

## **20.37 Urban Village**

### **20.37.010 Applicability**

- A. Regulations specified in this Chapter shall apply to the use of land within areas that have been designated by the applicable neighborhood plan to have an Urban Village designation.

### **20.37.020 Purpose and Intent**

- A. **Generally.** The Urban Village designation is intended to implement Comprehensive Plan goals and policies directing much of the City's future growth within compact urban centers (or "villages") while preserving the character of existing residential neighborhoods. This designation is intended to accommodate a compatible mix of residential, commercial, light industrial, public, and institutional land uses. The ultimate mix of land uses, appropriate densities, infrastructure requirements and other typical zoning, design and development standards shall be established in a master plan that would be developed by the City and/or by property owners working with the City. Master plans are implemented by development and design standards and regulations adopted within this chapter.
- B. **Use Qualifiers** are generally assigned to each urban village based on the name or location of the particular urban village. Individual development and design standards are developed for each urban village, consistent with an adopted master plan, to respond to the existing or intended qualities and character unique to each village. These regulations are to be used together with any other general regulations within Title 20 that apply to all urban village development.
- C. The **Samish Urban Village** qualifier is intended to implement the Samish Way Urban Village Plan which provides a policy framework for a 68-acre area surrounding Samish Way, generally located west of I-5, east of 34<sup>th</sup> Street, north of Bill McDonald Parkway and south of Edwards Street.

### **20.37.100 Samish Way Urban Village – Applicability**

- A. Regulations specified within this Section shall apply to the use of land within the Samish Way Urban Village.
- B. Should the provisions of this Section 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 this Section 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 Director may extend the application deadline upon finding that the applicant is experiencing undue hardship from unforeseen circumstances in meeting the deadline.

**20.37.110 Samish Way Urban Village – Establishment of Boundaries and Land Use Areas**

- A. The boundaries of the Samish Way Urban Village and associated Land Use Areas are hereby delineated as shown in **Figure .110-A**.
- B. The Samish Way Urban Village is divided into three commercial areas (Core, Approach, and Transition) and one residential area (Transition). The purpose of the areas is to establish goals, policies and development regulations that require development to respond to desired intensity, physical characteristics and neighborhood scale. These areas are intended to ensure development is appropriately scaled and to encourage uses that are compatible with the surrounding neighborhoods.
1. **Commercial Core.** The Commercial Core Area is intended to be the densest area within the urban village with the highest concentration of employment and housing. These areas are likely to have direct access to transit and a wide range of supportive land uses such as retail, office, recreation, public facilities, parks and open space. The pedestrian environment is emphasized in these areas.
  2. **Commercial Approach.** The Commercial Approach Area is intended to allow commercial uses similar to the Core Area, and less intensive mix of ground floor pedestrian oriented uses such as offices and interspersed drive through services such as gas stations, banks and fast food restaurants. Some light industrial and auto oriented uses are allowed to continue due to proximity to I-5 and the auto focused history of the area.
  3. **Commercial Transition.** The Commercial Transition Areas are intended to allow commercial uses similar to the Core and Approach Areas, but those with less noise and vehicular impacts on abutting residential areas. Height limits are lower to lessen the impact on the adjacent residential areas. Residential only buildings are allowed in the Transition Area; however they should be designed with an active and direct interface with the street to support the pedestrian experience.
  4. **Residential Transition.** The Residential Transition Areas are immediately adjacent to existing 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.

