

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.** Existing uses and structures that are nonconforming as to the use of development regulations of this ordinance and that were lawfully established prior to the adoption of the Fairhaven Neighborhood and Urban Village Plan and development regulations (August 28, 2012) shall be deemed conforming and not in violation of this ordinance. 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. New construction, other than routine maintenance on existing structures or reconstruction due to accidental causes, shall comply with the requirements of this ordinance.
- 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 may be required in certain locations as shown in the Fairhaven Design Standards contained in BMC 20.25.040 B., [Exhibit B](#), Chapter 3, B.2.b.

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 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.

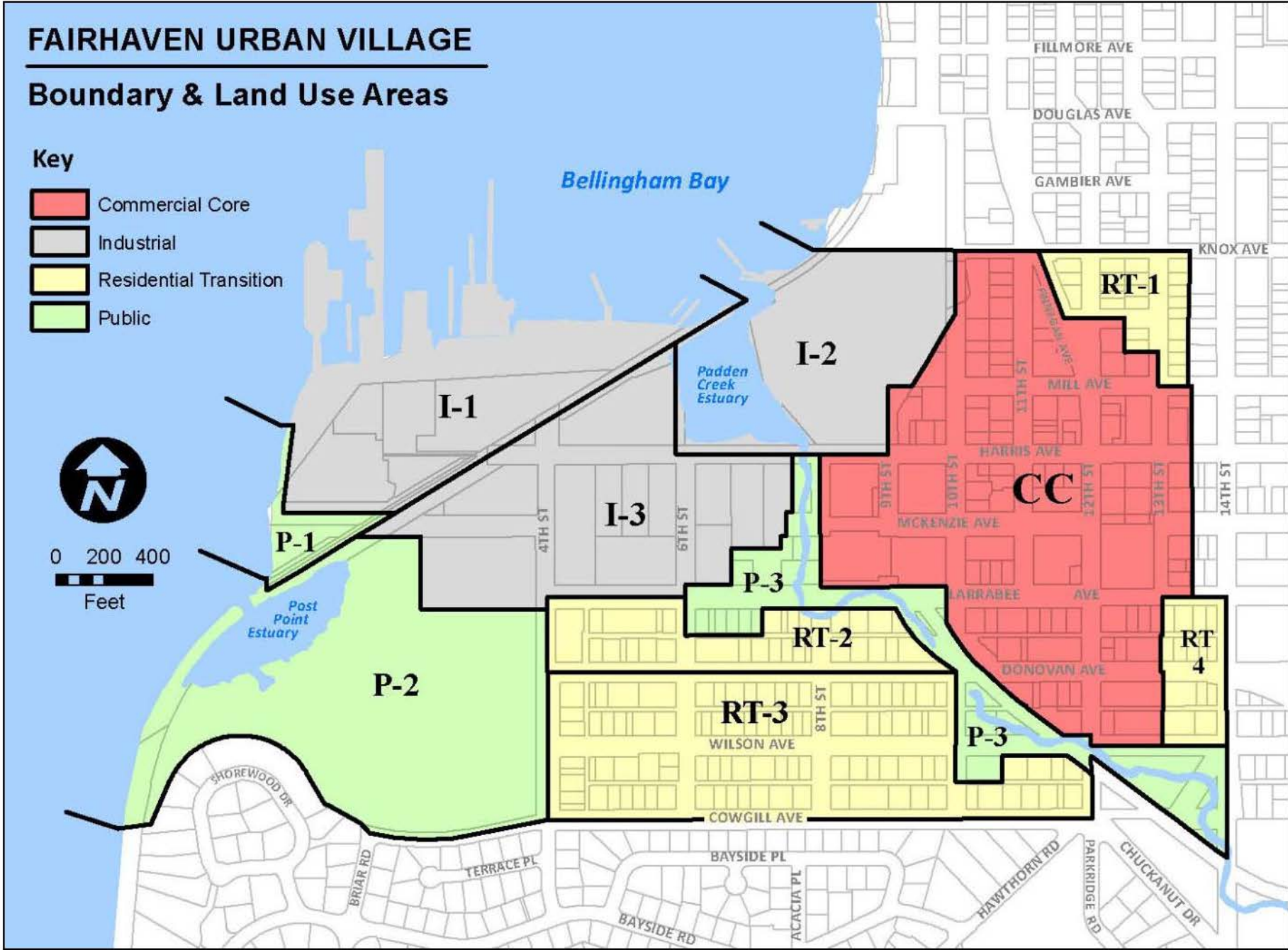


Figure .310-A: Fairhaven Urban Village and Area Boundaries Map

August 13, 2012

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 .320-A: Permitted Uses

P = Permitted

(#) = See Notes

C = Conditional Use

N = Not allowed

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

Table .320-A: Permitted Uses

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LAND USE CLASSIFICATION	AREA								
	CC (2)	RT-1 & RT-2	RT-3	RT-4	I-1 (1)	I-2 (1)	I-3 (1)	P-1 & P-3	P-2
13. Repair of small equipment & items such as appliances, electronics, clocks, furniture, hand tools, and watches	P	N	N	N	N	P(1)	P(1)	N	N
14. Retail Sales, except as restricted in Subsection B.10. above	P	N	N	N	N	N	P(1)	N	N
15. Services, Personal	P	N	N	P	N	N	P(1)	N	N
16. Service Station & Gas Station	P(10)	N	N	N	N	N	N	N	N
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.	N	N	N	N	P(1)	P(1)	P(1)	N	N
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(4)
4. Veterinary Service, Animal Hospital & Small Animal Care Shop	P(8)	N	N	P(8)	N	N	P(1)(8)	N	N
D. Public & Semi-Public Assembly									
1. Aquarium, Interpretive Center, Library, & Museum	P	N	N	N	P(1)	P(1)	N	P(4)	P(4)
2. Art Gallery, Art School, and Commercial Art Studio	P	C	N	P	N	N	N	P(4)	P(4)
