New Sections, BMC 20.37.020 E., and 20.37.300 through .370, are proposed to be added as development regulations for the Fairhaven Urban Village as follows.

**BMC 20.37 Urban Village**

....

**20.37.020 – Purpose and Intent**

....

E. The *Fairhaven Urban Village* qualifier is intended to implement the Fairhaven Neighborhood and Urban Village Plan which provides a policy framework for an approximately 190 acre area generally located north of Cowgill Avenue, west of 14th Street, south of Knox Avenue, and east of Bellingham Bay.

....

**STAFF NOTE: Everything from this point on is new to BMC 20.37 so it is not shown in legislative format.**

**20.37.300 - Fairhaven Urban Village - Applicability**

A. Regulations specified within Sections .300 through .370 shall apply to the use of land within the Fairhaven Urban Village.

B. Should the provisions of these Sections conflict with any other provision of the Bellingham Municipal Code, except the Critical Areas Ordinance, Shoreline Master Program, Stormwater regulations or BMC 20.28 Infill Housing, the provisions of these Sections 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 that a complete building permit application for repair and reconstruction is submitted within 12 months of the occurrence of the damage or destruction. The Planning and Community Development Director may extend the application deadline upon finding that the applicant is experiencing undue hardship from unforeseen circumstances in meeting the deadline.

D. Amendments.

a. The following amendments shall follow the annual comprehensive plan amendment process outlined in BMC 20.20:

   i. Any change within a land use area from one land use classification to another (i.e., Residential Transition to Commercial Core).

   ii. Any boundary change between unlike land use classifications (i.e., between Residential Transition and Commercial Core).

   iii. Creation of a new land use area with a new land use classification.

b. The following shall be considered through the rezone procedure in BMC 21.19:

   i. Changes in the boundaries between like land use areas such as between two Residential Transition areas.

   ii. Changes in the zoning of an "Area" or portion thereof.

   iii. Changes in permitted uses and/or density rules shall be considered a rezone, regardless of the land use area in which they appear.

c. All other amendments to BMC 20.37.300 through .370 shall be considered through the development regulation amendment procedure in BMC 20.22.
20.37.310 - Fairhaven Urban Village - Establishment of Boundaries and Land Use Areas

A. The boundaries of the Fairhaven Urban Village and associated Land Use Areas are hereby delineated as shown in Figure .310-A.

B. The Fairhaven Urban Village is divided into various residential, commercial, industrial, and public land use areas. The purpose of these areas is to establish goals, policies, zoning and development regulations that require development to respond to desired intensity, physical and aesthetic characteristics, and neighborhood scale in each area. These areas are intended to ensure development is appropriately scaled and designed, and to encourage uses that are compatible with the surrounding neighborhoods. Applicable development regulations are outlined in BMC 20.37.300 through .370.

1. Commercial Core (CC). The Commercial Core Area is intended to be the densest area within the urban village with the highest concentration of employment and housing. This area has direct access to transit and a wide range of supportive land uses such as retail, office, recreation, public facilities, parks and open space. Emphasis in this area is on the pedestrian environment, the preservation of historic buildings, and the compatibility of new development. Ground floor commercial is required in certain locations.

2. Residential Transition (RT). Residential Transition Areas are adjacent to single family neighborhoods. A mix of residential housing types is encouraged to support the abutting commercial area and provide housing choices for people of various incomes and ages. Some areas may allow specific non-residential uses in addition to the standard range of residential uses. These uses are allowed on a limited basis to provide flexibility without having to create a new land use area for minor differences in land use, to provide a smoother transition from an commercial use to a single-family area, or when incentives are needed (such as to preserve historic housing stock).

3. Industrial (I). Industrial Areas are intended to provide for a range of potential uses from "light" industrial uses like research and development to water related industrial uses to "heavy" industrial uses such as intensive warehousing, manufacturing, fabrication, assembly and distribution of goods. Some commercial uses such as hotels and motels are allowed in certain areas to allow more flexibility.

4. Public (P). Public Areas apply to major parcels of land that are owned or leased by public agencies such as city, county and state governments and the Port of Bellingham. Certain public uses may be located in other zoning areas as proscribed in the Land Use and Development Code.
20.37.320 - Fairhaven Urban Village - Uses

A. Uses are established in Table 320-A, below. Land use classifications are listed on the horizontal axis. Fairhaven Neighborhood 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 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).

4. If a (number) appears in the box at the intersection of the column and the row, the use may be permitted in the use area subject to the special limitations indicated in the corresponding “Note” at the end of the table.

