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ATTACHMENT 4

ORDINANCE NO. _____

AN ORDINANCE RELATED TO LAND USE REGULATIONS, AMENDING BELLINGHAM MUNICIPAL CODE SECTIONS 20.25.020 AND 20.25.040 AND ADDING A NEW SECTION 20.25.070 REGARDING URBAN VILLAGE DESIGN.

WHEREAS, the promotion of development in urban villages is a significant infill strategy identified in the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan recommends that a regulatory structure, which may include design guidelines, be put in place to encourage appropriate development in urban villages; and

WHEREAS, the proposed amendments would establish design guidelines and standards for urban villages administered through a design review process; and

WHEREAS, the City is in the process of developing plans and regulations for several urban villages; and

WHEREAS, the proposed amendments comply with and implement the goals and policies of the Bellingham Comprehensive Plan; and

WHEREAS, on _____ the City of Bellingham as lead agency under the procedures of the State Environmental Policy Act (SEPA) issued a Determination of Non-Significance; and

WHEREAS, as required by RCW 36.70A, notice of the City's intent to adopt the proposed code amendments was sent to the Dept. of Community, Trade and Economic Development on _____; and

WHEREAS, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on June 18, 2009 on the proposed code amendments; and

WHEREAS, the Planning Commission considered the staff report and comments received and thereafter transmitted their recommendation to the City Council; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission, the staff report and the public comment and hereby adopts the Findings of Fact and Conclusions of the Planning Commission;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

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1 **Section 1.** Bellingham Municipal Code Subsection 20.25.020.A is hereby amended as
2 follows:

3
4 **A. Multi-Family Residential Projects.** The following developments shall obtain design
5 review approval when located in any use district except within the City Center Design Review
6 District, Institutional General Use Types that are governed by an adopted institutional master
7 plan, or the Fairhaven Design Review District or in an Urban Village Design District:
8

- 9 1. [Unchanged]
10 2. [Unchanged.]
11 3. [Unchanged.]
12 4. [Unchanged.]
13
14

15 **Section 2.** Bellingham Municipal Code Subsection 20.25.020.C is hereby amended as
16 follows:

17
18 **C. Development in the City Center Design Review District and Urban Village**
19 **Districts.** All development projects requiring a building permit within the City Center Design
20 Review District (Figure 25-1) or an Urban Village Design District shall obtain design review
21 approval unless exempted by this subsection.
22

- 23 1. [Unchanged.]
24 2. [Unchanged.]
25

26 **Section 3.** A new Bellingham Municipal Code Subsection 20.25.040.E is hereby added as
27 follows:

28
29 **E.** For projects listed in Section 20.25.020.C., Urban Village Design Districts, the
30 Director shall base his or her decision on consistency with the Urban Village Design
31 guidelines and standards in Section 20.25.070. Large retail establishments shall also comply
32 with the standards in Section 20.25.020.E.
33

34 **Section 4.** A new Bellingham Municipal Code Section 20.25.070 is hereby added as
35 follows:

36
37
38 **20.25.070 – Urban Village Design**
39

40 **A. Departures from design requirements.** The Director may approve departures from
41 the design guidelines and standards. All requests for departures shall be identified in the
42 application and reviewed by the Design Review Board following the process in BMC
43 20.25.030.A.1.b. unless the request involves a building on the City, State or National register
44 of historic places, in which case it shall be reviewed by the Historic Preservation
45 Commission. A departure may only be allowed if the Director determines that the applicant
46 has demonstrated that either:

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1
2 **1.** In response to difficult physical circumstances relating to the size, shape,
3 topography, location or surroundings of the subject property, an alternative solution is
4 required that meets the intent of the requirement to the greatest extent practical, or
5

6 **2.** An alternative design will provide an equal or better solution that:
7

8 **a.** Meets the intent of the standard;

9
10 **b.** Enhances the character and livability of the urban village;

11
12 **c.** Enhances the character and environment for pedestrians;

13
14 **d.** Enhances or protects the character of the neighborhood or vicinity by
15 protecting natural features, historic sites, open space, or other resources; and
16

17 **e.** Will not have any substantial detrimental effect on nearby properties
18 and the City or the neighborhood.
19

20 **B. Specific Standards**

21
22 **1. Site Design**

23
24 **a. Orientation to Street**

25
26 **i.** Intent: Reinforce pedestrian activity, orientation to ground floor activities and
27 enhance the liveliness of the street through building location.

28
29 **ii.** Guideline: Locate the building at sidewalk edge. A larger setback may be
30 considered in order to accommodate a wider sidewalk, public space, or
31 outdoor café.