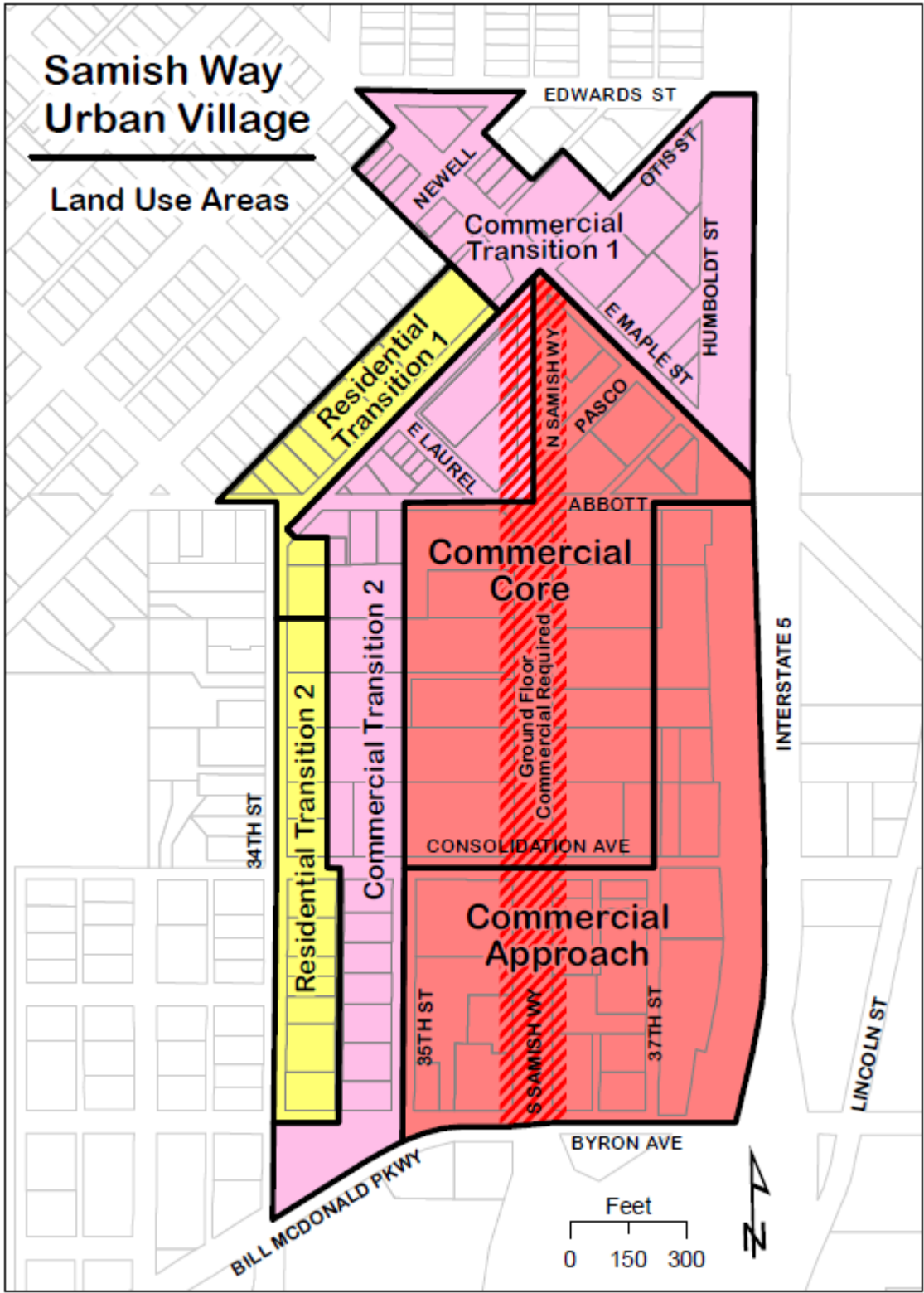


Figure .110-A: Urban Village and Area Boundaries Map

**20.37.120 Samish Way Urban Village – Permitted Uses**

- A.** In **Table .120-A**, land use classifications are listed on the horizontal axis. Samish Way 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 a **number** appears in the box at the intersection of the column and the row, the use is permitted in the use area subject to the special limitation indicated in the corresponding Note.
  4. 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).
  5. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the 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 .120-A: Permitted Uses**

Land Use Classification	Area				
	Commercial Core	Commercial Approach	Commercial Transition 1 & 2	Residential Transition 1	Residential Transition 2
	1. Retail establishments	P(1)	P(1)	P(1)	N
2. Motor vehicles sales (automobiles, motorcycles, scooters, boats, recreational vehicles, etc.) when business activities are conducted entirely within an enclosed showroom.	P(1)	P(1)	N	N	N
2. Offices	P	P	P	N	N
3. Personal and business services	P	P	P	N	N
4. Day labor halls	N	N	N	N	N
5. Eating and/or drinking facilities	P	P	P	N	N
6. Hotels and motels	P	P	P	N	N
7. Bed and Breakfast	P	P	P	C	C
8. Neighborhood clubs and activity centers	P	P	P	C	C

