

New Sections, BMC 20.37.300 through .380, are proposed to be added as development regulations for the Fairhaven Urban Village as follows.

BMC 20.37 Urban Village

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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 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, 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.

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 areas. The purpose of these areas is to establish goals, policies 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. Various design review districts with specific design review criteria and standards have additionally been created that more closely respond to detailed character elements intended for preservation on existing buildings and implementation on new development.
 - 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 are allowed in certain areas, including hotels and motels, to allow more flexibility.
 - 4. Public (P).** This designation applies 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.

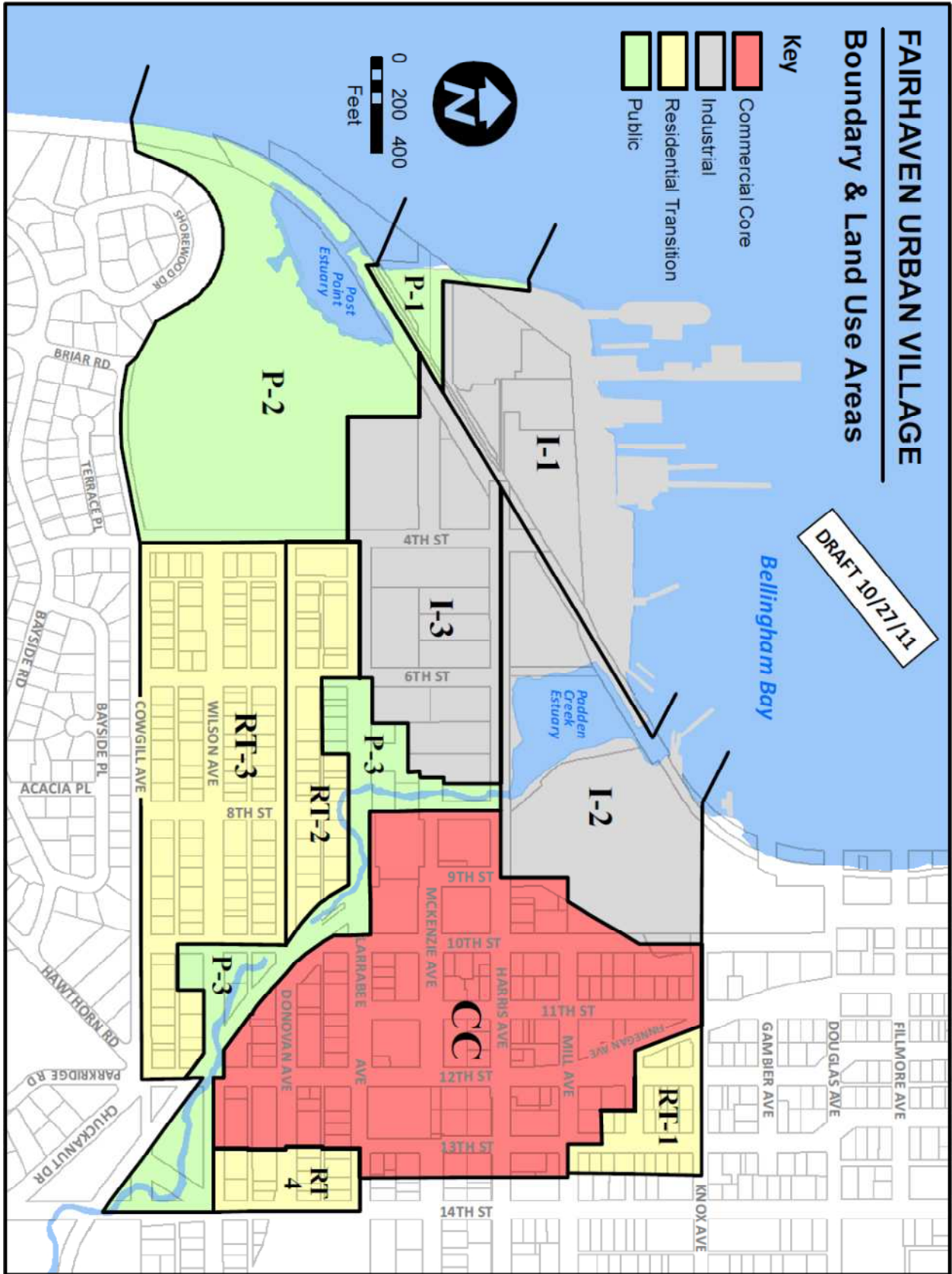


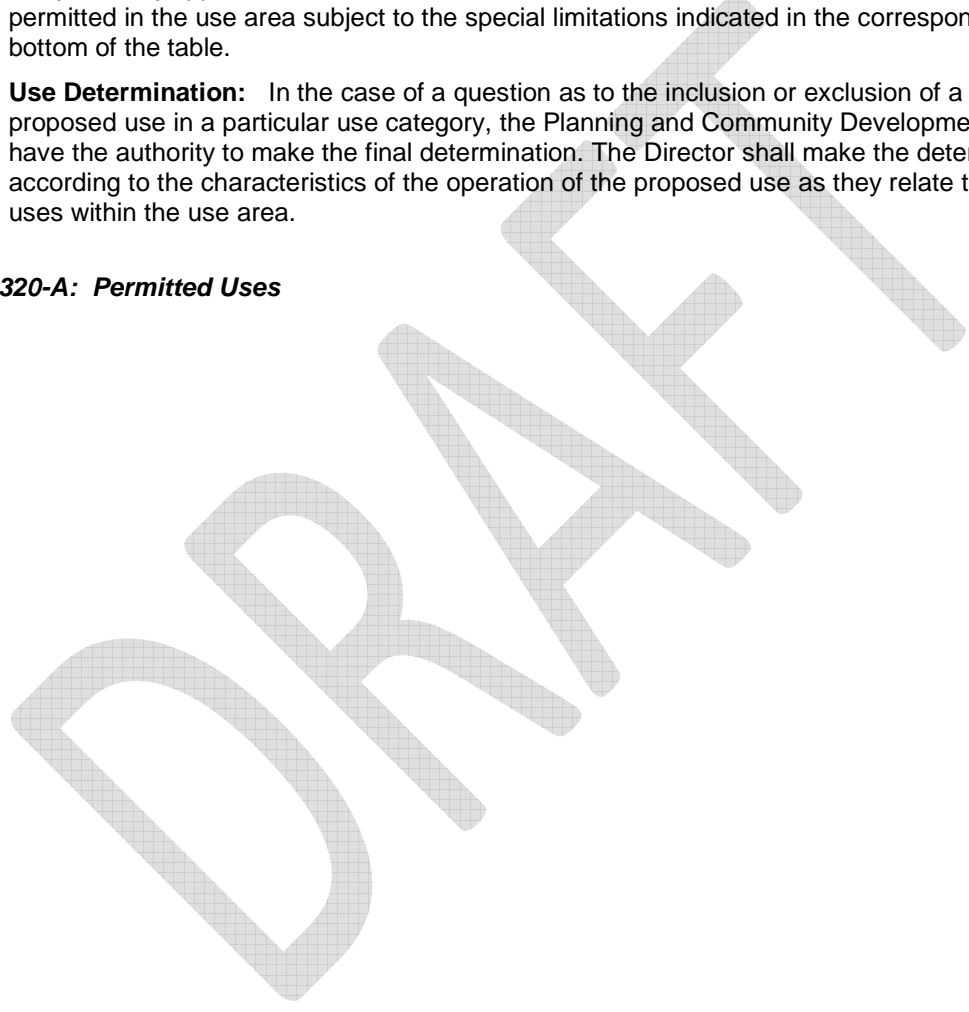
Figure .310-A: Fairhaven Urban Village and Area Boundaries Map

