

ORDINANCE NO. 2005-06-048

AN ORDINANCE RELATED TO LAND USE AND CONSTRUCTION REGULATIONS FOR MANUFACTURED HOMES AND USE OF RECREATIONAL VEHICLES, AMENDING BELLINGHAM MUNICIPAL CODE SECTIONS 17.10.020 INTERNATIONAL BUILDING CODE CHAPTER 1 – AMENDED; 20.08.020 SPECIFIC DEFINITIONS; 20.10.030 USE OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES; AND 20.38.050 PLANNED DEVELOPMENT STANDARDS.

WHEREAS, a new Washington State law, RCW 35.21.684, effective on July 1, 2005, generally requires local governments to allow installation of a manufactured home wherever a site-built single family home is permitted to be constructed; and

WHEREAS, current City land use regulations prohibit use of a manufactured home as a dwelling unit except when located in an approved manufactured home park or subdivision within a Planned Residential zone; and

WHEREAS, it is appropriate to establish certain local regulations pertaining to manufactured homes as allowed by State law; and

WHEREAS, a Determination of Nonsignificance was issued under the State Environmental Policy Act; and

WHEREAS, as required by RCW 36.70A, notice of the City's intent to adopt the proposed amendments and a Determination of Nonsignificance under the State Environmental Policy Act was sent to the Department of Community, Trade and Economic Development and other reviewing agencies on March 15, 2005; and

WHEREAS, after mailed and published notice as required by Bellingham Municipal Code 21.10, the Planning Commission held a public hearing on the proposed ordinance on May 5, 2005; and

WHEREAS, the Planning Commission considered the staff report and comments received and recommends approval of the proposed ordinance; and

WHEREAS, after mailed and published notice as required by Bellingham Municipal Code 21.10, the City Council held a public hearing on the proposed ordinance on June 6, 2005; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission, the staff report and the public comment and hereby adopts the Findings of Fact and Conclusions of the Planning Commission;

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code Section 17.10.020 is hereby amended as follows:

17.10.020 - International Building Code Chapter 1 - Amended

The following sections of the International Building Code as adopted in BMC 17.10.010 are amended to read as follows:

Section 101 - General.

101.1 Title. These regulations shall be known as the Building Code of the City of Bellingham, hereinafter referred to as "this code."

101.4.1 Electrical. The Electrical Code - Administrative Provisions of the City of Bellingham in BMC 17.16 shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.4 Plumbing. Provisions of the City of Bellingham Plumbing Code in BMC Chapter 17.30 shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.7 Energy. The provisions of the Washington State Energy Code as adopted by WAC 51-11 and Washington State Ventilation and Indoor Air Quality Code as adopted by WAC 51-13, shall apply to all matters governing the design and construction of buildings for energy efficiency.

All manufactured homes installed as a single family dwelling unit under the provisions of BMC 20.10.030.A shall be constructed to be thermally equivalent to the Washington State Energy Code, WAC 51-11.

Section 108 - Fees.

108.2 Permit Fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the City by resolution.

Section 2. Bellingham Municipal Code Subsection 20.08.050.M regarding Land Use and Development Code definitions is hereby amended to renumber Subsections M.(4) through (9) as Subsections M.(5) through (10); amend Subsection M.(3) and add a new Subsection M.(4) all as follows:

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

20.08.020 - Specific Definitions

M. (1) through (2) no change

(3) Manufactured Home- A residential structure built in one or more sections for towing to the use site which is not built to Uniform Building Code Standards, but which may be built to other state or federal construction standards for manufactured housing, and has a minimum living area of 320 square feet. See also "Manufactured Home – Designated."

(4) Manufactured Home-Designated: A single family dwelling unit constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

- a. is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
- b. was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof with not less than a 3:12 pitch; and
- c. has exterior siding similar in appearance, as determined by the Director, to siding materials commonly used on conventional site-built single-family dwellings built under the Uniform or International Building Code.

Section 3. Bellingham Municipal Code Section 20.10.030 is hereby amended as follows:

20.10.030 - Use Of Manufactured Homes And Recreational Vehicles

A. A "designated manufactured home" may be used as a single family dwelling unit provided it meets all of the following:

1. It is a "new manufactured home", which means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2); and
2. It is set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative; and
3. It complies with energy efficiency standards for manufactured homes as specified in BMC 17.10.020; and
4. It complies with all zoning, design and land use regulations applicable to single family dwelling units at the subject location.

B. No manufactured home or designated manufactured home may be used as a residence unless it complies with the provisions of Subsection 20.10.030.A or it is a designated

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

manufactured home allowed by Chapter 20.38 of this ordinance as part of a manufactured home park in a residential multi planned development.

C. No recreational vehicle shall be used as a residence. Recreational vehicles as defined in Section 20.08.020R(1) shall not be occupied for any commercial use, except when permitted as a watchman's quarters at a construction site or other temporary structure pursuant to Section R107 of the International Residential Code.

Section 3. Bellingham Municipal Code Section 20.38.050.B regarding Planned Development is hereby amended as follows:

20.38.050 - Standards.

B. Planned Residential.

- (1) For all land designated residential, the following standards shall apply.
- (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 Planning Director to be incompatible with the surrounding area or unsuitable to the particular site. The final decision shall set forth the uses permitted for the subject property.

Range of Uses:

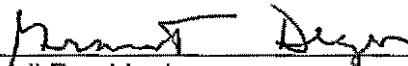
- (a) Single family dwellings.
- (b) Duplexes.
- (c) Multi family dwelling units.
- (d) Manufactured home parks.
- (e) Bed and breakfast facilities (subject to the standards found in Section 20.34.040 F 3).
- (f) Private or public parks, playgrounds, trails, private recreational facilities, recreational 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.

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

- (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.
- (m) Wireless Communication Facilities, subject to the provisions of Chapter 20.13.
- (n) Co-housing, subject to the standards of Section 20.10.048. The planned development process of this chapter shall apply.
- (o) Community Public Facilities, other than publicly owned parks, trails and playgrounds, subject to consideration of the factors in Section 20.16.020 P. (4) (c).


(3) through (14) no change

PASSED by the Council this 13th day of June, 2005.



Council President

APPROVED by me this 28th day of June, 2005.



Mayor

Attest: 

Finance Director

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

Approved as to form:

Jan Hoisington
Office of the City Attorney

Published: June 17, 2005

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903