

ORDINANCE NO. 2004-12-089

AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO BELLINGHAM'S COMPREHENSIVE PLAN, AMENDING SECTION V. OF THE FAIRHAVEN NEIGHBORHOOD PLAN, AND BELLINGHAM MUNICIPAL CODE, TITLE 20, LAND USE AND DEVELOPMENT CODE, ZONING APPENDIX, SECTION VIII (A) FAIRHAVEN NEIGHBORHOOD ZONING MAP AND (B) FAIRHAVEN NEIGHBORHOOD TABLE OF ZONING REGULATIONS

Whereas, as part of the 2004 Comprehensive Plan/Neighborhood Plan amendment process, the Director of Planning and Community Development received eleven applications for neighborhood plan amendments (rezones) from property owners and city staff; and

Whereas, one of the applications that was staff initiated was withdrawn and will be reconsidered as part of next year's Comprehensive Plan/Neighborhood Plan amendment process; and

Whereas, five property owners withdrew their applications for neighborhood plan amendments (rezones), leaving five applications to go through the 2004 Comprehensive Plan/Neighborhood Plan amendment process; and

Whereas, a determination of non-significance (DNS) was issued for each of the five remaining applications consistent with the RCW 43.21C; and

Whereas, the Planning Commission held public hearings on the five applications, including the Fairhaven Neighborhood Plan amendment application, and reviewed the applications for compliance with the criteria in BMC 20.20.040; and

Whereas, the City Council also held public hearings on the five remaining applications, including the Fairhaven Neighborhood Plan amendment application, and reviewed the applications for compliance with the criteria in BMC 20.20.040; and

Whereas, the City Council rejected the Samish Neighborhood Plan amendment based on the criteria in BMC 20.20.040 and directed staff to include the other four, including the Fairhaven Neighborhood Plan amendment, in the end-of-year Comprehensive Plan/Neighborhood Plan amendment ordinances; and

Whereas, on November 8, 2004, City Council considered the four Neighborhood Plan amendment applications, together with all of the other proposed amendments to the City's Comprehensive Plan/Neighborhood Plan to ascertain their cumulative effect as required by RCW 36.70A.130 (2)(b); and

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington
98225

Whereas, after its concurrent review of all the proposed amendments to the City's Comprehensive Plan/Neighborhood Plan, City Council approved the Fairhaven Plan amendment.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN

Section 1. That a 17,000 square foot parcel located at the northwest corner of 10th Street and Mill Avenue and legally described as Amended Plat of Fairhaven, Block 20, Lots 4-10 shall be rezoned from Marine Industrial to Neighborhood Commercial as described below and incorporated into Area 2A of the Fairhaven Neighborhood Plan as shown on Exhibit A:

FAIRHAVEN NEIGHBORHOOD PLAN

AREA 2A

This is the majority of the Fairhaven commercial area, excluding the area adjacent to buildings on the current state historical preservation building list. Architecture and suburban service stores commonly associated with neighborhood business areas should not be encouraged in this area. Development in this area need not be of an historical style in order to be compatible, but it should be sympathetic in scale, material, color and proportion. Professional offices and apartments should be encouraged on upper floors. Hotels should also be permitted.

In order to promote a compact commercial core and encourage streetscape development, special development restrictions and options as listed in the Land Use and Development Code shall be applicable.

Warehousing should be permitted on properties abutting the Port of Bellingham. Vehicle access to industrial uses must be taken from the Port of Bellingham property to the west. A covenant that notes Port of Bellingham normal land uses, height limits, traffic generated, lighting, and noise should be placed on all development northwest of Mill and 10th Streets. If a complaint about these normal uses is filed, the underlying land owner's association should have the right to fine tenants or owners.

Parking areas should not be permitted between the building and street.


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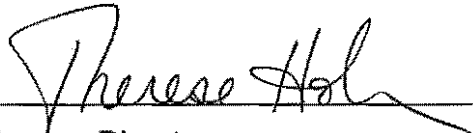
Section 2. That the zoning requirements for Area 2A of the Fairhaven Neighborhood are revised as shown on the Fairhaven Neighborhood Zoning Map and Fairhaven Table of Zoning Regulations, Land Use and Development Code attached as Exhibits B and B1 respectively.

PASSED by the Council the 13th day of December 2004.