<b>P = Permitted      # = Permitted with limitations      C = Conditional Use      N = Not allowed</b>					
<b>Land Use Classification</b>	<b>Area</b>				
	<b>Commercial Core</b>	<b>Commercial Approach</b>	<b>Commercial Transition 1 &amp; 2</b>	<b>Residential Transition 1</b>	<b>Residential Transition 2</b>
9. Commercial recreation	P	P	P	N	N
10. Theaters, art galleries, and art studios	P	P	P	N	N
11. Nightclubs	P	P	N	N	N
12. Adult Entertainment	N	N	N	N	N
13. <b>Drive-up facilities</b> such as bank tellers, food and beverage services, laundry pick up, and car washes.	N(2)	P	N	N	N
14. Service stations for automobiles	N	P	N	N	N
15. Parking facilities	P	P	P	N	N
16. Warehousing and wholesaling of products when in conjunction with retail sales of the same product on site.	N	P	N	N	N
17. Mini storage facilities; when the floor area is less than 50% of the floor area of other permitted use(s) on site.	N	P	N	N	N
18. Repair shops for small equipment and items.	P	P	P	N	N
19. Small product manufacturing.	P(3)	P(3)	P(3)	N	N
20. Live/Work	P	P	P	N	N
21. Care shops for small animals (house pets such as dogs, cats, etc.)	P(4)	P(4)	N	N	N
22. <b>Detached Single Family Dwelling Unit</b> with less than 5,500 square feet of total floor area.	P	P	P	P(6)	P(6)
23. <b>Detached Single Family Dwelling Unit</b> containing 5,500 square feet or more total floor area.	N	N	N	N	N
24. <b>Attached Accessory Dwelling Units</b> (consistent with procedures and requirements outlined in Section <a href="#">20.10.035</a> ).	P	P	P	P	P
25. <b>Detached Accessory Dwelling Units</b> existing prior to January 1, 1995 (consistent with procedures and requirements outlined in Section <a href="#">20.10.035</a> ).	P	P	P	P	P

<b>P = Permitted      # = Permitted with limitations      C = Conditional Use      N = Not allowed</b>					
<b>Land Use Classification</b>	<b>Area</b>				
	<b>Commercial Core</b>	<b>Commercial Approach</b>	<b>Commercial Transition 1 &amp; 2</b>	<b>Residential Transition 1</b>	<b>Residential Transition 2</b>
<b>26. BMC 20.28 Infill Housing</b>					
<b>a. Smaller House</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>N</b>
<b>b. Small House</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>
<b>c. Cottage</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>
<b>d. Carriage House</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>
<b>e. Detached ADU</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>N</b>
<b>f. Duplex/Triplex</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>N</b>
<b>g. Shared Court</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>
<b>h. Garden Court</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>
<b>i. Townhouse</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>	<b>N</b>
<b>27. Multifamily Dwelling Units</b> (Apartments or Condos)	<b>P</b>	<b>P</b>	<b>P</b>	<b>P(7)</b>	<b>N</b>
<b>28. Boarding &amp; Rooming Houses</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>C(7)</b>	<b>N</b>
<b>29. Co-housing Developments</b> (subject to the provisions in Section <a href="#">20.10.048</a> )	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>30. Confidential Shelters</b> (subject to the provisions of Section <a href="#">20.10.047</a> )	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>31. Schools, Art Schools and Institutions of Higher Education</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>C(6)</b>	<b>C(6)</b>
<b>32. Churches</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>C(6)</b>	<b>C(6)</b>
<b>33. Day care</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>C(6)</b>	<b>C(6)</b>
<b>34. Service care, day treatment and child placing agencies</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>C(6)</b>	<b>C(6)</b>
<b>35. Medical care facility</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>C(6)</b>	<b>C(6)</b>
<b>36. Billboards</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>
<b>37. Wireless Communication Facilities</b> (subject to the provisions in Chapter <a href="#">20.13</a> )	<b>P</b>	<b>P</b>	<b>C</b>	<b>N</b>	<b>N</b>
<b>38. Public Utilities</b> (when located within a public right of way).	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>39. Community Public Facilities</b> (subject to the provisions in Section <a href="#">20.16.020 P.4</a> )	<b>P</b>	<b>P</b>	<b>P</b>	<b>C</b>	<b>C</b>