5. Use Determination: In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Planning and Community Development 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>
<thead>
<tr>
<th>LAND USE CLASSIFICATION</th>
<th>AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CC</td>
</tr>
<tr>
<td>A. Residential</td>
<td></td>
</tr>
<tr>
<td>1. Attached Accessory Dwelling Unit per BMC 20.10.035</td>
<td>P</td>
</tr>
<tr>
<td>2. Detached Accessory Dwelling Unit existing prior to 1/1/1995, per BMC 20.10.035</td>
<td>P</td>
</tr>
<tr>
<td>3. Bed &amp; Breakfast</td>
<td>P</td>
</tr>
<tr>
<td>4. Boarding &amp; Rooming Houses</td>
<td>P</td>
</tr>
<tr>
<td>5. Co-housing Developments, per BMC 20.10.048</td>
<td>P</td>
</tr>
<tr>
<td>6. Confidential Shelters per per 20.10.047</td>
<td>P</td>
</tr>
<tr>
<td>7. Duplex</td>
<td>P</td>
</tr>
<tr>
<td>8. Hotel, Motel, &amp; Hostel</td>
<td>P</td>
</tr>
<tr>
<td>9. Infill Housing per BMC 20.28</td>
<td>P</td>
</tr>
<tr>
<td>10. Manufactured Home Park</td>
<td>N</td>
</tr>
<tr>
<td>11. Multi Family</td>
<td>P</td>
</tr>
<tr>
<td>12. Night Watchman or Caretaker Quarters</td>
<td>P</td>
</tr>
<tr>
<td>13. Single Family, Detached Dwelling Unit with less than 5,500 square feet of total floor area</td>
<td>P</td>
</tr>
<tr>
<td>14. Single Family Residence with 5,500 square feet or more total floor area, subject to BMC 20.16.020 S.4.</td>
<td>C</td>
</tr>
<tr>
<td>B. Commercial</td>
<td></td>
</tr>
<tr>
<td>1. Adult Entertainment</td>
<td>N</td>
</tr>
<tr>
<td>2. Commercial Recreation</td>
<td>P</td>
</tr>
<tr>
<td>3. Crematory</td>
<td>N</td>
</tr>
<tr>
<td>4. Day Care</td>
<td>P</td>
</tr>
<tr>
<td>5. Day Treatment Center</td>
<td>C</td>
</tr>
<tr>
<td>7. Drive-up/Drive-through facility including not visible from the right of way</td>
<td>N</td>
</tr>
<tr>
<td>8. Eating Establishment</td>
<td>P</td>
</tr>
<tr>
<td>9. Live/Work Unit</td>
<td>P</td>
</tr>
<tr>
<td>10. Motor Vehicles Sales, limited to automobiles, motorcycles, scooters, boats &amp; recreational vehicles</td>
<td>P(5)</td>
</tr>
<tr>
<td>11. Nightclub</td>
<td>P(4)</td>
</tr>
<tr>
<td>12. Office including child placement agency, post office, &amp; tourism center</td>
<td>P</td>
</tr>
</tbody>
</table>

Table 3.20-A: Permitted Uses

- **P** = Permitted
- **(#)** = See Notes
- **C** = Conditional Use
- **N** = Not allowed
### Table 320-A: Permitted Uses

<table>
<thead>
<tr>
<th>LAND USE CLASSIFICATION</th>
<th>AREA</th>
<th>CC</th>
<th>RT-1 &amp; RT-2</th>
<th>RT-3</th>
<th>RT-4</th>
<th>I-1 (1)</th>
<th>I-2 (1)</th>
<th>I-3 (1)</th>
<th>P-1 &amp; P-3</th>
<th>P-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Repair of small equipment &amp; items such as appliances, electronics, clocks, furniture, hand tools, and watches</td>
<td></td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>P(1)</td>
<td>P(1)</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>14. Retail Sales, except as restricted in Subsection B.10. above</td>
<td></td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>P(1)</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>15. Services, Personal</td>
<td></td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>P(1)</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>16. Service Station &amp; Gas Station</td>
<td></td>
<td>P(7)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>17. Water-related and dependent uses, including but not limited to: Boat house, Boat ramp, Boat rental and sales, Boat storage, Float plane facility, Marina, Recreation, Transient moorage, Water based transportation, Web house, and Offices and Retail supporting the same.</td>
<td></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>P(1)</td>
<td>P(1)</td>
<td>P(1)</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

### C. Health Care

| | | | | | | | | | | |
| 1. Doctor, Dentist, Medical, & Therapy Office and/or Laboratory | | P | N | N | P | N | N | P(1) | N | N |
| 2. Medical Care Facility | | P | N | N | C | N | N | N | N | N |
| 3. Service Care | | C | C | N | C | N | N | N | N | P(2) |