32
33 **iii.** Guideline: Locate the primary entrance at street level facing a public street.
34 The primary entrance should be more articulated and highlighted (size,
35 material, recessed, lighting) than secondary entrances.
36

37
38
39 **b. Surface Parking**

40
41 **i.** Intent: Ensure parking lots are not a dominant element within urban villages
42 and to minimize the impact of surface parking on the pedestrian environment.
43

44 **ii.** Standard: Parking shall be located to the rear or side of a building and shall
45 not be located at intersections. (See Figure 25.7 Figure will be inserted prior
46 to consideration of ordinance)

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1
2 **iii. Standards:**
3

- 4 (1) A wall or evergreen hedge designed to be maintained at a height of at
5 least 2.5 feet and not more than 3.5 feet is required along the street
6 frontage of any street level open parking lot. Open trellis work or
7 similar features that can be seen through may extend above the wall.
8 Street trees with canopies above pedestrian height may be included.
9 Planting beds must be at least 5' wide. (See Figure 25.8 Figure will be
10 inserted prior to consideration of ordinance)
11
12 (2) Visually screen parking lots from abutting Residential Single zones and
13 Residential Transition Areas. Chain link fencing with slats is not an
14 acceptable screen.
15

16
17 **c. Drive-Through Facilities**
18

- 19 **i. Intent:** Diminish the impact of automobiles on the pedestrian environment.
20
21 **ii. Standard:** Access and stacking lanes for drive-through services shall not be
22 located between the street and the building or between the building and a
23 residential zone. (See Figure 25.9 Figure will be inserted prior to
24 consideration of ordinance)
25

26
27 **d. Refuse Enclosures**
28

- 29 **i. Intent:** Reduce the impact and view of trash and recycling storage areas.
30
31 **ii. Guideline:** Locate refuse storage to the rear of the site and away from major
32 pedestrian walkways.
33
34 **iii. Standard:** Refuse containment areas shall be placed in a building or
35 enclosed in a structure that is of similar architectural character of the major
36 structures on the site.
37

38
39 **e. Rooftop Screening**
40

- 41 **i. Intent:** Mechanical equipment should not detract from the appearance of the
42 building.
43

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1 **ii.** Standard: Screen mechanical equipment by extending the parapet walls or
2 other roof forms that are integrated with the architecture of the building to a
3 height that equals or exceeds the height of the mechanical equipment.
4
5

6 **f. Pedestrian Connectivity**
7

8 **i.** Intent: Create a network of safe, convenient and attractive off-street linkages
9 for pedestrians.
10

11 **ii.** Guideline: When a development encompasses a site greater than 350 feet
12 wide or deep, incorporate pedestrian access through the site to connect to
13 alleys, streets or neighboring properties. (See Figure 25.10 Figure will be
14 inserted prior to consideration of ordinance)
15

16 **iii.** Guideline: Provide walkways connecting access points within the site and
17 from the site to the street. Locate walkways in active areas visible from
18 adjoining spaces. (See Figure 25.11 Figure will be inserted prior to
19 consideration of ordinance)
20

21 **iv.** Standard: Pedestrian through-block connections shall not be less than 5 feet
22 wide and be clearly defined by use of material, elevation (6" raised) or
23 landscaping borders.
24

25 **v.** Standard: Pedestrian access that is separated from vehicle access shall be
26 provided between the building main entry and the public sidewalk. If
27 walkways cross parking driveways, the walkway shall be separated from
28 parking by landscaping or by raised pavement, or when crossing driving lanes,
29 by a change in texture or material.
30

31 **g. Variations on Building Design**
32

33 **i.** Intent: Create a range of different forms and designs so repetition and
34 monotony are avoided.
35

36 **ii.** Guideline: When a development includes three or more buildings, the
37 buildings within a development should not use identical footprints or
38 elevations. Changes in textures and colors may be appropriate. While there
39 may be some elements that provide a commonality to the entire development,
40 variety shall be visually evident.
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h. Site Lighting

- i. Intent:** Provide architectural character, safety and encourage evening activity while minimizing impacts to neighboring properties and the darkness of the night sky.
- ii. Guideline:** Low intensity lighting should be provided for entries, walkways, parking garage entrances, parking lots, alleys and refuse enclosures.
- iii. Guideline:** Parking lot lights should generally be no more than 18 feet in height and lower for pedestrian walkways.
- iv. Guideline:** Lighting should be directed away from the sky, dwellings and neighboring development. The use of LED or low energy use fixtures is strongly encouraged.
- v. Guideline:** Light fixtures should contribute to the overall design of the building and may be used to highlight special architectural features.

2. Building Design

a. Massing and Articulation

- i. Intent:** Reduce the apparent mass of large buildings to provide visual interest and pedestrian scale. (See Figure 25.12 , which applies to guidelines ii – v below. Figure will be inserted prior to consideration of ordinance)
- ii. Guideline:** Buildings should convey a visually distinct base and top.
- iii. Guideline:** Avoid long, uninterrupted expanses of walls, vertically and horizontally.
- iv. Guideline:** Roof parapets and eaves are encouraged to vary in height to avoid long, straight lines at the maximum building heights.
- v. Guideline:** Buildings with facades longer than 50 feet should be divided into "modules" that are expressed three dimensionally throughout the building façade.
- vi. Guideline:** Reduce the apparent mass of buildings facing adjacent public spaces, historic register sites or residential zones by stepping down building height and reducing the area of wall planes.