P = Permitted      # = Permitted with limitations      C = Conditional Use      N = Not allowed					
Land Use Classification	Area				
	Commercial Core	Commercial Approach	Commercial Transition 1 & 2	Residential Transition 1	Residential Transition 2
40. Public parks, trails and playgrounds	P	P	P	P	P
41. Community gardens	P	P	P	P	P
<b>Notes:</b> (1) Retail sales of the following are prohibited: a. Heavy farm and construction equipment b. House trailers and mobile homes (2) Only drive-up facilities/structures and uses existing as of <b>December 7, 2009</b> are permitted in the Commercial Core. (3) Permitted when in conjunction with sales of the same on site provided that noise, smell and other impacts are internalized within an enclosed structure. This category includes: a. Manufacture and assembly of light and small items made from previously prepared materials such as office machines, small motors, cabinets, electronic equipment, electrical devices, and signs; and b. Handicraft manufacturing (jewelry, pottery, glass, furniture, etc.). (4) Keeping of 3 or fewer animals overnight is permitted as an accessory use if animals are kept in an enclosed structure, and noise, smell and other impacts are internalized within an enclosed structure. (5) Development shall comply with procedures and requirements outlined in BMC 20.28 Infill Housing and Section .130 C. and D. (6) Development shall comply with procedures and requirements outlined in BMC 20.30 Residential Single Development and Section .130 C. and D. (7) Development shall comply with procedures and requirements outlined in BMC 20.32 Residential Multi Development and Section .130 C. and D.					

**20.37.130 Samish Way 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 Samish Way Urban Village except as follows:

Development in Residential Transition Areas shall comply with BMC 20.28 Infill Housing, BMC 20.30 Residential Single Development or BMC 20.32 Residential Multiple Development, **Table .130-A** and Section .130 C and D.

**Table .130-A: Standard Development Regulations**

Development Standards	Area						
	Commercial Core	Commercial Approach	Commercial Transition 1	Commercial Transition 2	Residential Transition Areas		
					BMC 20.28 Infill Housing	BMC 20.30 Residential Single Development	BMC 20.32 Residential Multi Development
Minimum lot size	None	None	None	None	(1)	5,000 SF	5,000 SF
Maximum Density	None	None	None	None	2,000 SF per unit	5,000 SF per unit	2,000 SF per unit
Setbacks from property lines	None (4)	None (4)	None (4)	None (4)	(1)	(2)	(3)
Maximum Height	75' (5)	75' (5)	45' (5)	55' (5)	(1)	(2)	(3)
Maximum Floor Area Ratio (FAR)	2.5, up to 3.5 (6)	2.5, up to 3.5 (6)	2.5, up to 3.5 (6)	2.5, up to 3.5 (6)	(1)	N/A	N/A

**Notes:**

(1) Subject to BMC 20.28 Infill Housing and Section .130 C. and D.

(2) Subject to BMC 20.30 Residential Single Development and Section .130 C. and D.

(3) Subject to BMC 20.32 Residential Multi Development and Section .130 C. and D.

(4) See Subsection C.2 and C.3 below for applicable setbacks when adjacent to residential zones or areas.

(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 in response to topography on sloping property.

(6) See Subsection B.2. below for FAR standards and bonus criteria.

**B. Floor Area Ratio (FAR)**

1. **Purpose.** The maximum floor area ratio (FAR) standards are intended to accomplish several purposes of the Samish Way Subarea Plan. Combined with the established height limits herein, the FAR allows for greater flexibility in how to mass buildings on sites and relate projects to unique on and off site features.
2. **Floor Area Ratio (FAR) Standard.** The maximum FAR is 2.5, or up to 3.5 with use of floor area transfers and bonuses as outlined below. Properties that dedicate property for right-of-way purposes as outlined in **Section .140 D** may use the pre-dedication square footage of the property for purposes of calculating FAR, i.e., every square foot dedicated yields 2.5 square feet of development area.
3. **Transfer of Floor Area.** Transfer of FAR among properties that are part of a single development plan is allowed when approved by the Planning Director, provided:
  - a. The designs for the sending and receiving properties are reviewed at the same time.

- b. The property owner(s) executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the floor area reflecting the respective increase and decrease of potential floor area.
- 4. Floor Area Bonus Options.** Floor area bonus options are offered as incentives to encourage facilities and amenities that implement the Samish Way Subarea Plan.
- a. Projects may use more than one bonus option unless specifically stated otherwise; bonus floor area amounts are additive.
  - b. The maximum floor area ratio increase that may be earned through the bonus options is 1.0 for a maximum FAR on site of 3.5.

