, is hereby amended as follows:

- (2) Range of Uses Possible. Any of the following uses may be permitted in a planned proposal within a residential general use type designation; provided that any of such uses shall not be permitted where prohibited within the applicable neighborhood plan. Certain uses may also be excluded from a particular planned residential area if such use(s) are found by the Commission to be incompatible with the surrounding area or unsuitable to the particular site. The

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final decision shall set forth the uses permitted for the subject property.

Range of Uses

- (a) single family dwellings
- (b) duplexes
- (c) multi family dwelling units
- (d) manufactured homes
- (e) bed and breakfast facilities (subject to the standards found in Section 20.34.040 F3)
- (f) private or public parks, playgrounds, private recreational facilities, recreational vehicular storage areas and open space restricted to usage by the occupants within the planned area.
- (g) mixed use if specifically listed in the neighborhood land use plan
- (h) public utilities located in a public right of way or easement
- (i) any conditional use permitted in the Residential Multi Designation, Chapter 20.32.
- (j) attached accessory dwelling unit (consistent with procedures and requirements outlined in Section 20.10.035.)
- (k) detached accessory dwelling unit existing prior to January 1, 1995 (consistent with procedures and requirements outlined in Section 20.10.035.)
- (l) confidential shelters subject to the provisions of Section 20.10.047.

PASSED by the Council this 1st day of June, 1998.

Bob Ryan
Council President

APPROVED by me this 10th day of June, 1998.

Mark Anderson
Mayor

Attest: Deanne Carpenter
Finance Director

Approved as to Form:

W. A. Steward
Office of the City Attorney

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