

AN ORDINANCE RELATING TO LAND USE REGULATION AND ZONING, AMENDING THE BELLINGHAM MUNICIPAL CODE BY ADDING A NEW CHAPTER 20.25 DESIGN REVIEW, AMENDING CHAPTER 20.26 FAIRHAVEN DESIGN REVIEW DISTRICT, AMENDING SECTION 20.08.020 D. 4 DEFINING DESIGN REVIEW AND DELETING SECTIONS 20.16.020 A (2) AND 20.32.030 B. (18) REGARDING CONDITIONAL USE PERMITS FOR APARTMENTS.

WHEREAS, adoption of design standards and a design review process for multifamily housing is consistent with the Bellingham Comprehensive Plan goals and policies, and

WHEREAS, public workshops and focus group meetings were conducted to obtain public input on residential design issues, and

WHEREAS, the Planning and Development Commission held public hearings on June 2, 2000 regarding the design review process and on February 8, 2001 regarding the design review process and associated code amendments to remove the conditional use permit requirement for additions of apartments to existing residential sites, and

WHEREAS, the Planning and Development Commission thereafter recommended approval of the proposed design review process and code amendments with modifications as listed in their February 8, 2001 Findings of Fact and Conclusions, and

WHEREAS, the City Council held a public hearing on April 16, 2001, and

WHEREAS, the City Council hereby adopts the Findings of Fact and Conclusions of the Planning Commission with the exception that full public notice should be provided for smaller projects;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. A new BMC Chapter 20.25 is hereby added as follows:

20.25 DESIGN REVIEW

.010 PURPOSE

The purpose of this chapter is to establish an administrative design review process that will implement design standards and guidelines adopted for various districts and types of development as specified herein.

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.020 APPLICABILITY

The following areas and developments are subject to design review under this chapter. No building or sign permit shall be issued for projects regulated under this chapter until design review approval has been issued.

- A. The following developments shall obtain design review approval when located in any use district except within the Central Commercial General Use Type, Institutional General Use Types that are governed by an adopted institutional master plan or the Fairhaven Design Review District:
- (1) New construction consisting of or resulting in:
 - (a) Single family attached residential development consisting of 3 or more attached units
 - (b) Residential development consisting of 3 or more dwelling units on a site
 - (c) Accessory buildings for any of the developments listed above.
 - (2) Any additions or exterior alterations to buildings of the types listed in paragraph 20.25.020 A.(1) and/or to their associated site improvements, if the proposed construction requires a building permit. The design standards apply only to the proposed additions or alterations to the extent feasible while allowing the flexibility to accommodate the design of the existing improvements.
 - (3) The requirements of this chapter apply to any of the residential uses listed in Section 20.25.020 A. when part of a commercial or mixed use development. In these situations the Director shall determine which requirement statements are applicable and which portions of the development are subject to review based on the context of the use district and the type of development proposed.
 - (4) The following activities are exempt:
 - (a) Interior alterations that do not affect the exterior design of the building.
 - (b) Development that does not conform to the design standards and is damaged or destroyed by sudden accidental cause may be reconstructed. The reconstructed improvement may not be more nonconforming than it was immediately prior to the damage. An application for a building permit to rebuild or repair the nonconforming improvement must be made within 12 months or the nonconformance shall be considered to be terminated and shall not be resumed. Development that does not conform to other provisions of Title 20 shall continue to be regulated under the provisions of Chapter 20.14.
 - (c) Normal maintenance and repair.

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- B. Developments of the type listed in Section 20.26.030 and located within the Fairhaven Design Review District as defined by Section 20.26.020 shall obtain design review approval.
- C. Projects that include an application for a multifamily residential project tax exemption under Chapter 17.82 shall be consistent with the applicable requirements contained in the adopted Multifamily Residential Design Handbook. If the project is within a commercial land use district or contains a mix of commercial and residential uses, the Director shall determine which requirement statements are applicable and which portions of the development are subject to review based on the context of the use district and the type of development proposed. Projects shall obtain design review approval through the project review process specified in Chapter 17.82.

