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2 **ORDINANCE NO. 2009-11-070**
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5 **AN ORDINANCE RELATED TO LAND USE REGULATIONS, AMENDING BELLINGHAM**
6 **MUNICIPAL CODE SECTIONS 20.25.020 AND 20.25.040 AND ADDING A NEW SECTION**
7 **20.25.070 REGARDING URBAN VILLAGE DESIGN.**
8

9 **WHEREAS**, the promotion of development in urban villages is a significant infill strategy
10 identified in the Comprehensive Plan; and
11

12 **WHEREAS**, the Comprehensive Plan recommends that a regulatory structure, which may
13 include design guidelines, be put in place to encourage appropriate development in urban
14 villages; and
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16 **WHEREAS**, the proposed amendments would establish design guidelines and standards for
17 urban villages administered through a design review process; and
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19 **WHEREAS**, the City is in the process of developing plans and regulations for several urban
20 villages; and
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22 **WHEREAS**, the proposed amendments comply with and implement the goals and policies of
23 the Bellingham Comprehensive Plan; and
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25 **WHEREAS**, on May 21, 2009 the City of Bellingham as lead agency under the procedures of
26 the State Environmental Policy Act (SEPA) issued a Determination of Non-Significance; and
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28 **WHEREAS**, as required by RCW 36.70A, notice of the City's intent to adopt the proposed
29 code amendments was sent to the Dept. of Community, Trade and Economic Development
30 on June 5, 2009; and
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32 **WHEREAS**, after mailed and published notice as required by BMC Chapter 21.10, the
33 Planning Commission held a public hearing on June 18, 2009 on the proposed code
34 amendments; and
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36 **WHEREAS**, the Planning Commission considered the staff report and comments received
37 and thereafter transmitted their recommendation to the City Council; and
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39 **WHEREAS**, the City Council has considered the recommendation of the Planning
40 Commission, the staff report and the public comment and hereby adopts the Findings of Fact
41 and Conclusions of the Planning Commission;
42
43

44 **NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**
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46 **Section 1.** Bellingham Municipal Code Subsection 20.25.020.A is hereby amended as
47 follows:
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1 **A. Multi-Family Residential Projects.** The following developments shall obtain design
2 review approval when located in any use district except within the City Center Design Review
3 District, Institutional General Use Types that are governed by an adopted institutional master
4 plan, the Fairhaven Design Review District or in an Urban Village Design District:

- 5
6 1. [Unchanged]
7 2. [Unchanged.]
8 3. [Unchanged.]
9 4. [Unchanged.]

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

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

- 19
20 1. [Unchanged.]
21 2. [Unchanged.]
22

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

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

30
31 **Section 4.** A new Bellingham Municipal Code Section 20.25.070 is hereby added as
32 follows:

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35 ***20.25.070 – Urban Village Design***

36
37 **A. Departures from design requirements.** The Director may approve departures from
38 the design guidelines and standards. All requests for departures shall be identified in the
39 application and reviewed by the Design Review Board following the process in BMC
40 20.25.030.A.1.b. unless the request involves a building on the City, State or National register
41 of historic places, in which case it shall be reviewed by the Historic Preservation
42 Commission. A departure may only be allowed if the Director determines that the applicant
43 has demonstrated that either:

- 44
45 1. In response to difficult physical circumstances relating to the size, shape, topography,
46 location or surroundings of the subject property, an alternative solution is required that
47 meets the intent of the requirement to the greatest extent practical, or
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49 2. An alternative design will provide an equal or better solution that:

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- a. Meets the intent of the standard;
- b. Enhances the character and livability of the urban village;
- c. Enhances the character and environment for pedestrians;
- d. Enhances or protects the character of the neighborhood or vicinity by protecting natural features, historic sites, open space, or other resources; and
- e. Will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.

B. Specific Standards

1. Site Design

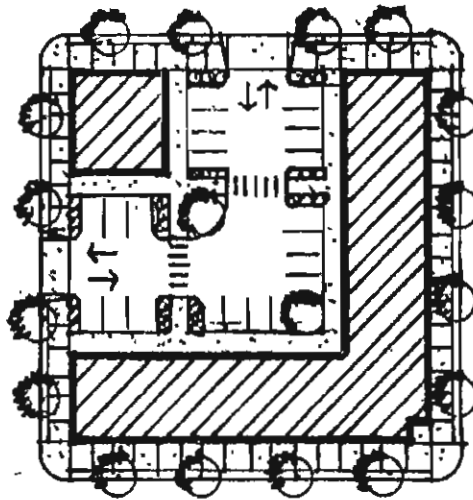
a. Orientation to Street

- i. **Intent:** Reinforce pedestrian activity, orientation to ground floor activities and enhance the liveliness of the street through building location.
- ii. **Guideline:** Locate the building at sidewalk edge. A larger setback may be considered in order to accommodate a wider sidewalk, public space, or outdoor café.
- iii. **Guideline:** Locate the primary entrance at street level facing a public street. The primary entrance should be more articulated and highlighted (size, material, recessed, lighting) than secondary entrances.