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 bottom 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	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	N	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	N	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 per 20.10.047	P	P	P	P	N	N	N	N	N
7. Duplex	N	P	N	P	N	N	N	N	N
8. Hotel, Motel, & Hostel	P	N	N	N	N	P(1)	P(1)	N	N
9. Infill Housing per BMC 20.28	N	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 SF of total floor area	P	P	P	P	N	N	N	N	N
14. Single Family Residence with 5,500 SF 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(2)	P(2)
6. Drinking establishment	P(4)	N	N	P(4)(11)	P(1)(4)	P(1)(4)	P(1)(4)	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(2)	P(2)
9. Live/Work Unit	P	C	C	P	N	N	N	N	N
10. Motor vehicles sales, limited to automobiles, motorcycles, scooters, boats & recreational vehicles	P(5)	N	N	N	N	N	P(1)	N	N
11. Nightclub	P(4)	N	N	N	N	N	P(1)(4)	N	N
12. Office including child placement agency, post office, & tourism center	P	N	N	P	N	P(1)	P(1)(6)	N	N
13. Repair of small equipment & items such as	P	N	N	N	N	P(1)	P(1)	N	N

appliances, electronics, clocks, furniture, hand tools, and watches										
14. Retail sales, except as restricted in subsection B.10. above	P	N	N	N	N	P(1)	P(1)	N	N	
15. Services, Personal	P	N	N	P	N	P(1)	P(1)	N	N	
16. Service Station & Gas Station	P(7)	N	N	N	N	N	P(1)	N	N	
17. Water-related and dependent uses, including but not limited to: Boat (ship) center, Boat house, Boat ramp, Boat rental and sales, Boat storage, Float plane facility, Marina, Recreation, Transient moorage, Water based transportation, Web house, and Offices 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	P(1)	P(1)	N	N	
2. Medical Care Center	P	N	N	C	N	N	N	N	N	
3. Service Care	C	C	N	C	N	N	N	N	P(2)	
4. Veterinary Service, Animal hospital & Small animal care shop	P(5)	N	N	P(5)	N	N	P(1)(5)	N	N	
D. Public & Semi-Public Assembly										
1. Aquarium, Interpretive Center, Library, & Museum	P	N	N	N	P(1)	P(1)	N	P(2)	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)	
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(2)	P(2)	
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	
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)(9)	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)(10)	P(1)(10)	P(1)(10)	N	N
10. Water-related and dependent uses, including but not limited to: Aquaculture, Barge loading facility, Boat (ship) building, Boat center, Boat repair, Dry dock, Net repair, Seafood processing, Ship Cargo terminal, and Web house	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	P	P	P	P	P(1)	P(1)	P(1)	P	P
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(12)	C(12)	C(12)	P	P	P	P	P
4. Parking facility (Nonretail)	P	N	N	N	P(1)	P(1)	P(1)	P(2)	P(2)
5. Parking facility (Retail)	P	N	N	N	P(1)	P(1)	P(1)	N	P(2)
6. Public Utilities on private property	P(4)	C	C	C	P(1)	P(1)	P(1)	P(2)	P(2)
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. Wireless communications facility per BMC 20.13	P	P	P	P	P	P	P	P	P

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) Minor repairs and oil changes allowed. May only be located on those properties where they currently exist south of Larrabee Avenue as of **(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.
- (12) Conditional except for those uses permitted in D.9. above.

20.37.330 - Fairhaven Urban Village - Development

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.

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Table .330-A: Standard Development Regulations

Development Standards	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 .380	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 SF	5,000 SF	(1)	5,000 SF	None	None
Maximum Density	None	(1)	5,000 SF/unit	2,000 SF/unit for RT-1 and 2. 1,500 SF/unit for RT-4.	N/A	5,000 SF/unit	None	N/A
Setbacks from property lines	None (4)	(1)	(2)	(3)	(1)	(2)	10' from front and side-flanking street. (5)(6)	(5)(6)
Maximum Height	<u>Historic District:</u> 4 stories and 56'(7)(8)(10). <u>Historic Influence Area:</u> 6 stories and 66'(7)(9)(10).	(1)	(2)	35' for RT-4. (3)	(1)	(2)	None for Industrial Uses. Six stories and 66' for all other uses (7)(9)(10).	None

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 **B.1.** and **2.** below for applicable setbacks when adjacent to residential zones or areas.
- (5) Subject to BMC 20.36 Industrial Development.
- (6) See Subsection **B.2.** below for optional setback regulations.
- (7) Height is measured per Height Definition #1. A building may be divided into modules and stepped with height measured on a per module basis in response to topography on sloping property.
- (8) See Figures .330-A and .330-B, Option 1, for how development within the 56' height limit may occur.
- (9) See Figures .330-A and .330-B for three options on how development within the 66' height limit may occur.
- (10) See BMC 20.37.330 B.1. and Figure .330-C for height restricted areas.

