

ORDINANCE NO. 2002-06-38

AN ORDINANCE RELATING TO LAND USE REGULATION AND ZONING, DELETING BELLINGHAM MUNICIPAL CODE SECTION 20.08.020 F. (2), AMENDING SECTIONS 20.08.020 H. (1) and 20.08.020 S. (17) AND ADDING SECTION 20.08.020 E. (2) TO AMEND THE DEFINITIONS OF BUILDING HEIGHT AND STORY, ELIMINATE THE DEFINITION OF FINISHED GRADE AND ADD A NEW DEFINITION OF EXISTING GRADE.

**WHEREAS**, the Bellingham City Council directed staff to initiate review of land use code amendments that would use pre-existing grade rather than finished grade as the basis for measuring building height, and

**WHEREAS**, the Planning Commission held a public hearing on the proposed amendments on March 7, 2002 and thereafter recommended approval, and

**WHEREAS**, a determination of non-significant environmental impact was issued by the responsible official under the procedures of the Environmental Policy Act, and

**WHEREAS**, the City Council held a public hearing on the proposed amendments on May 20, 2002, and

**WHEREAS**, the City Council hereby adopts the Findings of Fact and Conclusions of the Planning Commission;

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

Section 1. BMC Section 20.08.020 E. (2) Specific Definitions, Existing Grade is hereby added as follows:

**Existing Grade:** The natural or legally created grade approved by the City prior to August 1, 2002 or as subsequently approved by a preliminary plat, planned development or binding site plan. If buildings are demolished, the existing grade at their exterior walls shall be construed as the existing grade across the remaining foundation excavation. On any lot exhibiting evidence of fill not authorized, the Building Official or Director may require the applicant to provide a professional soil analysis to determine

the existing grade. An approved benchmark shall be used to establish the relative elevation of the natural topography. In Commercial and Industrial General Use Types, if walls are parallel to, and within 5' of a city sidewalk, the mean sidewalk elevation shall be considered the existing grade.

**Section 2.** BMC Section 20.08.020 F. (2) Specific Definitions, Finished Grade, is hereby deleted.

**Section 3.** BMC Section 20.08.020 H. (1) Specific Definitions, Height, Building is hereby amended as follows:

**Height:**

**Definition 1:**

The vertical distance from the lowest existing grade at the wall of the building to the highest point of the coping of a flat roof or to the average height of the highest gable of a pitch or hip roof;

**Definition 2:**

The vertical distance measured from the highest existing grade on the building site within 20 feet (measured horizontally) of the building to the highest point on the coping of a flat roof or the average elevation of the highest gable of a pitch or hip roof. See Figure 6.

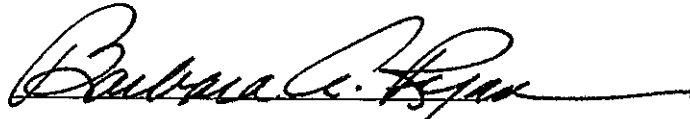
*User note: Properties within the jurisdiction of the Shoreline Master Program are also regulated by the height limits as defined in the Shoreline Master Program.*

**Section 4.** BMC Section 20.08.020 S. (17), Specific Definitions, Story is hereby amended as follows:


**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than 6' above grade, as defined in the building code adopted by the City, for more than 50% of the total perimeter or is more than 12' above grade as defined at any point, such basement, cellar or unused under floor space shall be considered a story.

**Section 5.** This ordinance shall take effect on August 1, 2002.

PASSED by the Council this 3RD day of JUNE, 2002.

  
Council President

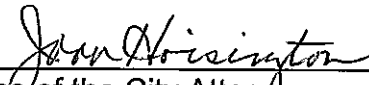
APPROVED by me this 20th day of JUNE, 2002.

  
Mayor

Attest:

  
Finance Director

Approved as to Form:

  
Office of the City Attorney

Published: June 7, 2002

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