

# PLANNING COMMISSION AGENDA ITEM COVER SHEET

<b>Meeting Date</b>		<b>Staff Contact</b>	
6/9/2011		MOSHÉ QUINN	
<b>Subject:</b>			
<p>The purpose of this proposal is to consider amendments to Bellingham Municipal Code 20.38 to change the setback requirements for buildings, parking/loading areas, and landscaped areas within Residential and Industrial Planned zones. The action is requested by the Planning and Community Development Department to provide development options for building location, facilitate better site design and use of land.</p>			
<b>Attachments:</b>			
1. Staff Report			
2. Draft Findings of Fact, Conclusions and Recommendations			
3. Draft Ordinance			
4.			
5.			
<b>Meeting Type</b>		<b>Category</b>	
<input checked="" type="checkbox"/> Public Hearing		<input checked="" type="checkbox"/> Legislative	
<input type="checkbox"/> Public Meeting		<input type="checkbox"/> Quasi-judicial	
<input type="checkbox"/> Work Session		<input type="checkbox"/> Information Only	
<input type="checkbox"/> Briefing			
<b>Clearances</b>		<b>Initials</b>	<b>Date</b>
Jeff Thomas, Director		JST	5-26-2011
Alan Marriner, Legal		AM	5/27/11
Kurt Nabbefeld, Senior Planner		KN	5-26-11
Moshé Quinn, Planner II		MQ	5/26/2011
<b>Previous Commission Meeting or Action:</b>			
<b>Recommended Action:</b>			
Staff recommends approval of the proposed code amendments.			

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# CITY OF BELLINGHAM PLANNING STAFF REPORT

<b>Agenda Topic:</b>	Amendments to the Bellingham Municipal Code regarding minimum setbacks and landscaping requirements for Residential and Industrial Planned zones.
<b>For:</b>	June 9, 2011 - Planning Commission Public Hearing
<b>Staff Contact:</b>	Moshé Quinn, Planner II

**I. SUMMARY OF PROPOSAL:**

Amendments to Bellingham Municipal Code (BMC) 20.38 to:

1) Change the setback requirements for buildings, parking/loading areas, and landscaped areas within Residential and Industrial Planned zones. The proposed amendments are intended to provide more development options for building location, facilitate better site designs, and encourage more efficient use of land within the City. These changes will not reduce the required buffers between Residential Single zones and abutting zoned areas.

2) Add an open space requirement to the Residential Planned development standards that would allow developers to choose between providing a minimum 25% open space area consistent with what's currently required in BMC 20.32 Multifamily Residential Development Chapter, or achieving a Green Area Factor (Green Factor) score of 0.6.

The proposal includes amending Residential Planned standards outlined in BMC 20.38.050 B. 5. through 8, the Industrial Planned standards outlined in BMC 20.38.050 D. 5 through 7., and BMC 20.12.030 C. 2. Yards and Open Space.

Together, the proposed amendments are intended to implement comprehensive plan goals and polices as outlined in Section V herein.

Proposed amendments to the BMC are shown in the draft ordinance in **Attachment B** and a detailed analysis is provided in Section IV of this staff report.

**II. PLANNING COMMISSION ROLE:**

The role of the Planning Commission is to make a recommendation on this proposal to the City Council. This proposal is a legislative development code amendment requiring a Type VI process. The Planning Commission must hold a public hearing and issue findings of fact and conclusions along with a recommendation to the City Council. Draft findings and conclusions are included in the staff report, see **Attachment A**. The Commission should adopt or modify the draft findings as needed to support the Commission's recommendation.

**III. BACKGROUND:**

The Planning and Community Development Department has been working on several code changes to improve the City's land use and development code. The changes are intended to provide clear and concise development standards that will improve usability for citizens,

1 professionals, and staff as well as implement the goals and policies of the Bellingham  
2 Comprehensive Plan.

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4  
5 In June 2010, staff held an informational session with the Planning Commission to discuss  
6 possible changes to the City's land use and development code, which included new provisions,  
7 minor amendments, and code corrections. Since that time, staff has evaluated a majority of the  
8 code changes presented to the Commission and grouped the amendments based on common  
9 subject matter into a series of consecutive reports for processing. This proposal is part of Wave  
10 II being processed this year.

11  
12 On April 7, 2011, the City held a focus group meeting to provide an opportunity for feedback  
13 and discussion of the proposed amendments with people who frequently use the Land Use  
14 Development Code. In general, the participants at the meeting were in favor of the proposed  
15 amendments and believed the changes improved the City's land use and development  
16 regulations.

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18 **IV. RECOMMENDED CODE CHANGES:**

- 19  
20 **1. Amend Residential Planned yard (setback) requirements for buildings and parking**  
21 **areas. Other associated amendments include a new setback table, new open**  
22 **space requirements, and changes to the landscaping/screening requirements.**

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24 **ISSUES**

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26 **Residential Planned (RP) Building Setbacks**

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28 The RP zone currently requires a 20' front setback from arterial streets and a 25' setback from  
29 all property lines regardless of the housing form, lot size, and building height. The intent of the  
30 PR zone is to encourage better site design through flexible standards, however the required  
31 setbacks are not flexible and often make it more difficult to achieve both the purpose and intent  
32 of the Planned zone and fulfill the recommendations outlined in the City's Multi-Family Design  
33 Guidelines (MFDG).

34  
35 The RP setbacks can be very restrictive when applied to small lots. Throughout the RP zones  
36 many platted lots are 80' wide or narrower. The required 25 foot setback reduces the buildable  
37 envelope of an 80' wide lot to 30'. As a result, a variance from this standard setback is often  
38 requested.

39  
40 The RP setbacks are not consistent with the Residential Multi development regulations, which  
41 often cause confusion for the public when larger setbacks are required for the same type of  
42 multi-family building in other areas of the City or when abutting a Residential Multi Multiple zone.

43  
44 The current setbacks may also be too large when applied to smaller multi-family forms and too  
45 small when applied to tall buildings, resulting in extreme variations in the height and scale of the  
46 building in relation to the property line. Planned development proposals are limited to 35' for  
47 structures within 200' of any residential general use type not designated planned. In all other  
48 cases there is no pre-set height limit in a RP zone and the final building height is approved by  
49 the Planning and Community Development Director (PCDD).

1 **Residential Planned Open Space**

2  
3 Multi-Family Design Guidelines (MFDG) encourage buildings to be oriented toward streets or  
4 toward common open space areas. Common open space is most effective when it is centrally  
5 located and interfaced with building entries and active functions. Overly wide setbacks  
6 encourage use of the setbacks for common open space areas, rather than taking up space in  
7 the center of the site. Buildings then become oriented around central parking lots and common  
8 open areas are disbursed to the perimeter of the site. Currently, there are no open space  
9 requirements within a RP zone, thereby making it difficult for land owners and developers to  
10 achieve some of the recommendations outlined in the MFDG.

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12  
13 **Residential Planned Parking Setbacks and Screening**

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15 Within a RP zone a parking area is required to be 15' from a property line if the abutting  
16 property designation is not planned. This area is then required to contain a 5' high berm  
17 between the parking area and property line. The berm requirement may be eliminated if the  
18 parking setback is increased to 20', thus taking up more space on the property. The landscape  
19 code then requires a 6' screen be installed if the abutting property is of a different general use  
20 type. A 5' ht. berm needs more than a 15' width for a stable slope that will maintain plant  
21 moisture and hold mulch. A 15' parking setback and a 6' screen is not necessary adjacent to  
22 other non-planned multi-family zones (i.e. Residential Multi Multiple) or along a street. A 6'  
23 screen along a street conflicts with Crime Prevention Through Environmental Design (CPTED)  
24 principals, which encourages street side screening to 3' in height.

