

EXHIBIT E

20.00.070 - Fairhaven Neighborhood and Urban Village Table Of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1	Industrial Urban Village	Marine Fairhaven	N/A See BMC 20.37.300 Fairhaven Urban Village	Shoreline; design review None	Improvements of Harris Ave. linkage with Old Fairhaven Pkwy. via 10th St. None	None None
4A	Industrial	Marine; planned; mixed; all light industrial uses are allowed as provided in Sec. 20.36.030 with the exception as noted*. The planned process shall apply only to light industrial uses.	N/A	For all light industrial and commercial uses building height shall not exceed 35 ft. above the existing street grades; for all new development the following conditions shall apply "design review" view, signage; no vehicular drive-through facilities shall be allowed; offices and retail sales shall be limited to or related to items produced on site; no minimum setback requirement for development adjacent to Post Point Wastewater Treatment Plant except for that portion adjoining the facility's public open space area and pedestrian trail abutting 4th St., and then the setback shall be 25 ft.; additional buffering may be required for more intensive industrial uses adjacent to the Wastewater Treatment Plant open space and trail area and along the pedestrian trail abutting 4th St. Signage shall be limited and controlled by the prohibition of billboards (outdoor advertising signs) and roof signs. Flashing or revolving signs shall not be allowed. No sign shall be erected on building walls facing and lying adjacent to public open spaces, pedestrian trails or upland residential uses.	Improvement to Harris Ave. to match adjacent arterial street standards on the north. Improvement of west side of 4th St. and improvement of McKenzie Ave. to standards approved by the Public Works Dept. as appropriate for adjacent land use.	*Prohibited uses in Area 4A include: Drive-through eating establishments and other facilities which provide for the ordering, payment or pick-up of goods and/or services for customers staying within motorized vehicles; strip malls; gas stations; automotive repair services and garages; billboards; advertising devices; utility generation and transmission systems; adult entertainment uses; casinos, card rooms and other gambling facilities; and all marine and light industrial conditional uses.
4B	Industrial	Marine; planned; mixed uses*	N/A	Shorelines**; uses; traffic and access; mixed use compatibility; railroad crossing; pedestrian access view; other; design review	Old Fairhaven Parkway extension	*Mixed Uses: Commercial uses compatible with the Fairhaven Business District including but not necessarily limited to hotels, motels, convention center, commercial recreation, restaurants, etc. **The "Shoreline" special condition applies to both industrial and commercial uses within the jurisdiction of the Shoreline Management Program. All other special conditions apply only to proposed commercial uses. Other special conditions are: Use: Uses permitted must be marine related within the area subject to the State Shoreline Management Act. Additionally, commercial uses should be destination and tourist types of activities, which will enhance the Fairhaven Business District. Hotels, motels, restaurants, commercial recreation, aquariums and offices (outside of shoreline jurisdiction) are examples of appropriate uses. Because of the historic nature of the area and the anticipated symbiotic relationship with the Fairhaven Business District, period themes should be encouraged. Traffic and access: Harris Ave. presently provides the major access to the site. The carrying capacity of Harris Ave. needs to be evaluated with each project as well as the signal at 14th and Harris Ave. Improvements may have

