

ORDINANCE NO. _____

AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, CREATING A NEW BMC CHAPTER 20.28 INFILL HOUSING, AND NEW SUBSECTION BMC 20.12.030.E, GREEN FACTOR LANDSCAPING STANDARDS, AND AMENDING BMC 18.04.040, 20.08.020.F(3), AND 21.10.040.C TO IMPLEMENT THE NEW CHAPTER

WHEREAS, the Bellingham Comprehensive Plan directs that growth in Bellingham will be accommodated through infill as well as in compact “urban centers” or “villages”, while preserving the character of existing single family neighborhoods (FLU-15); and

WHEREAS, the Bellingham Comprehensive Plan directs that the City make more efficient use of the remaining City land supply by facilitating development on existing lots of record; developing flexible code provisions that allow a range of housing types; and other steps necessary to make better use of the remaining land supply (Infill Strategy 1); and

WHEREAS, the Bellingham Comprehensive Plan directs that development regulations, including the allowed density and intensity, should provide for and encourage the efficient use of land (LU-99); and

WHEREAS, the Bellingham Comprehensive Plan encourages infill developments that are sized and designed to fit their surroundings (LU-100); and

WHEREAS, the Bellingham Comprehensive Plan prioritizes the reduction in the number and length of vehicle trips and encourages increasing the opportunity to use public transportation and non-motorized modes of travel (TP-1); and

WHEREAS, the Bellingham Comprehensive Plan directs that the City should promote the use of innovative development patterns to better utilize land, promote design flexibility, and preserve open space and natural features (HP-5); and

WHEREAS, the Bellingham Comprehensive Plan directs that the City should ensure the availability of lot sizes that are small enough to be cost effective for developers and affordable for potential homeowners (HP-21); and

WHEREAS, the Bellingham Comprehensive Plan directs that the City should allow for an adequate supply and more efficient use of land through such methods as substandard lots of record, flexible setbacks, flexible street frontage requirements, cluster-attached wall housing, cluster subdivisions, cottage housing, and skinny streets with alleys (HP-27); and

WHEREAS, the City Council adopted the Bellingham Comprehensive Plan on June 5th, 2006; and

WHEREAS, the Infill Housing Toolkit has been the subject of a community workshop series in Spring 2008 called Planning Academy II; Achieving Infill; Enhancing Character, public meetings and outreach efforts over the last year, culminating in the creation of the draft Infill Housing Chapter and associated code amendments; and

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WHEREAS, Planning staff worked closely with residents, businesses, interested parties, and potentially affected interests to identify and obtain general public consensus on main issues, and formulate specific proposals to address them; and

WHEREAS, on March 30, 2009, 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, in accordance with the Growth Management Act, the State of Washington was notified in March of 2009 of the City's intent to adopt a Infill Housing Chapter and associated code amendments; and

WHEREAS, the Bellingham Planning Commission conducted a public hearing on April 16, 2009 on the proposed Land Use Development Code Amendments with appropriate public notice provided, and held two additional work sessions on April 30, 2009 and May 14, 2009 and thereafter made Findings, Conclusions and a Recommendation for adoption of the Infill Housing Chapter and associated code amendments; and

WHEREAS, the Bellingham City Council held a public hearing June 29, 2009, and work sessions on July 13, 2009 and July 27, 2009, and agrees with and adopts the Planning Commission Findings of Fact, Conclusions and Recommendation with amendments; and

WHEREAS, the City Council finds that the Infill Housing Chapter and associated code amendments satisfies the requirements of BMC Chapter 20.22, and are consistent with the State Growth Management Act and the Bellingham Comprehensive Plan; and

WHEREAS, a resolution adopting a fee schedule accompanies this ordinance;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code Section 18.04.040 regarding the scope of the Subdivision Ordinance is hereby amended as follows:

18.04.040 - Scope

The provisions of this Ordinance shall apply to all division, subdivision, short subdivision, binding site plans and lot line adjustments of land within the corporate limits of the City of Bellingham. If the provisions of this Title conflict with the provisions of BMC 20.28 Infill Housing, the provisions of BMC 20.28 shall prevail.

Section 2. Bellingham Municipal Code Subsection 20.08.020.F regarding Specific Definitions is hereby amended as follows:

F. 1. [Unchanged.]

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2. [Unchanged.]
3. **Floor Area Ratio (FAR):** The total gross floor area of the building(s) on a site divided by the site area. ~~Site area includes right-of-way and public spaces when dedicated to the public or permanently established for public use concurrently with a proposed development.~~ For the purposes of calculating FAR, the total gross floor area **includes** the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, including elevator shafts and stairwells on each floor and service and mechanical equipment rooms; **but excluding** exterior decks and balconies, all floor area with ceiling height not more than 3 feet above the adjacent finished ground level, and structured parking (including garbage facilities therein)
4. **Foster Home:** See "Service Care . . . Foster Home."
5. **Freeway Oriented Sign:** See "Sign, Freeway Oriented."