3. Auditorium, Stadium, and Theater	P(5)	N	N	N	N	N	N	P(4)	P(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(4)	P(4)
6. Convention Center	P	N	N	N	N	N	N	N	N
7. Institution of Higher Education and School	P	C	C	C	N	N	P(1)(11)	N	N
8. Neighborhood Club/Activity Center	P	C	C	P	N	N	P(1)	P(4)	P(4)
9. Park, Trail, & Playground	P	P	P	P	P(1)	P(1)	P(1)	P	P
10. Passenger Terminal	P	N	N	N	P(1)	P(1)	P(1)	P(4)	P(4)
11. Private Club & Lodge	P	C	C	C	N	N	P(1)	N	N
12. Public Building & Use	P	C	C	C	P(1)	P(1)	P(1)	P	P
E. Industrial									
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

Table .320-A: Permitted Uses

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N = Not allowed

LAND USE CLASSIFICATION	AREA								
	CC (2)	RT-1 & RT-2	RT-3	RT-4	I-1 (1)	I-2 (1)	I-3 (1)	P-1 & P-3	P-2
3. Commercial Electric Power Generation per BMC 20.36.030 C.9.	N	N	N	N	C(1)	C(1)	P(1)	N	N
4. Hazardous Waste Treatment & Storage Facility per BMC 20.16.020 H.1.	N	N	N	N	N	N	C(1)	N	N
5. Manufacturing and Assembly	N	N	N	N	P(1)	P(1)	P(1) (12)	N	N
6. Mini Storage Facility	P	N	N	N	N	N	N	N	N
7. Monument and Stone Works	N	N	N	N	N	N	C(1)	N	N
8. Repair of large equipment such as vessels, vehicles, & floor-based tools	N	N	N	N	P(1)	P(1)	P(1)	N	N
9. Warehousing, Wholesaling, & Freight Operation	N	N	N	N	P(1) (13)	P(1) (13)	P(1) (13)	N	N
10. 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	N	N	N	N	P(1)	P(1)	P(1)	N	N
F. Miscellaneous Uses									
1. Adaptive Use for Historic Register Buildings per BMC 17.90.080 & 20.16.020 A.1.	C	C	C	C	C(1)	C(1)	C(1)	C	C
2. Community Gardens	P	P	P	P	P(1)	P(1)	P(1)	P	P
3. Community Public Facilities per BMC 20.16.020 P.4.	P	C(14)	C(14)	C(14)	P	P	P	P	P
4. Parking Facility (Nonretail)	P	N	N	N	P(1)	P(1)	P(1)	P(4)	P(4)
5. Parking Facility (Retail)	P	N	N	N	P(1)	P(1)	P(1)	N	P(4)
6. Public Utilities on private property	P(5)	C	C	C	P(1)	P(1)	P(1)	P(4)	P(4)
7. Public Utilities when located within a public right-of-way	P	P	P	P	P(1)	P(1)	P(1)	P	P
8. Recreational Vehicle Park	N	N	N	N	N	N	N	N	N
9. Recycling and Refuse Collection Center	C	N	N	N	N	P	P	P(4)	P(4)
10. Wireless Communications Facility per BMC 20.13	P,C	P,C	P,C	P,C	P,C	P,C	P,C	(15)	(15)