25  
26 **ANALYSIS:**

27  
28 All development proposals in a Planned zone are subject to a discretionary site plan approval by  
29 the Planning and Community Development Director (PCDD). The standards in the Planned  
30 zones are minimum standards and may be increased for a particular planned proposal where  
31 more stringent standards are necessary to protect neighboring properties, conform to existing  
32 development in the area, preserve natural resources or sensitive environments.

33  
34 The proposed amendments in the Residential Planned (RP) section of the code consist of  
35 amending BMC 20.38.050 B.5. through 8 and includes:

- 36  
37 • Amending the current building setback requirement of 20' and 25' and establishing a new  
38 front yard setback of 40' from street centerline or 50' from street centerline of a designated  
39 arterial street. These standards are the same setback requirements prescribed in BMC  
40 20.32 for Residential Multi development.

41  
42 The side and rear yard setbacks are proposed to be reduced to 10' in order to allow for  
43 better site design and building scale in relation to the property line, especially when  
44 developing on smaller RP lots, with the exception that these setbacks be increased by 5' for  
45 every 10' or fraction thereof over 35' in height. For example, a 75' tall building would  
46 increase from 25' to 30'. Note that the height limit within 200 feet of a Residential Single  
47 zone remains limited to 35 feet and the final height of a building is still approved by the  
48 PCDD. The 10' setback is also generally more consistent with the requirements in  
49 Residential Multi zones.

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1 The existing minimum 20' front yard setback and 25' side and rear yard setback would be  
 2 maintained when abutting a Residential Single zone.

3  
 4 The proposed Residential Planned building setbacks are shown in Table "A" below:  
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**Table "A" – Residential Planned Minimum Yards**

<u>Yards</u>	<u>Setbacks</u>	<u>Measurements</u>
<b><u>Front &amp; Side Yard Setback on a Flanking Street</u></b>	40' CL 50' CL - if a designated street arterial  20' PL - Property line(s) abutting a Residential Single zone	Setback measured from the center line (CL) of the street-right-of-way.  Setback measured from the property line (PL).
<b><u>Side and Rear Yard Setback</u></b>	10' PL, plus 5' for every 10' or fraction thereof over 35' in height (1)  25' PL - Property line(s) abutting a Residential Single zone	Setback measured from the property line (PL).
<b>Notes:</b>		
1. Only those portions of the building that exceed a height of 35' must meet the additional setback measured from the property line to the subject building wall.		

- 7  
 8 • A new open space requirement is proposed in the RP section that gives developers a  
 9 choice between two options consisting of:  
 10  
 11 1) Providing a minimum 25% open space which is the same standard required in the  
 12 Residential Multi Multiple development standards, or  
 13  
 14 2) Achieving a Green Area Factor (Green Factor) score of 0.6 in accordance with BMC  
 15 20.12.030 E., which is the same standard required for Townhouses in the Infill  
 16 Toolkit (BMC 20.28). The "Green Factor" regulation was designed to improve the  
 17 quantity and quality of planted areas while allowing greater flexibility for designers to  
 18 meet open space and landscaping requirements.  
 19

20 As previously mentioned, there is no open space requirement in the RP section of the  
 21 code. By reducing the standard RP building setbacks, the amount of open space on the  
 22 property could be reduced, thereby creating a need to establish a minimum open space  
 23 requirement that benefits both the occupants of the development as well as the City.  
 24

- 25 • Amend the RP parking standards to meet the standard parking regulations outlined in  
 26 BMC 20.12.10 Parking, which requires a 5' setback from any property line and  
 27 eliminate the 5' earth berm requirement and 20' setback option with no berm. To  
 28 protect Residential Single zones, a 15' parking setback is proposed and parking  
 29 spaces would not be permitted within a required front or flanking side yard setback as  
 30 stated in BMC 20.12.

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3 • Landscaping between a parking area and the street would not require a 6' screen if the  
4 zone across the right-of-way is of a different general use type. Consistent with Crime  
5 Prevention through Environmental Design principles, an evergreen hedge not more than  
6 3' in height is proposed in order to provide visibility into a parking area from the street.  
7 All other applicable provisions within BMC 20.12.030 Landscaping would apply to RP  
8 development proposals.  
9

10 In summary, the proposed RP code amendments to Bellingham Municipal Code 20.38.050 B. 5.  
11 through 8 would:  
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- 13 • Reduce mandatory minimum setbacks between uses in the same zone, making more  
14 efficient use of the land, and allow more flexibility for better site design and building  
15 scale in relation to the property line;  
16  
17 • Encourage buildings to be oriented toward the street or towards common open spaces  
18 as recommended in the City's adopted Multi-Family Design Guidelines. Common open  
19 space should be centrally located and interfaced with building entries and active  
20 functions;  
21  
22 • Establish an open space requirement, which would benefit both the occupants of the  
23 development as well as the City;  
24  
25 • Establish parking lot landscaping requirements that allow visibility into a parking area  
26 from the street consistent with Crime Prevention through Environmental Design  
27 principles; and  
28  
29 • Implement the goals and policies of the Bellingham Comprehensive Plan as listed in  
30 Section V. of this staff report.  
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34 **2. Amend Industrial Planned setback requirements for buildings, parking areas, and**  
35 **loading areas. Other associated amendments include a new setback table and**  
36 **changes to the landscaping / screening requirements abutting certain zones and for**  
37 **parking/loading areas. Also, the landscaping section in 20.12 is proposed to be**  
38 **amended to coordinate with these changes.**

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40 **ISSUES**  
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42 The Industrial Planned (IP) zone has a minimum building setback of 25' from all property lines  
43 regardless of street frontage, lot size, use or adjacent/abutting zoning. The standard setbacks  
44 were intended for industrial properties that were at least 4 acres in size, which is the  
45 recommended minimum site area. A 25' setback is very restrictive for smaller narrow industrial  
46 lots, takes up valuable Industrial land area, and may not be appropriate depending on  
47 surrounding uses and zones.  
48

49 Bellingham Municipal Code 20.12.030 C. 2 requires all yards within the Industrial general use  
50 type to be installed with a wall of trees. As the IP standards require a 25' building setback, this

1 yard area is required to be installed with a wall of evergreen trees between the building and  
2 property lines regardless of the use, the abutting zone or whether this buffer is along a street. A  
3 wall of trees is not always necessary between industrial or commercial uses or appropriate  
4 along streets. As a result of this landscape requirement, a variance from this requirement is  
5 often requested.  
6

7 Within an IP zone a parking area is required to be set back 15' from a property line. This area is  
8 then required to contain a 5' high berm and a 6' high screen. A 5' high berm needs more than a  
9 15' width for a stable slope that will maintain plant moisture and hold mulch. Additionally, a 15'  
10 parking setback and a 6' screen is not necessary adjacent to others zones along a street or  
11 between abutting less intensive Industrial uses. Crime Prevention Through Environmental  
12 Design (CPTED) principals do not support a 6' high screen along a street.  
13

