

ORDINANCE NO. _____

AN ORDINANCE RELATED TO LAND USE PLANNING AND ZONING ESTABLISHING THE FOUNTAIN DISTRICT URBAN VILLAGE SUBAREA PLAN, AMENDING PORTIONS OF LAND USE AREAS 3 AND 8, AND ALL OF AREAS 6 AND 10 OF THE COLUMBIA NEIGHBORHOOD PLAN; AREAS 9, 10, 11, 11A OF THE CORNWALL PARK NEIGHBORHOOD PLAN; A PORTION OF AREAS 3 AND 8, AND ALL OF AREAS 2 AND 5 OF THE LETTERED STREETS NEIGHBORHOOD PLAN; AND AMENDING THE LAND USE DEVELOPMENT CODE (TITLE 20) FOR THE PURPOSE OF ADOPTING THE FOUNTAIN DISTRICT URBAN VILLAGE SUBAREA PLAN AND ASSOCIATED DEVELOPMENT REGULATIONS.

WHEREAS, the Bellingham Comprehensive Plan directs that growth in Bellingham will be accommodated primarily in compact “urban centers” (or “villages”) while preserving the character of existing single-family neighborhoods (FLU-15); and

WHEREAS, the Comprehensive Plan directs that master plans be developed for each proposed urban village (FLU-18), and

WHEREAS, urban villages are intended to provide a pleasant living, shopping and working environment; pedestrian accessibility; adequate, well located open spaces; an attractive, well-connected street system; and a balance of retail, office, residential and public uses (FLU-18); and

WHEREAS, the Comprehensive Plan identifies the Fountain District area as a Tier 3 urban village, requiring regulatory changes and a moderate amount of redevelopment; and

WHEREAS, the Columbia, Cornwall Park and Lettered Streets Neighborhood Associations requested the City initiate an urban village master planning process for the Fountain District; and

WHEREAS, amendments to the Columbia, Cornwall Park and Lettered Streets Neighborhood Plans associated with the Fountain District Urban Village Subarea Plan were docketed for review by the Planning Commission and City Council in 2009; and

WHEREAS, seven community workshops were held in 2009 to discuss the vision and goals for the Fountain District Urban Village, and another neighborhood meeting was conducted on February 18, 2010 regarding the proposed Subarea Plan, implementing regulations and neighborhood plan amendments; and

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WHEREAS, Planning staff worked closely with neighborhood residents, business and property owners, and other stakeholders to identify issues of primary concern and obtain general consensus on these issues; and

WHEREAS, on April 8, 2010, the City of Bellingham as lead agency under the procedures of the State Environmental Policy Act (SEPA), issued a Determination of Non-significance; and

WHEREAS, in accordance with the Growth Management Act, the State of Washington was notified on **DATE** of the City's intent to adopt a subarea plan and development standards for the Fountain District; and

WHEREAS, the Bellingham Planning Commission conducted a public hearing on May 20, 2010, on the proposed Neighborhood Plan and Land Use Development Code amendments with appropriate public notice provided, and held additional work sessions on May 25 and June 3, and an additional public hearing on June 17, 2010, and thereafter adopted Findings of Fact, Conclusions and Recommendations; and

WHEREAS, the Bellingham City Council held a public hearing on **DATE** and agrees with and adopts the Planning Commission Findings of Fact, Conclusions and Recommendation; and

WHEREAS, the Bellingham City Council finds that the Fountain District Urban Village Subarea Plan and associated neighborhood plan amendments satisfy the requirements of BMC Chapter 20.20.060, are consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the Columbia, Cornwall Park and Lettered Streets Neighborhood Plans; and

WHEREAS, the City Council finds that the accompanying Land Use Development Code Amendment satisfies the requirements of BMC Chapter 20.22, and are consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the Columbia, Cornwall Park and Lettered Streets Neighborhood Plans;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The Fountain District Urban Village Subarea Plan, as shown in **Exhibit A**, is hereby adopted and appended to the Columbia, Cornwall Park and Lettered Streets Neighborhood Plans.