b. Surface Parking

- i. **Intent:** Ensure parking lots are not a dominant element within urban villages and to minimize the impact of surface parking on the pedestrian environment.
- ii. **Standard:** Parking shall be located to the rear or side of a building and shall not be located at intersections. (See Figure 25.7)

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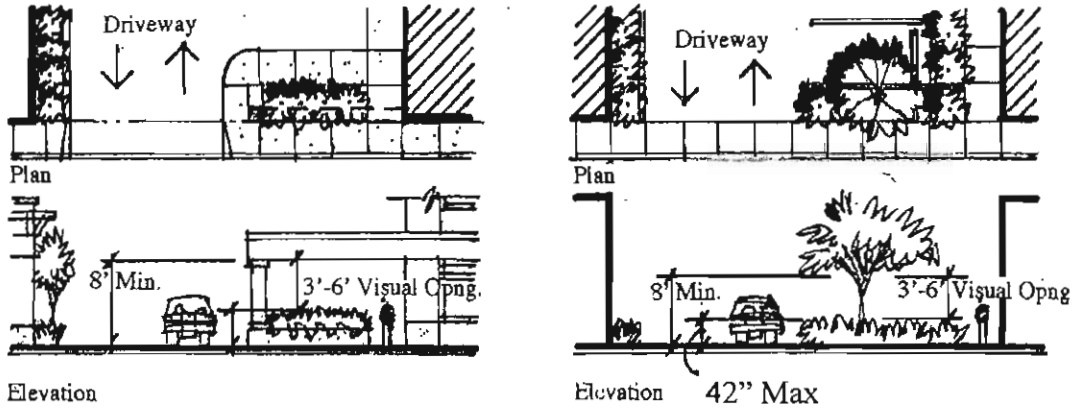
Parking Area Interior to Site

Surface Parking

Figure 25.7

iii. Standards:

- (1) A wall or evergreen hedge designed to be maintained at a height of at least 2.5 feet and not more than 3.5 feet is required along the street frontage of any street level open parking lot. Open trellis work or similar features that can be seen through may extend above the wall. Street trees with canopies above pedestrian height may be included. Planting beds must be at least 5' wide. (See Figure 25.8)



Surface Parking

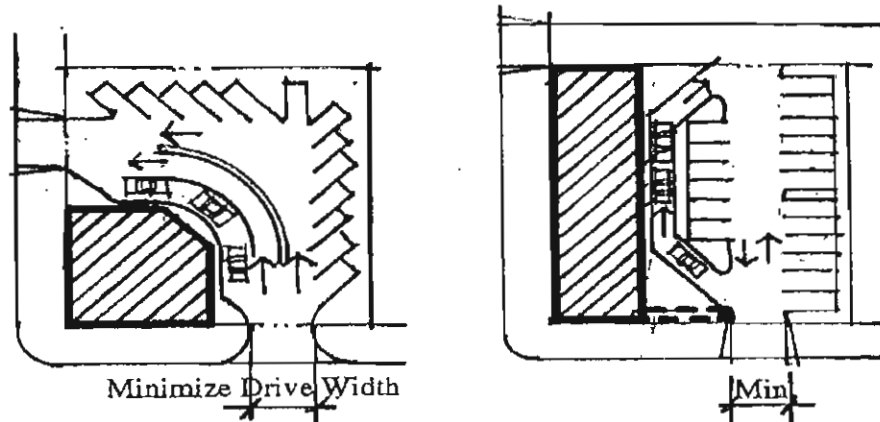
Figure 25.8

- (2) Visually screen parking lots from abutting Residential Single zones and Residential Transition Areas. Chain link fencing with slats is not an acceptable screen.

