

20.37.200 Fountain District Urban Village – Applicability

- A. Regulations specified within this Section shall apply to the use of land within the Fountain District Urban Village.
- B. Should the provisions of this Section conflict with any other provision of the Bellingham Municipal Code, except Critical Areas Ordinance, Shoreline Master Program, Stormwater regulations or BMC 20.28 Infill Housing, the provisions of this Section shall apply.
- C. **Nonconformity.** Nonconforming uses and buildings that are damaged or destroyed by sudden accidental cause may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided, a complete building permit application for repair and reconstruction is submitted within 12 months of the occurrence of the damage or destruction. The Planning & Community Development Director (“Director”) may extend the application deadline upon finding that the applicant is experiencing undue hardship from unforeseen circumstances in meeting the deadline.

20.37.210 Fountain District Urban Village – Establishment of Boundaries and Land Use Areas

- A. The boundaries of the Fountain District Urban Village and associated Land Use Areas are hereby delineated as shown in **Figure .210-A**.
- B. The Fountain District Urban Village is divided into two commercial areas (Core and Transition) and two residential areas (Transition 1 and 2). The purpose of the areas is to establish goals, policies and regulations that require development to respond to desired intensity, physical characteristics and neighborhood scale. These areas are intended to ensure that development is appropriately scaled and to encourage uses that are compatible with the surrounding neighborhoods.
 - 1. **Commercial Core.** The Commercial Core area is intended to be the densest area within the urban village with the highest concentration of employment and housing. These areas are likely to have direct access to transit and a wide range of supportive land uses such as retail, office, recreation, public facilities and plazas. The pedestrian environment is emphasized in this area. Ground floor commercial is required along Meridian Street (between Broadway and W. Illinois Street).
 - 2. **Commercial Transition.** The Commercial Transition areas are intended to allow commercial uses similar to the Core Area, but those with less noise and vehicular impacts on abutting residential areas. Height limits and building square footages are lowered to lessen the impact on the adjacent residential areas, discourage demolition of buildings with historic integrity and encourage adaptive reuse of structures by providing additional flexibility of use. Buildings with residential only uses are permitted in this area.
 - 3. **Residential Transition.** The Residential Transition areas are immediately adjacent to existing single family neighborhoods. A mix of residential housing types as outlined in BMC 20.28 Infill Housing, is encouraged to support the abutting commercial areas and provide housing choices for people of various incomes and ages. These areas are regulated under the standards established for Single Family and Infill Housing types.