**Table .130-B: Summary of Floor Area Ratio Bonus Options**

Bonus Option	Floor Area Bonus (1)
Public Plazas and Open Spaces	Dedicate 1 SF; Receive 2.5 SF
Affordable Housing	Provide 1 SF; Receive 4 SF
Minimum LEED Silver Certification (or equivalent)	1.0 FAR Bonus
Lake Whatcom Watershed Property Acquisition Program	Receive 1 SF for each Fee Unit paid (see fee schedule)

**c. Bonus Options.**

- (1) Public Plazas and Open Spaces.** Floor area may be transferred to and from any property within the Samish Way Urban Village when approved by the Planning Director, provided:
- (a) The transferred floor area will result in dedication of a public plaza or open space with a minimum square footage of 16,000 square feet.
  - (b) For each square foot of base FAR allowed by the development code transferred from an eligible site, two and one half (2.5) square feet of bonus floor area is earned on the receiving site(s) up to a maximum of 1.0 FAR per receiving site, and
  - (c) The property owner(s) executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the floor area reflecting the respective increase and decrease of potential floor area.
- (2) Affordable Housing.** Development which includes housing for low and middle income residents may receive bonus floor area when approved by the Planning Director. For each square foot of affordable housing, four square feet of bonus floor area is earned, up to a maximum of 0.5 FAR. The project must have controls in place to ensure that the units remain permanently affordable in accordance with (a) and (b) below:
- (a) **Annual Income.** All purchasers or tenants shall be from a household whose annual income, at the household's initial

occupancy of the single-family residence, is 80% or less of the median income (determined by Housing and Urban Development) as adjusted by family size of the Bellingham Standard Metropolitan Statistical Area (SMSA), specifically defined as Whatcom County; and

**(b) Housing Expenses.** The monthly expenditure by a purchaser, as described in (i) above, for housing including rent or mortgage repayment, insurance, taxes and utilities (water and sewer) shall not exceed 38% of the gross household income at the time of purchase and the amount for rent or mortgage repayment shall not exceed 30% of gross household income. All other variable living expenses associated with the resident's occupancy shall not be a factor in the calculation of affordability.

**(3) Leadership in Energy and Environmental Design™ (LEED) Certification (or equivalent).** Buildings that incorporate sustainable design receive a maximum 1.0 FAR bonus. To qualify for this bonus, the proposed project shall be certified by the Planning Director as a minimum LEED Silver certification (or equivalent).

**(4) Lake Whatcom Watershed Property Acquisition Program (LWWPAP).** Contributors to the LWWPAP receive floor area bonuses when approved by the Planning Director, provided:

- (a)** Bonus floor area earned is paid for on a per square foot basis according to a fee schedule established by City Council resolution,
- (b)** Floor area paid for and floor area earned is at a 1:1 ratio, such that for each square foot paid for, one square foot of floor area is earned on the receiving site up to a maximum 0.5 FAR bonus,
- (c)** The applicant must submit with the application for land use review a letter from the Bellingham Finance Department documenting the amount which will be contributed to the LWWPAP.

**C. Design Standards.** Design review applies as outlined in BMC 20.25. The following design standards are intended to carry out the goals and policies of the Samish Way Subarea Plan, and shall be used in addition to the Urban Village Design District Standards and Decision Criteria outlined in BMC [20.25.040 E](#). Should the provisions of this Section conflict with any other provision in BMC [20.25.040 E.](#), the provisions of this Section shall apply.

#### **1. Commercial Street Frontage**

- a. Intent:** Along Samish Way between Bill McDonald Parkway and E. Maple Street, street front uses should be compatible with intensive commercial activity and provide opportunities for visual or interactive links between businesses and pedestrians.
- b. Standards:** Along Samish Way, between Bill McDonald Parkway and E. Maple Street, ground floor commercial space (including retail, service, office, government, or similar non-residential uses) shall be provided along the full building street front for a depth of at least 20' measured from the front face of the building. Lobbies for residential uses and hotels and parking garage

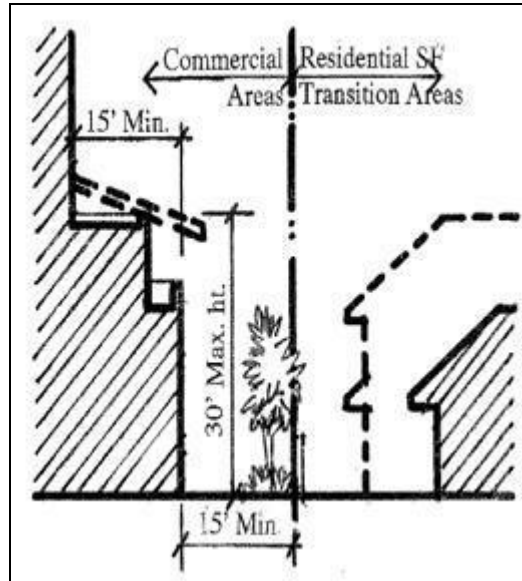
entries shall qualify as ground floor commercial, however hotel/motel guest rooms, dwelling units and structured parking shall not qualify.