Section 2. Bellingham Municipal Code Section 20.37.020 is amended as follows:

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20.37.020 Purpose and Intent

- A. Generally.** The Urban Village designation is intended to implement Comprehensive Plan goals and policies directing much of the City’s future growth within compact urban centers (or “villages”) while preserving the character of existing residential neighborhoods. This designation is intended to accommodate a compatible mix of residential, commercial, light industrial, public, and institutional land uses. The ultimate mix of land uses, appropriate densities, infrastructure requirements and other typical zoning, design and development standards shall be established in a master plan that would be developed by the City and/or by property owners working with the City. Master plans are implemented by development and design standards and regulations adopted within this chapter.
- B. Use Qualifiers** are generally assigned to each urban village based on the name or location of the particular urban village. Individual development and design standards are developed for each urban village, consistent with an adopted master plan, to respond to the existing or intended qualities and character unique to each village. These regulations are to be used together with any other general regulations within Title 20 that apply to all urban village development.
- C.** The **Samish Urban Village** qualifier is intended to implement the Samish Way Urban Village Plan which provides a policy framework for a 68-acre area surrounding Samish Way, generally located west of I-5, east of 34th Street, north of Bill McDonald Parkway and south of Edwards Street.
- D.** The **Fountain District Urban Village** qualifier is intended to implement the Fountain District Urban Village Plan which provides a policy framework for a 90 acre area surrounding Meridian Street and Elm Street/Northwest Avenue, generally located north of Girard and south of W. Illinois.

Section 3. Bellingham Municipal Code, Chapter 20.37 Urban Village is amended as shown in **Exhibit B**, to add sections 20.37.200 through 20.37.280.

Section 4. The Columbia Neighborhood Plan, V. Subarea Descriptions and Land Use Designation Chapter, is amended as follows:

**Columbia Neighborhood Plan
Chapters I. through IV. [Unchanged]**

V. Subarea Descriptions and Land Use Designations

Areas 1 through 5 [unchanged]

Area 6

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~~A block-wide strip along approximately five blocks of Meridian Street also includes the entire block located between Kulshan Street and Meridian from Monroe Street south to the boundary of Area 8. This area is part of the Fountain District at the south end and has historically had commercial uses scattered throughout its length. Over the years, a number of retail commercial uses in former residences have been converted to service businesses, or replaced by commercial structures.~~

~~Because a number of the commercial uses developed prior to zoning, there is a Columbia Neighborhood—January 1, 2005 shortage of off-street parking in portions of this area. Recent new construction and building conversions have provided required parking. Adjacent residential areas are generally in good condition and should be protected from commercial encroachment.~~

~~The inclusion of the property located at the corner of Kulshan Street and Monroe Street shall not set a precedent for future expansion of the Planned Commercial area.~~

~~THIS COMMERCIAL AREA SHOULD NOT BE EXPANDED INTO ADJACENT RESIDENTIAL AREAS TO ACCOMMODATE PARKING NEEDS.~~

~~Curb cuts onto Meridian Street should be limited through combined curb cuts or access from side streets. Adjacent residential areas should be effectively buffered from the impacts of commercial development.~~

~~The Fountain District Urban Village Subarea Plan includes land within the Columbia, Cornwall Park and Lettered Streets Neighborhoods. Area 6 is the Columbia Neighborhood portion of the Subarea Plan boundary. The Subarea Plan is a policy document that will guide future development within this subarea. **See Exhibit A – Fountain District Urban Village Subarea Plan for details.**~~

AREA 6 LAND USE DESIGNATION: COMMERCIAL URBAN VILLAGE

Areas 7 [Unchanged]

Area 8

This area along Broadway Street includes five one office buildings, a service station, a funeral parlor, two churches, a drive-thru espresso stand, and six single-family residences. The homes are in sound condition or are in need of only minor repairs. Professional offices are allowed in this area per the Land Use and Development Code.