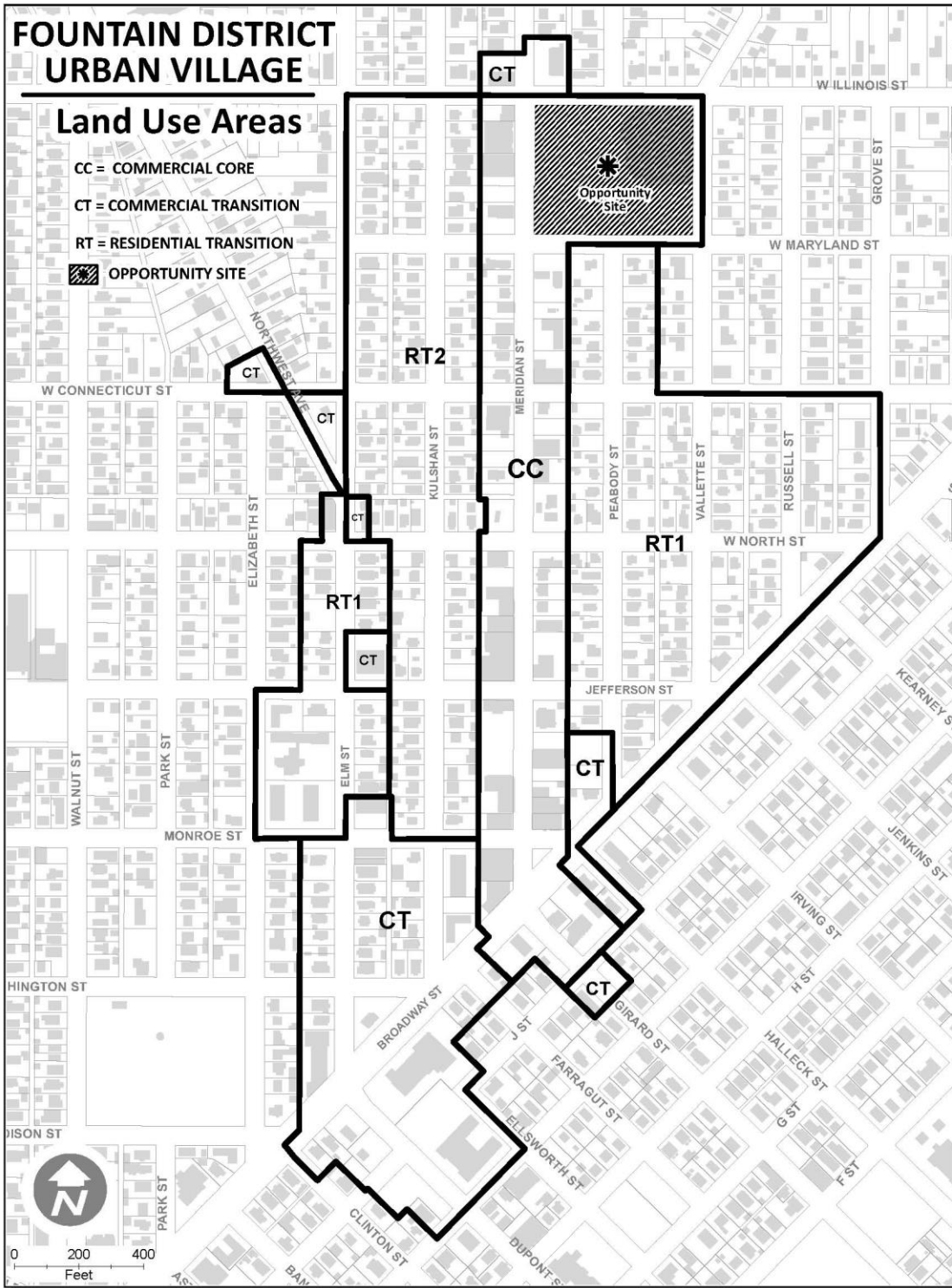


Figure .210-A: Fountain District Urban Village and Area Boundary Map.

20.37.220 Fountain District Urban Village – Permitted Uses

- A.** In **Table .220-A**, land use classifications are listed on the horizontal axis. Fountain District Urban Village land use areas are shown on the vertical axis.
1. If the symbol “**P**” appears in the box at the intersection of the column and row, the use is permitted subject to general requirements for the use and the use area.
 2. If the symbol “**C**” appears in the box at the intersection of the column and the row, the use is permitted subject to the Conditional Use provisions specified in **BMC 20.16** and to general requirements for the use and the use area.
 3. If a **number** appears in the box at the intersection of the column and the row, the use is permitted in the use area subject to the special limitation indicated in the corresponding note.
 4. If the symbol “**N**” appears in the box at the intersection of the column and the row, the use is not allowed in that area, except for certain short-term uses (see **BMC 20.10.040** Temporary Uses).
 5. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Director shall have the authority to make the final determination. The Director shall make the determination according to the characteristics of the operation of the proposed use as they relate to similar allowed uses within the use area.

Table .220-A: Permitted Uses

P = Permitted	# = Permitted with limitations	C = Conditional Use	N = Not allowed	
Land Use Classification	Area			
	Commercial Core	Commercial Transition	Residential Transition 1	Residential Transition 2
1. Retail establishments	P(1)	P(1)	N	N
2. Motor vehicles sales (automobiles, motorcycles, scooters, boats, recreational vehicles, etc.) when business activities are conducted entirely within an enclosed showroom.	P	N	N	N
2. Offices	P	P	N	N
3. Personal and business services	P	P	N	N
4. Day labor halls	N	N	N	N
5. Eating establishments (no alcohol served)	P	P	N	N
6. Drinking establishments	P	C	N	N
7. Hotels and motels	P	P	N	N
8. Bed and Breakfast	P	P	C	C
9. Neighborhood clubs and activity centers	P	C	C	C
10. Commercial recreation	P	C	N	N
11. Theaters	P	C	N	N