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					<p>to be made. With large scale redevelopment of the area, the Valley Pkwy. extension may have to be constructed.</p> <p>Mixed use compatibility: One of the challenges with mixed use development is to mitigate impacts, which may arise from different uses. Typically noise, odor, and lighting all pose potential problems which must be addressed. Mitigation measures could include sound attenuators, buffers, or pollution control devices.</p> <p>Railroad crossing: Vehicular access into the area must cross over existing railroad tracks. Each crossing must be looked at and possibly controlled to ensure safe crossing.</p> <p>Pedestrian access: Provisions for pedestrians must be made both within the site (along shoreline areas integrated with Marine Park and the commercial areas) and along Harris Ave. to the Fairhaven Business District.</p> <p>View: Any potential interference with upland residential views from large scale development should be evaluated.</p> <p>Other: Internal access, hydrant dispersal, sewer location and capacity all need to be examined with each project.</p>
2A	Commercial	Neighborhood, mixed uses (see Special Regulations)	No density restriction for retail or office buildings	Design review; view; height; parking; prohibition of vehicle drive through facilities; covenant facilities NW of Mill and 10th	<p>None</p> <p>1. Mixed uses specifically permitted in this area shall include and be limited to apartments, hotels and noncommercial parking lots constructed to meet the overall parking demands of the commercial area according to a parking plan approved by the City Council.</p> <p>2. Warehousing when adjacent to Port of Bellingham properties. Access shall be from the west and the Port owned properties. In no case shall warehouse traffic be allowed directly on the streets abutting commercial development.</p> <p>Special development restrictions and options:</p> <p>1. No use shall be permitted to have facilities which provide for the ordering, payment or pick-up of goods and/or services for customers staying within motorized vehicles.</p> <p>2. The standard 35 ft. height restriction may be increased to 54 ft. upon specific approval by the City Council. In order to approve an increase in building height, the Council must find that the following criteria are met:</p> <p>a. Approval is preceded by implementation of an area wide District Parking Plan, which demonstrates capacity for the increased parking demand generated by the increase in floor area.</p> <p>b. The City Council shall find that the proposed structure will not block more than 20% of the view of the water existing at the time of the proposal from any home in adjacent residentially zoned areas to the north and northwest of the commercial core. <i>(For example, if the deck of a home now has a 45 degree view of the near shoreline of Bellingham Bay, a new building over 35 ft. in height could block no more than 9 degrees of this view.)</i></p> <p>c. The proposal included the provision for dedication of, or contribution towards needed public amenities within the commercial core in Areas 2A and 2B (as shown on the Amenities Plan Map). Eligible public amenities may include centralized open spaces, public restrooms, street furniture, trails and parks, indoor public spaces, public entry and directional signs, similar amenities, or contribution toward such amenities. The type and amount of amenities shall be determined</p>

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						<p>on a case-by-case basis, as recommended by the Parks and Recreation Dept. The more intense the uses over the 35 ft. height limit, the more amenities should be provided.</p> <p>d. In no case shall the 35 ft. height limitation be exceeded for new construction and additions located north of Mill Ave. between 10th and 12th Sts. or north of Harris Ave. east of 12th St.</p>
2B	Commercial	Neighborhood, mixed-uses (#1)	No density restriction for retail or office buildings	Design review; view; height; parking; prohibition of vehicle drive-through facilities	None	<p>1. Mixed uses specifically permitted in this area shall include and be limited to apartments, hotels in existing buildings (buildings existing as of April 1, 1989), and noncommercial parking lots constructed to meet the overall parking demands of the commercial area according to a parking plan approved by the City Council.</p> <p>Special development restrictions and options:</p> <p>1. No use shall be permitted to have facilities which provide for the ordering, payment or pick-up of goods and/or services for customers staying within motorized vehicles.</p> <p>2. The standard 35 ft. height restriction may be increased to 54 ft. upon specific approval by the City Council. In order to approve an increase in building height, the Council must find that the following criteria are met: See criteria for Area 2A.</p>
2C	Public	Park	N/A	None	None	None
3	Residential Multi	Multiple	2,000 sq-ft. per unit	Sympathetic scale, material, color and proportion to enhance existing historic buildings in Area 2B; view	None	None
4	Industrial	Light; prohibited uses*; outdoor advertising**	N/A	Shoreline; design review; height; signage; prohibition of vehicle drive-through facilities	Completion of Larrabee buffer; access to Old Fairhaven Pkwy. via 10th and Donovan	<p>*No use shall be permitted to have facilities, which provide for the ordering, payment or pick-up of goods and/or services for customers staying within motorized vehicles.</p> <p>Height of buildings shall be restricted to 40 ft. for commercial uses. There shall be no such height restriction for industrial uses. For purposes of this section, a commercial use shall be defined as a use dealing solely in the direct dispersal of goods and services to the general public. Such uses shall include those listed in the permitted use section of the light industrial district (See: 20.36.030); numbers 3 through 6 inclusive.</p> <p>Signage shall be limited and controlled by the prohibition of billboards (outdoor advertising signs) and roof signs. Flashing or revolving signs shall not be allowed. The size and height of signs shall be limited according to impact. No sign shall be erected on building walls facing and lying adjacent to residential areas.</p>
5	Commercial	Planned; mixed use; parking	N/A	Shoreline; design review; limits on signage; prohibition of vehicle drive-through facilities	Improvement to arterial standards on 10th St. and Donevan to 12th	None
6A	Residential Multi	Planned (Res. 60-84)	Single family—5,000 sq-ft. min. lot size; Multi—2,500 sq-ft. per unit	Shoreline; Larrabee Ave. should not be developed for vehicular traffic; design recommendations*		<p>*Design Recommendations</p> <p>Alley access should be used in place of direct access to Donevan Ave. or Larrabee Ave. Between 4th & 8th Sts., the alley right of way should be increased to 30 ft. in width (acquire dedication on the north). It should be improved to two travel lanes (approximately 22 ft. total width) and provide storm drainage. Rather than the present "T" design, the alley should be realigned for a more direct access to 4th St. The improved alley should not be used for parking maneuvering area; landscaped strips along this street, either on the right of way or private property, should separate it from parking</p>

