

22.110.30 F. - NEW WHATCOM Development Regulation Matrix

NEW WHATCOM WATER-ORIENTED USES - MARINE SHORELINE REACHES 1-8 MAP, CHAPTER 22.110.10						
Use	Permitted	Setback (from OHWM)	Buffer (from OHWM)	Height ¹	Pub Acc Required	Hab Restoration Required ²
Water-Dependent						
on land	Y	0'	none	N/A	subj to 22.08.70	N
in a structure	Y	0'	none	< or = to 35' outright >35'< or =50';view anlys >50' = variance	subj to 22.08.70	N
Water-Related						
on land	Y	0'	none	N/A	subj to 22.08.70	N
in a structure	Y	50'	none	<35' outright >35'< or =50';view anlys >50' = variance	subj to 22.08.70	N
Water-enjoyment						
on land	Y	0'	none	N/A	Y	N
in a structure	Y	50'	none	<35' outright >35'< or =50';view anlys >50' = variance	Y	N
public use over/in-water N-W-O	CUP Only if is accessory to and supports a W-O use	N/A per the associated use	N/A per the associated use	N/A 25' from OHWM per the associated use	Y per the associated use	N per the associated use

W-D: water-dependent, W-R: water-related, W-E: water-enjoyment, W-O: water-oriented, N-W-O: non-water-oriented uses, CUP: shoreline conditional use permit

¹ Height: as defined in 22.10 A. 57 and as specified in Section 22.03.30 F. 5 d-e for complete requirements.

² Each project is meant to mitigate it's anticipated impacts per 22.08.100 and a subsequent analysis which can include or result in required (and additional) restoration.

NEW WHATCOM SHORELINE MIXED USES - MARINE SHORELINE REACHES 1-8 MAP, CHAPTER 22.110.10						
Use	Permitted	Setback (min-max) ¹ (from OHWM)	Buffer (min-max) ² (from OHWM)	Height ³	Pub Acc Required	Hab Restoration Required ⁴
Water-Dependent						
on land	Y	0'	25' - 50'; that portion necessary for the WD use may encroach the req'd buffer	N/A	Subject to NWMP, upon adoption and 22.08.70	N
in a structure	Y	0'	25' - 50'; that portion necessary for the WD use may encroach the req'd buffer	< or = to 35' outright >35'< or =50';view analysis >50' = variance	Subject to NWMP, upon adoption and 22.08.70	N
Water-Related						
on land	Y	25' - 100'	25' - 50'	N/A	Subject to NWMP, upon adoption and 22.08.70	N
in a structure	Y	50' - 100'	25' - 50'; that portion necessary for the WD use may encroach the req'd buffer	< or = to 35' outright >35'< or =50';view analysis >50' = variance	Subject to NWMP, upon adoption and 22.08.70	N
Water-Enjoyment						
on land (park, plaza)	Y	25'	25'	N/A	Subject to NWMP, upon adoption and 22.08.70	N
in a structure (e.g. aquarium, museum, restaurant)	Y	50' - 200'	25' - 50'	< or = to 35' outright >35'< or =50';view analysis >50' = variance	Subject to NWMP, upon adoption and 22.08.70	N
N-W-O						
shoreline mixed use structure	Y - if develop'd concurrently with a water-oriented use	50' - 150'	25' - 50'	< or = to 35' outright >35'< or =50';view analysis >50' = variance	Subject to NWMP, upon adoption and 22.08.70	Yes per an approved plan or min of 3 objectives from REST PLAN and consistent with 22.09.160
shoreline mixed use structure	Y - if develop'd concurrently with a water-oriented use	50' - 150'	25' - 50'	NOTE: total height not to exceed 3 stories except, one bonus story granted IF all parking for N-W-O uses are w/in bldg footprint or w/in shared structure AND still subject to same 35' : 50' : 50+ height requirements, above.	Subject to NWMP, upon adoption and 22.08.70	Yes per an approved plan or min of 3 objectives from REST PLAN and consistent with 22.09.160

W-D: water-dependent, W-R: water-related, W-E: water-enjoyment, W-O: water-oriented, N-W-O: non-water-oriented uses, CUP: shoreline conditional use permit
NWMP: New Whatcom Master Plan

¹ For shorelines within the New Whatcom shoreline designation, the maximum setbacks and buffers shall apply for any development. The maximum setbacks and buffers may be reduced up to but not less than the minimums specified above via the New Whatcom Master Planning process and subject to the criteria specified in Section 22.03.30 F 6 d.

² Except where there is an existing pier, wharf, sheet pile or other vertical in-water structure - the required buffer does not apply. Replacement of said structures for a permitted use would not require compliance with the buffer requirement.

³ Total height shall not exceed three stories, except one bonus story granted IF all parking for N-W-O uses for the development are within building footprint or within a shared facility (including shared surface pkg) AND still subject to the 35' outright; 35' to 50' = view analysis; >50' = variance requirements.

⁴ Habitat restoration is outright required for developments where a non-water-oriented use is proposed within a shoreline substantial development. Any project is meant to mitigate it's anticipated impacts per 22.08.100 and a subsequent analysis can include or result in required (and additional) restoration.