P = Permitted	# = Permitted with limitations	C = Conditional Use	N = Not allowed	
Land Use Classification	Area			
	Commercial Core	Commercial Transition	Residential Transition 1	Residential Transition 2
12. Art galleries and art studios	P	P	N	N
13. Nightclubs	C	N	N	N
14. Adult Entertainment	N	N	N	N
15. Drive-up facilities such as bank tellers, food and beverage services, laundry pick up, and car washes.	P(2)	P(2)	N	N
16. Service stations for automobiles	P	N	N	N
17. Parking facilities	P	C	N	N
18. Warehousing and wholesaling of products when in conjunction with retail sales of the same product on site.	P	N	N	N
19. Mini storage facilities; when the floor area is less than 50% of the floor area of other permitted use(s) on site.	N	N	N	N
20. Handicraft manufacturing (jewelry, pottery, glass, furniture, etc.)	P	P	N	N
21. Repair shops for small equipment and items.	P	N	N	N
22. Small product manufacturing.	P(3)	N	N	N
23. Live/Work	P	P	N	N
24. Care shops for small animals (house pets such as dogs, cats, etc.)	P(4)	N	N	N
25. Detached Single Family Dwelling Unit with less than 5,500 square feet of total floor area.	N	P(6)	P(6)	P(6)
26. Detached Single Family Dwelling Unit containing 5,500 square feet or more total floor area.	N	N	N	N
27. Attached Accessory Dwelling Units (consistent with procedures and requirements outlined in Section 20.10.035).	N	P	P	P
28. Detached Accessory Dwelling Units existing prior to January 1, 1995 (consistent with procedures and requirements outlined in Section 20.10.035).	P	P	P	P
29. BMC 20.28 Infill Housing				
a. Smaller House	P(5)	P(5)	P(5)	N
b. Small House	P(5)	P(5)	P(5)	N
c. Cottage	P(5)	P(5)	P(5)	N

P = Permitted	# = Permitted with limitations	C = Conditional Use	N = Not allowed	
Land Use Classification	Area			
	Commercial Core	Commercial Transition	Residential Transition 1	Residential Transition 2
d. Carriage House	P(5)	P(5)	P(5)	P(5)
e. Detached ADU	P(5)	P(5)	P(5)	P(5)
f. Duplex	P(5)	P(5)	P(5)	N
g. Triplex	P(5)	P(5)	N	N
h. Shared Court	P(5)	P(5)	N	N
i. Garden Court	P(5)	P(5)	N	N
j. Townhouse	P(5)	P(5)	N	N
30. Multifamily Dwelling Units (Apartments or Condos)	P	P	N	N
31. Boarding & Rooming Houses	N	N	C	N
32. Co-housing Developments (subject to the provisions in Section 20.10.048)	N	N	N	N
33. Confidential Shelters (subject to the provisions of Section 20.10.047)	P	P	P	P
34. Schools, Art Schools and Institutions of Higher Education	P	N	C	C
35. Churches	P	C	C	C
36. Day care	P	P	C	C
37. Service care, day treatment and child placing agencies	P	P	C	C
38. Medical care facility	P	C	C	C
39. Billboards	N	N	N	N
40. Wireless Communication Facilities (subject to the provisions in Chapter 20.13)	N	N	N	N
41. Public Utilities (when located within a public right of way).	P	P	P	P
42. Community Public Facilities (subject to the provisions in Section 20.16.020 P.4)	P	P	C	C
43. Public parks, trails and playgrounds	P	P	P	P
44. Community gardens	P	P	P	P
45. Government Services	P	P	N	N