Figure .330-A: Historic District and Historic Influence Areas

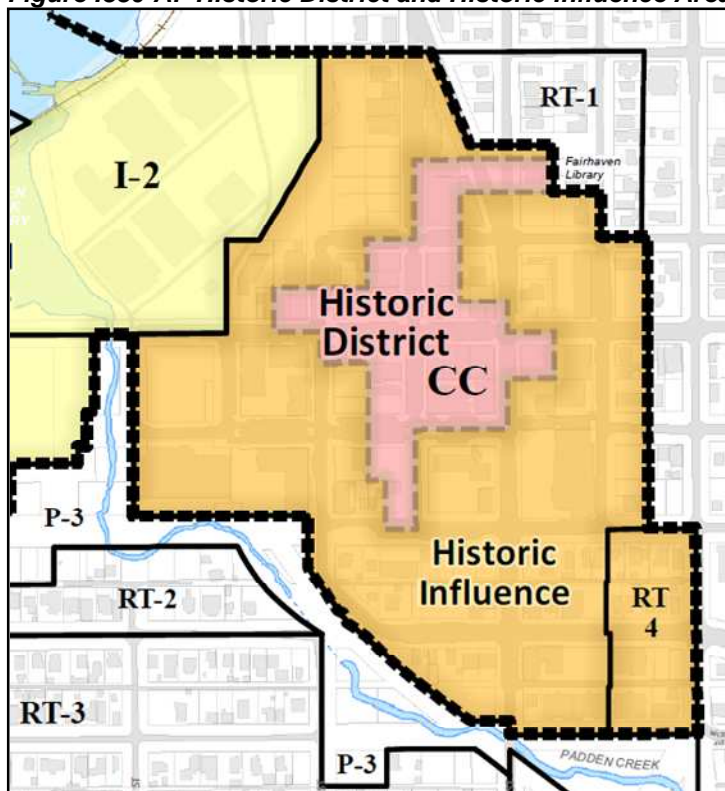
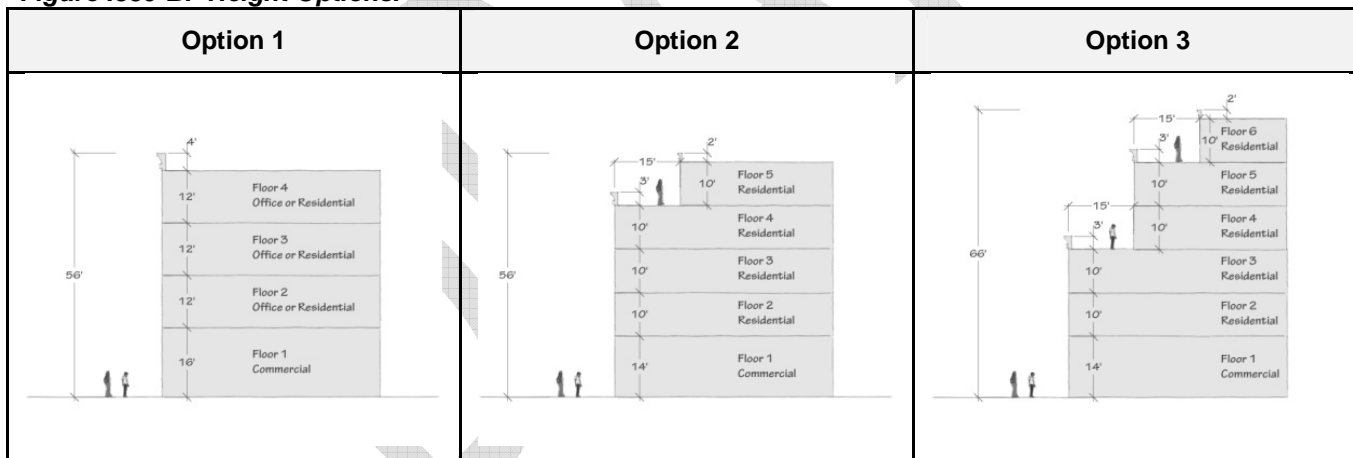


Figure .330-B: Height Options.