NOTES:

- (1) Specific uses may be restricted per the Shoreline Master Program.
- (2) Ground floor commercial may be required in certain locations as shown in the Fairhaven Design Standards contained in BMC 20.25.040 B., [Exhibit B](#), Chapter 3, B.2.b.
- (3) Infill housing uses allowed in RT-3 are limited to Carriage House and Detached Accessory Dwelling Unit, per BMC 20.28.
- (4) These uses, when established by a private (not public) entity, require a Conditional Use Permit.
- (5) Regulated by BMC 10.24.120.
- (6) 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.

- (7) The "Work" component in Live/Work is limited to those permitted and conditional uses listed under the applicable zoning subarea in Table .320-A.
- (8) When entirely enclosed within a structure.
- (9) Including Construction Businesses (such as construction offices and storage yards).
- (10) May only be located on those properties where they currently exist south of Larrabee Avenue as of August 28, 2012.
- (11) Institutions of Higher Education and Art Schools are Permitted. All other schools are Conditional, per BMC 20.16.
- (12) 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.
- (13) Excluding the storage and handling of explosives, ammonia, chlorine, and any other similarly dangerous or toxic substances.
- (14) Conditional except for those uses permitted in D.9. above.
- (15) Wireless communication facilities may only be allowed as an Accessory Use or Conditional Use under the provisions of Chapter 20.13 pertaining to the location of these facilities in Public zones.

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.
 - 4. Public Areas.** Development in any public zoned area shall comply with BMC 20.42 Public Development unless specified otherwise herein.
- B. Design Review.** See BMC 20.25 and 21.10 for applicable design review areas, standards, and procedures.

Table .330-A: Standard Development Regulations

Development Regulations	Area							
	Commercial	Residential					Industrial	Public
	CC	RT-1, 2 and 4			RT-3		I-1, 2 and 3	P-1, 2 and 3
Applicable Development Regulations	BMC 20.37.300 through .370	BMC20.28 Infill Housing	BMC 20.30 Residential Single Development	BMC 20.32 Residential Multi Development	BMC 20.28 Infill Housing	BMC 20.30 Residential Single Development	BMC 20.36 Industrial Development	BMC 20.42 Public Development
Minimum lot size	None	(1)	5,000 sq.ft.	5,000 sq.ft.	(1)	5,000 sq.ft.	None	None
Maximum Density	None	2,000 sq.ft./unit for RT-1 and 2. 1,500 sq.ft./unit for RT-4. (1)	5,000 sq.ft./unit	2,000 sq.ft./unit for RT-1 and 2. 1,500 sq.ft./unit for RT-4.	5,000 sq.ft./unit	5,000 sq.ft./unit	None	N/A
Setbacks from property lines	None	(1)	(2)	(3)	(1)	(2)	25' from any property line abutting or across a right-of-way from land zoned residential or public (4). 10' from front and side-flanking street (4).	20' from any property line abutting land zoned residential.
Maximum Height	Height limits are as shown on Figure .330-A. (5)(6)(8)	(1)	(2)	35' for RT-4. (3)	(1)	(2)	I-1: None for Industrial Uses. 66' for all other uses (5)(6)(8). I-2: 3 stories and 42' (5)(6)(7)(8). I-3: 5 stories and 56' (5)(6)(7)(8).	None (8)

Notes:

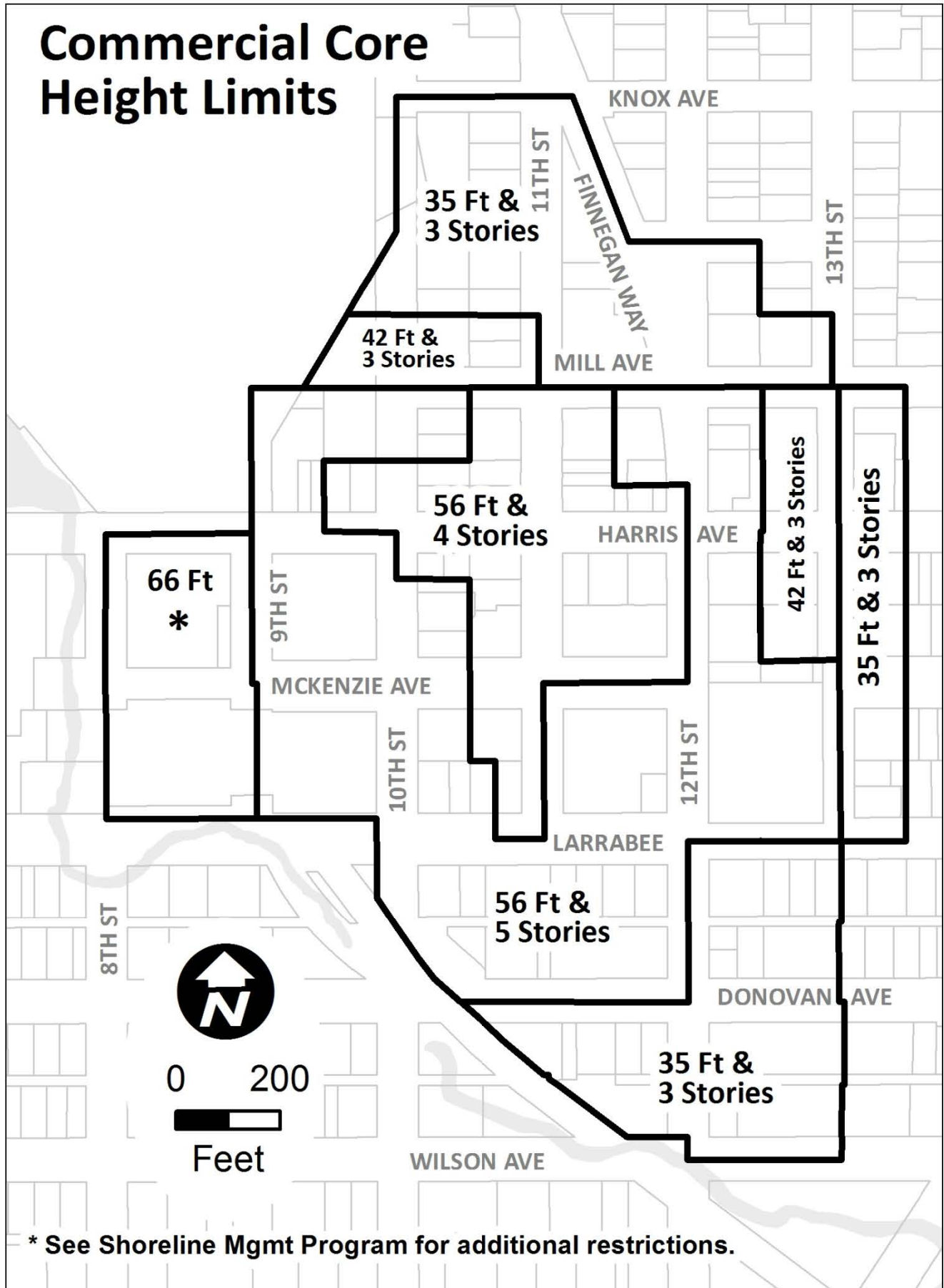
- (1) Subject to BMC 20.28 Infill Housing.
- (2) Subject to BMC 20.30 Residential Single Development.
- (3) Subject to BMC 20.32 Residential Multi Development.
- (4) See Subsection C.2. below for optional setbacks regulations.
- (5) Height is measured per Height Definition #1. A building may be divided into modules and stepped with height measured on a per module basis to respond to topography on sloped property.
- (6) See BMC 20.37.330 C.1. and Figure .330-C for additional height restrictions.
- (7) Height limits do not apply to temporary construction equipment or permanent fabrication equipment used in the normal course of business for industrial uses.
- (8) Additional height restrictions may apply as specified in the Shoreline Management Program.

C. Special Development Regulations.

1. Height in Commercial and Industrial Areas.

- a. Non-industrial development over 5-stories in height shall incorporate a 15-foot step back above the 4th floor as measured from the abutting street right-of-way and shown in **Figure .330-B**. A maximum of 50% of wall length above the 4th story may encroach 5 feet into an upper story setback to accommodate bay windows and similar architectural features.