.030 PROCEDURE

- A. Pre-application Meeting. The applicant is encouraged to meet with Planning Department staff prior to submitting an application as provided by Bellingham Municipal Code Section 21.01.050 (A).
- B. Neighborhood Meeting. A neighborhood meeting is required to be conducted by the applicant prior to submittal of an application for projects that require a SEPA threshold decision. This requirement may be waived by the Planning Director upon request by the applicant for projects the Director determines to be minor.

Notice of the date, time and location of the neighborhood meeting shall be mailed by the applicant to the Planning Department, the representative(s) to the Mayor's Advisory Commission for the applicable neighborhood(s), neighborhood and media organizations which have filed a written request with the Planning Department for the neighborhood involved, and owners, as listed in the records of the Whatcom County assessor, of all property located within 300' of the subject property, not less than 10 days prior to the meeting and posted conspicuously on the site for at least one week prior to the meeting. The notice shall be on a form provided by the Planning Department and shall briefly describe the proposal and its location and it shall include the name, address and telephone number of a representative of the applicant who may be contacted for additional information regarding the proposal. Notice to the Planning Department shall include a list of the persons and addresses notified of the neighborhood meeting.

- C. Application Submittal Requirements. The Director shall establish submittal requirements and forms to be used for applications. A complete application shall consist of the completed application form with all required information, a SEPA Environmental Checklist, if applicable, and any filing fee as established by the City Council.
- D. Determination of Complete Application. For projects requiring a notice of application, the procedures contained in BMC 21.01.050 B. shall apply.

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E. Notice of Application. The procedures contained in BMC 21.01.050 C. shall apply to projects that:

1. require a SEPA threshold decision,
2. result in the creation or addition of one or more dwelling units or
3. include construction of, or exterior addition to, a commercial or industrial building.

The Planning Department shall mail the notice to the applicant, agencies with jurisdiction, all owners of property within 300 feet of the site boundary and, for projects in the Fairhaven Design Review District, to the Landmark Review Board. A notice of application shall also be posted on the site as required by Section 20.10.015.

Other projects shall be noticed by mailing a notice of application to owners of property located within 100 feet of the site boundary within 10 days of receipt of a complete application. If the project is within the Fairhaven Design Review District, the notice shall also be sent to the Landmark Review Board.

F. Optional Landmark Review Board Recommendation for Fairhaven Design Review District Core Area.

- (1) Upon acceptance of an application for a project in the "core" area of the Fairhaven Design Review District as shown on Map 26-1 and no later than the notice of application date, staff shall send notification of the proposal to the Landmark Review Board. The notice shall include a copy of the reduced application plans.
- (2) If, in the opinion of the Planning Director or the Landmark Review Board Chair, a project proposal in the core area is likely to raise substantial public interest, the project may be scheduled for review at a Landmark Review Board. A decision to conduct a Board review at a public meeting must be determined within 10 days from the mailing of the notice. The Landmark Review Board shall transmit its recommendations to the Planning Director following the public meeting.
- (3) Notification of the meeting shall be given to all owners of property within 300 feet of the site boundary no less than 10 days prior to the date of the meeting.

G. Technical Review Committee. The Director may refer any project to the Technical Review Committee for review and recommendation.

H. Decision. The Planning Director may grant, deny or conditionally grant design review approval. The decision of the director shall be issued in writing. The Director may impose conditions on a permit that enable the proposal to comply with the criteria referenced in Section 20.25.040. The time limits for approval or rejection of permit applications shall be as provided by Bellingham Municipal Code Section 21.01.050 D.