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c. **Drive-Through Facilities**

- i. **Intent:** Diminish the impact of automobiles on the pedestrian environment.
- ii. **Standard:** Access and stacking lanes for drive-through services shall not be located between the street and the building or between the building and a residential zone. (See Figure 25.9)



Drive Through Facilities
Figure 25.9

d. **Refuse Enclosures**

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

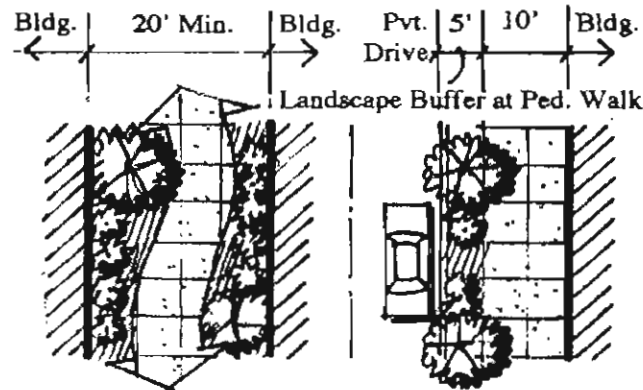
e. **Rooftop Screening**

- i. **Intent:** Mechanical equipment should not detract from the appearance of the building.
- ii. **Standard:** Screen mechanical equipment by extending the parapet walls or other roof forms that are integrated with the architecture of the building to a height that equals or exceeds the height of the mechanical equipment.

f. **Pedestrian Connectivity**

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

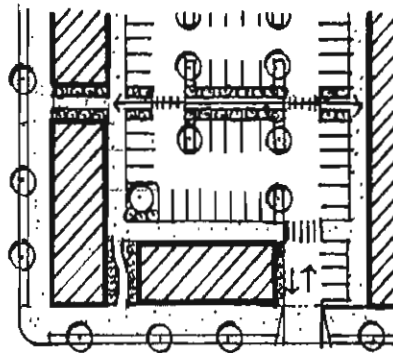
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- ii. **Guideline:** When a development encompasses a site greater than 350 feet wide or deep, incorporate pedestrian access through the site to connect to alleys, streets or neighboring properties. (See Figure 25.10)



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Pedestrian Connectivity
Figure 25.10

- iii. **Guideline:** Provide walkways connecting access points within the site and from the site to the street. Locate walkways in active areas visible from adjoining spaces. (See Figure 25.11)



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Pedestrian Connectivity
Figure 25.11

- iv. **Standard:** Pedestrian through-block connections shall not be less than 5 feet wide and be clearly defined by use of material, elevation (6" raised) or landscaping borders.
- v. **Standard:** Pedestrian access that is separated from vehicle access shall be provided between the building main entry and the public sidewalk. If walkways cross parking driveways, the walkway shall be separated from parking by landscaping or by raised pavement, or when crossing driving lanes, by a change in texture or material.

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g. Variations on Building Design

- i. **Intent:** To avoid repetition and monotony, create a range of different forms similar to the variety of buildings and styles found in traditional downtowns which evolved over time.
- ii. **Guideline:** When a development includes three or more buildings, the buildings within a development should not use identical footprints or elevations. Changes in textures and colors may be appropriate. While there may be some elements that provide a commonality to the entire development, variety shall be visually evident.