14 Loading areas require only a 20' setback from Residential zones, which is in conflict with  
15 standard loading regulations for all zones that prohibit loading areas within a required yard.  
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17 **ANALYSIS**  
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19 All development proposals in a Planned zone are subject to a discretionary site plan approval by  
20 the Planning and Community Development Director. The standards in the Planned zones are  
21 minimum standards and may be increased for a particular planned proposal where more  
22 stringent standards are necessary to protect neighboring properties, conform with existing  
23 development in the area, preserve natural resources or sensitive environments.  
24

25 The proposed amendments in the Industrial Planned section of the code consist of amending  
26 BMC 20.38.050 D. 5 through 7 and include:  
27

- 28 • Eliminating the minimum building setbacks when Industrial property abuts or is across a  
29 right-of-way from an Industrial general use type. New provisions would be similar to the  
30 City's Industrial development regulations in BMC 20.36.040, which only requires a 25'  
31 setback when the industrial property abuts upon or is across the right-of-way from property  
32 zoned Residential, Commercial, Public or Institutional.  
33
- 34 • Providing criteria to allow building setbacks to be reduced by the Planning and Community  
35 Development Director for less intensive industrial uses when the property abuts or is across  
36 a right-of-way from a zone other than Industrial. This provision would not apply to Industrial  
37 property that abutted or is across the right-of-way from a Residential general use type. The  
38 proposed criteria is shown in the following table.  
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41 The proposed Industrial Planned building setbacks are shown in Table "B" below:  
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**Table "B" – Industrial Planned Minimum Yards**

<u>Yards</u>	<u>Setbacks</u>	<u>Measurements</u>
<b><u>Front &amp; Side Yard Setback on a Flanking Street</u></b>	0 <u>Property across the right-of-way is zoned Industrial</u>	N/A
	25' PL - <u>Property across the right-of-way is not zoned Industrial (1)</u>	<u>Setback measured from the property line (PL).</u>
<b><u>Side and Rear Yard Setback</u></b>	0 <u>Property line abuts an Industrial Zone</u>	N/A
	25' PL - <u>Property line abuts a zone other than Industrial (2)</u>	<u>Setback measured from the property line (PL).</u>

**Notes:**

1. 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:
  - a. Zoning directly across an improved street right-of-way is Commercial, Public or Institutional.
  - b. At least 35% of building ground floor between a height of 2 and 7 ft. facing a street contains transparent windows. The 35% transparent window calculation only applies to the section of building within the reduced yard.
  - c. A customer oriented pedestrian entry facing and accessible from the front street.
  - d. All parking facilities are located to the side or rear of the main building.
  - e. 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.
2. 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:
  - a. Abutting zoning is Commercial, Public or Institutional; and
  - b. 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.

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- Street front landscaping would not require heavy screening, consistent with Crime Prevention through Environmental Design principles that encourage visibility between the street and adjoining uses. An evergreen hedge not more than 3' in height is proposed in order to provide visibility into a parking area from the street.
- Eliminating the 5' earth berm requirement and reduce the IP parking setback from 15' to 10' along the front property line if the property across the right-of-way is zoned Industrial and allow a 5' side and rear yard parking setback if these property lines abut a zone other than Residential. To protect Residential Single zones the existing 15' parking setback would still apply as originally required by code.

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**Table "C" Parking Minimum Yards**

<u>Yards</u>	<u>Setbacks</u>	<u>Measurements</u>
<b><u>Parking Front &amp; Side Yard Setback on a Flanking Street</u></b>	10' PL - Property across the right-of-way is zoned Industrial  15' PL - Property across the right-of-way is not zoned Industrial	<u>Setback measured from the property line (PL).</u>
<b><u>Parking Side and Rear Yard Setback</u></b>	5' PL - Property line(s) abutting zones other than Residential  15' PL - Property line(s) abutting a Residential Single zone	<u>Setback measured from the property line (PL).</u>

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- Modifying the loading area setback of 20' to any Residential designated property and identify that a loading area shall not be located within a required building or parking setback.
- Amending BMC 20.12 General Standards and modify the requirement that all yards are required to be planted with a wall of evergreen trees indentified in Section 20.12.030 C. 2. and stipulate that this provision only applies when a 25' yard is required. This proposed code amendment would not affect other Industrial general use types regulated under BMC 20.12.

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In summary, the proposed IP code amendments to the Bellingham Municipal Code 20.38.050 D. 5. through 7. and landscaping amendment to BMC 20.12.030 C. 2. would:

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- Reduce mandatory minimum setbacks between similar uses in the same zone, thereby allowing more efficient use of the land and flexible setback options based on compatible development types;
- Allow less intensive Industrial uses that have some pedestrian oriented features to locate closer to the street when the zoning across the street is not a Residential general use type;
- Reduce interior yards abutting Commercial, Public, and Institutional zones that need less buffer;
- Establish parking lot landscaping requirements that allow visibility into a parking area from the street consistent with Crime Prevention through Environmental Design principles.
- Maintain separation between different zoning designations, however provide flexible development alternatives for certain less intensive Industrial uses, which are compatible with nearby uses;

- Not allow a loading area within a required building or parking setback;
- Only require a wall of trees if a 25' yard is required within an Industrial land use designation; and
- Implement the goals and policies of the Bellingham Comprehensive Plan as listed in Section V. of this staff report.

## **V. COMPREHENSIVE PLAN GOALS AND POLICIES:**

The proposed code amendments are consistent with and implement the City's 2006 Comprehensive Plan. Goals and policies applicable to the proposed amendments are as follows:

### **Residential Planned Amendments**

**VB - 6** The character of individual neighborhoods is enhanced through flexible design standards ensuring compatibility as existing neighborhoods receive infill development.

### **Part 9 – Land Use Policies, Section A. Framework of Land Use Policies (FLU)**

**FLU – 1** It is the City's overall goal to preserve and protect the unique character and qualities of the existing neighborhoods. All policies, proposed development code and zoning changes should be reviewed with this goal in mind.

**FLU - 4** Affordable, attractive, stable and diverse residential neighborhoods should be encouraged while providing for a variety of housing opportunities.

### **Section E. Residential Development Policies**

**LU - 41** Create incentives that encourage the inclusion of more open space in multi-family developments. Revise existing regulations to require better designed, more functional open space in multifamily developments.

**LU - 42** A significant portion of the open space requirement should be capable of being utilized by the occupants of the units for leisure or recreational activities.

**LU - 44** Improve the living environment of Bellingham's multi-family housing.

### **Section K, General Land Use**

**LU – 99** Development regulations, including the density and intensity, should provide for and encourage the efficient use of land.

**LU - 101** Development regulations should provide for an appropriate level of flexibility while balancing community goals, neighborhood character issues and the need for predictability in decision making. Measures that could be used to provide flexibility include:

- planned unit development provisions,
- clustering provisions,

- 1       ▪ floating zones or overlay zones
- 2       ▪ administrative variances for minor variations in dimensional requirements such as
- 3       building setback or parking requirements (not density).

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5       **Section O. General Parking Policies**

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7       **LU – 148** Develop strategies to reduce the impacts of parking areas on urban form, pedestrian

8       mobility, and the natural environment.

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10       **Part 8. Housing Policies (HP)**

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12       **HP-5** Promote the use of innovative development patterns to better utilize land, promote design

13       flexibility, and preserve open space and natural features.

14

15       **HP-26** Establish criteria to allow developers flexibility with planned residential design

16       regulations and increased density, in exchange for better quality site and building design and

17       improved open space.

18

19       **HP – 29** Establish criteria to allow developers flexibility with planned residential design

20       regulations and increase density, in exchange for better quality site and building design and

21       improved open space.