### D. Public & Semi-Public Assembly

| | | | | | | | | | | |
| 1. Aquarium, Interpretive Center, Library, & Museum | | P | N | N | N | N | P(1) | P(1) | N | P(2) |
| 2. Art Gallery, Art School, and Commercial Art Studio | | P | C | N | P | N | N | N | P(2) | P(2) |
| 3. Auditorium, Stadium, and Theater | | P(4) | N | N | N | N | N | N | P(2)(4) | P(2)(4) |
| 4. Church and House of Worship | | P | C | C | C | C(1) | C(1) | C(1) | N | N |
| 5. Community Center | | P | C | C | C | C(1) | C(1) | N | P(2) | P(2) |
| 6. Convention Center | | P | N | N | N | C(1) | C(1) | N | N | N |
| 7. Institution of Higher Education and School | | P | C | C | C | N | N | P(1)(8) | N | N |
| 8. Neighborhood Club/Activity Center | | P | C | C | P | N | N | P(1) | P(2) | P(2) |
| 10. Passenger Terminal | | P | N | N | N | N | P(1) | P(1) | P(1) | P(2) | P(2) |
| 11. Private Club & Lodge | | P | C | C | C | N | N | P(1) | N | N |

### E. Industrial

<p>| | | | | | | | | | | |
| | | | | | | | | | | |
| 1. Automobile Repair | | N | N | N | N | N | N | P(1) | N | N |
| 2. Automobile Wrecking | | N | N | N | N | N | N | N | N | N |</p>
<table>
<thead>
<tr>
<th></th>
<th>Commercial Electric Power Generation per BMC 20.36.030 C.9.</th>
<th>Hazardous Waste Treatment &amp; Storage Facility per BMC 20.16.020 H.1.</th>
<th>Manufacturing and Assembly</th>
<th>Mini Storage Facility</th>
<th>Monument and Stone Works</th>
<th>Repair of large equipment such as vessels, vehicles, &amp; floor-based tools</th>
<th>Warehousing, Wholesaling, &amp; Freight Operation</th>
<th>Water-related and dependent uses, including but not limited to: Aquaculture, Barge loading facility, Boat (ship) building, Boat repair, Dry dock, Net repair, Seafood processing, Ship Cargo terminal, Web house, and Offices supporting the same</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>N N N N N</td>
<td>N N N N</td>
<td>N P(1) P(1) P(1)(9)</td>
<td>P N N</td>
<td>N N N</td>
<td>N N</td>
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<tr>
<td>4.</td>
<td>N N N N</td>
<td>N N</td>
<td>N N C(1)</td>
<td>P(1) P(1) P(1)(10)</td>
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<tr>
<td>5.</td>
<td>P N N N</td>
<td>P(1)</td>
<td>N N C(1)</td>
<td>P N</td>
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<tr>
<td>6.</td>
<td>N N N N</td>
<td>P(1)</td>
<td>P(1)</td>
<td>P N</td>
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<tr>
<td>7.</td>
<td>P N</td>
<td>N N</td>
<td>N N C(1)</td>
<td>P P</td>
<td>P</td>
<td>P P</td>
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<td>8.</td>
<td>N N</td>
<td>N N</td>
<td>N N</td>
<td>N P(1) P(1) P(1)(10)</td>
<td>P P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>10.</td>
<td>N N</td>
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<td>N N</td>
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</tbody>
</table>

**F. Miscellaneous Uses**

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</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>C C C C C</td>
<td>C(1) C(1) C(1)</td>
<td>C(1) C(1) C(1)</td>
<td>C(1)</td>
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<tr>
<td>8.</td>
<td>N N</td>
<td>N N</td>
<td>N N</td>
<td>N P</td>
<td>N P</td>
<td>P(2)</td>
<td>P(2)</td>
<td>N P</td>
<td>P(2)</td>
<td>P(2)</td>
</tr>
<tr>
<td>9.</td>
<td>C N N N</td>
<td>C(1)</td>
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<td>C(1)</td>
<td>C(1)</td>
<td>C(1)</td>
<td>C(1)</td>
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</tbody>
</table>

