

ORDINANCE NO. 2002-06-045

AN ORDINANCE RELATING TO LAND USE REGULATION AND ZONING, AMENDING BELLINGHAM MUNICIPAL CODE (BMC) CHAPTERS 20.08, 20.12, 20.16, 20.30, 20.32, 20.34, 20.36, AND 20.38 TO AMEND THE DEFINITION OF SCHOOL TO BETTER DISTINGUISH BETWEEN TYPES OF SCHOOLS, CONSOLIDATE COMMON TERMS RELATED TO INSTITUTIONS OF HIGHER EDUCATION, AMEND WHERE AND HOW CERTAIN TYPES OF EDUCATION FACILITIES MAY BE LOCATED, AND MODIFY PARKING DEFINITIONS ACCORDINGLY.

WHEREAS, the Bellingham Planning Commission directed staff to initiate review of land use code amendments that would allow primary and secondary schools in a broader range of land use classifications, and modify the definition of school to better distinguish between types of schools, 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 Bellingham City Council held a public hearing on the proposed amendments on June 10, 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 subsection 20.08.020 S.(1) relating to Definitions is amended as follows:

BMC 20.08.020 Specific Definitions

...
S.(1) School: An institution of learning, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards required by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include "art schools" or "institutions of higher education" as defined herein.

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Section 2. BMC subsection 20.16.020 S.(1) relating to Conditional Use Requirements and Procedures is amended as follows:

BMC 20.16.020 Conditional Uses

S. (1) School

(a) Definition: An institution of learning, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards required by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include "art schools" or "institutions of higher education" as defined herein.

(b) Conditional in the residential single and multi, neighborhood commercial, and light industrial general use types.

(c) Special requirements:

- i. A school(s) should not become the only use within a Neighborhood Commercial subarea (or district when there are contiguous commercial subareas).
- ii. Any school proposal shall be consistent with the policies outlined within the applicable neighborhood plan.
- iii. Within the Light Industrial General Use Type:
 - a. The applicant shall demonstrate that there is adequate and safe pedestrian and bicycle access to the site for any students using these modes of transportation.
 - b. Outdoor activity areas and site entries shall be separated from adjacent properties with fencing or other boundary defining measures as determined by the Hearing Examiner. The Hearing Examiner may reduce and modify the standard Light Industrial district landscaping and screening requirements for required yards.
 - c. A Crime Prevention Through Environmental Design (CPTED) analysis shall be conducted by the Police Department. The Hearing Examiner shall consider these recommendations and may include them as conditions of approval.
 - d. The applicant shall demonstrate that the Light Industrial district uses will not be detrimental to the functioning of the school.

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Section 3. A new BMC subsection 20.34.030 A.(32) relating to Central Commercial Development is added as follows:

BMC 20.34.030 Permitted Uses

A. Uses Permitted Outright

Use Qualifier	Permitted Use
Central	(32) Schools

Section 4. A new BMC subsection 20.34.030 B.(13) relating to Neighborhood Commercial Development, Conditional Uses, is added as follows:

BMC 20.34.030 Permitted Uses

B. Conditional Uses

Use Qualifier	Use
Neighborhood	(13) Schools

Section 5. A new BMC subsection 20.36.030 B.(3)(c) related to Light Industrial Development, Conditional Uses, is added as follows:

BMC 20.36.030 Permitted Uses

B. Conditional Uses

3. Within light use qualifier areas only:
(c) Schools

Section 6. A new BMC subsection 20.08.020 I.(2) relating to Definitions is added as follows:

BMC 20.08.020 Specific Definitions

- I. (2) **Institution of Higher Education:** An institution of higher education where instruction is given which is not required to be taught by the State Board of

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Education. This term includes vocation, trade and correspondence schools, academies, colleges, and universities.

Section 7. BMC subsection 20.34.030 A.(12) relating to Central Commercial Development is replaced as follows:

BMC 20.34.030 Permitted Uses

A. Uses Permitted Outright

Use Qualifier	Permitted Use
Central	(12) Institutions of Higher Education

Section 8. BMC subsection 20.38.050 C.(2)(j) relating to Planned Commercial Development is replaced as follows:

BMC 20.38.050 Standards.

C. Planned Commercial.

- (2) Range of Uses Possible.
 - Range of Uses
 - (j) Institutions of Higher Education

Section 9. BMC subsection 20.36.030 A.(6)(g) relating to Light Industrial Development is replaced as follows:

BMC 20.36.030 Permitted Uses

A. Uses Permitted Outright

Use Qualifier	Permitted Use
Light	(6) Service Establishments dealing with the following: <ul style="list-style-type: none">(g) Institutions of Higher Education

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Section 10. BMC subsection 20.38.050 D.(2)(d)Z. relating to Planned Industrial Development, is replaced as follows:

BMC 20.38.050 Standards.

...
D. Planned Industrial.

...
(2) Range of uses Possible.

...
Range of Uses

...
(d) Service establishments dealing with the following:

...
Z. Institutions of Higher Education

Section 11. A new BMC subsection 20.08.020 A.(15) relating to Definitions is added as follows:

BMC 20.08.020 Specific Definitions

A. ...

(15) Art School: A facility that provides instruction in the arts (drawing, painting, sculpture), art crafts, music, theater, or dance. This term does not include instruction in martial arts, sports, gymnastics and similar activities.