22

23       **3.4 Multi-family Design Goals**

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25       **CDG-12** Improve the living environment and design characteristics of Bellingham's multi-family

26       housing.

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28       **CDG-13** Increase awareness of what constitutes good multifamily design.

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30       **CDG-14** The multifamily design standards and design review process reflect the city's

31       commitment to good design and respect for the scale of existing neighborhoods so that

32       community acceptance of new multifamily residential developments and infill housing is

33       achieved.

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35       **CDG-15** Multifamily developments in Bellingham provide pleasant and safe multifamily housing

36       with convenient access to community services and recreation facilities for all members of the

37       family.

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39       **CDG-16** Builders, developers and architects are provided with a set of clear objectives and

40       performance goals which promote the highest attainable standard of quality consistent with

41       economic feasibility for multifamily housing.

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43       **Industrial Planned**

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45       **Part 9 – Land Use Policies, Section A. Framework of Land Use Policies (FLU)**

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47       **FLU-2** Bellingham's land use pattern should accommodate carefully planned levels of

48       development that promotes efficient use of land, reduces sprawl, encourages alternative modes

49       of transportation, safeguards the environment, promotes healthy neighborhoods, protects

50       existing neighborhood character, and maintains Bellingham's sense of community.

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2 **Section H. Industrial/manufacturing Policies**  
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4 **LU - 59** Industrial zoned areas should be separated from incompatible land uses. Transition  
5 zoning, buffers and other techniques should be used to protect industrial areas and nearby uses  
6 from conflicts. Site plan review for industrial uses should take into account potential negative  
7 impacts on adjacent areas.  
8

9 **LU - 60** Transition regulations along zoning boundaries should include flexible options that  
10 allow certain uses and building designs to achieve compatibility of uses, pedestrian orientation,  
11 and human scale as an alternative to creating dead space with landscaping and blank walls.  
12

13 **Section K, General Land Use (LU)**  
14

15 **LU - 99** Development regulations, including the allowed density and intensity, should provide  
16 for and encourage the efficient use of land.  
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18 **LU - 100** Infill developments that are sized and designed to fit their surroundings are  
19 encouraged.  
20

21 **LU - 101** Development regulations should provide for an appropriate level of flexibility while  
22 balancing community goals, neighborhood character issues and the need for predictability in  
23 decision making. Measures that could be used to provide flexibility include:

- 24     ▪ planned unit development provisions,
- 25     ▪ clustering provisions,
- 26     ▪ floating zones or overlay zones
- 27     ▪ administrative variances for minor variations in dimensional requirements such as  
28     building setback or parking requirements (not density).  
29

30 **Section O. General Parking Policies**  
31

32 **LU – 148** Develop strategies to reduce the impacts of parking areas on urban form, pedestrian  
33 mobility, and the natural environment.  
34

35 **Part 3 Community Design Goals (CDG)**  
36

37 **CDG-1** Promote improvement in the quality of public, residential, commercial and industrial  
38 development and maintain a high quality environment by ensuring that new construction and  
39 site development meets high standards.  
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41 **CDG – 3** Allow for growth and diversity through standards that are adaptable to a variety of  
42 conditions.  
43

44 **Part 4. Community Design Policies (CDP)**  
45

46 **CDP-7** Existing standards should be revised to require the installation and maintenance of  
47 adequate landscaping and screening in commercial, industrial and multifamily (including duplex)  
48 projects.  
49

1 **CDP-41** Through landscaping and screening, reduce the apparent size of parking lots and  
2 improve the appearance of parking lots for pedestrians and residents.

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4 **CDP-47** Parking areas adjacent to different use districts should be located and buffered to  
5 minimize their impact upon those adjacent areas.

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7 **PART 8: TRANSPORTATION POLICIES (TP)**

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9 **General Transportation Policies**

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11 **TP-6** Encourage public and private development proposals to enhance the street side  
12 environment to maximize comfort of the transit user and pedestrian.

13  
14 **VI. PUBLIC COMMENT:**

15  
16 Notice of the Planning Commission hearing was mailed to neighborhood representatives and  
17 associations, Washington State Department of Community, Trade and Economic Development,  
18 and other parties with an interest in this topic. The notice was also published in the Bellingham  
19 Herald. A citizen focus group was held on April 7, 2011.

20  
21 **VII. STATE ENVIRONMENTAL POLICY ACT (SEPA):**

22  
23 A Determination of Non-Significance was issued on March 25, 2011.

24  
25 **VIII. STAFF RECOMMENDATIONS:**

26  
27 The City's Comprehensive Plan identifies the guiding principles and goals for legislative and  
28 administrative decisions regarding improvements to the City's Land Use and Development  
29 Code. The proposed code amendments further improve this system and provide clear and  
30 concise development standards, promote the efficient use of land, provide setback flexibility to  
31 improve site design options, and incorporates crime prevention through environmental design  
32 principles.

33  
34 Staff recommends approval of the proposed amendments to the Bellingham Municipal Code.

35  
36 **IX. LIST OF ATTACHMENTS:**

- 37  
38 A. *Findings of Fact, Conclusions and Recommendations (Draft)*  
39 B. *Proposed Bellingham Municipal Code Amendments (Draft)*  
40

DRAFT  
BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT,  
CONCLUSIONS, AND RECOMMENDATIONS

JUNE 9, 2011

SUMMARY

I. FINDINGS OF FACT

1. Project Description:

The proposal includes amending Bellingham Municipal Code (BMC) 20.38 to change the setback requirements for buildings, parking/loading areas, and landscaped areas within Residential and Industrial Planned zones. In combination with the above mentioned code changes, staff is also proposing amendments to BMC 20.12.030 C. 2., which requires all yards within an Industrial general use type to be installed with a wall of trees.

The proposed amendments are intended to provide more development options for building location, facilitate better site designs, encourage more efficient use of land within the City, and implement the goals and policies of the Bellingham Comprehensive Plan.

The proposed amendments in the Residential Planned (RP) section of the code consist of amending BMC 20.38.050 B. 5. through 8 and includes:

- Amending the current building setback requirement of 20' and 25' and establishing a new front yard setback of 40' from the centerline of the street or 50' from street centerline of a designated arterial. These standards are the same setback requirements prescribed in BMC 20.32 for Residential Multi development.

The side and rear yard setbacks are proposed to be reduced to 10' in order to allow for better site design and building scale in relation to the property line, with the exception that these setbacks be increased by 5' for every 10' or fraction thereof over 35' in height.

- A new open space requirement that gives developers a choice between two options consisting of:
  - 1) Providing a minimum 25% open space which is the same standard required in the Residential Multi Multiple development standards (BMC 20.32.040 E.), or
  - 2) Achieving a Green Area Factor (Green Factor) score of 0.6 in accordance with BMC 20.12.030 E., which is the same standard required for Townhouses in the Infill Toolkit (BMC 20.28). The "Green Factor" regulation was designed to improve the quantity and quality of planted areas while allowing greater flexibility for designers to meet open space and landscaping requirements.