**NOTES:**

(1) Specific uses may be restricted per the Shoreline Master Program.
(2) These uses, when established by a private (not public) entity, require a Conditional Use Permit.
(3) Infill housing uses allowed in RT-3 are limited to Carriage House and Detached Accessory Dwelling Unit, per BMC 20.28.
(4) Regulated by BMC 10.24.120.
(5) When entirely enclosed within a structure.
(6) Including Construction Businesses (such as construction offices and storage yards).
(7) May only be located on those properties where they currently exist south of Larrabee Avenue as of the date of adoption of this ordinance.
(8) Institutions of Higher Education and Art Schools are Permitted. All other schools are Conditional, per BMC 20.16.
(9) The manufacture, compounding, processing, refining, and treatment of significant quantities of the following materials, products or operations is prohibited. For the purpose of this section "significant quantities" consists of a barrel or more at a single time. Acetylene, distillation of alcohol, asphalt and tar, brick, tile, terra cotta, concrete, cement, lime, gypsum, and plaster of Paris, fats, oils and soap, fertilizer, garbage, offal, bones, and the reduction of dead animals, forging or smelting of metal, lampblack, stove and shoe polish, lumber and planing mills, oilcloth and linoleum, paint, shellac, turpentine, lacquer and varnish, paper and pulp, petroleum processing and storage, any explosive or highly inflammable material, slaughtering and processing of meat or fish products, tannery and curing of raw hides, chemicals such as acid, ammonia, bleach, chlorine, dye stuff, glue, gelatin and size, automotive wrecking, or junk yards.
(10) Excluding the storage and handling of explosives, ammonia, chlorine, and any other similarly dangerous or toxic substances.
(11) A restaurant may include licensed provision of beer and wine for consumption on the premises when accessory to such food service. Sales of beverages having a higher alcohol content than beer and wine requires a conditional use permit.
20.37.330 - Fairhaven Urban Village - Development Regulations

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

1. Residential Transition Areas 1, 2 and 4. Development in RT-1, 2 and 4 shall comply with BMC 20.28 Infill Housing, BMC 20.30 Residential Single Development or BMC 20.32 Residential Multiple Development unless specified otherwise herein.

2. Residential Transition Area 3. Development in RT-3 shall comply with BMC 20.30 Residential Single Development unless specified otherwise herein. It shall additionally comply with BMC 20.28 for the following Infill Housing forms:
   a. BMC 20.28.090 Carriage Unit
   b. BMC 20.28.100 Detached Accessory Dwelling Unit

3. Industrial Areas. Development in any industrial zoned area shall comply with BMC 20.36 Industrial Development unless specified otherwise herein.


B. Design Review. See BMC 20.25 and 21.10 for applicable design review areas, standards, and procedures.
C. Special Development Regulations.

1. Height in Commercial and Industrial Areas. The following regulations apply to all development except industrial, except that the height of industrial development shall be restricted within view corridors as shown in Figure .330-C.

   a. The minimum height within 15 feet of any street right-of-way is 18 feet for an occupied building.

   b. Maximum heights and minimum upper story setbacks are as outlined in Table .330-A and shown in Figure .330-B. Upper story setbacks are measured from front and side flanking property lines. A maximum of 50% of wall length above the 3rd story may encroach 5 feet into an upper story setback to accommodate bay windows and similar architectural features.
c. **Height Restricted Areas.** Height is further limited in view corridors and adjacent to residential zoned areas as shown on Figure 330-C and outlined below:

1. Encroachment into view corridors by architectural features such as bay windows, and rooftop objects such as spires, towers, domes, steeples, mechanical equipment, elevator and stair shafts, smokestacks and ventilators is prohibited.

2. The maximum height within 15 feet of a property line abutting a Residential Single Zone or a Residential Transition Area shall be 1 story and 18 feet.

*Figure 330-A: Historic District and Historic Influence Area.* Within the Commercial Core, maximum allowed height limits differ between the Historic District and Historic Influence Area as specified in Table .330-A.
Option 1

Option 2

Option 3

Figure 330-B: Building Height Options. Floor-to-floor heights are shown for illustrative purposes only to provide context on how the maximum allowed building height may be achieved.

Figure 330-C: Height restricted areas abutting residential zoned areas and within views to geographic features of significance.
2. Optional Setback Regulations in Industrial Areas.

a. The Planning and Community Development Director may eliminate or reduce the front and flanking side yard setbacks if all of the following criteria can be met for the wall length within the yard being reduced:

(1) Zoning directly across an improved street right-of-way is Commercial, Public or Institutional.

(2) At least 35% of the building wall area on the ground floor contains transparent windows between a height of 2 feet and 7 feet facing the street. The 35% transparent window calculation only applies to the section of building within the reduced yard.

(3) A customer-oriented pedestrian entry faces, and is accessible from, the street.

(4) All parking facilities are located to the side or rear of the main building.

(5) The proposed use is retail, eating or drinking establishment, personal or business services, amusement and recreation, professional offices, the office component of an industrial use, educational facilities, or similar uses as determined by the Planning and Community Development Director.

b. The Planning and Community Development Director may eliminate or reduce the side and rear yard setback to 10 feet if all of the following criteria can be met:

(1) Abutting zoning is Public; and

(2) The proposed use is retail, eating or drinking establishment, personal or business services, amusement and recreation, professional offices, the office component of an industrial use, educational facilities or other similar uses as determined by the Planning and Community Development Director.