P = Permitted # = Permitted with limitations C = Conditional Use N = Not allowed				
Land Use Classification	Area			
	Commercial Core	Commercial Transition	Residential Transition 1	Residential Transition 2
<p>Notes:</p> <p>(1) Retail sales of the following are prohibited:</p> <ul style="list-style-type: none"> a. Heavy farm and construction equipment b. House trailers and mobile homes <p>(2) Only drive-up facilities/structures and uses existing as of (date of adoption of this ordinance) are permitted.</p> <p>(3) Permitted when in conjunction with sales of the same on site provided that noise, smell and other impacts are internalized within an enclosed structure. This category includes:</p> <ul style="list-style-type: none"> a. Manufacture and assembly of light and small items made from previously prepared materials such as office machines, small motors, cabinets, electronic equipment, electrical devices, and signs; and b. Handicraft manufacturing (jewelry, pottery, glass, furniture, etc.). <p>(4) Keeping of three or fewer animals overnight is permitted as an accessory use if animals are kept in an enclosed structure, and noise, smell and other impacts are internalized within an enclosed structure.</p> <p>(5) Development shall comply with procedures and requirements outlined in BMC 20.28 Infill Housing.</p> <p>(6) Development shall comply with procedures and requirements outlined in BMC 20.30 Residential Single Development.</p>				

20.37.230 Fountain District Urban Village – Development

A. Applicability. The regulations of this Section shall apply to the development of any principal and/or accessory use within any area in the Fountain District Urban Village except as follows:

Development in Residential Transition Areas shall comply with BMC 20.28 Infill Housing, or BMC 20.30 Residential Single Development and with **Table .230-A**.

Table .230-A: Development Standards

Development Standards	Area			
	Commercial Core	Commercial Transition	Residential Transition	
			BMC 20.28 Infill Housing	BMC 20.30 Residential Single Development
Minimum lot size	None	None	(1)	5,000 SF
Maximum Density	None	None	2,500 SF per unit	5,000 SF per unit
Setbacks from property lines	None (3)	None (1, 2)	(1)	(2)
Maximum Height	45' (4, 5)	35' (4)	(1)	(2)
Maximum Floor Area Ratio (FAR)	1.5 (5)	.6 FAR	(1)	N/A

Notes:

- (1) Subject to BMC 20.28 Infill Housing
- (2) Subject to BMC 20.30 Residential Single Development.
- (3) See Subsection C.2 for setback and height adjacent residential zones and areas.
- (4) Height is measured per Height Definition #1 as per BMC 20.08.020 H 1 (a).
- (5) See **Figure .210-A**. for Commercial Core “opportunity site.” Maximum Height shall be 55’ and a maximum FAR of 2.5.

B. Floor Area Ratio (FAR)

1. Purpose. The maximum floor area ratio (FAR) standards are intended to accomplish several purposes of the Fountain District Subarea Plan. Combined with the established height limits herein, the FAR allows for greater flexibility in the massing of buildings on sites, and relates projects to unique on and off site features.

2. Floor Area Ratio (FAR) Standard.

- a. The maximum FAR in the Commercial Core is 1.5, except for indicated “opportunity site” shown in **Figure .210-A**. where the maximum FAR is 2.5.
- b. The maximum FAR in the Commercial Transition area is .6.

C. Design Standards.

The following design standards are intended to carry out the goals and policies of the Fountain District Subarea Plan, and shall be used in addition to the Urban Village Design District Standards and Decision Criteria outlined in BMC 20.25.040 E. Should the provisions of this Section conflict with any other provision in BMC 20.25.040 E., the provisions of this Section shall apply.

Design review applies as outlined in BMC 20.25 and this Subsection. Only new buildings and developments require review by the Design Review Board. Additions and exterior modifications to existing buildings require only staff review, unless the Director requests recommendation from the Design Review Board. Additionally, unless requested by the Director, projects involving buildings listed on the Washington Heritage Register and/or National Register of Historic Places shall not require design review by the Historic Preservation Commission.

1. Commercial Street Frontage

- a. **Intent:** Street front uses, along Meridian Street as described in (b), are compatible with intensive commercial activity and provide opportunities for visual or interactive links between businesses and pedestrians.
- b. **Standard:** Along Meridian Street between Broadway Avenue and W. Illinois Street, ground floor commercial space (including retail, service, office, government, or similar non-residential uses) shall be provided along the full building street front for a depth of at least 20' measured from the front face of the building. Lobbies for residential uses and hotels and parking garage entries shall qualify as ground floor commercial, however hotel/motel guest rooms, dwelling units and structured parking shall not qualify.