1 There currently is no open space requirement in the RP section of the code. By reducing  
2 the standard RP building setbacks, the amount of open space on the property could be  
3 reduced, thereby creating a need to establish a minimum open space requirement that  
4 benefits both the occupants of the development as well as the City.  
5

- 6 • Amending the RP parking standards to meet the standard parking regulations outlined in  
7 BMC 20.12.10 Parking, which requires a 5' setback from any property line and eliminate  
8 the 5' earth berm requirement and 20' setback option with no berm. To protect Residential  
9 Single zones, a 15' parking setback is proposed and parking spaces would not be  
10 permitted within a required front or flanking side yard setback as stated in BMC 20.12.  
11
- 12 • Landscaping between a parking area and the street would not require a 6' screen if the zone  
13 across the right-of-way is of a different general use type. Consistent with Crime Prevention  
14 through Environmental Design principles, an evergreen hedge not more than 3' in height is  
15 proposed in order to provide visibility into a parking area from the street. All other applicable  
16 provisions within BMC 20.12.030 Landscaping would apply to RP development proposals.  
17

18 The proposed amendments in the Industrial Planned section of the code consist of amending  
19 BMC 20.38.050 D. 5 through 7 and BMC 20.12.030 and includes:  
20

- 21 • Eliminating the minimum building setback when Industrial property abuts or is across a right-  
22 of-way from an Industrial general use type. New provisions would be similar to the City's  
23 Industrial development regulations in BMC 20.36.040, which only requires a 25' setback  
24 when the industrial property abuts upon or is across the right-of-way from property zoned  
25 Residential, Commercial, Public or Institutional.  
26
- 27 • Providing criteria to allow building setbacks to be reduced by the Planning and Community  
28 Development Director for less intensive industrial uses when the property abuts or is across  
29 a right-of-way from a zone other than Industrial. This provision would not apply to Industrial  
30 property that abutted or was across the right-of-way from a Residential general use type.  
31
- 32 • Street front landscaping would not require heavy screening, consistent with Crime  
33 Prevention through Environmental Design principles that encourage visibility between the  
34 street and adjoining uses. An evergreen hedge not more than 3' in height is proposed in  
35 order to provide visibility into a parking area from the street.  
36
- 37 • Eliminating the 5' earth berm requirement and reduce the IP parking setback from 15' to  
38 10' along the front property line if the property across the right-of-way is zoned Industrial  
39 and allow a 5' side and rear yard parking setback if these property lines abut a zone other  
40 than Residential. To protect Residential Single zones the existing 15' parking setback  
41 would still apply as originally required by code.  
42
- 43 • Modifying the loading area setback of 20' to any Residential designated property and specify  
44 that a loading area shall not be located within a required building or parking setback.  
45
- 46 • Amending BMC 20.12 General Standards and modify the requirement that all yards are  
47 required to be planted with a wall of evergreen trees indentified in Section 20.12.030 C. 2.  
48 and stipulate that this provision only applies when a 25' yard is required. This proposed  
49 code amendment would not affect other Industrial general use types regulated under BMC  
50 20.12.

1  
2 **2. Background Information/Procedural History:**  
3

4 The Planning and Community Development Department has been working on several code  
5 changes to improve the City's land use and development code. The changes are intended to  
6 provide clear and concise development standards that will improve usability for citizens,  
7 professionals, and staff as well as implement the goals and policies of the Bellingham  
8 Comprehensive Plan.  
9

10 In June 2010, staff held an informational session with the Planning Commission to discuss  
11 possible changes to the City's land use and development code, which included new provisions,  
12 minor amendments, and code corrections. Since that time, staff has evaluated a majority of the  
13 code changes presented to the Commission and grouped the amendments based on common  
14 subject matter into a series of consecutive reports for processing. This proposal is part of Wave  
15 II being processed this year.  
16

17 On April 7, 2011, the City held a focus group meeting to provide an opportunity for feedback  
18 and discussion of the proposed amendments with people who frequently use the Land Use  
19 Development Code. In general, the participants at the meeting were in favor of the proposed  
20 amendments and believed the changes improved the City's land use and development  
21 regulations.  
22

23 **3. Public Comment:**

24 Notice of the Planning Commission hearing was mailed to neighborhood representatives and  
25 associations, Washington State Department of Community, Trade and Economic Development,  
26 and other parties with an interest in this topic. The notice was also published in the Bellingham  
27 Herald. A citizen focus group was held on April 7, 2011.  
28

29 **4. State Environmental Policy Act (SEPA) Determination if applicable:**  
30

31 A Determination of Non-Significance was issued on March 25, 2011.  
32

33 **5. Consistency with the Bellingham Comprehensive Plan:**  
34

35 The proposed code amendments are consistent with and implement the City's 2006  
36 Comprehensive Plan. Goals and polices applicable to the proposed amendments are as  
37 follows:  
38

39 **Residential Planned Amendments**

40  
41 **VB - 6** The character of individual neighborhoods is enhanced through flexible design  
42 standards ensuring compatibility as existing neighborhoods receive infill development.  
43

44 **Part 9 – Land Use Policies, Section A. Framework of Land Use Policies (FLU)**  
45

46 **FLU – 1** It is the City's overall goal to preserve and protect the unique character and qualities of  
47 the existing neighborhoods. All policies, proposed development code and zoning changes  
48 should be reviewed with this goal in mind.  
49

1 **FLU - 4** Affordable, attractive, stable and diverse residential neighborhoods should be  
2 encouraged while providing for a variety of housing opportunities.

3  
4 **Section E. Residential Development Polices**

5  
6 **LU - 41** Create incentives that encourage the inclusion of more open space in multi-family  
7 developments. Revise existing regulations to require better designed, more functional open  
8 space in multifamily developments.

9  
10 **LU - 42** A significant portion of the open space requirement should be capable of being utilized  
11 by the occupants of the units for leisure or recreational activities.

12  
13 **LU - 44** Improve the living environment of Bellingham's multi-family housing.

14  
15 **Section K, General Land Use**

16  
17 **LU - 99** Development regulations, including the density and intensity, should provide for and  
18 encourage the efficient use of land.

19  
20 **LU - 101** Development regulations should provide for an appropriate level of flexibility while  
21 balancing community goals, neighborhood character issues and the need for predictability in  
22 decision making. Measures that could be used to provide flexibility include:

- 23     ▪ planned unit development provisions,  
24     ▪ clustering provisions,  
25     ▪ floating zones or overlay zones  
26     ▪ administrative variances for minor variations in dimensional requirements such as  
27     building setback or parking requirements (not density).

28  
29 **Section O. General Parking Policies**

30  
31 **LU - 148** Develop strategies to reduce the impacts of parking areas on urban form, pedestrian  
32 mobility, and the natural environment.

33  
34 **Part 8. Housing Policies (HP)**

35  
36 **HP-5** Promote the use of innovative development patterns to better utilize land, promote design  
37 flexibility, and preserve open space and natural features.

38  
39 **HP-26** Establish criteria to allow developers flexibility with planned residential design  
40 regulations and increased density, in exchange for better quality site and building design and  
41 improved open space.

42  
43 **HP - 29** Establish criteria to allow developers flexibility with planned residential design  
44 regulations and increase density, in exchange for better quality site and building design and  
45 improved open space.

46  
47 **3.4 Multi-family Design Goals**

48  
49 **CDG-12** Improve the living environment and design characteristics of Bellingham's multi-family  
50 housing.

1  
2 **CDG-13** Increase awareness of what constitutes good multifamily design.

3  
4 **CDG-14** The multifamily design standards and design review process reflect the city's  
5 commitment to good design and respect for the scale of existing neighborhoods so that  
6 community acceptance of new multifamily residential developments and infill housing is  
7 achieved.

8  
9 **CDG-15** Multifamily developments in Bellingham provide pleasant and safe multifamily housing  
10 with convenient access to community services and recreation facilities for all members of the  
11 family.