3. Residential Transition Area 4 (RT-4). The following regulations shall be used when converting an existing residential building(s) to a non residential use(s), or when a site will be redeveloped with a non-residential use(s). They are intended to provide incentives for reuse of existing single family residential buildings, and to maintain the small-scale character of the general vicinity when new development occurs.

a. Maximum Use Size. Individual non-residential use(s) on a site shall not exceed the floor area of:

(1) Any building(s) on site existing as of (the date of adoption) and originally built for residential use, or

(2) 2,000 square feet of gross floor area per non-residential use for new development.

An addition in floor area to buildings in Subsection a.1. above may be approved by the Planning and Community Development Director when existing buildings are to be joined by a mutual addition.

b. Open Space. A minimum of 10% of the total site area shall be left as an open space when a property is developed with non-residential uses.

20.37.340 - Fairhaven Urban Village - Street Improvements

A. Applicability. The regulations of this Section shall apply to all new construction, and to the renovation of existing site and building improvements, when the cost of renovation exceeds 50% of the assessed valuation of the improvements.

B. Requirements.

1. Abutting streets shall be improved to ¾ standard, except that projects abutting Harris Avenue shall improve the abutting sidewalk to accommodate the proposed street designs in the Fairhaven Neighborhood and Urban Village Plan.

2. Minimum sidewalk width in commercial zoned areas is 15 feet and shall include a landscaping strip or tree wells adjacent to the street curb. Landscape strips and tree wells shall have a minimum width of 4 feet.
3. Modifications to requirements may be approved by the Planning and Public Works Directors when:
   a. Practical difficulties arise in the design and construction of streets due to topographic or geological limitations or other problems inherent or peculiar to the area,
   b. The Directors find that imposition of the required street design would be detrimental to the interest of the neighborhood,
   c. The Directors find that the modifications will provide an equal or better solution that is consistent with the goals and policies in the Fairhaven Neighborhood and Urban Village Plan, or
   d. The street cross-section will include angled parking.

20.37.350 - Fairhaven 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 Fairhaven Urban Village except as follows:
   1. Residential development in Residential Transition Areas shall comply with BMC 20.28 Infill Housing or BMC 20.30 Residential Single Development for corresponding development.
   2. The Planning and Community Development Director shall have the authority to waive parking requirements when consistent with an area-wide parking plan and/or district pursuant to BMC 20.12.010 A. The following parking districts shown in Figure .350-A shall remain in effect unless modified by City Council legislative action.
      b. 10th Street Parking District approved under Council Resolution 2003-38.

Figure .350-A: Fairhaven Parking Districts Map
B. All parking standards in BMC 20.12 concerning general provisions, design provisions and improvement standards shall apply except as provided herein.

C. Uses shall provide parking as follows. Fractions are rounded up to the next whole number.

1. **Residential Uses:** Minimum of 1 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 2 per unit.

2. **Commercial Uses:** Minimum 1 space per 500 square feet of gross floor area, including office, retail, service, eating and drinking establishments, entertainment, and similar uses.

3. **Industrial Uses:**
   a. Manufacturing: 1 for every 5,000 square feet of gross floor area or 1 per employee (working at the same time) whichever is greater.
   b. Warehousing and Wholesale: 1 for every 20,000 square feet of gross floor area or 1 per employee (working at the same time) whichever is greater.
   c. Mini-Storage: 1 space for every 2,000 square feet of storage area plus 3 spaces for the Manager’s office.

5. If a use is not readily classified within the zoning classifications, then the Planning and Community Development Director shall determine the standards which shall be applied.

6. Buildings existing as of **DATE OF ADOPTION** are exempt from the requirement to provide additional parking due to a use change.

7. The Planning and Community Development 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 no greater than 10% of the area of the existing building and (2) existing conforming parking on site shall not be displaced. Exception: If the listed historic building provides 10% or less of the on-site parking that would be required for an equivalent new building, the Planning and Community Development Director may allow displacement of some or all of the on-site parking.

8. The creation of new improved on-street parking that abuts a project site may count toward on-site parking requirements when the new street parking will increase the supply of improved on-street public parking. The parking and street design shall be consistent with the standards BMC 20.37.340, and subject to Public Works Department approval.

D. **Unbundled Parking.** Unbundled parking means that the parking required of a project is not assigned to building space; it is sold or leased separately.

1. **Purpose:** To make more efficient use of parking that is required of a project but not otherwise used or needed by tenants of the project. Taking into account that the parking required of a project represents the parking demand added to the general vicinity, this parking can then be made available to any on- or off-site use, on a fee or lease basis, to provide more opportunities to satisfy the local parking demand.

2. The Planning and Community Development 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 needed spaces for uses operating at the same time.
   b. The developer shall complete a parking demand analysis to demonstrate that the resultant parking will be adequate for the anticipated uses.