Commercial Core Height Limits



* See Shoreline Mgmt Program for additional restrictions.

Figure .330-A: Maximum allowed heights within the Commercial Core.

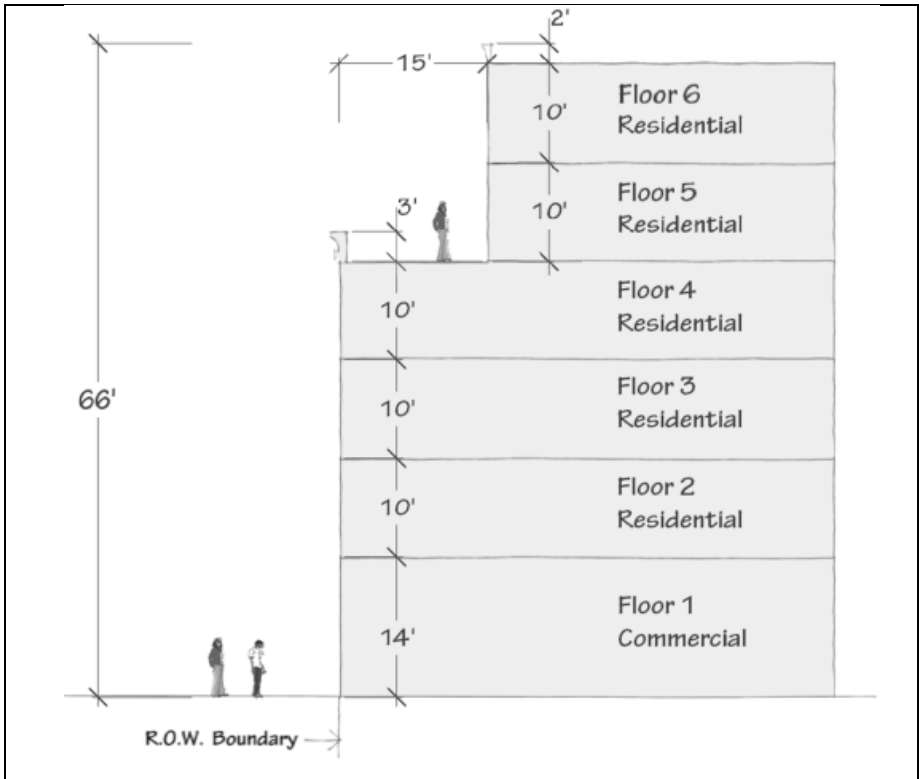


Figure .330-B: Building Step-Back Required. Floor-to-floor heights are shown for illustrative purposes only to provide context on how the maximum allowed building height may be achieved.

b. 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.