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- I. Notice of Decision. If a Notice of Application was previously issued, a notice of decision shall be mailed, within 10 days of the Director's decision, to the applicant and to any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application. The notice of decision shall include a statement of any SEPA environmental threshold decision and the procedures for appeal of an administrative decision.
- J. Appeal from the Director's Decision. Any party aggrieved by the decision of the Director may file an appeal within 14 days of the notice of decision, or if no notice was issued, within 14 days of the decision. Any appeal must be filed with the Planning Department on the appropriate forms and be accompanied by a filing fee as established by the City Council.
- K. Appeal Hearing. Appeals shall be decided by the Hearing Examiner after a public hearing. Notice of the hearing shall be sent to the parties to the appeal at least 10 days prior to the hearing date. The appeal process shall be subject to the time limits for appeal decisions specified in BMC 21.01.060A.
- L. Expiration. Design review approval is valid for a period of two years from the notice of decision or the decision on an appeal, whichever is later. A complete building permit application must be submitted within this time frame or the approval shall expire. A single one-year extension may be granted by the Director if the applicant demonstrates that he is making substantial progress toward development of the property and circumstances warrant extension of the approval period.
- M. Effect of Design Review Approval. No building permits shall be issued until design approval has been obtained. Building and other construction permits shall be consistent with the design review approval. Minor adjustments may be made after review and approval by the Director. Adjustments shall be limited to minor changes in the dimensions or siting of improvements or to design details that do not change the scope or character of the proposal.

.040 DECISION CRITERIA

- A. For projects listed in Section 20.25.020 A. and Section 20.25.020 C., the Director shall base his or her decision on consistency with the provisions of the adopted Multifamily Residential Design Handbook.
- B. For projects listed in Section 20.25.020 B., the Fairhaven Design Review District, the Director shall base his or her decision on consistency with the standards in Chapter 20.26.

Section 2. Chapter 20.26 Design Review District is hereby amended as follows:

20.26.000 FAIRHAVEN DESIGN REVIEW DISTRICT

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20.26.010 - Purpose

The Fairhaven Design Review District shall be utilized in conjunction with and in addition to the regulations of the underlying land use designation of the subject property. It is the purpose of the design review district to promote the economic health of the area by reducing unnecessary adverse aesthetic and other impacts which may arise from uncoordinated site development in historic or architectural districts and other adjacent influence areas having high visual impact and association with that district.

20.26.020 - District Boundaries

- A. The design review district shall include all property within the Fairhaven Neighborhood Plan which has a special condition entitled "design review".
- B. The design review district shall be divided into three areas as depicted on the attached Map 26-1 These areas shall be entitled "core," "influence" and "approach". Each area shall have its own procedural and regulatory requirements.

20.26.030 - Approval Required; Applicability

- A. No building or sign permit shall be issued within the design review district unless in conformance with the standards and procedures herein.
- B. No building permit for the demolition of any portion of a primary or secondary structure within the Fairhaven Historic District shall be issued until a waiting period of 45 days has elapsed from the date of application.

Affected buildings shall be limited to those listed on Map 26-2 attached.

Immediately following application, the Planning Department shall give notice of the pending action to the local newspaper and the Fairhaven Merchant Association.

During the review period, staff shall work with the applicant and other interested parties to investigate alternatives to demolition of the structure.

In no event shall this procedure be required when the building, in the opinion of the Building Official, is in imminent danger of collapse or would otherwise jeopardize the public safety.

- C. Specific design review approval is required for the following permits located within the three areas:

"CORE AREA"

- (1) Any construction of a building or structure.
- (2) Any addition or exterior alteration to an existing building.

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- (3) Installation of any exterior sign.

"INFLUENCE AREA"

- (1) Any construction of a building or structure.
- (2) Any addition or exterior alteration to an existing building.
- (3) Installation of any exterior sign.

"APPROACH AREA"

- (1) Any construction of a building or structure over 2,000 square feet in size.
- (2) Installation of any exterior sign.