## 2. Yards

- a. **Intent:** Provide appropriate transitions between Commercial and Residential areas.
- b. **Standard:** A building shall be set back a minimum of 15 feet from a property line abutting or across a right-of-way from a Residential Single Zone or a Residential Transition area. (See **Figure .130-A**)

## 3. Height

- a. **Intent:** The scale of those portions of a building facing an existing developed neighborhood should conform to the scale established in the neighborhood or the scale identified for the district.
- b. **Standard:** The maximum height within 30' of a property line abutting or adjacent to a Residential Single Zone or a Residential Transition area shall be 2 stories and 30 feet. (See **Figure .130-A**)



**Figure .130-A. Massing and Articulation**

## 4. Detached Single Family Residential Development in Residential Transition Area 2. The following design standards and guidelines apply to single family development using BMC 20.30 in Residential Transition Area 2.

### a. Design Standards

- (1) Garages shall be set back at least four feet (4') from the front face of the building.
- (2) Each dwelling shall have a covered front porch with an area of 60 square feet or more, with no dimension less than 5 feet.
- (3) Dwelling units that front the public street or lane shall have entrances facing the public street or lane.
- (4) All fences in the front and side street setbacks are limited to 42 inches in height and may be no more than 60% opaque. Chain link or cyclone fencing is not allowed in the front or side street setback.

- b. Design Guidelines.** Use context-sensitive site design and building details to help ensure that new infill development will enhance the neighborhood and respect the scale and character of the existing houses on a street.

**(1) Building Design**

- (a)** Single story massing elements should be emphasized on the front facades, using porches and bays seen from the street.
- (b)** Gable roofs emphasize vertical proportions, create modulation and are strongly encouraged.
- (c)** The massing should be varied with elements such as bays, dormers, etc.
- (d)** A change of materials, colors or textures on different elements is encouraged to provide further articulation and additional variety and character.
- (e)** Homes should minimize the impact of the garage on the streetscape by minimizing blank garage doors, through the use of windows and/or architectural detail on the garage door.

**(2) Site Design**

- (a)** Front yard parking aprons are not allowed.
- (b)** Back yards should be designed for privacy from neighbors.
- (c)** Fencing, especially when seen from the street, should be designed to integrate into the architecture of the building and add visual interest in its detail, materials or color.

- D. 34<sup>th</sup> Street Access Restriction:** Vehicular access from the Commercial Transition zone to 34<sup>th</sup> Street and Edwards Street is prohibited.

**20.37.140 Samish Way 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 Samish Way 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, with the following exceptions:
  - 1.** Projects abutting Samish Way shall improve the abutting sidewalk to accommodate the proposed street designs in the Samish Way Subarea Plan.
  - 2.** Projects abutting 34th Street shall install the abutting sidewalk. Projects consisting of more than 3 units shall also install pocket parking.
  - 3.** Projects abutting Abbott Street shall install a 5-foot minimum standard sidewalk.
  - 4.** Requirements for projects abutting 35<sup>th</sup> Street between Abbott Street and Consolidation Avenue as proposed in **Figure .140-A** are outlined in **Subsection D.1.** below.

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. Street standards shall be consistent with the Samish Way Subarea 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 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.
- D. Street and bike/pedestrian corridor dedication and improvement requirements.
  - 1. **35<sup>th</sup> Street between Abbott Street and Consolidation Avenue:** Thirty foot (30') public right-of-way dedication and LID commitment (or other approved method of street construction to the Type II street standard) is required prior to building permit issuance for properties abutting the proposed 35th Street, as shown in **Figure .140-A**, on which new development, or redevelopment, is proposed.

Exception: Redevelopment of a single parcel consisting of less than 10,000 square feet of floor area with a height limit less than 35-feet under Height Definition #1 is exempt from this requirement. New structures may not encroach on the proposed right-of-way alignment.