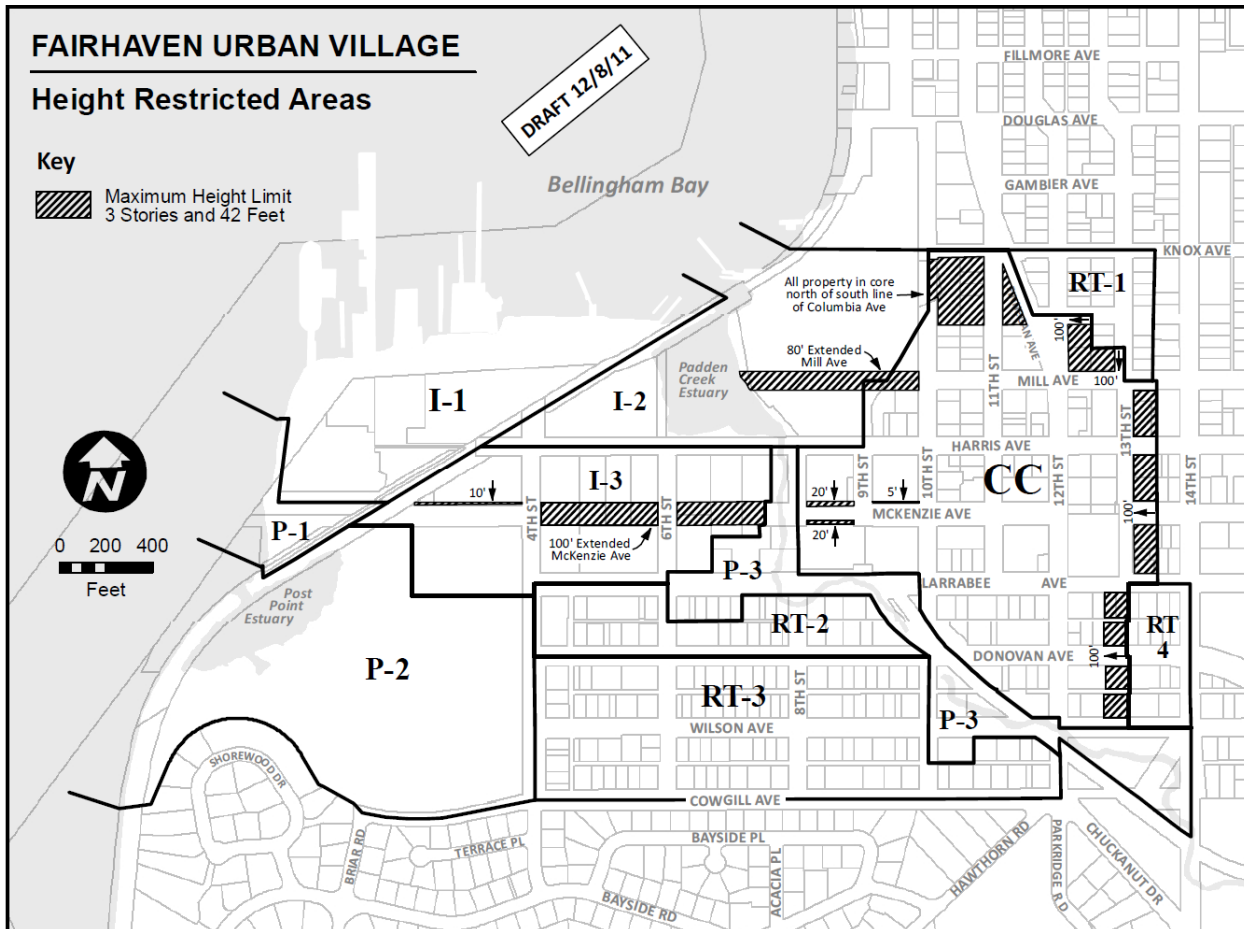


Figure .330-C: Height restricted areas abutting residential zoned areas and within views to geographic features of significance.

