

ORDINANCE NO. 2002-10-070

**AN ORDINANCE RELATING TO LAND USE REGULATION AND ZONING, AMENDING BELLINGHAM MUNICIPAL CODE (BMC) CHAPTER 20.36 TO ALLOW RESIDENTIAL USES IN LIGHT INDUSTRIAL ZONES THAT FALL WITHIN THE CITY'S "TARGETED RESIDENTIAL AREA" AS DEFINED AND DELINEATED IN BMC 17.82 AND ADD A MAP DELINEATING WHERE THE TARGETED RESIDENTIAL AREA OVERLAPS LIGHT INDUSTRIAL ZONES.**

**WHEREAS**, the City, pursuant to RCW 84.14, designated Targeted Residential Area 1 for the allowance of a limited property tax exemption for new multi-family housing; and

**WHEREAS**, the City enacted a program whereby property owners in Targeted Residential Area 1 may qualify for a Final Certificate of Tax Exemption, which certifies to the Whatcom County Assessor-Treasurer that the owner is eligible to receive a limited property tax exemption; and

**WHEREAS**, a portion of Targeted Residential Area 1 falls within Light Industrial land use classifications that do not permit residential uses other than watchman's quarters; and

**WHEREAS**, this use discrepancy was intended to be corrected through future code amendments; and

**WHEREAS**, the Bellingham Planning Commission directed staff to initiate review of land use code amendments that would allow residential uses on a limited basis in Light Industrial land use classifications, and

**WHEREAS**, the Planning Commission held a public hearing on the proposed amendments on May 16, 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 October 6, 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:**

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**Section 1.** BMC subsection 20.36.030 A.(17) relating to Light Industrial Development is added as follows:

**BMC 20.36.030 Permitted Uses**

**A. Uses Permitted Outright**

...	Use Qualifer	Permitted Use
	Light	...
		<b>(17) Residential Uses</b> when located in the Residential/Industrial Overlay District as shown on <b>Figure 27</b>

**Section 2.** BMC subsection 20.36.040 E. relating to Light Industrial Development is amended as follows:

**BMC 20.36.040 Development Regulations**

...

**E. Minimum Yards.** There shall be no minimum yards except when any industrial property abuts upon or is across a right-of-way from property of any residential, commercial, public, or institutional general use type, in which case a 25' yard shall be provided measured from any lot lines so abutting. This yard is not required when a parcel is developed with a residential multi component of three (3) or more dwelling units.

**Section 3.** BMC subsection 20.36.050 B(3). relating to Light Industrial Development is amended by adding the following "RESIDENTIAL" subsection:

**BMC 20.12.050 Parking**

...

**B. Number of Spaces Required.**

...

**(3) USE** **PARKING SPACE REQUIREMENT**

**Residential**

...

- |  |  |
|--|--|
| 1. Single Family/<br>Manufactured Home | 2 parking spaces; single family attached units shall provide 1 additional parking space for each bedroom over 3. No more |
|--|--|

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than 2 enclosed garage parking spaces per unit may count toward meeting parking requirement.

**2. Duplex/Multi Family**

- (a) 1 for each studio unit
- (b) 1½ for each 1 or 2 bedroom unit
- (c) 2 for each 3+ bedroom unit
- (d) Duplex with 4 or more bedrooms: 1 parking space per bedroom. No more than 2 parking spaces per unit may be located in an enclosed garage.
- (e) Multi Family: 1 additional space for each bedroom over 3 per unit. No more than 2 parking spaces per unit may be located in an enclosed garage. This provision shall not limit the number of parking spaces that may be provided in common areas in an enclosed under-building parking floor or structure.

**3. Boarding House**

1 for every 2 bedrooms

**Section 4.** BMC subsection 20.36.110 C. relating to Light Industrial Development is amended as follows:

**20.36.110 General Use Regulation**

...

- C. New residential buildings and uses shall be prohibited except as an accessory use to provide quarters for a night watchman or caretaker, or as permitted in a Residential/Industrial Overlay District as shown on Figure 27.

**Section 5.** Two "Residential/Industrial Overlay Districts" are created as shown on the attached Figure 27 and legally described as:

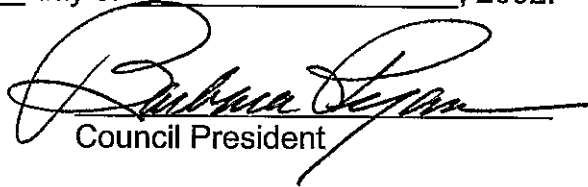
- (1) Beginning at the intersection of Franklin Street and Ohio Street following Ohio Street to the alley between Cornwall Avenue and Dean Street. Then following said alley to Whatcom Creek. Then following Whatcom Creek to Franklin Street. Then Following Franklin Street to the point of beginning, and

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(2) Beginning at the intersection of E. Laurel Street and Railroad Avenue following Railroad Avenue right-of-way to Ivy Street. Then following Ivy Street to the alley between the Railroad Avenue right-of-way and N. State Street. Then following said alley to E. Laurel Street. Then following E. Laurel Street to the point of beginning.