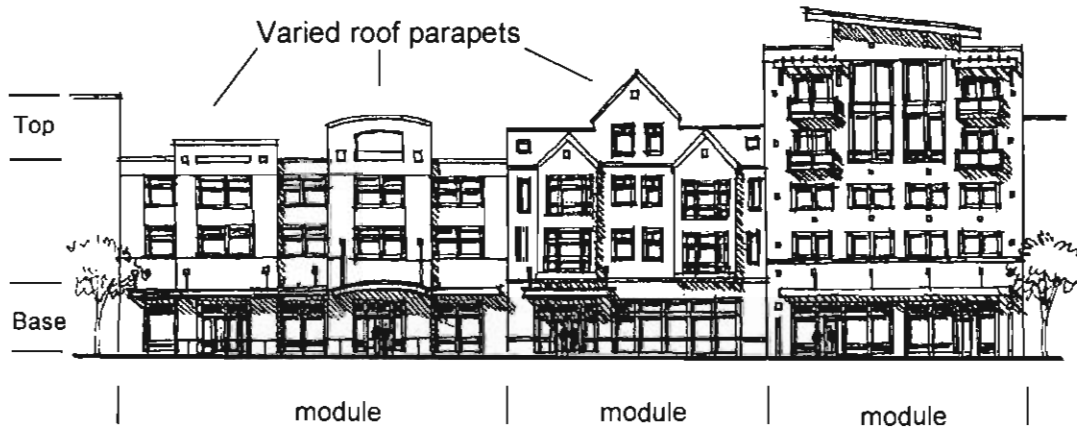
h. Site Lighting

- 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

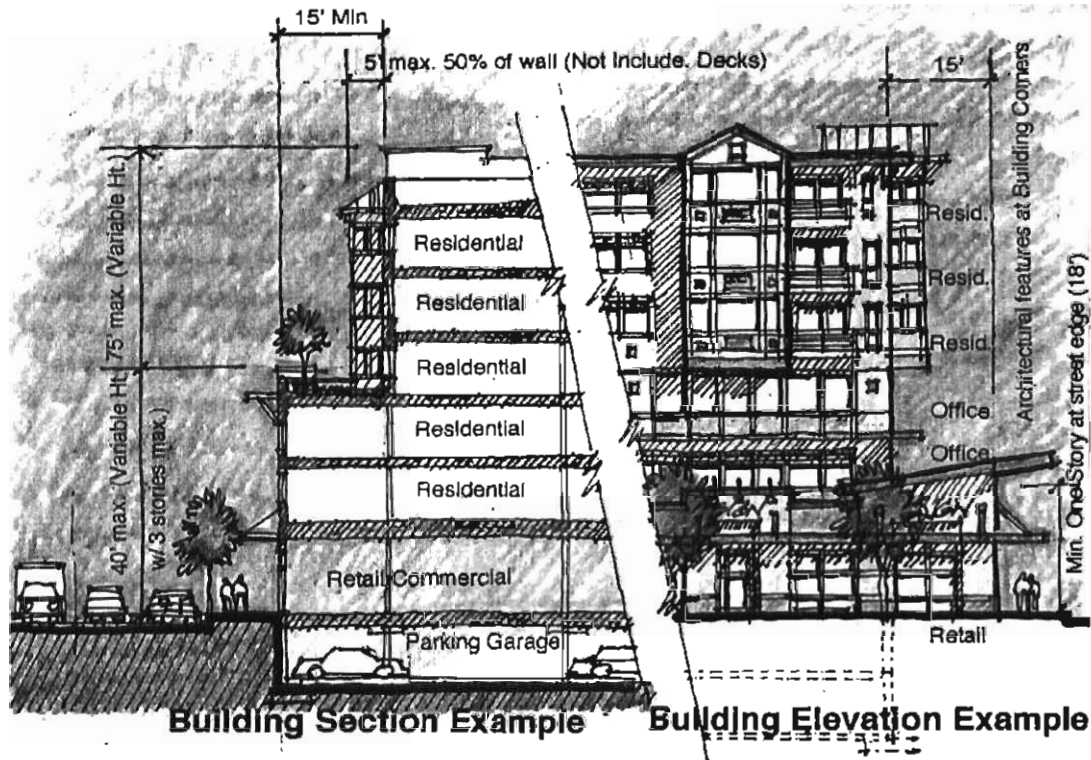
- i. **Intent:** Reduce the apparent mass of large buildings to provide visual interest and pedestrian scale. (See Figure 25.12, which applies to guidelines ii.-v. below)



Massing & Articulation

Figure 25.12

- ii. **Guideline:** Buildings should convey a visually distinct base and top.
- iii. **Guideline:** Roof parapets and eaves are encouraged to vary in height to avoid long, straight lines at the maximum building heights.
- iv. **Guideline:** Buildings with facades longer than 50 feet should be divided into "modules" that are expressed three dimensionally throughout the building façade. Modules could vary in width.
- v. **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.
- vi. **Standards:**
 - (1) The maximum height within 15' of any street right-of-way is 3 stories and 40 feet. The minimum height within 15' of any street right-of-way is 18 feet. A maximum of 50% of wall length above the 3rd story may encroach 5' into the setback (not including decks). (See Figure 25.13)



Massing & Articulation

Figure 25.13

- (2) Provide at least one setback for every 3 stories in similar fashion to vii. (1) on building elevations that front public spaces and historic buildings on the City, State or National Historic Registers. This provision shall apply regardless of whether the proposed development is built up to, or set back from, the common property line.
- (3) Buildings over 75 feet in height shall incorporate at least one additional set back at or above the 5th floor, and incorporate features that create a visually distinct roof form. The following are examples of such features:
 - Terraced set backs
 - Pitched or curved roof elements
 - Projecting cornice elements
 - Trellises along the parapet
 - Geometric forms
 - Change of material or color on the top floor
- (4) Commercial ground floor space shall have a minimum floor to floor height of 12'.