B. Special Development Regulations.

1. Height.

a. Commercial Development in Commercial and Industrial Areas.

- 1) The minimum height within 15' of any street right-of-way is 18'.
- 2) Maximum heights and minimum upper story setbacks are as outlined in **Table .330-A** and shown in **Figure .330-B**. A maximum of 50% of wall length above the 3rd story may encroach 5' into the setback to accommodate bay windows and similar architectural features.

b. Views. Height is limited as shown on **Figure 330-C**, unless further restricted by **1.c.** below. Height limits within view corridors are measured to the highest point of a building or structure. Encroachment above the height limit into view corridors by rooftop objects such as spires, towers, domes, steeples, mechanical equipment, elevator and stair shafts, smokestacks and ventilators is prohibited.

c. Transition to Residential

- 1) **Intent:** The scale of those portions of a building within the Commercial Core that abuts an existing developed neighborhood should conform to the scale established in the neighborhood or the scale identified for the district.
- 2) **Standards:**
 - a) 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. (See **Figure .330-C**)

- b) Any building wall within 15 feet of a property line abutting a Residential Single Zone or a Residential Transition area shall include a repeating pattern that includes no less than three of the elements listed below facing the residential property. At least one of the elements shall repeat horizontally. All elements shall repeat at intervals of not more than 30', either horizontally or vertically.
 - i. Color change;
 - ii. Texture change;
 - iii. Material module change;
 - iv. Architectural or structural bays with a change in plane no less than 12" in width, such as an offset, reveal or projecting rib. (See [Figure .330-D](#))

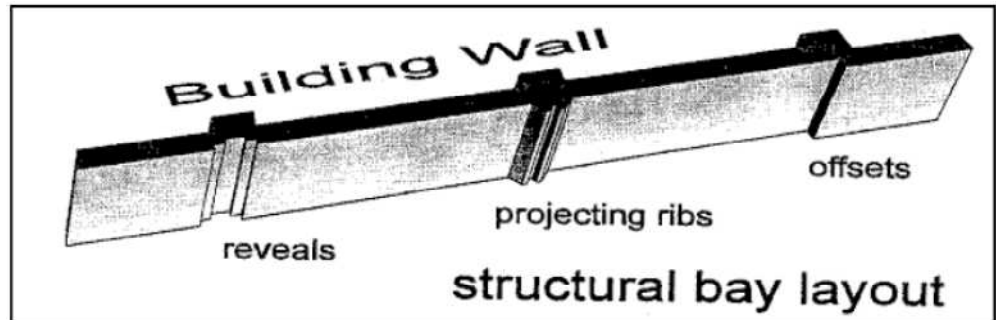


Figure .330-D: Structural bay layout.

2. Optional Setback Regulations in Maritime and Industrial Influence 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 yard being reduced:
 - (1) Zoning directly across an improved street right-of-way is Commercial, Public or Institutional.
 - (2) At least thirty-five percent (35%) of the building wall area on the ground floor contains transparent windows between a height of 2' and 7' 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, 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' if all of the following criteria can be met:
 - (1) Abutting zoning is Commercial, Public or Institutional; and
 - (2) The proposed use is retail, eating or drinking establishment, personal or business services, amusement and recreation, professional offices, educational facilities or other similar uses as determined by the Planning and Community Development Director.

3. Residential Transition Area 4 (RT-4).

- 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 SF of gross floor area for new development.