2. Massing and Articulation

- a. **Intent:** Provide appropriate transitions between Commercial and Residential areas. The scale of those portions of a building facing an existing developed neighborhood should conform to the scale established in the neighborhood or the scale identified for the district.
- b. **Standards:** Minimum setbacks and maximum height limits within 25' of a property line abutting or across an alley from a Residential Single Zone or a Residential Transition area shall be as shown in Figures 230-A or B.

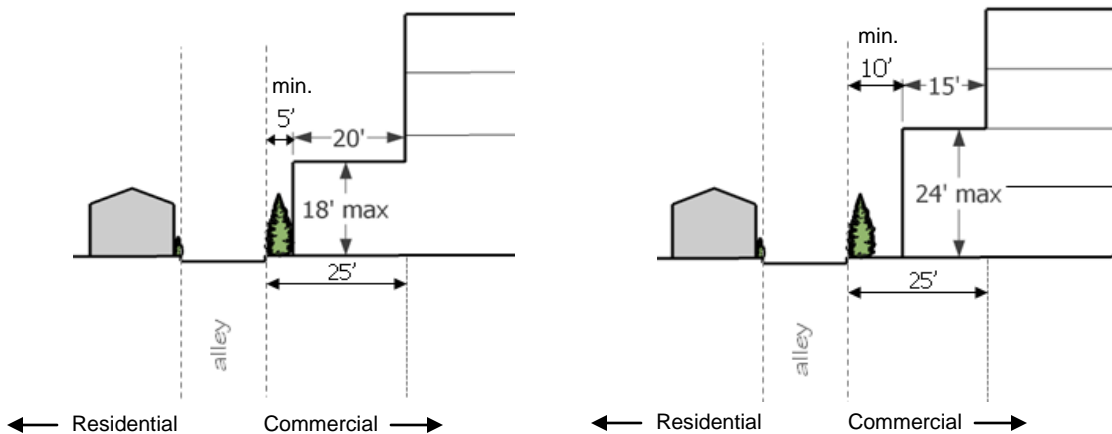


Figure .230-A

OR

Figure .230-B

3. Consolidate Curb Cuts

- a. **Intent:** Provide a safe and attractive pedestrian experience, while increasing the inventory of public street parking.
- b. **Guideline:** Curb cuts on streets should be consolidated whenever possible.

4. Parking

- a. **Intent:** Encourage compatible design by preventing garages from being built on the front of residential homes.
- b. **Guideline:** For new residential construction when an alley exists, parking shall be accessed *via* the alley except when the Director determines that alley access is impractical or environmentally constrained.

5. Additions and Modifications to Existing Single-Family Building Forms

- a. **Applicability:** The following provisions apply to additions and modifications to existing structures originally built for single-family residential use. The specific design standards in BMC 20.25.070.B. do not apply.

a. Site Design:

- (1) **Intent:** Encourage architecturally compatible additions and modifications to existing buildings in both the Commercial Core and Commercial Transition areas.
- (2) **Guideline:** On Meridian Street, additions designed for the front of existing buildings are encouraged to set back a minimum of two feet from the front property line to allow for a wider sidewalk and the planting of street trees.
- (3) **Guideline:** For commercial uses, landscaping should be integral with the site design and provide privacy for neighbors.
- (4) **Guideline:** Fencing, especially when seen from the street, should be designed to integrate with the architecture of the building and add visual interest in its detail, materials or color.
- (5) **Standard:** Parking shall be located to the rear or side of the building and shall not be located at intersections.

c. Building Design:

(1) Location of Additions:

- (a) **Intent:** Minimize the impacts of additions and modifications to existing buildings.
- (b) **Guideline:** If two existing buildings are to be joined by a mutual addition, when possible, the distinction between the two original buildings should be retained.

- (c) Standard:** Additions to the front of the building are prohibited in the Commercial Transition area if the existing building is residential in form. Additions should be located to the side or rear of the property following the principles in **Fig.230-C**.

