

ORDINANCE NO. 2010-10-057

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 August 19, 2009 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 September 13, 2010 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]

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Area 6

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: URBAN VILLAGE

Areas 7 [Unchanged]

Area 8

This area along Broadway Street includes one office building, 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]

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

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.

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AREA 9 LAND USE DESIGNATION: URBAN VILLAGE

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

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: URBAN VILLAGE

Areas 3, 3A, and 4 [unchanged]

Areas 6 and 7 [unchanged]

Area 8

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

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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:

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	Urban Village	Fountain District	See BMC 20.37.200 Fountain District Urban Village	None	None	None
7 - 9	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]
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

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1 -8	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]
9	Urban Village	Fountain District	See BMC 20.37.200 Fountain District Urban Village	None	None	None
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	Urban Village	Fountain District	See BMC 20.37.200 Fountain District Urban Village	None	None	None
3 - 4	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]	[unchanged]
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: _____