- 2. **Pedestrian/bike corridor:** A non-motorized bike and pedestrian corridor with public access easement linking 34<sup>th</sup> to 35<sup>th</sup> Street shall be provided as generally shown in **Figure .140-A**. The corridor shall be designed and built to Parks and Recreation Department standards.

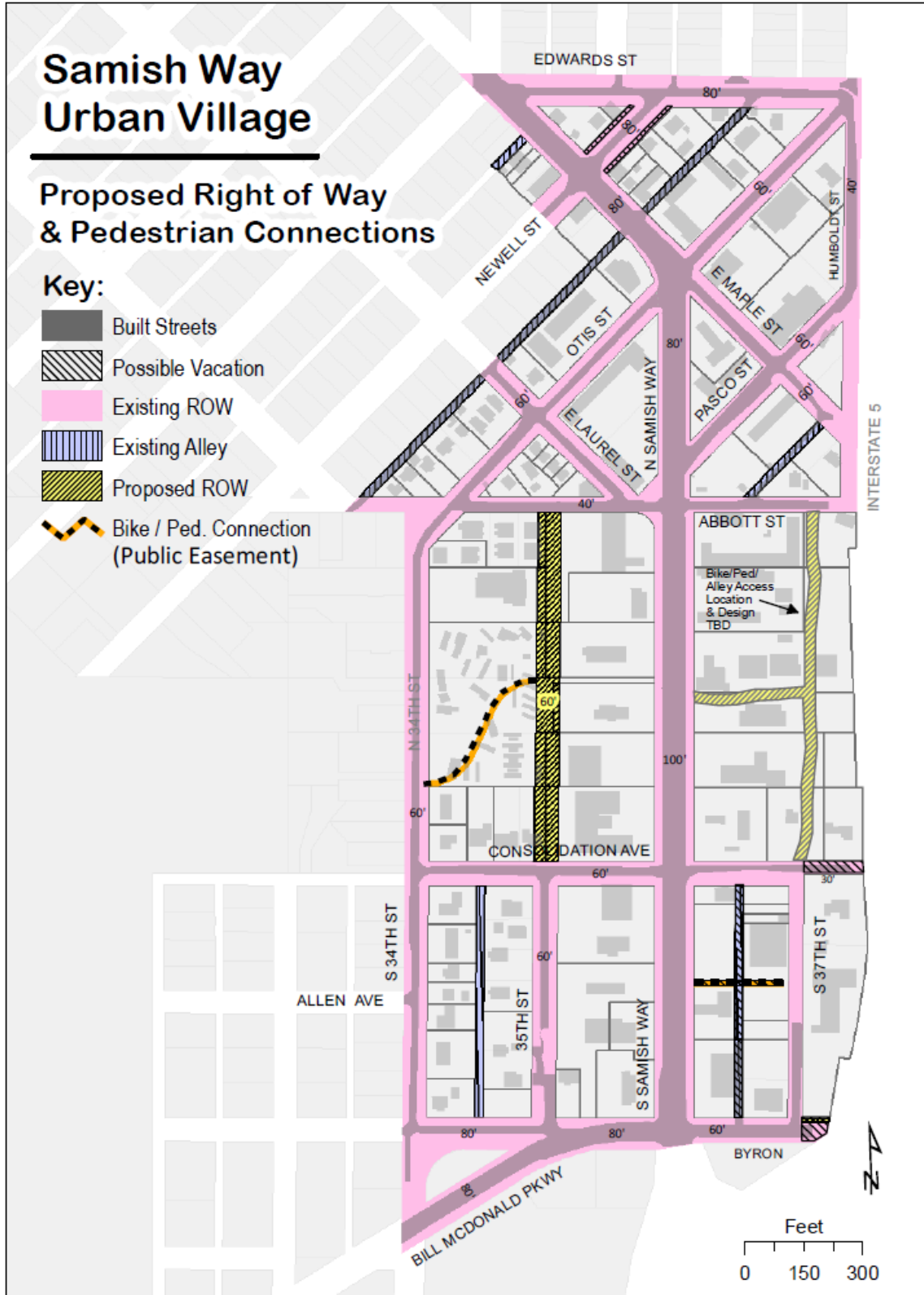


Figure .140-A: Proposed Right of Way and Pedestrian Connections

### **20.37.150 Samish Way 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 Samish Way Urban Village except as follows:

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.** All parking standards in BMC 20.12 concerning applicability, general provisions, design provisions and improvement standards shall apply except as provided herein.