12  
13 **CDG-16** Builders, developers and architects are provided with a set of clear objectives and  
14 performance goals which promote the highest attainable standard of quality consistent with  
15 economic feasibility for multifamily housing.

16  
17 **Industrial Planned Amendments**

18  
19 **Part 9 – Land Use Policies, Section A. Framework of Land Use Policies (FLU)**

20  
21 **FLU-2** Bellingham's land use pattern should accommodate carefully planned levels of  
22 development that promotes efficient use of land, reduces sprawl, encourages alternative modes  
23 of transportation, safeguards the environment, promotes healthy neighborhoods, protects  
24 existing neighborhood character, and maintains Bellingham's sense of community.

25  
26 **Section H. Industrial/manufacturing Policies**

27  
28 **LU - 59** Industrial zoned areas should be separated from incompatible land uses. Transition  
29 zoning, buffers and other techniques should be used to protect industrial areas and nearby uses  
30 from conflicts. Site plan review for industrial uses should take into account potential negative  
31 impacts on adjacent areas.

32  
33 **LU - 60** Transition regulations along zoning boundaries should include flexible options that  
34 allow certain uses and building designs to achieve compatibility of uses, pedestrian orientation,  
35 and human scale as an alternative to creating dead space with landscaping and blank walls.

36  
37 **Section K, General Land Use (LU)**

38  
39 **LU - 99** Development regulations, including the allowed density and intensity, should provide  
40 for and encourage the efficient use of land.

41  
42 **LU - 100** Infill developments that are sized and designed to fit their surroundings are  
43 encouraged.

44  
45 **LU - 101** Development regulations should provide for an appropriate level of flexibility while  
46 balancing community goals, neighborhood character issues and the need for predictability in  
47 decision making. Measures that could be used to provide flexibility include:

- 48     ▪ planned unit development provisions,  
49     ▪ clustering provisions,  
50     ▪ floating zones or overlay zones

- administrative variances for minor variations in dimensional requirements such as building setback or parking requirements (not density).

## **Section O. General Parking Policies**

**LU – 148** Develop strategies to reduce the impacts of parking areas on urban form, pedestrian mobility, and the natural environment.

### **Part 3 Community Design Goals (CDG)**

**CDG-1** Promote improvement in the quality of public, residential, commercial and industrial development and maintain a high quality environment by ensuring that new construction and site development meets high standards.

**CDG – 3** Allow for growth and diversity through standards that are adaptable to a variety of conditions.

### **Part 4. Community Design Policies (CDP)**

**CDP-7** Existing standards should be revised to require the installation and maintenance of adequate landscaping and screening in commercial, industrial and multifamily (including duplex) projects.

**CDP-41** Through landscaping and screening, reduce the apparent size of parking lots and improve the appearance of parking lots for pedestrians and residents.

**CDP-47** Parking areas adjacent to different use districts should be located and buffered to minimize their impact upon those adjacent areas.

## **PART 8: TRANSPORTATION POLICIES (TP)**

### **General Transportation Policies**

**TP-6** Encourage public and private development proposals to enhance the street side environment to maximize comfort of the transit user and pedestrian.

## **II. CONCLUSIONS:**

Based on the staff report and the information presented at the public hearing, the Bellingham Planning Commission concludes:

The proposed Residential Planned code amendments to Bellingham Municipal Code 20.38.050 B. 5 through 8 would:

- Reduce mandatory minimum setbacks between uses in the same zone, making more efficient use of the land, and allow more flexibility for better site design and building scale in relation to the property line;

- 1 • Encourage buildings to be oriented toward the street or towards common open spaces  
2 as recommended in the City's adopted Multi-Family Design Guidelines. Common open  
3 space should be centrally located and interfaced with building entries and active  
4 functions;
- 5
- 6 • Establish a minimum open space requirement, which would benefit both the occupants  
7 of the development as well as the City;
- 8
- 9 • Establish parking lot landscaping requirements that allow visibility into a parking area  
10 from the street consistent with Crime Prevention through Environmental Design  
11 principles; and
- 12
- 13 • Implement the goals and policies of the Bellingham Comprehensive Plan.

14  
15 The proposed Industrial Planned code amendments to the Bellingham Municipal Code  
16 20.38.050 D. 5 through 7. and landscaping amendment to BMC 20.12.030 C. 2. would:

- 17
- 18 • Reduce mandatory minimum setbacks between similar uses in the same zone, thereby  
19 allowing more efficient use of the land and flexible setback options based on  
20 compatible development types;
- 21
- 22 • Allow less intensive Industrial use that have some pedestrian oriented features to locate  
23 closer to the street when the zoning across the street is not a Residential general use  
24 type;
- 25
- 26 • Reduce interior yards abutting Commercial, Public, and Institutional zones that need less  
27 buffer;
- 28
- 29 • Establish parking lot landscaping requirements that allow visibility into a parking area  
30 from the street consistent with Crime Prevention through Environmental Design  
31 principles.
- 32
- 33 • Maintain separation between different zoning designations, however provide flexible  
34 development alternatives for certain less intensive Industrial uses, which are compatible  
35 with adjacent uses;
- 36
- 37 • Not allow a loading area within a required building or parking setback;
- 38
- 39 • Only require a wall of trees if a 25' yard is required within an Industrial land use  
40 designation; and
- 41
- 42 • Implement the goal and policies of the Bellingham Comprehensive Plan.

43  
44 The proposed code amendments will provide clear and concise development standards that will  
45 improve usability for citizens, professionals, and staff and should be adopted.  
46

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**III. RECOMMENDATIONS:**

Based on the findings and conclusion, the Bellingham Planning Commission recommends that the City Council approve the proposed amendments to the Bellingham Municipal Code as shown on Attachment B.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
*Planning Commission Chairperson*

**ATTEST:** \_\_\_\_\_  
*Recording Secretary*

**APPROVED AS TO FORM:**  
\_\_\_\_\_  
*City Attorney*

DRAFT  
ORDINANCE NO. \_\_\_\_\_

1  
2  
3  
4  
5 AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE (BMC) 20.38.050 B. AND  
6 BMC 20.38.050 D. TO CHANGE THE SETBACK REQUIREMENTS FOR BUILDINGS,  
7 PARKING/LOADING AREAS, AND LANDSCAPING/SCREENING REQUIREMENTS WITHIN  
8 A RESIDENTIAL AND INDUSTRIAL PLANNED ZONE, AND AMENDING BMC 20.12.030 C.  
9 2. REGARDING LANDSCAPING IN SETBACKS WITHIN AN INDUSTRIAL GENERAL USE  
10 TYPE.