An addition in floor area to such buildings 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.
- C. **Design Standards.** Design review applies as outlined in BMC 20.25 and 21.10. The following design standards are intended to carry out the goals and policies of the Fairhaven Neighborhood and Urban Village Plan, and shall be used in addition to the **Fairhaven Design Review Standards and Decision Criteria** outlined in **EXHIBIT X**. Should the provisions of this Section conflict with any other provision in **EXHIBIT X**, the provisions of this Section shall apply.

1. **Additions and Modifications to Existing Residential Forms in RT-4.**

- a. **Applicability:** The following provisions apply to additions and modifications to existing structures which were originally built for single-family residential use and are being converted to commercial use. In these situations, the specific design standards in **EXHIBIT X** do not apply.
- b. **Site Design:**
 - (1) **Intent:** Encourage site design and landscaping that is characteristic of, and compatible with, adjacent residential uses.
 - (2) **Standard:** Parking shall be located to the rear or side of the building and shall not be located at intersections.
 - (3) **Standard:** A landscaped front yard and pedestrian walkway shall be maintained between the front of the building and the street. This provision may allow for decks and pavers for outdoor seating and display areas.
 - (4) **Guideline:** Landscaping should be integral with the site design and provide privacy for neighbors.
 - (5) **Guideline:** Fencing, especially when seen from the street, should be designed to integrate with the architecture of the building and add visual interest in its detail, materials or color.
- c. **Building Design.**
 - (1) **Location of Additions:**
 - (a) **Intent:** Minimize the impacts of additions and modifications to existing buildings.
 - (b) **Standard:** If existing buildings are to be joined by an mutual addition, the distinction between the two original buildings shall be retained.
 - (c) **Guideline:** Additions should be set back from the front facades of buildings that are to be joined.
 - (2) **Architectural Details:**
 - (a) **Intent:** Augment the architectural character of the original building when designing additions, upper stories, dormers, and other modifications.
 - (b) **Standard:** A new addition shall relate to the design, materials, ornamental detail, and follow the roof shapes and slopes of the existing building.
 - (c) **Standard:** Window and door proportions (including the design of sash and frames), floor heights, roof shapes and pitches, and other elements of the addition's exterior shall relate to those of the existing building. Windows shall be of similar type, materials, pane pattern and quality as those in the existing building.
 - (d) **Guideline:** Whenever possible, retain existing siding and features of buildings when making improvements and adaptations.
 - (e) **Guideline:** A change of materials, colors or textures on different elements is encouraged to provide further articulation and additional variety and character.
 - (f) **Guideline:** The primary entrance should face the public street.

20.37.340 - Fairhaven Urban Village - Street Improvements

- 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.
- B.** New construction or renovations of 50% or more of an existing structure(s) shall improve abutting streets to $\frac{3}{4}$ 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.
- The determination of the percentage of renovation shall be based upon whether the valuation of proposed site improvements exceeds 50% of the assessed value of the existing site improvements.
- C.** Minimum sidewalk width is 15 feet and shall include a landscaping strip adjacent to the street curb.
- D.** Street standards shall be consistent with the Fairhaven Neighborhood and Urban Village Plan Streetscape Designs. Minor modifications may be approved by the Planning and Public Works Directors. Such modifications may be granted when 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, or where the Directors find that imposition of the required street design would be detrimental to the interest of the neighborhood.

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. 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.
 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.
- 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:
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 SF 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 SF 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 SF 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 SF of storage area plus 3 spaces for the Manager's office.
 4. **Public Uses:** Parking shall be applied in similar fashion as in Commercial, Industrial and Residential zoned areas as applicable.
 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 Federal Register of Historic Places from required parking for a one-time floor area expansion provided (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 except as

otherwise may be allowed. 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.

D. Unbundled Parking. Unbundled parking means that parking is not assigned to building space. The provision of unbundled parking is allowed as an option to parking lot owners. Required on-site parking may be unbundled such that it is not be reserved for any single use, and individual stalls are not be reserved for individual users. Unbundled parking may be leased to off-site uses. The City may install wayfinding signage within the right-of-way directing users to parking available for public use.