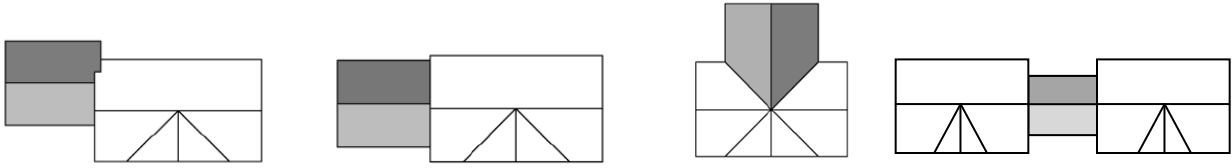


Figure .230-C. Four examples showing appropriate methods of locating an addition on an building, to the side and rear. (New addition shown shaded.) Each example builds off from the original building in such a way that it is offset from the existing facades slightly, which helps integrate it with the scale and character of the original building.

(2) Architectural Details:

- (a) Intent:** Augment the architectural character of the original building when designing additions, upper stories, dormers, and other modifications.
- (b) Guideline:** A new addition should relate to the design, materials, ornamental detail, and follow the roof shapes and slopes of the existing building.
- (c) Guideline:** Window and door proportions (including the design of sash and frames), floor heights, roof shapes and pitches, and other elements of the addition’s exterior should relate to those of the existing building. Windows should be of similar type, materials, pane pattern and quality as those in the existing building.
- (d) Guideline:** Whenever possible, retain existing siding and features of buildings when making improvements and adaptations.
- (e) Guideline:** A change of materials, colors or textures on different elements is encouraged to provide further articulation and additional variety and character.
- (f) Guideline:** The primary entrance should face the public street.

20.37.240 Fountain District Urban Village – Street Improvements

- A. Applicability.** The regulations of this Section shall apply to the development of any principal and/or accessory use within the Commercial Core or Commercial Transition area in the Fountain District Urban Village.
- B.** New construction or renovations of 50% or more of an existing structure(s) shall improve abutting streets from the curb edge to the property line. The determination of the percentage of renovation shall be based upon whether the valuation of proposed site improvements exceeds 50% of the assessed value of the existing site improvements.
- C.** Street standards shall be consistent with the Fountain District Urban Village Subarea Plan streetscape designs. Minor modifications may be approved by the Planning

and Public Works Directors. Such modifications may be granted when practical difficulties arise in the design and construction of streets due to topographic geological limitations or other problems inherent or peculiar to the area, or where the Directors find that imposition of the required street design would be detrimental to the interest of the neighborhood.

20.37.250 Fountain District Urban Village – Parking

- A. Applicability.** The regulations of this Section shall apply to the development of any principal and/or accessory use within any area in the Fountain District Urban Village except that development in Residential Transition Areas shall comply with BMC 20.28 Infill Housing or BMC 20.30 Residential Single Development.
- B.** All parking standards in BMC 20.12 concerning applicability, general provisions, design provisions and improvement standards shall apply except as provided herein.
- C.** Uses shall provide parking as follows:
- 1. Residential:** Minimum of one parking space per studio, 1-bedroom or 2-bedroom dwelling unit. An additional 0.5 parking space per unit shall be provided for each bedroom over two per unit.
 - 2. Commercial:**
 - a. Core:** Minimum one space per 500 SF of gross floor area
 - b. Transition:** Minimum one space per 350 SF of gross floor area.
 - 3.** If a use is not readily classified within the Residential and Commercial classifications, then the Director shall determine which standards shall be applied.
 - 4.** The Director may exempt existing buildings listed on the Local, State or National Register of Historic Places from required parking for a one-time floor area expansion provided that 1) the floor area expansion is limited to an area equal to 10% of the area of the existing building and 2) existing conforming parking on site shall not be displaced except as otherwise may be allowed. If the listed historic building provides 10% or less of the on-site parking that would be required for an equivalent new building, the Director may allow displacement of some or all of the on-site parking.
- D. Shared Parking:**
- 1. Intent:** To efficiently utilize parking resources where the potential for shared parking provisions with adjacent land uses has been analyzed and found to be appropriate.
 - 2.** The Director may authorize two or more uses to share parking provided:
 - a.** The number of parking spaces provided is at least equal to the greatest number of required spaces for uses operating at the same time.
 - b.** The burden of proof is on the developer to show that the resultant parking will be adequate for the anticipated parking demand.