Council President

APPROVED by me this 5th day of January 2004


Mayor

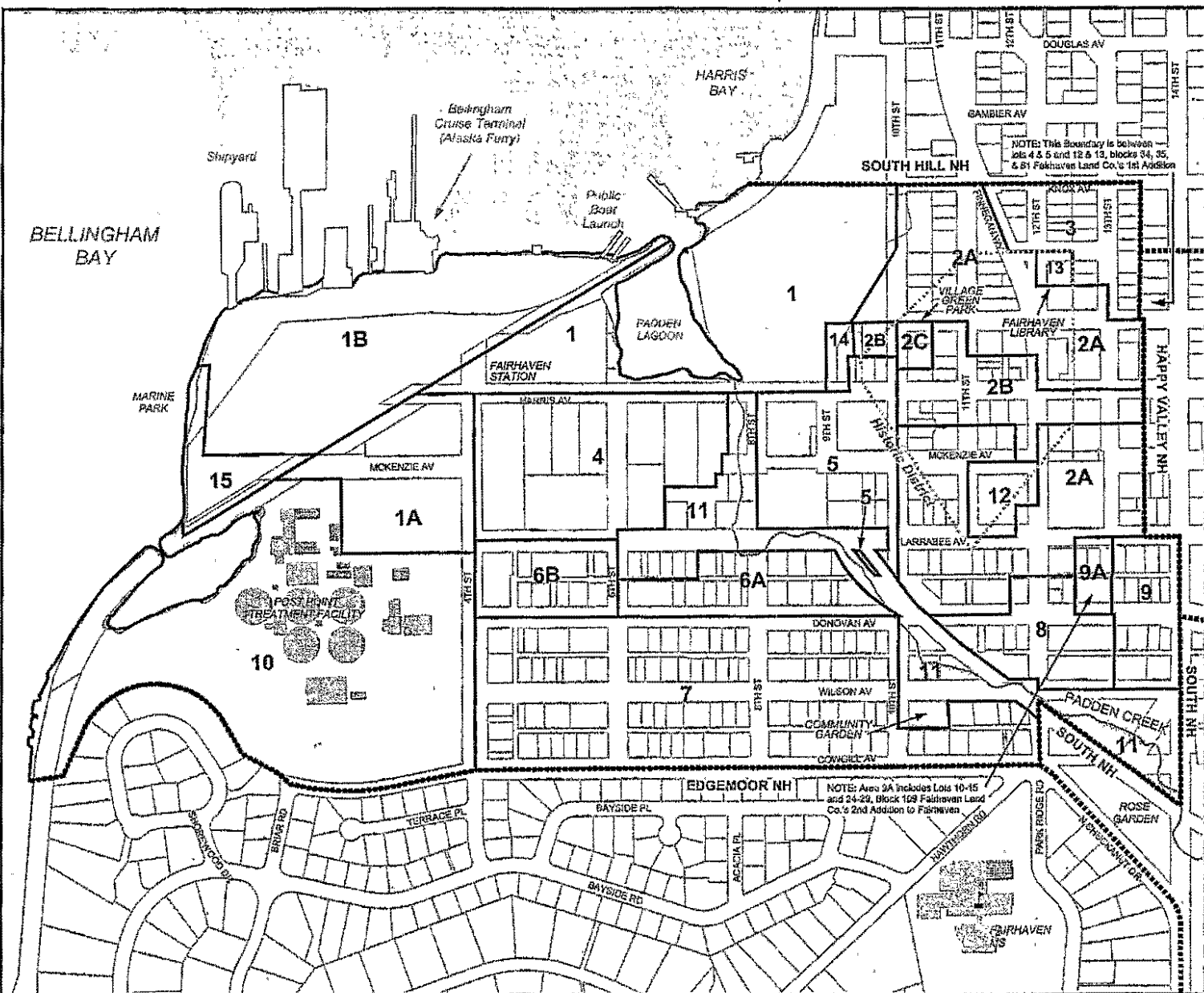
ATTEST: 
Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

Published December 17, 2004

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FAIRHAVEN NEIGHBORHOOD LAND USE