The attached Figure 27 is added to BMC 20.36.

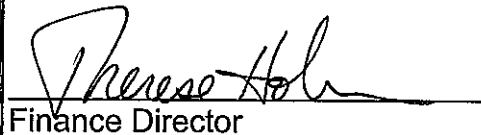
**PASSED** by the Council this 14TH day of OCTOBER, 2002.

  
Council President

**APPROVED** by me this 28 day of October, 2002.

  
Mayor

Attest:

  
Finance Director

Approved as to Form:

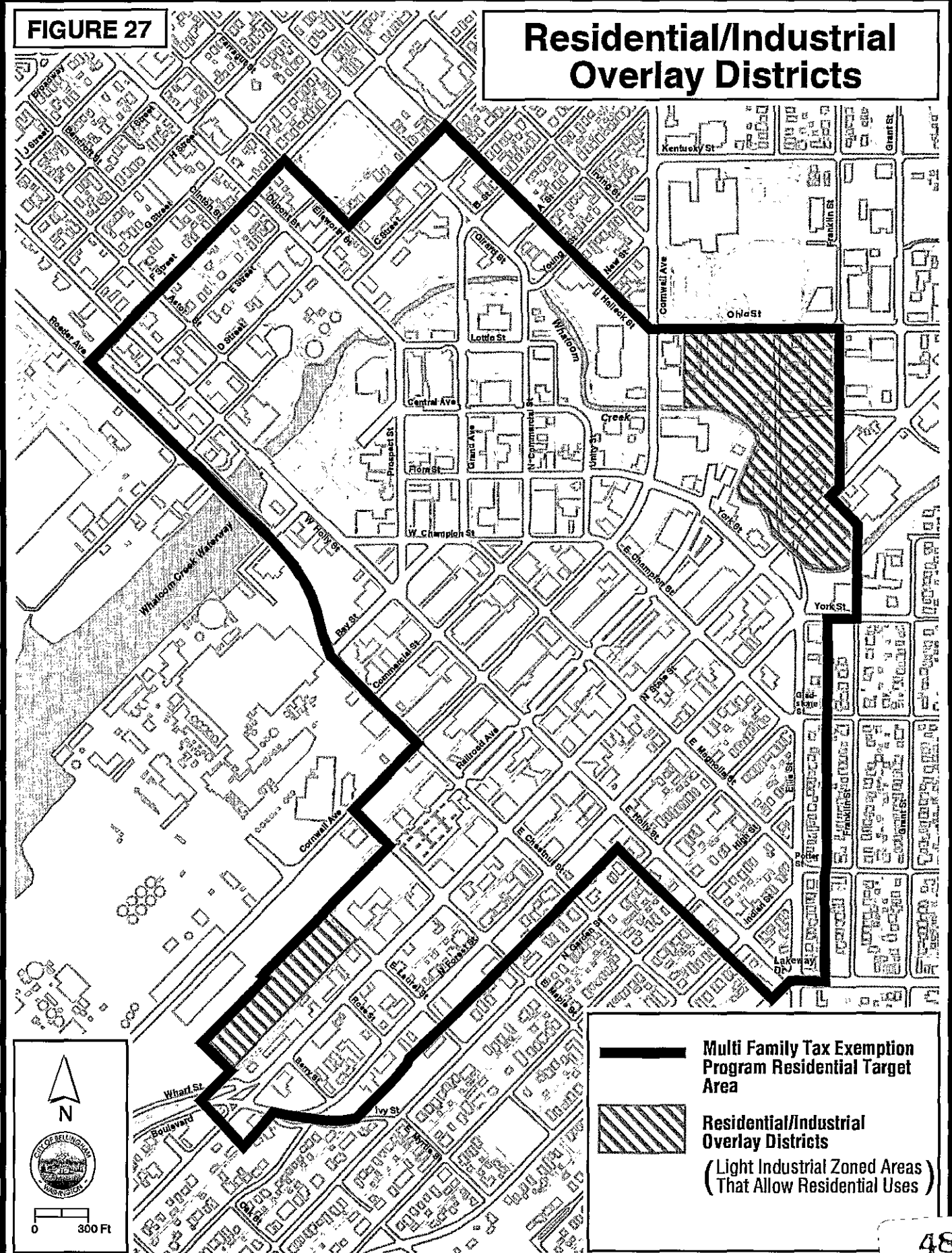
  
Office of the City Attorney


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**FIGURE 27**

# Residential/Industrial Overlay Districts



 **Multi Family Tax Exemption  
Program Residential Target  
Area**

 **Residential/Industrial  
Overlay Districts  
(Light Industrial Zoned Areas  
That Allow Residential Uses)**