- c. To insure that a parking area is shared, each property owner must sign a statement in a form acceptable to the City Attorney, stating that his/her property is used for parking by the other property. The applicant must file this statement with the Whatcom County Assessor's Office to run with the properties. Shared parking may include use of off-site parking in a commercial parking structure.
3. Parking lots associated with an approved conditional use in the Residential Transition Areas may be used as shared parking during off peak hours of the primary permitted use on site upon Director approval of a shared parking agreement.

E. Land Dedicated for Parking.

- 1. **Intent:** Facilitate the retrofit of existing perpendicular parking straddling public and private property on non-arterial streets to improve pedestrian safety. By placing the public sidewalk at the head of the parking area public parking inventory can be increased in the general vicinity. Costs of improvements shall be carried by the abutting property owner. (See **Figure .250-A**)
- 2. **Standard:** Land that is dedicated by easement or real property for purposes of providing public parking may be allowed with the approval of the Planning and Public Works Directors as follows:
 - a. Limited to non-arterial rights-of-way.
 - b. Each public parking space created may count as two on-site parking stalls.
 - c. The Floor Area Ratio for the site shall be calculated on a pre-dedication basis.
 - d. The design and construction is subject to approval by the Planning and Public Works Directors, including abutting sidewalks and landscaping.

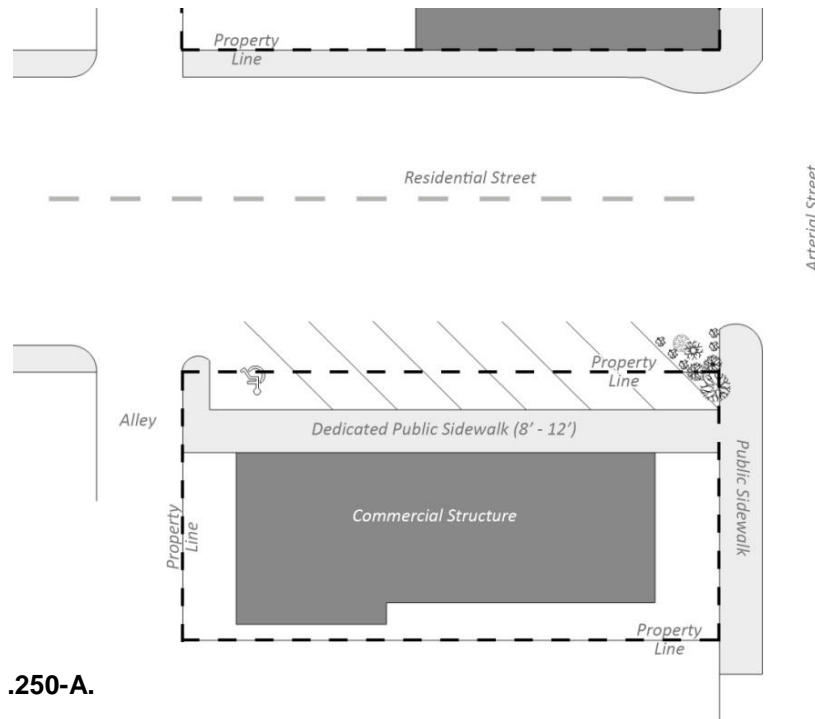


Figure .250-A.

- F. Parking for Change of Use or Additions.** The Director shall have the authority to waive parking requirements for situations **(C. 2.a.)** and **(C. 2.b.)**, above, when there is no existing space available on site to provide additional parking, no parking can reasonably be provided within 500' of the generator, and the surrounding streets will not be adversely affected due to the existence of ample on-street parking.
- G. Parking Reduction Allowed.** The Director may administratively reduce parking an additional 30% for projects that, either through adoption of a program or actual parking characteristics of the use, will result in less auto dependence. Such programs or special uses may include implementation of, or membership in, a car sharing program, enhanced bike storage facilities, permanent purchase of Whatcom Transit Authority (WTA) transit passes, installation of WTA transit shelters, and senior and affordable housing. The burden of proof of how a program or use characteristics will decrease parking demand shall be on the developer.
- H. Bike Parking.** All new commercial and multifamily development shall provide bicycle parking spaces equivalent to 15% of the total required automobile parking, calculated prior to any automobile parking reductions.