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						lots. Building height should be limited to 28 feet. Required yards, excluding those forming the northerly boundary of the Donovan Avenue right of way, should be reduced or eliminated due to the buffer on Larrabee and to compensate for dedication of additional alley right of way width. It may also be possible for property owners to seek vacation of 10 ft. of the Larrabee Ave. right of way as compensation. Berms should be constructed along the northern edge of Donovan Ave. Sufficient space should be available by using part of the wide right of way and front yards of properties.
6B	Residential Multi	Planned; mixed (offices allowed)	Single family—5,000 sq-ft. min.-lot size; Multi—2,500 sq-ft. per unit; Offices—10,000 sq-ft. max. floor area per building	Shoreline; Larrabee Ave. should not be developed for vehicular traffic; design recommendations* listed here and for Area 6A shall apply		*Design Recommendations: Office buildings shall not exceed 10,000 sq. ft. of gross floor area per building. Offices should be designed to be compatible with the residential character of the neighborhood, and should utilize those exterior finish materials (siding, roofing, etc.) which would be typically utilized in a residential development. Design recommendations listed in Area 6A should also apply.
7	Residential Single	Detached	5,000 sq-ft. min.-detached lot size	Shoreline	None	None
8	Commercial	Planned	No more than 10,000 sq-ft. of floor area per building	Limited access onto arterials; shoreline; design review	None	See neighborhood plan.
9	Residential Multi	Multiple	2,000 sq-ft. per unit	None	None	None
9A	Residential Multi	Multiple; mixed (offices allowed)	2,000 sq-ft. per unit	Design review	None	None
9B	Residential Multi	Multiple; mixed (offices allowed)	1,500 sq-ft. per unit	Design review	1314 Old Fairhaven Pkwy Consent Agreement	None
10	Public	Open space/parks/utilities	N/A	Shoreline	None	None
11	Public	Open space/parks	N/A	None	None	None
12	Public	Housing	N/A	Design review	None	None
13	Public	Government services	N/A	Design review	None	None
14	Commercial	Planned; mixed uses; limited light manufacturing uses allowed when in conjunction with retailing of same product; parking	N/A	Design features compatible with Old Fairhaven theme; signage (see neighborhood plan); prohibition of vehicle drive-through facilities	None	None
15	Public	Park		Shoreline; historic and architectural	None	None