AREA 8 LAND USE DESIGNATION: MULTIFAMILY RESIDENTIAL, HIGH DENSITY

Areas 9 [Unchanged]

Area 10

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~~This small area on either side of Elm Street between Washington and Monroe Streets is platted into 5,000 square foot lots. A number of the existing single family homes along Elm Street have been converted to offices. The high traffic counts on Elm Street make it suitable for medium density residential or office uses.~~

AREA 10 LAND USE DESIGNATION: MULTIFAMILY RESIDENTIAL, HIGH DENSITY

Areas 11 [Unchanged]

Section 5. Areas 3, 6, 8, and 10 on the Columbia Neighborhood Plan Land Use Map are amended as shown on **Exhibit C.**

Section 6. The Cornwall Park Neighborhood Plan, Subarea descriptions and Land Use Designations Chapter, is amended as follows:

**Cornwall Park Neighborhood Plan
Chapters I. through IV. [unchanged]**

V. Subarea Descriptions and Land Use Designations

Areas 1- 7, 8A, 8B and 8C [unchanged]

Area 9

~~This is the block bounded by Meridian, W. Illinois, Vallette, and W. Maryland Streets. The site is currently occupied by Haggan's grocery store. The Fountain District Urban Village Subarea Plan includes land within the Columbia, Cornwall Park and Lettered Streets Neighborhoods. Area 9 is the Cornwall Park Neighborhood portion of the Subarea Plan boundary. The Subarea Plan is a policy document that will guide future development within this subarea. **See Exhibit A – Fountain District Urban Village Subarea Plan for details.**~~

AREA 9 LAND USE DESIGNATION: COMMERCIAL URBAN VILLAGE

~~**Area 10**~~

~~Area 10 lies south of W. Maryland and W. Connecticut Streets from the alley east of Meridian Street to Grove Street, and north of Broadway.~~

~~Existing structures are predominantly large single family structures with a few conversions to duplexes and apartments. The existing streets are not adequate for medium density residential development.~~

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~~IN ORDER TO ENCOURAGE THE MAINTENANCE OF THE EXISTING HOUSING STOCK AND TO PROVIDE FOR NEW HOUSING CONSTRUCTION, DUPLEX CONVERSIONS AND NEW DUPLEXES SHOULD BE ALLOWED.~~

~~**AREA 10 LAND USE DESIGNATION: MULTIFAMILY RESIDENTIAL, MEDIUM DENSITY**~~

~~**Areas 11 and 11A**~~

~~This area generally includes the east side of Meridian to the alley from Broadway Avenue to Maryland Street with additional lots north of the Haggen Store at Illinois Street, and east of the alley close to Broadway.~~

~~The Fountain Neighborhood is a neighborhood commercial district with considerable history and attractive neighborhood character. Many businesses in the area have been in the same location for many years. The absence of "franchise architecture" and recent remodels of varying styles gives the area a feeling reminiscent of the early 1950's. In response to interest from local merchants, strategies to strengthen and support the Fountain District's important role in the neighborhood could be developed and implemented.~~

~~THE CITY SHOULD RESPOND TO INTEREST FROM AREA MERCHANTS, PROPERTY OWNERS AND RESIDENTS TO DEFINE THE CHARACTER OF THE FOUNTAIN NEIGHBORHOOD COMMERCIAL DISTRICT AND PROPOSE ACTIONS TO PRESERVE AND ENHANCE BOTH ITS UNIQUE CHARACTER AND ITS COMMERCIAL VIABILITY.~~

~~Problems typically associated with strip commercial development are evident in this area. Those problems include the need for adequate buffering of adjacent residential areas from commercial uses; traffic and spillover parking created by commercial uses; and concerns about on-going requests to expand the commercial area to provide for parking.~~