Section 3. Bellingham Municipal Code Section 20.12.030 regarding Landscaping is hereby amended to add a new Subsection E. Green Factor as follows:

E. Green Factor.

1. The green area factor score for a lot is determined by:
 - a. Multiplying the square feet, or equivalent square footage where applicable, of each of the existing and proposed landscape elements in Chart A by the green area multiplier shown for that element.
 - b. Adding together all the products computed under 1.a. above to determine the total green area factor.
 - c. Divide the total green area factor by the lot area to determine the green area factor score.
2. If multiple landscaping elements occupy an area (for example, groundcover under a tree), the full square footage or equivalent square footage of each element is used to calculate the product for that element.
3. Public right-of-way is not included in parcel size calculation.
4. Landscape elements that are in rights-of-way may be counted to calculate the score if they are contiguous with the parcel.
5. For **vegetated walls**, use the square footage of the portion of the wall covered by vegetation.

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6. For all elements other than trees, large shrubs and **vegetated walls**, square footage is determined by the area of the portion of a horizontal plane that underlies the element.
7. Permeable paving may not qualify for more than one-third of the green factor numerator for any one site.

Chart A of Subsection 20.12.030.E - Green Factor Landscape Elements

1. Landscaped areas (select one of the following for each area):
Multiplier
 - a. Landscaped areas with a soil depth of less the 24" 0.1
 - b. Landscaped areas with a soil depth of 24" or greater 0.8
 - c. Bioretention facilities 1.0
2. Plantings (credit for plants in landscaped areas above):
 - a. Mulch, ground covers, or other plants less than 2' tall at maturity 0.2
 - b. Plants 2' or taller at maturity, calculated at 16 sq. ft. per plant (typically planted no closer than 18" on center) 0.3
 - c. Tree canopy for "small trees" in the Bellingham List of Approved Street Trees or equivalent (canopy spread of 15') calculated at 50 sq. ft. per tree 0.3
 - d. Tree canopy for "small/medium trees" in the Bellingham List of Approved Street Trees or equivalent (canopy spread of 20') calculated at 100 sq. ft. per tree 0.3
 - e. Tree canopy for "medium trees" in the Bellingham List of Approved Street Trees or equivalent (canopy spread of 25') calculated at 150 sq. ft. per tree 0.4
 - f. Tree canopy for "large trees" in the Bellingham List of Approved Street Trees or equivalent (canopy spread of 30') calculated at 200 sq. ft. per tree 0.5
 - g. Tree canopy for preservation of "exceptional trees" or other large existing trees 6" or greater in diameter, calculated at 15 sq. ft. per inch DBH (diameter 4.5 feet above the ground) 0.8

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<u>3. Green Roofs</u>	
<u>a. Over at least 2” and less than 4” of growth medium</u>	<u>0.4</u>
<u>b. Over at least 4” of growth medium</u>	<u>0.7</u>
<u>4. Vegetated Walls</u>	<u>0.7</u>
<u>5. Approved Water Features</u>	<u>0.7</u>
<u>6. Pervious Paving</u>	
<u>a. Pervious paving over at least 6” and less than 24” of soil or gravel</u>	<u>0.3</u>
<u>b. Pervious paving over at least 24” of soil or gravel</u>	<u>0.5</u>
<u>7. Structural Soil Systems</u>	<u>0.4</u>
<u>8. Bonuses</u>	
<u>a. Drought-tolerant or native plant species</u>	<u>0.1</u>
<u>b. Landscaped areas where at least 50% of annual irrigation needs are met through the use of harvested rainwater</u>	<u>0.2</u>
<u>c. Landscaping in food cultivation</u>	<u>0.3</u>

Section 4. A new chapter BMC 20.28 Infill Housing is hereby added to the Bellingham Municipal Code as shown in Exhibit A.

Section 5. Bellingham Municipal Code Subsection 21.10.040.C. regarding types of land use decisions is hereby amended as follows:

C. Type II. A Type II review process is an administrative review and decision by the Director. Public notice is required. Appeals of Type II decisions are decided by the Hearing Examiner. The following are Type II decisions:

1. Accessory dwelling unit;
2. Design review for projects that:
 - a. Require a SEPA threshold decision; or
 - b. Include construction of a new building; or
 - c. Include an exterior non-residential addition to an existing building; or

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- d. Include an exterior addition of one or more residential units.
- 3. General binding site plan;
- 4. Grading permits requiring a SEPA threshold decision;
- 5. Home occupation permit;
- 6. Institutional site plan;
- 7. Land use approval for building, demolition and sign permits for projects requiring a SEPA threshold decision if the SEPA review was not previously completed;
- 8. Land use approval for public facility construction permits for streets, storm water facilities sewer and/or water facilities requiring a SEPA threshold decision if the SEPA review was not previously completed;
- 9. Planned development;
- 10. Shoreline substantial development permit or variance;
- 11. Preliminary Short plats consisting of 5-9 Lots that are not using cluster subdivision provisions; and cluster short plats of 1-4 lots without a density bonus (unless the Director requires Process III-A) but EXCLUDING any short plats rounding up the number of lots from a fraction of less than .75 when dividing the combined area of two or more lots of record by the required minimum lot size;
- 12. Critical Area permit requiring a SEPA threshold decision; and
- 13. Infill housing projects under BMC Chapter 20.28; and
- 13- 14. Type I decisions that require a SEPA threshold decision and all other decisions specifying a Type II process.

PASSED by the Council this _____ day of _____, 2009.

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

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