E. **Shared Parking:** Shared parking means that parking spaces are shared by more than one user or business that have different parking demand patterns. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately.

1. **Purpose:** 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 Planning and Community Development 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 needed spaces for uses operating at the same time.
   b. The developer shall complete a parking demand analysis to demonstrate that the resultant parking will be adequate for the anticipated uses.
c. Shared parking shall be unbundled as necessary to ensure the adequacy of parking in Subsection 2.b. This may require that parking is not assigned or dedicated. All spaces that are to be assigned or dedicated shall be shown/evaluated in a shared parking demand study. Unbundled parking may be leased to off-site uses that are not a party through a shared parking agreement.

d. To ensure that a parking area is shared, each property owner or party must sign a shared parking agreement in a form acceptable to the City Attorney, stating that his/her property is used for parking by another use(s) on the same property, or a use(s) on adjacent property. The applicant must file this statement with the Whatcom County Assessor’s Office to run with the property(s). Shared parking may include use of off-site parking in a commercial parking structure.

e. Parking lots associated with an approved conditional use in a Residential Transition Area may be used as shared parking during off peak hours of the primary permitted use on site upon Planning and Community Development Director approval of a shared parking agreement.

F. Parking Reduction Allowed. The Planning and Community Development Director may administratively reduce parking an additional 20% 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, but not be limited to, implementation of a shared car service (i.e., Zipcar™), enhanced bike storage facilities, purchase of WTA transit passes through the Urban Village Trip Reduction Credits (BMC 19.06.040 E. Table 2), installation of covered transit shelters where approved by the Whatcom Transportation Authority and Public Works Department, 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.

G. Parking Design.

1. Industrial zoned areas. No portion of any open parking facility shall be located within ten feet of any front or side-flanking property line, or within any required yard except for a lane for ingress and egress.

2. Public zoned areas.
   a. No portion of any open parking facility shall be located within five feet of any property line abutting or across the street from any residential designation except for a lane for ingress and egress.
   b. Improved on-street parking may count toward on-site parking for public uses in areas zoned public.

H. Bike Parking.

1. Number of spaces required. Bicycle parking is required for certain use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays.
   a. The required minimum number of covered bicycle parking spaces is shown on Table .350-A.
   b. The required minimum number of bicycle parking spaces is based on the primary uses on a site. When there are two or more separate primary uses that operate at the same time on a site, the required bicycle parking for the site is the sum of the required parking for the individual primary uses.

2. Exemptions.
   a. No long-term bicycle parking is required on a site where there is less than 2,500 square feet of gross building area.
   b. No bicycle parking is required for unattended surface parking lots.

   a. Short-term bicycle parking.
(1) **Purpose.** Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Short-term bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists.

(2) **Standards.** Required short-term bicycle parking shall be located:

(a) Outside a building;
(b) Located on the site;
(c) At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
(d) Within 50 feet of the main entrance to the building as measured along the most direct pedestrian access route. For sites that have more than one primary building, the bicycle parking shall be within 50 feet of a main entrance as measured along the most direct pedestrian access route, and shall be distributed to serve all primary buildings.

Short term bike parking may be located within the public right-of-way provided the location and design are subject to Public Works Department approval.

### TABLE .350-A: Minimum Required Bicycle Parking

<table>
<thead>
<tr>
<th>Specific Use</th>
<th>Long-term Spaces</th>
<th>Short-term Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Multi-family housing</td>
<td>2, or 0.5 per bedroom and studio unit.</td>
<td>2, or 1 per 20 dwelling units.</td>
</tr>
<tr>
<td>2. Commercial: Retail Sales and Service,</td>
<td>2, or 1 per 12,000 sq.ft. of gross floor area.</td>
<td>2, or 1 per 5,000 sq.ft. of gross floor area.</td>
</tr>
<tr>
<td>including Eating and Drinking Establishments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Commercial: Office</td>
<td>2, or 1 per 10,000 sq.ft. of gross floor area.</td>
<td>2, or 1 per 20,000 sq.ft. of gross floor area.</td>
</tr>
<tr>
<td>4. Commercial: Off-street parking lots and</td>
<td>2, or 1 per 20 automobile spaces.</td>
<td>6, or 1 for each 20 automobile spaces.</td>
</tr>
<tr>
<td>garages available to the general public without</td>
<td></td>
<td></td>
</tr>
<tr>
<td>charge or on a fee basis</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** Wherever this table indicates two numerical standards, such as "2, or 1 per 5,000 sq.ft. of gross floor area," the larger number applies.

