

ORDINANCE NO. 2001-11-077

AN ORDINANCE RELATING TO LAND USE REGULATION AND ZONING, REPEALING ORDINANCE 10903, ADDING NEW SECTIONS 20.30.050 H., 20.32.040 I. AND 20.32.045 K. AND AMENDING SECTIONS 20.30.030 A. AND 20.32.030 A. OF THE BELLINGHAM MUNICIPAL CODE TO LIMIT THE NUMBER OF BEDROOMS IN SINGLE FAMILY ATTACHED AND DUPLEX DWELLINGS LOCATED IN RESIDENTIAL SINGLE OR RESIDENTIAL MULTI, DUPLEX DISTRICTS.

WHEREAS, the Bellingham City Council directed staff to initiate review of land use code amendments that would limit the number of bedrooms per duplex dwelling unit and per single family attached dwelling unit when either are located in Residential Single or Residential Multi, Duplex districts; and

WHEREAS, the proposed code amendments have been reviewed according to the required procedures in Title 20 to determine whether they should replace Ordinance 10903 which established interim controls on the number of rooms in duplex dwelling units located in Residential Multi, Duplex districts; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on August 9, 2001 and a work session on September 6, 2001 and thereafter recommended that the provisions of Ordinance 10903 limiting the number of bedrooms not be adopted as a permanent regulation for either duplex dwellings or single family attached dwellings; and

WHEREAS, a determination of non-significant environmental impact was issued by the responsible official under the procedures of the Environmental Policy Act; and

WHEREAS, the City Council held a public hearing on the proposed amendments on October 8, 2001; and

WHEREAS, public testimony on record from November 24, 1997 reflects the problems created by four-bedroom duplex units when located in lower density use districts, such as excessive vehicles and noise; and

WHEREAS, duplex dwelling units with four or more bedrooms facilitate occupancy by more than three unrelated persons in violation of the provisions of the Land Use Development Code limitation on the number of unrelated persons that may reside in a dwelling unit; and

WHEREAS, single family attached housing is sufficiently similar to duplex dwellings in all aspects that it should be regulated in the same manner as duplex dwellings; and

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WHEREAS, the City Council hereby finds that the development of duplexes and single family attached housing with more than three bedrooms per unit imposes population density impacts that are not consistent with the purpose and intent of the Residential Single or Residential Multi, Duplex land use districts; and

WHEREAS, measures to mitigate and prevent adverse density impacts on lower density use districts should be taken;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Ordinance No.10903 is hereby repealed.

Section 2. A new BMC Section 20.30.050 H. Residential Single Development, Optional Development Regulations is hereby added as follows:

H. Cluster Attached Dwellings; Special Provisions: Limitation on Number of Rooms

(1) No attached dwelling unit located in a Residential Single district may contain more than three rooms in addition to the following:

- One kitchen.
- Bathrooms.
- One living room.

The dwelling may also contain other rooms that are less than 70 square feet in area.

The purpose of this provision is to limit the number of bedrooms to no more than three per dwelling. The Planning Director shall have the authority to determine whether a space constitutes a room. The provisions of this subsection do not apply in Residential Multi, Multiple districts.

Nothing contained in this subsection shall be construed so as to prevent the construction of, or the issuance of permits for the construction of, structures which reasonably accommodate the residential needs of disabled persons. This subsection shall be construed so as to be in compliance with the Fair Housing Act, the Americans with Disabilities Act and the Washington Law Against Discrimination.

Section 3. A new BMC Section 20.32.040 I., Residential Multi Development, Standard Development Regulations, is hereby added as follows:

I. Limitation on Number of Rooms in Duplex Dwelling Units in Residential Multi, Duplex Districts

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(1) No duplex dwelling unit or attached single family dwelling unit located in a Residential Multi, Duplex district may contain more than three rooms in addition to the following:

- One kitchen.
- Bathrooms.
- One living room.

The dwelling may also contain other rooms that are less than 70 square feet in area.

The purpose of this provision is to limit the number of bedrooms to no more than three per dwelling. The Planning Director shall have the authority to determine whether a space constitutes a room. The provisions of this subsection do not apply in Residential Multi, Multiple districts.

Nothing contained in this subsection shall be construed so as to prevent the construction of, or the issuance of permits for the construction of, structures which reasonably accommodate the residential needs of disabled persons. This subsection shall be construed so as to be in compliance with the Fair Housing Act, the Americans with Disabilities Act and the Washington Law Against Discrimination.

Section 4. A new BMC Section 20.32.045 K., Residential Multi Development, Duplex Attached Single Family Duplex Regulations, is hereby added as follows:

K. Limitation on Number of Rooms in Attached Single Family Duplexes in Residential Multi, Duplex Districts

(1) No attached single family duplex dwelling unit located in a Residential Multi, Duplex district may contain more than three rooms in addition to the following:

- One kitchen.
- Bathrooms.
- One living room.

The dwelling may also contain other rooms that are less than 70 square feet in area.

The purpose of this provision is to limit the number of bedrooms to no more than three per dwelling. The Planning Director shall have the authority to determine whether a space constitutes a room. The provisions of this subsection do not apply in Residential Multi, Multiple districts.

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Section 5. BMC Section 20.30.030 A., Residential Single Development, 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. Also see Section 20.30.050 H. for limitations on number of rooms in attached dwelling units.)
- (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.
- (9) Wireless Communication Facilities, subject to the provisions of Chapter 20.13.
- (10) Co-housing developments subject to the requirements of Section 20.10.048.
- (11) Community Public Facilities, subject to the provisions of Section 20.10.046, with the exception that publicly owned parks, trails and

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playgrounds are permitted and shall not be subject to the provisions of Section 20.10.046.

Section 6. BMC Section 20.32.030 A. Residential Multi Development, 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	(1) Single Family Dwelling Unit with less than 5,500 square feet of total floor area. (See Conditional Uses. Also see Section 20.30.050 H. for limitations on number of rooms in attached dwelling units.)
	(2) Duplex (See Section 20.32.040 I. and 20.32.045 K. for limitations on number of rooms in duplex and single family attached duplex dwelling units in districts with a Duplex use qualifier.)
	(3) Public 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.

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- (10) Wireless Communication Facilities, subject to the provisions of Chapter 20.13.
- (11) Co-housing Developments, subject to the requirements of Section 20.10.048.
- (12) Community Public Facilities, subject to the provisions of Section 20.10.046, with the exception that publicly owned parks, trails and playgrounds are permitted and shall not be subject to the provisions of Section 20.10.046.

MULTIPLE

- (1) All those permitted within the duplex use qualifier.
- (2) Multi-Family Dwelling Units (apartments)
- (3) Attached Accessory Dwelling Units (consistent with procedures and requirements outlined in Section 20.10.035).
- (4) Unpermitted Detached Accessory Dwelling Units existing prior to January 1, 1995 (consistent with procedures and requirements outlined in Section 20.10.035).
- (5) Billboards, subject to the provisions of this ordinance, and only within the Billboard Overlay Zones delineated by Bellingham Municipal Code 20.08.020, Bellingham Municipal Code 20.08.020, Figure 15.

PLANNED

- (1) Development is allowed only pursuant to the procedures and standards made applicable in the Planned Development Handbook.

PASSED by the Council this 5 TH day of NOVEMBER, 2001.


 Council President

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APPROVED by me this 19th day of November, 2001.

Mark Hsu
Mayor

Attest:

Therese Hahn
Finance Director

Approved as to Form:

Dave Dault
Office of the City Attorney

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