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b. Ground Floor Details

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

c. Structured Parking

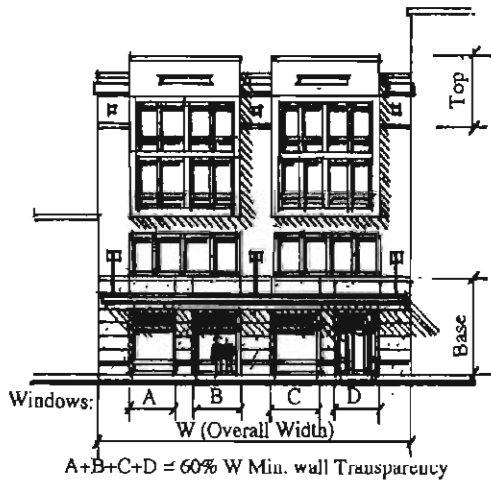
- i. **Intent:** Reduce the visual impacts of structured parking on public streets, public open spaces and residential zones.
- ii. **Guideline:** Structured parking levels that are adjacent to a public street or open space, or a residential zone shall be screened or treated architecturally by window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

d. Building Material

- i. **Intent:** Create vibrant urban villages through the use of high quality materials.
- ii. **Guideline:** Design architectural features that are an integral part of the building and discourage features that appear to be “tacked on” or artificially thin.
- iii. **Guideline:** Material selection should exhibit high quality, particularly at street level. Examples include stone, brick, tile, concrete, metal, or transparent glass. Avoid residential lap siding on the ground floor of commercial or mixed use buildings.
- iv. **Guideline:** Encourage the use of recessed windows that create shadow lines.

e. Transparency

- i. **Intent:** Provide a visual link between the business space and the public sidewalk to create visual interest at the pedestrian level.
- ii. **Standard:** A minimum of 60% of the building wall between 2' and 7' above the sidewalk and facing a street shall be transparent or lightly tinted glazing. Windows into parking garage space shall not qualify. If windows are not appropriate, glass display cases, decorative art (for example, murals or relief sculpture), significant architectural detailing or wall-covering landscaping may be used. (See Figure 25.15)



Transparency

Figure 25.15

f. Weather Protection

- i. **Intent:** Provide pedestrians rain protection, integrate individual buildings into the streetscape, and define the pedestrian zone.
- ii. **Guideline:** Weather protection should be located between 8 and 12 feet above the walkway but a higher placement may be considered if the width of the protection is increased.
- iii. **Standard:** Where commercial uses are located at ground floor, buildings shall provide pedestrian weather protection covering at least a 4' width of sidewalk along at least 75% of the street level frontage. Minimum adjustments needed to accommodate trees or other overhead objects may be allowed. Materials shall be limited to metal, glass, Plexiglas or equivalent "hard" durable materials.

g. Blank Walls

- i. **Intent:** Provide visual interest and avoid the negative impacts of blank walls.
- ii. **Standard:** A blank wall is a wall or a portion of wall that is either (1) at least 400 square feet in area with a length and a width of at least 10 feet that does not include a window, door, building modulation or other architectural feature or (2) at the ground floor and over 6' in height with a horizontal length greater than 15' that does not include a window, pedestrian entry door, building modulation or other architectural feature.

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

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

h. 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.

j. Residential Design

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

ii. **Standards:**

- (1) Buildings containing residential uses shall have at least one covered front residential entryway facing a public right-of-way and accessed directly from the adjoining sidewalk.
- (2) Open exterior entry/exit balconies that face a right-of-way are prohibited.
- (3) Residential units built within 10' measured horizontally of an adjoining right-of-way or public space (property line) shall be constructed so that the finished floor elevation is at least 30" above the adjoining sidewalk.
- (4) Ground floor residential units fronting on a street shall have a private main entry to the sidewalk consisting of a stoop or porch. Patio access doors shall not be considered a main entry.
- (5) When private interior courtyards interface the street edge, use a landscape hedge, ornate fencing, architectural walls, or a combination of the above to carry the wall line at the street edge and define the private space.

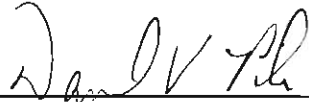
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PASSED by the Council this 23rd day of November, 2009.



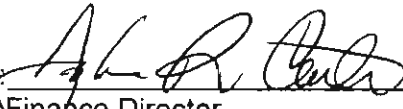
Council President

APPROVED by me this 30th day of November, 2009.



Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published:

November 27, 2009