D. All other permits shall be exempt from design review procedure.

20.26.040 - Procedure

A. Applications shall be reviewed under the design review process in Chapter 20.25.

20.26.050 - Standards

A. **Generally.**

- (1) A development plan shall be approved if it satisfies the standards herein and
 - (a) Will substantially preserve the historical or architectural outward appearance when development involves modifications to existing buildings, or
 - (b) Results in harmony of scale, architectural style, sidewalk level use and materials consistent with the existing architectural and historical character of the area when development involves construction of a new building.
- (2) The design review decision shall address all development aspects necessary to further the purpose, intent and standards of the design review district including but not limited to the following:
 - (a) Height and bulk of structures.

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- (b) Orientation of the structure on the lot.
- (c) Materials utilized.
- (d) Architectural elements including roof shape and pitch, window treatment, entry treatment, cornices, and other details.
- (e) Parking location and design.
- (f) Signage, lighting and landscaping.

B. Design Elements.

	Core	AREAS Influence	Approach
<p>1. Building Height. Buildings within the core area should be at least two stories.</p>	Yes	N/A	N/A
<p>2. Building Bulk. Buildings within the core area should be narrow and deep on interior lots, or square for corner lots.</p>	Yes	N/A	N/A
<p>3. Parking. On site parking should be located in the rear of the building (or to the side) never between the street and building.</p>	Yes	Yes	N/A
<p>4. Material. Building material should be compatible with the material used in the existing buildings of primary significance in the "core" area. (See Map 26-2)</p>	Yes	Yes	N/A
<p>5. Architectural Features Development should mimic or achieve compatibility with the architectural features of existing buildings of significance in regard to such things as roof slope and pitch, window and entry treatment, cornices and other detailing, and lighting fixtures.</p>	Yes	Yes	If Practical
<p>6. Mechanical Equipment and Landscaping All areas should locate mechanical equipment in the rear of new building and screen the equipment to minimize noise and visual intrusion. Coordinated street tree planting and period landscaping should be installed.</p>	Yes	Yes	Yes

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7. Signs

Yes Yes Yes

Generally signs which are single faced, flat surface with messages painted on in relief shall be preferred. Aluminum or plastic signs are not appropriate. Projecting, double faced or three dimensional signs may be allowed if integrated into the building design. Symbolic, three dimensional signs may be allowed if integrated into the building design. Symbolic, three dimensional signs illustrating a product of service sold on the premise (barber poles, etc.) shall be acceptable. Signs should be subdued, incandescent and front lit from the exterior rather than back lit of the florescent type. Neon signs may be acceptable where appropriate. Signs should not flash, blink, or otherwise appear to be in motion.

Section 3. Section 20.08.020 D. (4) Definitions, is hereby amended as follows:

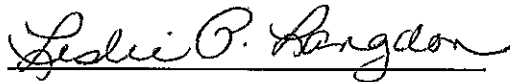
(4) Design Review: The process described in Chapter 20.25.

Section 4. Section 20.16.020 A. (2), Conditional Use Requirements and Procedures, Apartments, is hereby deleted.

Section 5. Section 20.32.030 B. (18), Residential Multi Development, Conditional Uses, Apartments, is hereby deleted and Sections (19) through (22) renumbered to (18) through (21).

Section 6. This ordinance shall take effect on October 1, 2001.

PASSED by the Council this 23RD day of JULY, 2001.



Council President

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APPROVED by me this 26th day of July, 2001.

Mark H. Anderson
Mayor

Attest:

Christina Weinberg
Finance Director

Approved as to Form:

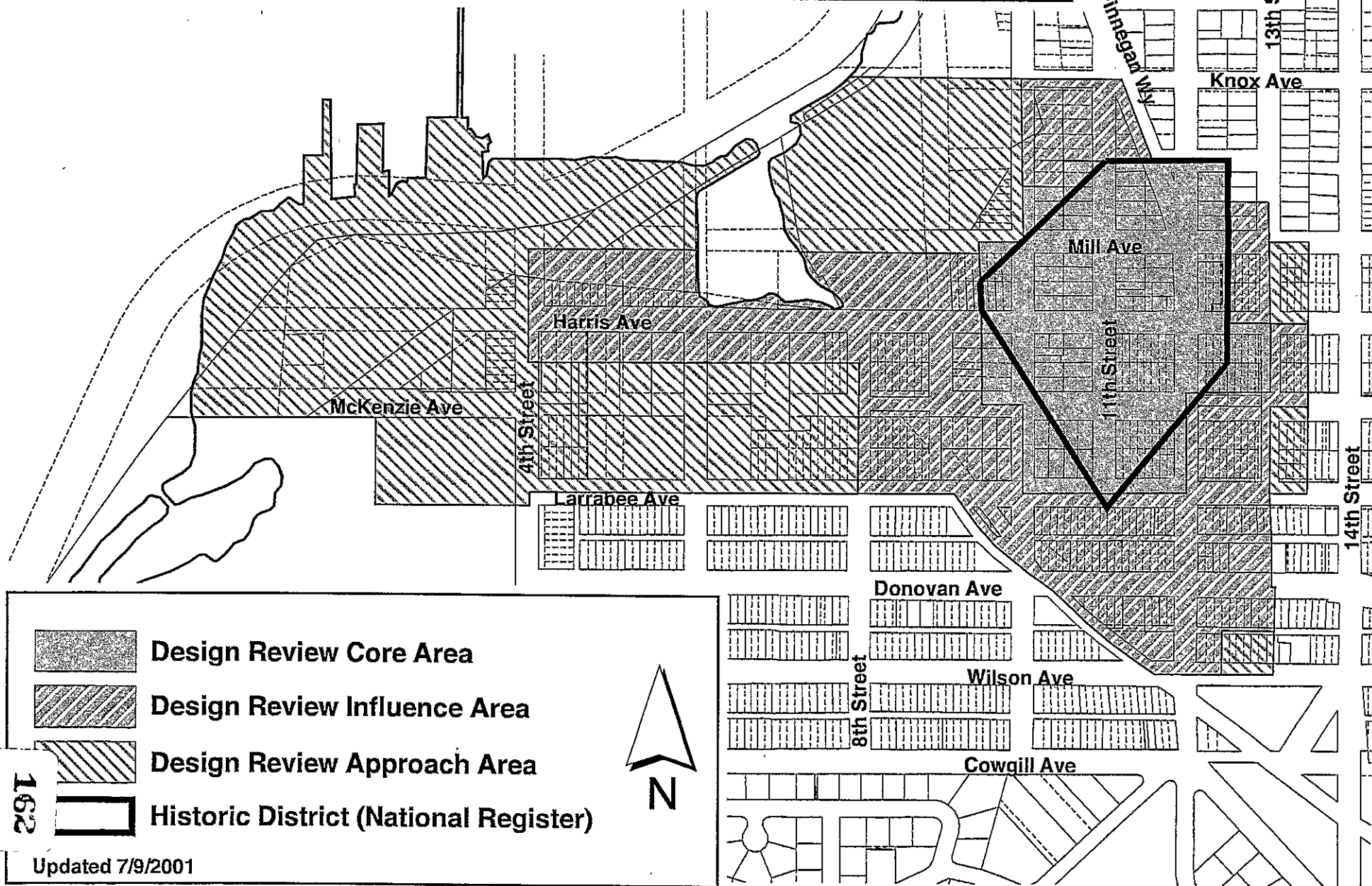
Les E. Ruan
Office of the City Attorney





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FAIRHAVEN DESIGN REVIEW DISTRICT