**C.** Uses shall provide parking as follows:

- 1. Residential:** 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:** Minimum 1 space per 500 SF of gross floor area, including office, retail, service, eating and drinking establishments, entertainment, and similar uses.
- 3.** If a use is not readily classified within the residential and commercial classifications, then the Planning Director shall determine the standards which shall be applied.
- 4.** Buildings existing as of **December 7, 2009** are exempt from the requirement to provide additional parking due to a use change.
- 5.** The Planning 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 equal to 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 Director may allow displacement of some or all of the on-site parking.

**D. 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 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 required 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.** To insure that a parking area is shared, each property owner must sign a statement in a form acceptable to the City Attorney, stating that his/her property is used for parking by the other property. The applicant must file this statement with the Whatcom County Assessor's Office to run with the

properties. Shared parking may include use of off-site parking in a commercial parking structure.

- d. 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 Director approval of a shared parking agreement.
- E. Parking Reduction Allowed.** The Planning 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 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.
- F. Bike Parking.** All new development shall provide bicycle parking spaces equivalent to 15% of the total required automobile parking, calculated prior to any automobile parking reductions.

#### **20.37.160 Samish Way 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 Samish Way 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. Development not subject to the Green Factor Requirements herein shall provide landscaping in accordance with BMC 20.12.030.
- 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 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.
- C. Green Area Factor Requirement.** Landscaping shall achieve a Green Area Factor score as listed in **Table .160-A** and in accordance with BMC 20.12.030 E., for:
  - 1. Any new structure or single development containing three (3) or more dwelling units;
  - 2. Any new structure or single development containing more than four thousand (4,000) square feet of nonresidential uses; and
  - 3. Any new parking lot(s) containing more than twenty (20) parking spaces for automobiles.

**Table .160-A.: Green Area Factor**

Project Description	Minimum Green Area Factor Score (1)
1. Development having a FAR of less than 2.0.	0.30
2. Development having a FAR of 2.0 or greater.	0.20
<p><b>Notes:</b></p> <p><b>(3)</b> The Planning Director may administratively reduce the Green Area Factor score by up to 20% for projects that 1) achieve a minimum LEED Silver certification (or equivalent), or 2) because of special circumstances, not the result of the owner's action, applicable to the subject property, (including size, shape, topography, location, or surroundings) achieving the Green Area Factor score will place an undue burden on the developer.</p>	

**D. Street Trees.** One street tree shall be required for every 50' 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.

**20.37.170 Samish Way 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 Samish Way Urban Village except as follows:

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. 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 Samish Way Subarea Plan.

**D. Standards**

1. Off premise and rooftop signs are prohibited. Pole signs are prohibited with the exception of freeway oriented signs as specified herein.
2. Building mounted signage shall not exceed 300 SF per use, and no single use shall have more than 100 SF per building elevation, except as provided in **Subsections D.4 and 5** below.

Exemption: Building Identification signs or Cornerstones are permitted as an integral and architecturally compatible part of the building or structure. Cornerstones shall not exceed four (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.
- 3.** One monument sign per site is permitted whether it is for a single or mixed use. The monument sign shall not exceed 60 square feet per face or 6 feet in height measured from existing grade.
  - 4.** Freeway oriented signs are permitted as follows:
    - a.** Limited to the Commercial Approach Area.
    - b.** Limited to one sign per property.
    - c.** Sign may be free standing or located on a building.
    - d.** Sign shall be located between the subject building and the freeway.
    - e.** Sign height shall be no more than 20' above the surface of the nearest primary driving lane at the nearest point to the sign.
    - f.** Sign size shall not exceed 250 square feet in area on any one face.
  - 5.** Animated, moving, blinking or electronic (LED or similar) message boards are permitted as follows:
    - a.** Only in association with-theaters.
    - b.** The total gross area of the message board for any one use shall not exceed one square foot of area to one lineal foot of street frontage or 100 square feet, whichever is more restrictive.
    - c.** Message boards are prohibited as freeway oriented signs.
  - 6.** Building mounted signs extending over the street right-of-way shall comply with the International Building Code. There shall be at least 8 feet of vertical clearance between the bottom of the sign and the sidewalk and the sign shall not extend within 2 feet of the street curb.
  - 7.** Directional Signs:
    - a.** Directional signs are limited to 6 square feet 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.
  - 8.** Temporary building signs shall not exceed 32 square feet.
  - 9.** Real estate signs are limited to one sign per street frontage, shall be unlighted, and shall not exceed 32 square feet.