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1
2 **vii. Standards:**
3

- 4 (1) The maximum height within 15' of any street right-of-way is 3 stories
5 and 40 feet. The minimum height within 15' of any street right-of-way
6 is 18 feet. A maximum of 50% of wall length above the 3rd story may
7 encroach 5' into the setback (not including decks). (See Figure 25.13
8 Figure will be inserted prior to consideration of ordinance)
9
10 (2) Provide at least one setback for every 3 stories in similar fashion to vii.
11 (1) on building elevations that front public spaces and historic buildings
12 on the City, State or National Historic Registers. This provision shall
13 apply regardless of whether the proposed development is built up to, or
14 set back from, the common property line.
15
16 (3) A building shall be set back a minimum of 15 feet from a property line
17 abutting a Residential Single Zone or a Residential Transition Area.
18 The maximum height within 30' of a property line abutting a Residential
19 Single Zone or a Residential Transition Area shall be 2 stories and 30
20 feet. This standard does not apply if separated by an alley or street
21 right-of-way. (See Figure 25.14 Figure will be inserted prior to
22 consideration of ordinance)
23

24 **b. Ground Floor Details**
25

- 26 i. Intent: Reinforce the character of the streetscape by encouraging the
27 greatest amount of visual interest along the ground level of buildings facing
28 streets.
29
30 ii. Guidelines: Ground-floor, street-facing facades of commercial and mixed-
31 use buildings shall incorporate elements such as lighting or hanging baskets,
32 medallions, belt courses, plinths for columns, kick plates, projecting sills, tile
33 work, pedestrian scale signs, planter boxes or other vegetation, or other
34 elements that meet the intent.
35

36 **c. Structured Parking**
37

- 38 i. Intent: Reduce the visual impacts of structured parking on public streets,
39 public open spaces and residential zones.
40
41 ii. Guideline: Structured parking levels that are adjacent to a public street or
42 open space, or a residential zone shall be screened or treated architecturally
43 by window openings, landscaping designed to screen the façade, decorative
44 metal grills, and/or other approved devices that meet the intent.
45
46

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1 **d. Building Material**

2
3 **i. Intent:** Create vibrant urban villages through the use of high quality materials.

4
5 **ii. Guideline:** Design architectural features that are an integral part of the
6 building and discourage features that appear to be "tacked on" or artificially
7 thin.

8
9 **iii. Guideline:** Material selection should exhibit high quality, particularly at street
10 level. Examples include stone, brick, tile, concrete, metal, or transparent
11 glass. Avoid residential lap siding on the ground floor of commercial or mixed
12 use buildings.

13
14 **iv. Guideline:** Encourage the use of recessed windows that create shadow lines.

15
16 **e. Transparency**

17
18 **i. Intent:** Provide a visual link between the business space and the public
19 sidewalk to create visual interest at the pedestrian level.

20
21 **ii. Standard:** A minimum of 60% of the building wall between 2' and 7' above
22 the sidewalk and facing a street shall be transparent or lightly tinted glazing.
23 Windows into parking garage space shall not qualify. If windows are not
24 appropriate, glass display cases, decorative art (for example, murals or relief
25 sculpture), significant architectural detailing or wall-covering landscaping may
26 be used.

27
28 **f. Weather Protection**

29
30 **i. Intent:** Provide pedestrians rain protection, integrate individual buildings into
31 the streetscape, and define the pedestrian zone.

32
33 **ii. Guideline:** Weather protection should be located between 8 and 12 feet
34 above the walkway but a higher placement may be considered if the width of
35 the protection is increased.

36
37 **iii. Standard:** Where commercial uses are located at ground floor, buildings shall
38 provide pedestrian weather protection covering at least a 4' width of sidewalk
39 along at least 75% of the street level frontage. Minimum adjustments needed
40 to accommodate trees or other overhead objects may be allowed. Materials
41 shall be limited to metal, glass, Plexiglas or equivalent "hard" materials. Wood
42 may be allowed on historic buildings. Fabric and vinyl fabric may only be used
43 on retractable awnings.