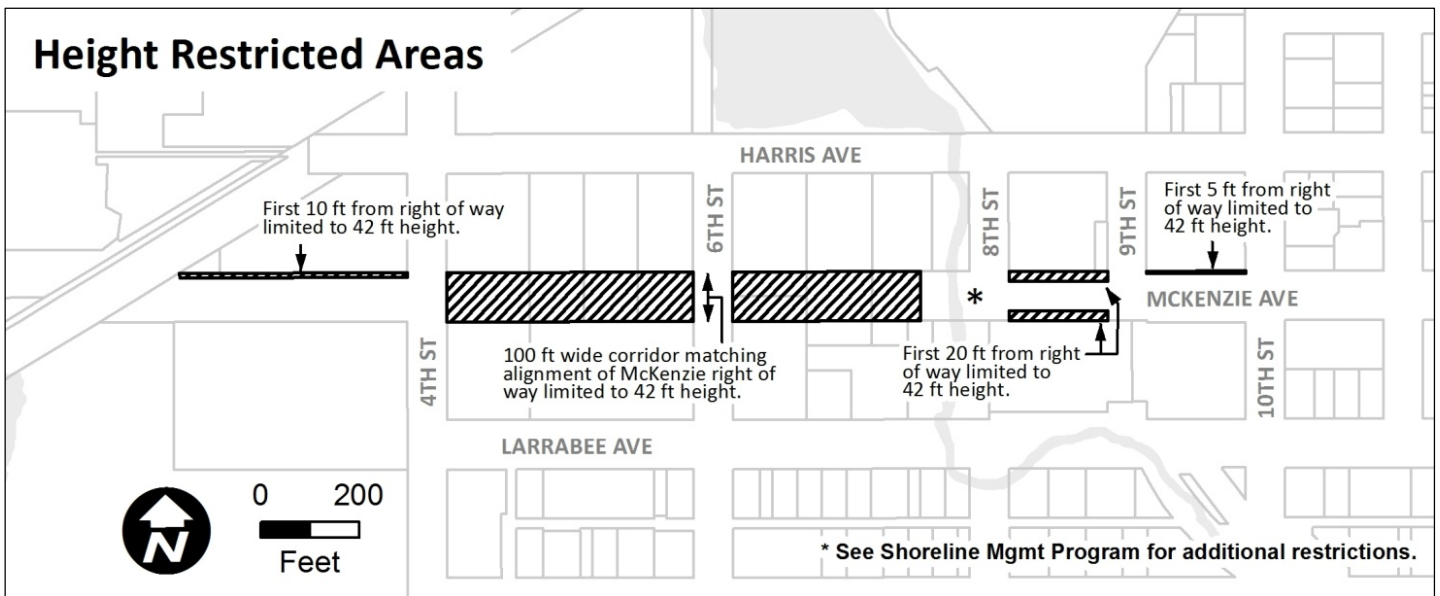


Figure .330-C: Height restricted areas within views to geographic features of significance.

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 or Public.
 - (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 nonresidential 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 August 28, 2012 and originally built for residential use, or
 - (2) 2,500 square feet of gross floor area per non-residential use for new ground floor development. There is no floor area limit on upper floors.

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 site and improvements.

B. Requirements.

1. Abutting streets shall be improved to $\frac{3}{4}$ standard. Projects abutting Harris Avenue shall also 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.
 - a. Area-Wide Parking Plan and Parking District under Council Resolution 43-94.
 - b. 10th Street Parking District approved under Council Resolution 2003-38.