E. Shared Parking:

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 burden of proof is on the developer to show that the resultant parking will be adequate for the anticipated parking demand.
 - c. At least 80% of the shared parking shall be unbundled in accordance with **Section D.** above. Unbundled parking may be leased to off-site uses that are not a party to the parking agreement.
 - d. To insure that a parking area is shared, each property owner must sign a 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 the 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 implementation of a shared car service (i.e., Zipcar™), enhanced bike storage facilities, permanent purchase of WTA transit passes, installation of WTA transit shelters, 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 as 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 a commercial parking facility, senior citizen housing or similar housing.

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) At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
 - (c) 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.

TABLE .350-A: Minimum Required Bicycle Parking		
Specific Use	Long-term Spaces	Short-term Spaces
1. Multi-family housing	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 SF of gross floor area.	2, or 1 per 5,000 SF of gross floor area.
3. Commercial: Office	2, or 1 per 10,000 SF of gross floor area.	2, or 1 per 20,000 SF of gross floor area.
Note: Wherever this table indicates two numerical standards, such as "2, or 1 per 5,000 SF 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 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 percent 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. Within 100 feet of an attendant or security guard;
 - v. In an area that is monitored by a security camera; or
 - vi. 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.
- (7) **Use of required parking spaces.**
 - (a) Required short-term bicycle parking spaces shall be available for shoppers, customers, messengers, and other visitors to the site.
 - (b) Required long-term bicycle parking spaces shall be available for employees, residents, commuters, and others who stay at the site for several hours.

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.
- 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](#).
 - 2. **Street Trees.** One street tree shall be required for every 40 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 Department.
 - 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.
 - 2. Signage for industrial uses in Industrial zoned areas shall comply with BMC 20.36 Industrial Development. All other uses shall comply with the sign regulations herein.

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, way finding 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 SF 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 SF per sign face and 4 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, rooftop, and pole signs.
 - 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. 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 sign per site is permitted whether it is for a single or mixed use. The monument sign shall not exceed 60 SF per face or 6 feet in height measured from existing grade. The monument sign shall be mounted on the ground or on at least two posts.
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 SF.
7. Real estate signs are limited to one sign per street frontage, shall be unlighted, and shall not exceed 32 SF.
8. 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 horizontal 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. Halo signs are not permitted within the Historic District.

9. Sandwich board 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 land owner will determine the shared use of a sign.
 - c. Signs shall be placed toward the street curb. A minimum walking space of 8 feet wide down the center of the sidewalk shall be preserved when unfolded.
 - d. Signs shall not be larger than 30 inches wide nor more than 36 inches high when unfolded.
 - e. Signs shall conform with the general design and appearance codes of the commercial district they are in.
 - f. The sign shall not be lighted.
 - g. 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.
 - h. No sandwich board sign shall be placed in the public street right-of-way or in any public parking place.
 - i. The sign shall not prevent the ability of persons to access a building, cross walk, or vehicles parked at the curb.
 - j. The sign shall be anchored or weighted such that the sign cannot blow over or be tripped over.

20.37.380 – Fairhaven Urban Village - Lighting

- A. Applicability.** The regulations of this Section shall apply to the development of any principal and/or accessory use within the Commercial and Industrial zoned areas in the Fairhaven Urban Village.
- B. General Provisions.** No exterior lighting shall be permitted unless it complies with the provisions herein.
- C. Standards.**
- 1. Building and aesthetic lighting must be shielded to prevent direct glare. Light trespass in excess of 1.5 footcandle at the property line is prohibited except along streets within the Commercial and Industrial zoned areas.
 - 2. Wall packs (flood lights) on buildings may be used at entrances to a building or to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs must be fully shielded to direct the light downward. Maximum bulb wattage is 100 watts.
 - 3. Gas and service station canopies. A maximum of 250 watt bulbs recessed (including lenses) with the bottom of the canopy or gasoline pump island is permitted. Lights that project below the canopy ceiling are prohibited.
 - 4. Up-lighting of buildings is only allowed if the light is not designed to shine into the night sky. For instance, up-lighting from a distance away or up-lighting intercepted by a building cornice is acceptable.
 - 5. Awnings shall not be up-lit.