### Long-term bicycle parking.

(1) **Purpose.** Long-term bicycle parking provides employees, residents, commuters and others who generally stay at a site for several hours, a secure and weather-protected place to park bicycles. Although long-term parking does not have to be provided on-site, the intent of these standards is to allow bicycle parking to be within a reasonable distance in order to encourage bicycle use.

(2) **Standards.** Required long-term bicycle parking shall be:

(a) Provided in racks or lockers that meet the standards of Subsection 3.c.;
(b) Located on the site or in an area where the closest point is within 300 feet of the site;
(c) Covered. At least 50% of required long-term bicycle parking shall be covered and meet the standards of Subsection c.(5). (Covered Bicycle Parking); and
(d) Secured. To provide security, long-term bicycle parking shall be in at least one of the following locations:
   i. In a locked room;
   ii. In an area that is enclosed by a fence with a locked gate. The fence shall be either 8 feet high, or be floor-to-ceiling;
   iii. Within view of an attendant or security guard;
iv. In an area that is monitored by a security camera; or
v. In an area that is visible from employee work areas.

c. **Standards for all bicycle parking.**

(1) **Purpose.** These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

(2) **Bicycle lockers.** Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

(3) **Bicycle racks.** Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks shall meet the following standards:

(a) The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;

(b) A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and

(c) The rack shall be securely anchored.

(4) **Parking and maneuvering areas.**

(a) Each required bicycle parking space shall be accessible without moving another bicycle;

(b) There shall be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way; and

(c) The area devoted to bicycle parking shall be hard surfaced.

(5) **Covered bicycle parking.** Covered bicycle parking, as required by this section, can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover shall be:

(a) Permanent;

(b) Designed to protect the bicycle from rainfall; and

(c) At least 7 feet above the floor or ground.

(6) **Signs.** If required bicycle parking is not visible from the street or main building entrance, a sign shall be posted at the main building entrance indicating the location of the parking.

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**20.37.360 - Fairhaven 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 Fairhaven Urban Village except as follows:


B. **Standards.** 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 and Community Development 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.

1. Development shall provide landscaping in accordance with BMC 20.12.030 except as provided herein.

2. **Street Trees.** One street tree shall be required for every 50 feet of street frontage abutting the property. Said trees shall be installed adjacent to the right-of-way within the property lines or within the right-of-way subject to the approval of the Public Works and Parks Departments.
   a. Surface parking lots with 15 or more parking spaces shall provide internal landscaping at the rate of 20 square feet of landscaped area per parking stall. The landscaping shall include at least one shrub for every 20 square feet of landscaped area, and 1 shrub per enclosed bed. One tree shall be required for every 10 open parking spaces. Vegetation ground cover shall be provided for all landscaped areas that will provide 90% coverage within 2 years.
   b. Drought tolerant materials shall be used for all plantings unless an irrigation system is provided. A 2-year maintenance bond or other financial guarantee acceptable to the City shall be provided in the amount of 50% of the value of the landscaping materials and installation.

20.37.370 - Fairhaven 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 Fairhaven Urban Village except as follows:
   2. Signage for industrial uses in Industrial zoned areas shall comply with BMC 20.36 Industrial 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, wayfinding program signs installed by a government agency if the signs are consistent with the provisions of the Fairhaven Neighborhood and Urban Village Plan.
   3. Tenant Panel and Directory Signs when located within a recessed entry.
   4. Interior signs including those painted on the interior of glass windows.
   5. Building identification signs or cornerstones are permitted as an integral and architecturally compatible part of the building or structure. Cornerstones shall not exceed 4 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.
   6. Directional Signs.
      a. Directional signs are limited to 6 square feet per sign face and 3 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.
      c. There is no limit on the number of directional signs.

D. Standards.
   1. Unless specified otherwise herein, the following signs are prohibited:
      a. Off premise, billboard, and rooftop.
      b. Flashing, video, electronic, revolving, and any other signs that appear to move or vary in intensity. Animated, moving, blinking or electronic (LED or similar) message boards are permitted only in association with theaters.
      c. Halo signs are not permitted within the Historic District (see Figure .330-A).
      d. Signs on building walls facing a residentially zoned area when the property whereon the sign is located abuts a residential zoned area.
   2. The total gross area of all permanent exterior signs for any one building shall not exceed one square foot of area to one lineal foot of street frontage, or 100 square feet, whichever is more restrictive (logos are included).
3. One monument or pole sign per site is permitted whether it is for a single or mixed use. Either sign shall not exceed 60 square feet per face or 6 feet in height measured from existing grade. A pole sign shall be mounted on at least two posts placed at the outmost sides of the sign face.