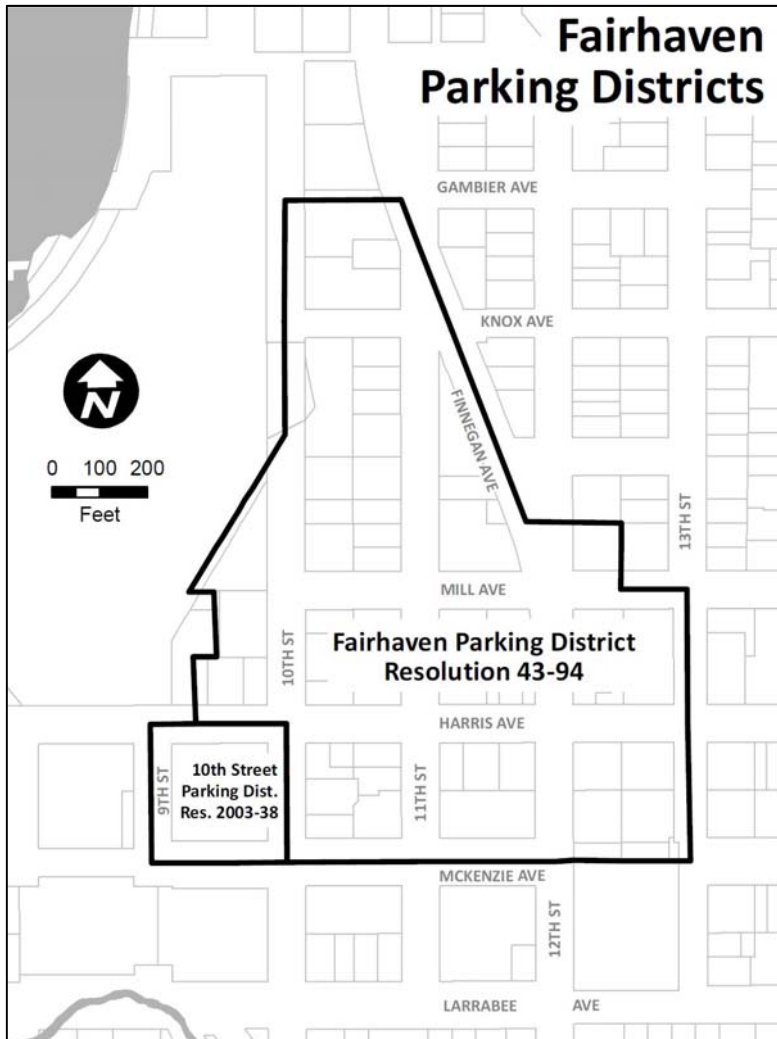


Figure .350-A: Fairhaven Parking Districts Map

- 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 August 28, 2012 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 provision of unbundled parking is allowed in the following zones: Commercial Core, Industrial, and Public.
- E. **Shared Parking:** Shared parking means that parking spaces are shared by more than one user or business that has 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 in **Subsection H.3.b.(2).(c).**
 - 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.
 - 3. **Bicycle Parking Standards.**
 - 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)** 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		
Specific Use	Long-term Spaces	Short-term Spaces
1. Multi-family housing	2, or 0.5 per bedroom and studio unit.	2, or 1 per 20 dwelling units.
2. Commercial: Retail Sales and Service, including Eating and Drinking Establishments	2, or 1 per 12,000 sq.ft. of gross floor area.	2, or 1 per 5,000 sq.ft. of gross floor area.
3. Commercial: Office	2, or 1 per 10,000 sq.ft. of gross floor area.	2, or 1 per 20,000 sq.ft. of gross floor area.
4. Commercial: Off-street parking lots and garages available to the general public without charge or on a fee basis	2, or 1 per 20 automobile spaces.	6, or 1 for each 20 automobile spaces.
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.		

b. 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 H.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 H.3.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.

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:
 - 1. Development in Residential Transition Areas shall comply with BMC 20.28 Infill Housing, BMC 20.30 Residential Single Development, or BMC 20.32 Residential Multi Development for corresponding development.
- 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.
3. **Surface Parking.**
 - 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:
 1. Development in Residential Transition Areas shall comply with BMC 20.28 Infill Housing, BMC 20.30 Residential Single Development, or BMC 20.32 Residential Multi Development for corresponding development.
 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 .370-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).

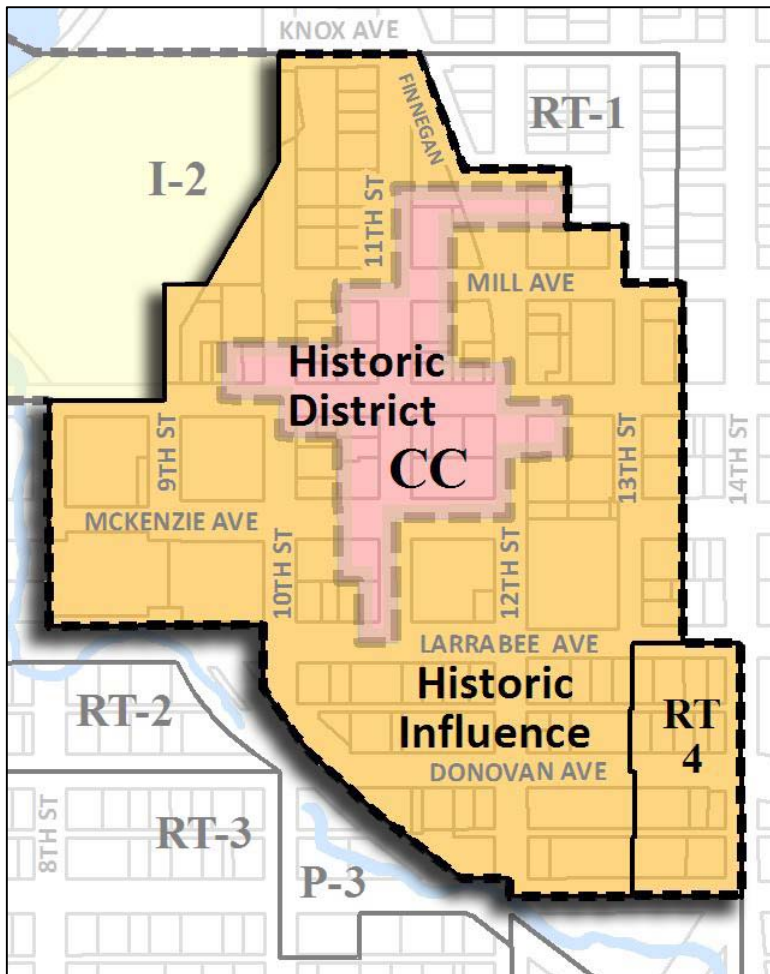


Figure .370-A: Historic District and Historic Influence Area.

3. One monument or pole sign per parcel 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.