44
45
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1 **g. Blank Walls**

2
3 **i. Intent: Provide visual interest and avoid the negative impacts of blank walls.**

4
5 **ii. Standard: A blank wall is a wall or a portion of wall that is either (1) at least**
6 **400 square feet in area with a length and a width of at least 10 feet that does**
7 **not include a window, door, building modulation or other architectural feature**
8 **or (2) at the ground floor and over 6' in height with a horizontal length**
9 **greater than 15' that does not include a window, pedestrian entry door,**
10 **building modulation or other architectural feature.**

11
12 Any blank wall within 50' of, and visible from, a public street, public park or
13 trail, residential zone shall be treated with at least one of the following:

- 14
15 **(1) Artwork, such as bas relief sculpture, mural or similar feature.**
- 16
17 **(2) A landscaping bed containing trees, shrubs and/or vines on a trellis**
18 **that will cover at least 60% of the wall within 3 years. Irrigation**
19 **shall be provided unless the bed is at least 5' in width, open to the**
20 **sky and draught resistant plants are used.**
- 21
22 **(3) Architectural detailing incorporating trims, textures, reveals,**
23 **contrasting materials, or other special detailing that provides visual**
24 **interest.**
- 25
26 **(4) An alternative method of providing visual interest at the pedestrian**
27 **level approved through design review.**

28
29 **h. Roof Forms for Tall Buildings**

30
31 **i. Intent: Create a visually interesting skyline.**

32
33 **ii. Standards: Buildings over 75 feet in height shall:**

- 34
35 **(1) Incorporate at least one additional set back at or above the 5th**
36 **floor, and**
- 37
38 **(2) Incorporate features that create a visually distinct roof form. The**
39 **following are examples of such features:**
- 40
41 **▪ Terraced set backs**
- 42 **▪ Pitched or curved roof elements**
- 43 **▪ Projecting cornice elements**
- 44 **▪ Trellises along the parapet**
- 45 **▪ Geometric forms**
- 46 **▪ Change of material or color on the top floor**

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i. Public Open Spaces

- i. Intent:** Buildings adjacent to public open spaces such as public parks, plazas, and trails shall be oriented to promote activity and interaction, and provide visual interest to and from buildings so as to avoid the back-of-building effect.
- ii. Guideline:** Locate some ground level features such as entries, windows, decks, patios or similar features on buildings that interface with the public open space.

i. Projections into the Public Right-of-Way

- i. Intent:** Provide adequate separation between private residential spaces, such as balconies, and the public walkway in order to make both the private and public spaces comfortable. Projections should not interfere with street amenities such as street trees, lighting or important public views. (User note: Street encroachments are also regulated by the building code and BMC Title 13.)
- ii. Standards:** No portion of a building may extend into the street right of way except:
 - (1) Decks and balconies shall not project more than 2' into the right-of-way unless a fixed awning covers the entire space directly below the deck or balcony at the ground floor level. A deck or balcony may not in any case project more than 4' into the right-of-way.**
 - (2) Bay windows and similar architecture features with a horizontal width of not greater than 12' that project no more than 4' into the right-of-way from the face of the exterior wall, provided they are separated from like features by at least an equal width may protrude into the right-of-way.**
 - (3) Columns, cornices, trellises, eaves and similar minor and/or decorative features, provided that arcades shall not be located in the street right-of-way.**
 - (4) Steps, stoops and similar ground level features provided there is a minimum 12' of horizontal clearance to the street curb edge.**
 - (5) Awnings, marquees and signs, subject to compliance with other codes, provided no ground mounted support structures for these features shall be located in the right-of-way.**

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3-36

1
2 **k. Residential Design**
3

4 **i. Intent:** Residential projects should have an active and direct link to
5 the street pedestrian system while maintaining an appropriate
6 transition from public to private space.
7

8 **ii. Standards:**
9

10 **(1) Buildings containing residential uses shall have at least one**
11 **covered front residential entryway facing a public right-of-way and**
12 **accessed directly from the adjoining sidewalk.**
13

14 **(2) Open exterior entry/exit balconies that face a right-of-way are**
15 **prohibited.**
16

17 **(3) Residential units built within 10' measured horizontally of an**
18 **adjoining right-of-way or public space (property line) shall be**
19 **constructed so that the finished floor elevation is at least 30" above**
20 **the adjoining sidewalk.**
21

22 **(4) Ground floor residential units fronting on a street shall have a**
23 **private main entry to the sidewalk consisting of a stoop or porch.**
24 **Patio access doors shall not be considered a main entry.**
25

26 **(5) When private interior courtyards interface the street edge, use a**
27 **landscape hedge, ornate fencing, architectural walls, or a**
28 **combination of the above to carry the wall line at the street edge**
29 **and define the private space.**
30

31 **l. Commercial Space Ceiling Height**
32

33 **i. Intent:** Maintain traditional floor to floor heights and provide quality
34 commercial floor space.
35

36 **ii. Standards:** Commercial ground floor space shall have a minimum
37 floor to floor height of 12'.
38
39
40

41 **PASSED** by the Council this _____ day of _____, 2009.
42
43
44

45 _____
46 Council President

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APPROVED by me this _____ day of _____, 2009.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:

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