20.37.260 Fountain District Urban Village – Landscaping

- A. Applicability.** The regulations of this Section shall apply to the development of any principal and/or accessory use within any area in the Fountain District Urban Village except as follows:
 - 1. Development in Residential Transition areas shall comply with BMC 20.28 Infill Housing or BMC 20.30 Residential Single Development
- B. Standards.**
 - 1. Development shall provide landscaping in accordance with BMC 20.12.030.
 - 2. All landscaping provided to meet requirements under this Section must meet the standards herein to ensure the long-term health, viability and coverage of plantings. The Planning Director may establish standards relating matters including, but not limited to, the type and size of plants, number of plants, concentration of plants, depths of soil, use of low water use plants and access to light and air for plants.

20.37.270 Fountain District Urban Village – Signs

- A. Applicability.** The regulations of this Section shall apply to the development of any principal and/or accessory use within any area in the Fountain District Urban Village. Development in Residential Transition Areas shall comply with BMC 20.28 Infill Housing or BMC 20.30 Residential Single Development.
- B. General Provisions.** No sign shall be permitted unless it complies with the provisions herein.
- C. Exemptions.** The following signs shall be exempt from the provisions of this Title:
 - 1. Traffic signs installed by a government agency.

2. Directional, way finding program signs installed by a government agency if the signs are consistent with the provisions of the Fountain District Urban Village Subarea Plan.

D. Standards

1. Off premise, rooftop and pole signs are prohibited.
2. One monument sign per site is permitted whether it is for a single or mixed use. The monument sign shall not exceed 60 square feet per face or six feet in height measured from existing grade.
3. Building mounted signage shall not exceed 100 square feet per use per building elevation, and no single use shall have more than 50 square feet per building elevation (logos are included).

Exemption: Building identification signs or cornerstones are permitted as an integral and architecturally compatible part of the building or structure. Cornerstones shall not exceed four square feet and Building Identification signs shall not exceed 32 square feet. These exemptions shall not contain any colors, words, letters, numbers, symbols, graphic designs, logos or trademarks for the purpose of identifying a good, service, product or establishment.

4. Building mounted signs extending over the street right-of-way shall comply with the International Building Code. There shall be at least eight feet of vertical clearance between the bottom of the sign and the sidewalk and the sign shall not extend within two feet of the street curb.
5. Animated, moving, blinking or electronic (LED or similar) message centers are prohibited.
6. Directional Signs:
 - a. Directional signs are limited to six square feet per sign face and four feet in height if free-standing.
 - b. The message shall not contain the name of the establishment or advertising of any kind. Examples of directional signs include: "Enter," "Service Entrance," "No Parking," etc.
7. There is no limit on the number of directional signs.
8. Temporary building signs shall not exceed 32 square feet.
9. Real estate signs are limited to one sign per street frontage, shall be unlighted and shall not exceed 32 square feet.

20.37.280 Fountain District Urban Village – Lighting

- A. Applicability.** The regulations of this Section shall apply to the development of any principal and/or accessory use within the Commercial Core and Commercial Transition areas in the Fountain District Urban Village.
- B. General Provisions.** No exterior lighting shall be permitted unless it complies with the provisions herein.
- C. Standards.**

1. Building and aesthetic lighting must be shielded to prevent direct glare and/or light trespass in excess of 1.5 footcandle at the property line, except along Meridian Street in the Commercial Core.
2. Wall packs (flood lights) on buildings may be used at entrances to a building or to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs must be fully shielded to direct the light downward. Maximum bulb wattage is 100 watts.
3. Gas and service station canopies. A maximum of 250 watt bulbs recessed (including lenses) with the bottom of the canopy or gasoline pump island is permitted. Lights that project below the canopy ceiling are prohibited.