11  
12 WHEREAS, The Planning and Community Development Department has been developing a  
13 series of code amendments to improve the City's Land Use and Development Code; and

14 WHEREAS, the proposed amendments to BMC 20.38.38.050 B. and BMC 20.38.050 D. would  
15 amend the setback requirements for buildings, parking/loading areas, and landscaped areas  
16 within a Residential and Industrial Planned zone; and

17  
18 WHEREAS, the proposed Residential Planned code amendments to Bellingham Municipal  
19 Code 20.38.050 B. 5. through 8 would:

- 20
- 21 • Reduce mandatory minimum setbacks between uses in the same zone, making more
- 22 efficient use of the land, and allow more flexibility for better site design and building
- 23 scale in relation to the property line;
- 24
- 25 • Encourage buildings to be oriented toward the street or towards common open spaces
- 26 as recommended in the City's adopted Multi-Family Design Guidelines. Common open
- 27 space should be centrally located and interfaced with building entries and active
- 28 functions;
- 29
- 30 • Establish an open space requirement, which would benefit both the occupants of the
- 31 development as well as the City;
- 32
- 33 • Establish parking lot landscaping requirements that allow visibility into a parking area
- 34 from the street consistent with Crime Prevention through Environmental Design
- 35 principles; and
- 36

37 WHEREAS, the proposed Industrial Planned code amendments to the Bellingham Municipal  
38 Code 20.38.050 D. 5 through 7. and landscaping amendment to BMC 20.12.030 C. 2. would:

- 39
- 40 • Reduce mandatory minimum setbacks between similar uses in the same zone, thereby
- 41 allowing more efficient use of the land and flexible setback options based on
- 42 compatible development types;
- 43
- 44 • Allow less intensive Industrial uses that have some pedestrian oriented features to
- 45 locate closer to the street when the zoning across the street is not a Residential general
- 46 use type;
- 47
- 48 • Reduce interior yards abutting Commercial, Public, and Institutional zones that need less
- 49 buffer;
- 50

- 1 • Establish parking lot landscaping requirements that allow visibility into a parking area
- 2 from the street consistent with Crime Prevention through Environmental Design
- 3 principles.
- 4
- 5 • Maintain separation between different zoning designations, however provide flexible
- 6 development alternatives for certain less intensive Industrial uses, which are compatible
- 7 with nearby uses;
- 8
- 9 • Not allow a loading area within a required building or parking setback;
- 10
- 11 • Only require a wall of trees if a 25' yard is required within an Industrial land use
- 12 designation; and
- 13

14 **WHEREAS**, the proposed amendments comply with, and implement the goals and policies of

15 the Bellingham Comprehensive Plan; and

16

17 **WHEREAS**, the responsible official reviewed the proposed amendments under the procedures

18 of the State Environmental Policy Act, and a Determination of Nonsignificance was issued on

19 March 25, 2011; and

20

21 **WHEREAS**, as required by RCW 36.70A, notice of the City's intent to adopt the proposed code

22 amendments was sent to the Dept. of Community, Trade and Economic Development on March

23 25, 2011; and

24

25 **WHEREAS**, after mailed and published notice as required by BMC Chapter 21.10, the Planning

26 Commission held a public hearing on June 9, 2011 on the proposed code amendments; and

27

28 **WHEREAS**, the Planning Commission considered the staff report and comments received and

29 thereafter transmitted their recommendation to the City Council; and

30

31 **WHEREAS**, after mailed and published notice as required by BMC 21.10, the City Council held

32 a public hearing on the proposed code amendment on (Date), 2011; and

33

34 **WHEREAS**, the City Council has considered the recommendation of the Planning Commission,

35 the staff report and the public comment and hereby adopt the Findings of Fact and Conclusions

36 of the Planning Commission.

37

38 **NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

39

40 **Section 1.** Bellingham Municipal Code, Section 20.38.050 B. regarding Residential Planned

41 development standards is hereby amended as follows:

42

43 **1. through 4.** [No change]

44

45 **5. Open Space.**

46

47 **a.** A minimum of 25% of the total site area shall be left as open space; except that a

48 minimum of 10% of the total site area shall be left as an open space for an office use

49 allowed in mixed areas having a residential density equal to or denser than 1,500 sq.

50 ft. per unit.

51 -or-

b. Achieve a Green Area Factor (Green Factor) score of 0.6 in accordance with BMC 20.12.030 E.

**5.6. Usable Space.** Usable space in an amount equal to that required for a proposal the same number of units under Section 20.32.040 F of the Residential Multi Chapter shall be required. Active recreational facilities may replace usable space requirements if approved by the Planning and Community Development Director.

**6.7. Yards.**

a. No structure shall be located within 25' of any property line. Planned development proposals shall meet the following building setbacks as shown in Table "A" - Residential Planned Minimum Yards:

b. No residential structure shall be located within 20' of any designated arterial.

**Table "A" – Residential Planned Minimum Yards**

<u>Yards</u>	<u>Setbacks</u>	<u>Measurements</u>
<u>Front &amp; Side Yard Setback on a Flanking Street</u>	40' CL 50' CL - if a designated street arterial 20' PL - Property line(s) abutting a Residential Single zone	Setback measured from the center line (CL) of the street-right-of-way.  Setback measured from the property line (PL).
<u>Side and Rear Yard Setback</u>	10' PL, plus 5' for every 10' or fraction thereof over 35' in height (1) 25' PL - Property line(s) abutting a Residential Single zone	Setback measured from the property line (PL).
<b>Notes:</b>		
1. <u>Only those portions of the building that exceed a height of 35' must meet the additional setback measured from the property line to the subject building wall.</u>		

b. **Exception.** Permitted yard encroachments identified in BMC 20.10.080 B. may extend into a standard required yard, provided that the encroachments meet the adopted building codes and minimum vision clearance triangle on a corner lot.

**7.8. Parking.**

a. Proposals for planned development shall satisfy all parking regulations for similar uses, contained in Chapter 20.12.

b. No parking area shall extend within 15' of any property line abutting a Residential Single zone. ~~property designated other than planned. The area between the parking and property line shall be bermed with earth at least 5' in height. Parking spaces more than 20' do not have to have the area in between bermed.~~

c. General "parking areas" shall be illustrated on the planned proposal site plan. Final detailed parking plans shall be submitted for approval at time of building permit application. If at such time the Planning Director determines that there is insufficient

1 space within the area to meet parking requirements, contained in Chapter 20.12, areas  
2 designated as building areas may be used, the project may be reduced in size or  
3 density so that such parking requirements are met and/or the applicant may apply to  
4 the Planning Director for a modification of the site plan exhibit pursuant to procedure  
5 set out in Section 20.38.040.  
6

7 **8.9. Landscaping.** Proposals for planned development shall satisfy all landscaping  
8 requirements for similar uses contained in Section 20.12.030 (See also (4011) below on  
9 Environment); except as follows:

10  
11 **a.** The yard area between a parking facility and any street shall be landscaped and  
12 include an evergreen hedge. Hedge plantings shall be spaced not more than 2' on  
13 center and designed to be maintained at a height of at least 2.5 and not more than 3 in  
14 height. A screen is not required along a street if the adjacent zone is of a different  
15 general use type.  
16

17 **9.10. Signs.** One sign, which may be indirectly lighted, may be located near the main entrance  
18 roads on private property. Such sign shall not exceed 50 square feet in area. Message shall  
19 be limited to the name of the planned project only.  
20

21 **10.11. Environment.** Existing drainage courses of significance (as identified in the Goals and  
22 Policies document of the Comprehensive plan), topography, significant treed areas and other  
23 natural features should be saved, preserved and enhanced to the greatest extent possible  
24 consistent with reasonable and appropriate use of the subject site.  
25

26 **11.12. Comprehensive Plan Elements.** Planned project proposals should be designed in close  
27 coordination with the City of Bellingham's Comprehensive Plan.  
28

29 **12.13. Streets, Utilities, Access and Dedications.**  
30

- 31 **a.** Streets and utilities should be designed to fulfill reasonably anticipated future need and be  
32 located to enable the continued orderly and reasonable use of adjacent property. Streets  
33 and utilities should be extended to the property line unless it is clearly demonstrated that  
34 the extension will not be needed for development of adjacent property.  
35
- 36 **b.** Dedicated width of rights-of-way shall comply with minimum city requirements.  
37
- 38 **c.** Streets should be improved to the standard required by Ordinance No. 8027 unless a  
39 standard is specified in the circulation plan of the Comprehensive Plan; provided that the  
40 Planning Director may approve streets which are consistent with neighborhood standards.  
41
- 42 **d. Pedestrian Circulation.** Unless waived for reasons of infeasibility or impracticality by the  
43 Technical Review Committee and the Planned Contract, the following shall be required:  
44
- 45 **i.** A sidewalk shall be constructed within all abutting City street rights-of-way. A local  
46 improvement district (L.I.D.) commitment may be required in lieu of construction if the  
47 City determines immediate construction is not warranted.  
48
- 49 **ii.** Walkways shall be required linking building entrances to parking areas, sidewalks and  
50 other building entrances in the complex and, where appropriate, to open space/  
51 recreation areas. If no sidewalk is constructed or exists, the connecting walkway shall  
52 extend to the proposed location of a sidewalk or to the edge of the pavement located in  
53 the right-of-way.  
54

1 e. A planned development proposal shall comply with city ordinance related to curb cuts and  
2 arterial streets access.