4. Building mounted signs shall:
   a. Be located to emphasize design elements of the building facade itself.
   b. Be mounted to fit within existing architectural features.
   c. Use the shape of the sign to reinforce the lines of the building.
   d. Not obscure a building’s character-defining features.
   e. Use permanent, durable materials such as painted or carved wood, individual wood or cast metal letters or symbols, or stone (slate, marble or sandstone). Plastic and other synthetic materials are not appropriate.
   f. Be limited to lighting that is subdued, incandescent and front lit from the exterior rather than back lit. Neon signs are permitted.

5. Building mounted signs extending over the street right-of-way shall comply with the International Building Code and the requirements of the Public Works Department.

6. Temporary building signs shall not exceed 32 square feet.

7. Real estate signs are limited to one sign per street frontage, shall be unlighted, and shall not exceed 32 square feet.

8. Sandwich Board and Sidewalk Signs. Sandwich board and sidewalk signs may be placed on the sidewalk in front of commercial buildings under the following guidelines:
   a. No more than one sign is allowed per business, and no more than one sign is allowed per commercial entry to a building.
   b. Signs may only be placed in front of a business or in front of an commercial entry to where a business is accessed off the main sidewalk. If multiple businesses share an entry within a building, the property owner or manager shall determine the shared use of a sign.
   c. Signs may not be placed in any portion of the public right-of-way typically used by motor vehicles in a lawful manner.
   d. Signs shall be located so as not to create a traffic safety hazard by obstructing the vision of motorists on private property or public right-of-way.
   e. Signs shall be placed toward the street curb, and provide at least 30 inches of clearance between the curb line and sign where street parking is allowed in the adjacent street. Exception: Signs may be placed within 12 inches of the curb line whenever parking is prohibited in the adjacent street (See Figure .350-A).
   f. Signs shall be placed so as not to interfere with building access, opening of car doors, bus stops, loading zones, or pedestrian, bicycle, or handicapped travel or access.
   g. Signs may be placed near markings separating parking spaces, but not within a crosswalk and not closer than 25 feet from the intersection of the extension of the curb lines (edge of curbs on the vehicular traffic side) of each intersecting street or from another sandwich board sign (See Figure .350-A).
   h. Signs may not be placed closer than 12 inches from any tree grate or other planting (See Figure .350-A).
i. A minimum walking space of 8 feet wide down the center of the sidewalk shall be preserved when unfolded.

j. Signs shall be at least 30 inches but not more than 36 inches high when unfolded, with a maximum width of 24 inches.

k. Signs shall not be lighted.

l. Signs shall be displayed only during the hours the business is open. In no case may the sign be displayed when a business is closed.

m. Signs must be of sound construction and designed to the satisfaction of the Planning Director to withstand high winds.

n. Signs shall be anchored or weighted such that they cannot blow over.

o. Signs may not include attachments such as streamers and balloons.

p. Signs shall be regularly inspected to ensure that they have not been damaged or destroyed by natural forces or vandalism. Damaged and destroyed signs shall be immediately removed or repaired so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

q. Owners of such signs shall assume liability for damage or injury resulting from their use and shall hold the City harmless and indemnify the City for such resulting loss and/or injury. The hold harmless and indemnity agreement shall be to the satisfaction of the City Attorney’s Office.

r. Continuous proof of liability insurance must be provided naming the City as additional insured in amount and policy provisions as approved by the City Attorney’s Office.
s. Removal and Disposal of Illegal Sandwich Board Signs.

(1) Any sign on public property or within a public right-of-way or easement that violates the Bellingham Municipal Code may be removed by the City without notice.

(2) If the advertiser can be determined, the City shall store the illegal sign for 30 calendar days after the day the sign was removed and notify the advertiser that the City is storing the sign and the time and location where the sign can be retrieved. The advertiser may retrieve the sign during any working days within this 30-day period.

(3) To reimburse the City for the costs of removing and storing the sign, an advertiser retrieving a sign shall pay the City a $50.00 fee for each sign removed to compensate the City for its costs. This fee is a reimbursement of City costs and shall not be considered a penalty. This fee shall be paid in addition to any penalty levied.

(4) If the City’s determination that the sign is illegal is appealed and the decision maker determines the sign is not illegal, the advertiser shall not have to pay the fee. If the fee has been paid, the City shall reimburse the advertiser. Any appeals of the City’s determination that the sign is illegal shall not stay the requirement to comply with the Bellingham Municipal Code.

(5) If the advertiser cannot be determined or the sign is not picked-up by the advertiser within the time period set by subsection s.2), the City shall dispose of the sign. The removal and disposal of signs is an enforcement mechanism and is not a penalty. The placement of illegal signs may be subject to the penalties provided for in BMC 20.52 in addition to the removal and disposal of illegal signs.

(6) The City and its officers, employees, or contractors shall not be responsible for any lost or damaged signs located on public property, public rights-of-way, or public easements while on the property, right-of-way or easement, or in City custody.