Section 12. A new BMC subsection 20.16.020 A.(3) relating to Conditional Use Requirements and Procedures is added as follows:

BMC 20.16.020 Conditional Uses

(A) ...

(3) Art School.

- (a) Definition - A facility that provides instruction in the arts (drawing, painting, sculpture), art crafts, music, theater, or dance. This term does not include instruction in martial arts, sports, gymnastics and similar activities.
- (b) Conditional in the residential single and multi, and neighborhood commercial general use types.
- (c) Special Requirements:
 - i. Noise levels from the facility shall not exceed State noise standards in WAC173-60-040 as amended, or City noise standards as may be adopted.

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Section 13. A new BMC subsection 20.30.030 B.(18) relating to Residential Single Development is added as follows:

BMC 20.30.30 – Permitted Uses

...
B. Conditional Uses.

...
(18) Art Schools

Section 14. A new BMC subsection 20.32.030 B.(24) relating to Residential Multi Development is added as follows:

BMC 20.32.030 – Permitted Uses

...
B. Conditional Uses.

...
(24) Art Schools

Section 15. A new BMC subsection 20.34.030 B.(14) relating to Neighborhood Commercial Development is added as follows:

BMC 20.34.030 – Permitted Uses

...
B. Conditional Uses.

Use Qualifier	Use
Neighborhood	... (14) Art Schools

Section 16. A new BMC subsection 20.34.030 A.(20) relating to Auto Commercial Development is added as follows:

BMC 20.34.030 – Permitted Uses

...
A. Uses Permitted Outright.

Use Qualifier	Permitted Use
Auto (20) Art Schools

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Section 17. A new BMC subsection 20.34.030 A.(26) relating to Waterfront Commercial Development is added as follows:

BMC 20.34.030 – Permitted Uses

...
A. Uses Permitted Outright.

Use Qualifer	Permitted Use
...	...
Waterfront	...
	(26) Art Schools

Section 18. A new BMC subsection 20.34.030 A.(32) relating to Central Commercial Development is added as follows:

BMC 20.34.030 – Permitted Uses

...
A. Uses Permitted Outright.

Use Qualifer	Permitted Use
...	...
Central	...
	(32) Art Schools

Section 19. A new BMC subsection 20.36.030 A.(16) relating to Light Industrial Development is added as follows:

BMC 20.36.030 – Permitted Uses

...
A. Uses Permitted Outright.

Use Qualifer	Permitted Use
...	...
LIGHT	...
	(16) Art Schools

Section 20. A new BMC subsection 20.38.050 D(2)(d)12 relating to Planned Industrial Development is added as follows:

BMC 20.38.050 – Standards.

...
D. Planned Industrial.

...

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(2) Range of Uses Possible

...
(d) Service establishments dealing with the following:

...
12. Art Schools

Section 21. BMC Section 20.12.010 B.(3)(d)i. relating to General Standards is amended as follows:

BMC 20.12.010 – Parking

...
B. Number of Spaces Required.

...
(3) Any use clearly similar to the uses listed below, shall meet the requirements specified. If the similarity is not apparent, then the Board shall determine the standards which shall be applied.

USE

**PARKING SPACE
REQUIREMENT**

...
**(d) Public and Semi-Public
Assembly**

i. School, Institution of Higher
Education, Art School

...
1 per classroom and office plus 1
for every 4 students normally enrolled
who are over the legal driving age.
Public assembly areas, such as
auditoriums, stadiums, etc. that may be
adjunct to the school shall provide
parking required herein, however
parking provided for the school may be
considered as parking for the assembly
area.

Section 22. BMC Section 20.34.050 B.(4)1. relating to Commercial Development is hereby amended as follows:

BMC 20.34.050 – Parking

...
B. Number of Spaces Required.

...

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(4) Any use clearly similar to the uses listed below, shall meet the requirements specified. If the similarity is not apparent, then the Board shall determine the standards which shall be applied.

USE

**PARKING SPACE
REQUIREMENT**

...
**Public and Semi-Public
Assembly**

1. School, Institution of Higher Education, Art School

...
1 per classroom and office plus 1 for every 4 students normally enrolled who are over the legal driving age. Public assembly areas, such as auditoriums, stadiums, etc. that may be adjunct to the school shall provide parking required herein, however parking provided for the school may be considered as parking for the assembly area.

Section 23. BMC Section 20.36.050 B.(3)1. relating to Industrial Development is hereby amended as follows:

BMC 20.36.050 – Parking

B. ...
Number of Spaces Required

...
(3) USE

**PARKING SPACE
REQUIREMENT**

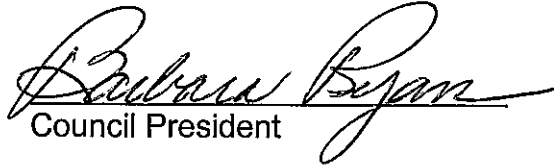
...
**Public and Semi-Public
Assembly**

1. SCHOOL, INSTITUTION OF HIGHER EDUCATION, ART SCHOOL

...
1 per classroom and office plus 1 for every 4 students normally enrolled who are over the legal driving age. Public assembly areas, such as auditoriums, stadiums, etc. that may be adjunct to the school shall provide parking required herein, however parking provided for the school may be considered as parking for the assembly area.

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PASSED by the Council this 24TH day of JUNE, 2002.


Council President

APPROVED by me this 2nd day of July, 2002.


Mayor

Attest:

Finance Director

Approved as to Form:


Office of the City Attorney

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