~~Most of the property in this area is developed with commercial uses and has provided the required on-site parking. The southernmost block of this area, between Jefferson and Monroe Streets, is an exception. That block has a concentration of commercial buildings, without space to provide adequate parking on the lots fronting Meridian Street. A portion of the block to the east has been designated to permit the development of parking for those uses. In order to minimize the impacts of this parking on adjacent residents, the standards in the Land Use and Development Code for this area of the neighborhood should be complied with in the design and development of parking in Area 11A: Further encroachment of parking lots for commercial uses into the adjacent well established residential areas appears to be unnecessary and should be discouraged.~~

~~THIS COMMERCIAL AREA SHOULD NOT BE EXPANDED INTO ADJACENT RESIDENTIAL AREAS TO ACCOMMODATE PARKING NEEDS.~~

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~~AREAS 11 AND 11A LAND USE DESIGNATION: COMMERCIAL~~

Areas 12 through 14 [unchanged]

Section 7. Areas 9, 10, 11, and 11A on the Cornwall Park Neighborhood Plan Land Use Map are amended as shown on **Exhibit D**.

Section 8. The Lettered Streets Neighborhood Plan, Subarea descriptions and Land Use Designations Chapter, is amended as follows:

**Lettered Streets Neighborhood Plan
Chapters I. through IV. [unchanged]**

V. Subarea Descriptions and Land Use Designations

Area 1 [unchanged]

Area 2

~~This neighborhood business area adjoining the Fountain District should not be expanded into the residential sections of the Lettered Streets Neighborhood. The Fountain District Urban Village Subarea Plan includes land within the Columbia, Cornwall Park and Lettered Streets Neighborhoods. Area 2 is the Lettered Streets Neighborhood portion of the Subarea Plan boundary. The Subarea Plan is a policy document that will guide future development within this subarea. See Exhibit A – Fountain District Urban Village Subarea Plan for details.~~

AREA 2 LAND USE DESIGNATION: ~~COMMERCIAL~~ URBAN VILLAGE

Areas 3, 3A, and 4 [unchanged]

~~Area 5~~

~~This area contains Roeder School (the Bellingham School District administrative offices), Fire Station No. 1 and the Bellingham Fire Department administrative offices.~~

~~AREA 5 LAND USE DESIGNATION: PUBLIC~~

Areas 6 and 7 [unchanged]

Area 8

A high density residential and office uses designation is appropriate for this southern portion of the neighborhood ~~and along Dupont Street~~. The portion of the area abutting the Civic Center has seen a number of changes, including the construction of the new police

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facility, improvements to the satellite City Hall parking facility, and construction and conversion of new offices.

A density of 1,500 square feet per dwelling unit is the maximum allowed for residential development. Buildings combining offices with residential uses are encouraged. There are some steep bluffs along "D" Street that should be of concern as development occurs. View impacts should be considered for those properties facing or southwest of Holly Street. Design criteria as specified in the Land Use and Development Code shall apply to office and multi-family construction of two units or more.

In order to protect the adjacent properties, special consideration should be given to screening for any new parking facility on the property abutting Halleck Street between A and B Streets.

AREA 8 LAND USE DESIGNATION: MULTIFAMILY RESIDENTIAL, HIGH DENSITY

Areas 9 through 15 [unchanged]

Section 9. Areas 2, 3, 5 and 8 on the Lettered Streets Neighborhood Plan Land Use Map are amended as shown on **Exhibit E.**

Section 10. BMC 20.00.040 Columbia Neighborhood Table of Zoning Regulations is amended as follows:

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20.00.040 - Columbia Neighborhood Table Of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1 - 5	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]
6	Commercial Urban Village	Planned (Res. 10-83, 18-84,, 38-84, 33-85, 78-85, PC 86-1) Fountain District	N/A See BMC 20.37.200 Fountain District Urban Village	Limit curb cuts on Meridian St.; buffer residential area; street trees; special limitations on lots abutting Kulshan Street <u>None</u>	<u>None</u>	In order to protect the adjacent properties, special consideration should be given during the Planned Development contract process for the four lots abutting Kulshan St. between Monroe St. and the boundary of Area 8. Use should be limited to a storage building no greater than 10 ft. in height for the business located at 2309 Meridian St. Careful review of proposed lighting should be incorporated into the site plan process to limit glare on adjacent residential properties. A detailed landscaping plan should be approved as part of the process, including a vegetative screen along Kulshan and Monroe Sts. And the retention of the large trees along Kulshan St. Ingress and egress should be limited to the alley. Care should also be taken during any demolition of existing structures leading to construction of the new storage building to insure preservation of the existing large trees along Kulshan St. <u>None</u>
7 - 9	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]
10	Residential Multi	Multiple – mixed (offices allowed)	2,500 sq.ft. per-unit	Historic	<u>None</u>	<u>None</u>
11	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]

Section 11. Areas 3, 6, 8 and 10 of BMC 20.00.040 Columbia Neighborhood Zoning Map are amended as shown on **Exhibit F**.

Section 12. BMC 20.00.050 Cornwall Park Neighborhood Table of Zoning Regulations is amended as follows:

20.00.050 - Cornwall Park Neighborhood Table Of Zoning Regulations

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Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1 -8	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]
9	Commercial Urban Village	Planned (Ord. 8862) Fountain District	Established by contract See BMC 20.37.200 Fountain District Urban Village	Buffer residential uses None	None	None
40	Residential Multi	Duplex	Single – 5,000 sq.ft. minimum detached lot size; Duplex – 2,500 sq.ft. per unit	None	None	None
44	Commercial	Planned	None specified	Buffer residential; street trees; limit curb cuts on Meridian Street	None	None
44A	Commercial	Planned, Mixed; single family, duplex and parking only	5,000 sq.ft. minimum detached lot size; 2,500 sq.ft. per unit for duplexes.	Parking lot design guidelines (see special regulations).	None	<p>Parking Lot Design Guidelines for Area 44A: All development should comply with the City Land Use Ordinance with the following additional requirements:</p> <p>Access: Access to parking should be primarily through the alley, with access to Peabody Street consolidated.</p> <p>Screening: In addition to required landscaping, the parking lot abutting residential uses should be screened.</p> <p>Setbacks: The setback abutting residential uses should be 40 ft. Other setbacks adjacent to residential uses should be 5 ft., considering the unusual shape of the lot.</p> <p>Alley Improvements: The alley should be improved to a minimum width of 16 ft. of asphaltic concrete, with drainage as needed, to serve parking lots as they develop.</p> <p>Lighting: Special care should be taken to minimize light and glare from parking lot lighting on nearby residences. Fixtures, which minimize glare, should be used.</p> <p>Signage: Directional signing, a sign identifying the business(es) and/or stating rules for the lot and a general "Fountain Business District" identification sign may be allowed on this site. No outdoor advertising signs should be permitted in the parking lot.</p>
12-13	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]

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Section 13. Areas 9, 10, 11 and 11A on BMC 20.00.050 Cornwall Park Neighborhood Zoning Map are amended as shown on **Exhibit G.**

Section 14. BMC 20.00.100 Lettered Streets Neighborhood Table of Zoning Regulations is amended as follows:

20.00.100 - Lettered Streets Neighborhood Table Of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]
2	Commercial Urban Village	Neighborhood Fountain District	5,000-sq.ft. per building- See BMC 20.37.200 Fountain District Urban Village	None	None	None
3 - 4	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]
5	Public	Governmental Services	N/A	None	None	None
6 - 15	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]

Section 15. Areas 2, 3, 5 and 8 on the Lettered Streets Neighborhood Plan Zoning Map are amended as shown on **Exhibit H.**

Section 16. Ordinance 8662, adopted on May 1, 1978 is hereby repealed in its entirety.

Section 17. The Council adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission adopted on _____, 2010.

PASSED by the Council this _____ day of _____, 2010

Council President

APPROVED by me this _____ day of _____, 2010

Mayor

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ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published: _____

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