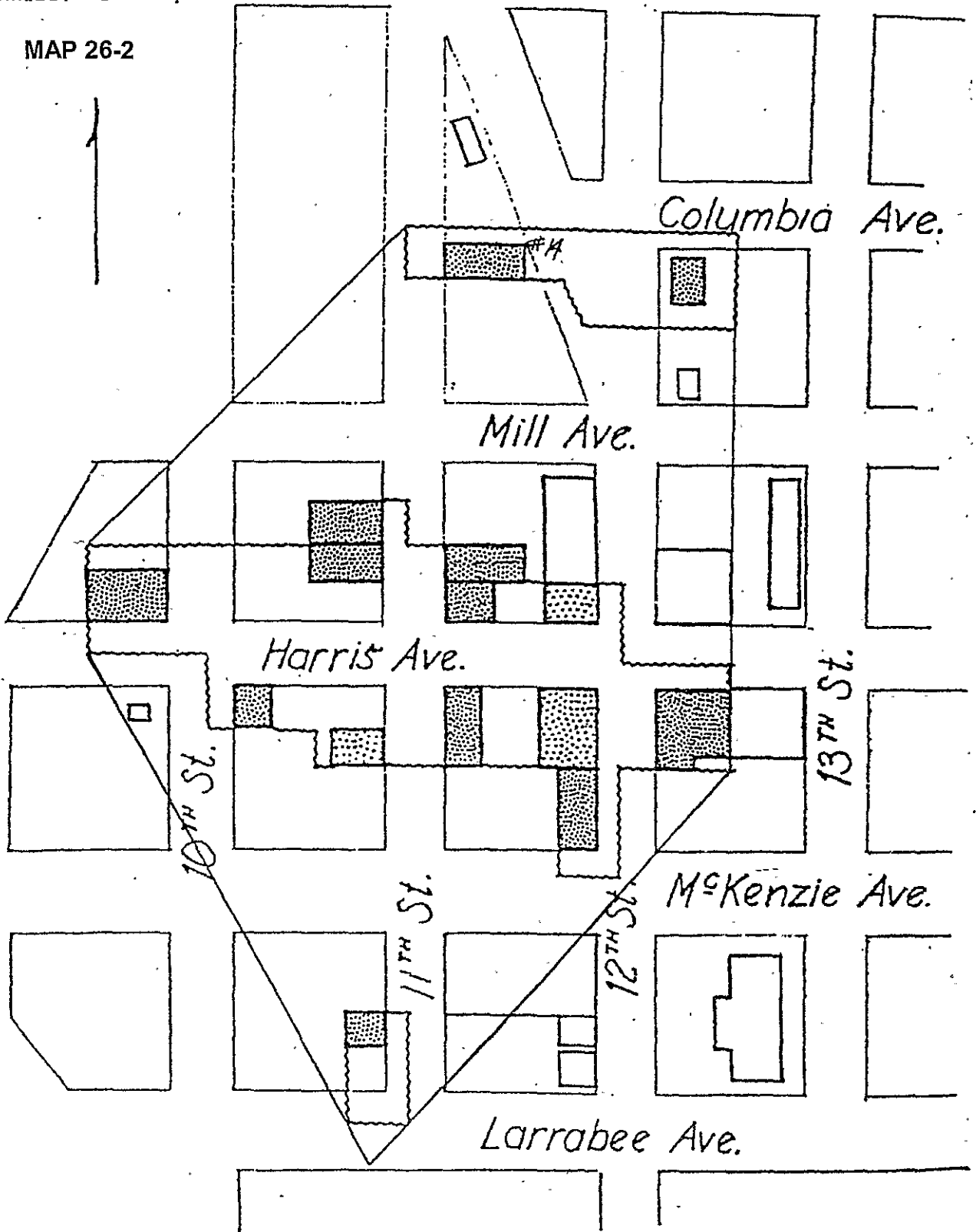
Fairhaven Neighborhood (Map 26-1)






-  Design Review Core Area
-  Design Review Influence Area
-  Design Review Approach Area
-  Historic District (National Register)

162

Updated 7/9/2001



-  Primary
-  Secondary
-  Intrusive

Fairhaven Historic District
Bellingham, Washington

WASHINGTON STATE
PARKS AND RECREATION COMMISSION

DRAWN BY OA & HP

DATE 10-15-76