3  
4 f. Dedication of public streets, easements, or park (or other) open space may be required.  
5

6 **13.14. Other Codes.** Other codes may have to be followed such as the subdivision code, binding  
7 site plan ordinance or mobile home ordinance. Dedication documents may have to be filed at  
8 the Auditor's office.  
9

10 **14.15. Home Owners Associations.** If the applicant intends to deed any open space or recreational  
11 facilities to a Home Owner Association, then the applicant shall submit with the planned  
12 proposal application a declaration of covenants and restrictions that will govern such  
13 association.  
14

15 **Section 2.** Bellingham Municipal Code, Section 20.38.050 D. regarding Industrial Planned  
16 development standards is hereby amended as follows:  
17

18 **1. through 4.** [No changed]  
19

20 **5. Yards.** ~~No structure shall be located within 25' of any property line.~~ Planned development  
21 proposals shall meet the following building setbacks as shown in Table "B" Industrial Planned  
22 Minimum Yards:  
23  
24

**Table "B" – Industrial Planned Minimum Yards**

<u>Yards</u>	<u>Setbacks</u>	<u>Measurements</u>
<b><u>Front &amp; Side Yard Setback on a Flanking Street</u></b>	<u>0 Property line(s) abutting or across a right-of-way from an Industrial zone</u>	<u>N/A</u>
	<u>25' PL - Property line(s) abutting or across a right-of-way from a zone other than Industrial (1)</u>	<u>Setback measured from the property line (PL).</u>
<b><u>Side and Rear Yard Setback</u></b>	<u>0 Property line(s) abutting an Industrial Zone</u>	<u>N/A</u>
	<u>25' PL - Property line(s) abutting a zone other than Industrial (2)</u>	<u>Setback measured from the property line (PL).</u>

**Notes:**

1. 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:
  - a. Zoning directly across an improved street right-of-way is Commercial, Public or Institutional.
  - b. At least 35% of building ground floor between a height of 2 and 7 ft. facing a street contains transparent windows. The 35% transparent window calculation only applies to the section of building within the reduced yard.
  - c. A customer oriented pedestrian entry facing and accessible from the front street.
  - d. All parking facilities are located to the side or rear of the main building.
  - e. 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.

2. 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:

- a. Abutting zoning is Commercial, Public or Institutional; and
- b. 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.

6. **Parking.**

- a. Proposals for planned development shall satisfy all parking and loading area regulations for similar uses, contained within Chapter 20.12.
- b. ~~No parking area shall be within 15' of any property line and the area between the parking and property line shall be bermed with earth at least 5' in height.~~ Planned development proposals shall meet the following parking setbacks as shown in Table "C" Minimum Parking Yards:

**Table "C" Parking Minimum Yards**

<u>Yards</u>	<u>Setbacks</u>	<u>Measurements</u>
<b><u>Parking Front &amp; Side Yard Setback on a Flanking Street</u></b>	<p>10' PL - Property line across a right-of-way from or abutting an Industrial Zone</p> <p>15' PL - Property line(s) abutting or across a right-of-way from a zone other than Industrial</p>	Setback measured from the property line (PL).
<b><u>Parking Side and Rear Yard Setback</u></b>	<p>5' PL - Property line(s) abutting zones other than Residential</p> <p>20' PL - Property line(s) abutting a Residential Single zone</p>	Setback measured from the property line (PL).

- c. General "parking areas" shall be illustrated on the planned proposal site plan. Final detailed parking plans shall be submitted for approval at the time of building permit application. If at such time the Planning Director determined that there is insufficient space within the area to meet parking requirements contained in Section 20.12.010, areas designated as building area may be used, the project may be reduced in size or density so that such parking requirements are met and/or the applicant may apply to the Planning Director for a modification of the site plan exhibit pursuant to the procedure set out in Section 20.38.040 of this handbook.
- d. ~~Loading areas shall not be closer than 20' to any residential designated property. The area between the loading area and the property line shall be bermed to a height of 5' and screened.~~ located within a required building or parking setback.

1  
2 **7. Landscaping and Buffers.** Proposals for planned development shall satisfy all landscaping  
3 requirements for similar uses contained in Section 20.12.030: (See also subsection (89)  
4 below on "Environment") except as follows:  
5

6 **a.** The Planning and Community Development Director may approve an alternative  
7 landscaping proposal consisting of a combination of trees, shrubs, and ground cover  
8 within the required yard along right-of-way and where the required building setback is  
9 less than 25'. The yard area between a parking facility and any street shall be  
10 landscaped and include an evergreen hedge. Hedge plantings shall be spaced not more  
11 than 2' on center and designed to be maintained at a height of at least 2.5' and not more  
12 than 3' in height'. A screen is not required along a street if the adjacent zone is of a  
13 different general use type.  
14

15 **b.** A screen shall be located between the outdoor activity areas, such as for loading or  
16 storage. If a wall is proposed, it shall be a vegetative wall or a combination of  
17 landscaping consisting of trees, shrubs, and ground cover shall be installed between the  
18 screen and the property line.  
19

20 **8. through 12.** [No change]  
21

22 **Section 3.** Bellingham Municipal Code, Section 20.12.030 C. regarding Yards and Open Spaces is  
23 hereby amended as follows:  
24

25 **C. Requirements.**  
26

27 **1. Street Trees** (For Residential Multi, Commercial, Industrial, and Planned General Use  
28 Types).

29 **a.** One street tree shall be required for every 50' of street frontage abutting the property.  
30 Said trees shall be installed adjacent to the right-of-way within the property lines or  
31 within the right-of-way subject to the approval of the Public Works and Parks  
32 Department.

33 **2. Yards and Open Spaces**  
34

35 **a.** ~~All~~ Only required 25' yards required for all uses permitted in the Industrial general  
36 use type shall be installed with a wall of trees.  
37

38 **b.** All yards required (except the vision triangle) for all uses permitted in the Commercial  
39 general use type shall be screened.  
40

41 **c.** For all uses permitted in the Residential Multi general use type a minimum of 25% of  
42 the required open space area shall be landscaped.  
43

44 **3. through 5** [No change]  
45  
46  
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48 **PASSED** by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
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52 \_\_\_\_\_  
Council President

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**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

**ATTEST:** \_\_\_\_\_  
Finance Director

**APPROVED AS TO FORM:**  
\_\_\_\_\_  
Office of the City Attorney

Published:  
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