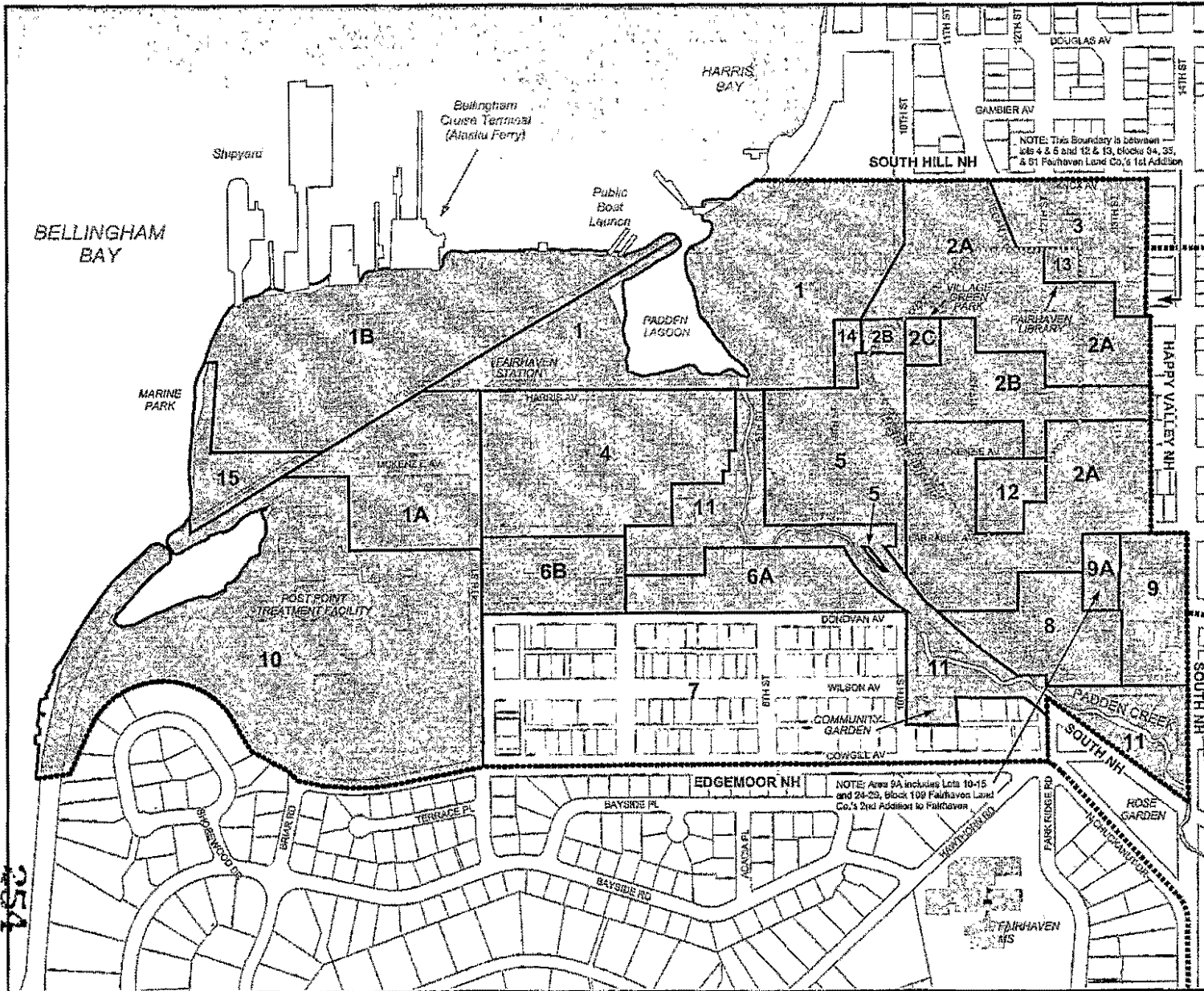
Legend:

| AREA | LAND USE DESIGNATIONS |
|-----------|---|
| 1, 1A, 1B | Industrial |
| 2A, 2B | Commercial |
| 2C | Public |
| 3 | Multi-Family Res., High Density |
| 4 | Industrial |
| 5 | Commercial |
| 6A, 6B | Multi-Family Residential Medium to High Density |
| 7 | Single Family Res., Med. Density |
| 8 | Commercial |
| 9, 9A | Multi-Family Res., High Density |
| 10, 11 | Public |
| 12, 13 | Public |
| 14 | Commercial |
| 15 | Public |



City of Bellingham
 Planning Department
 2004 Example

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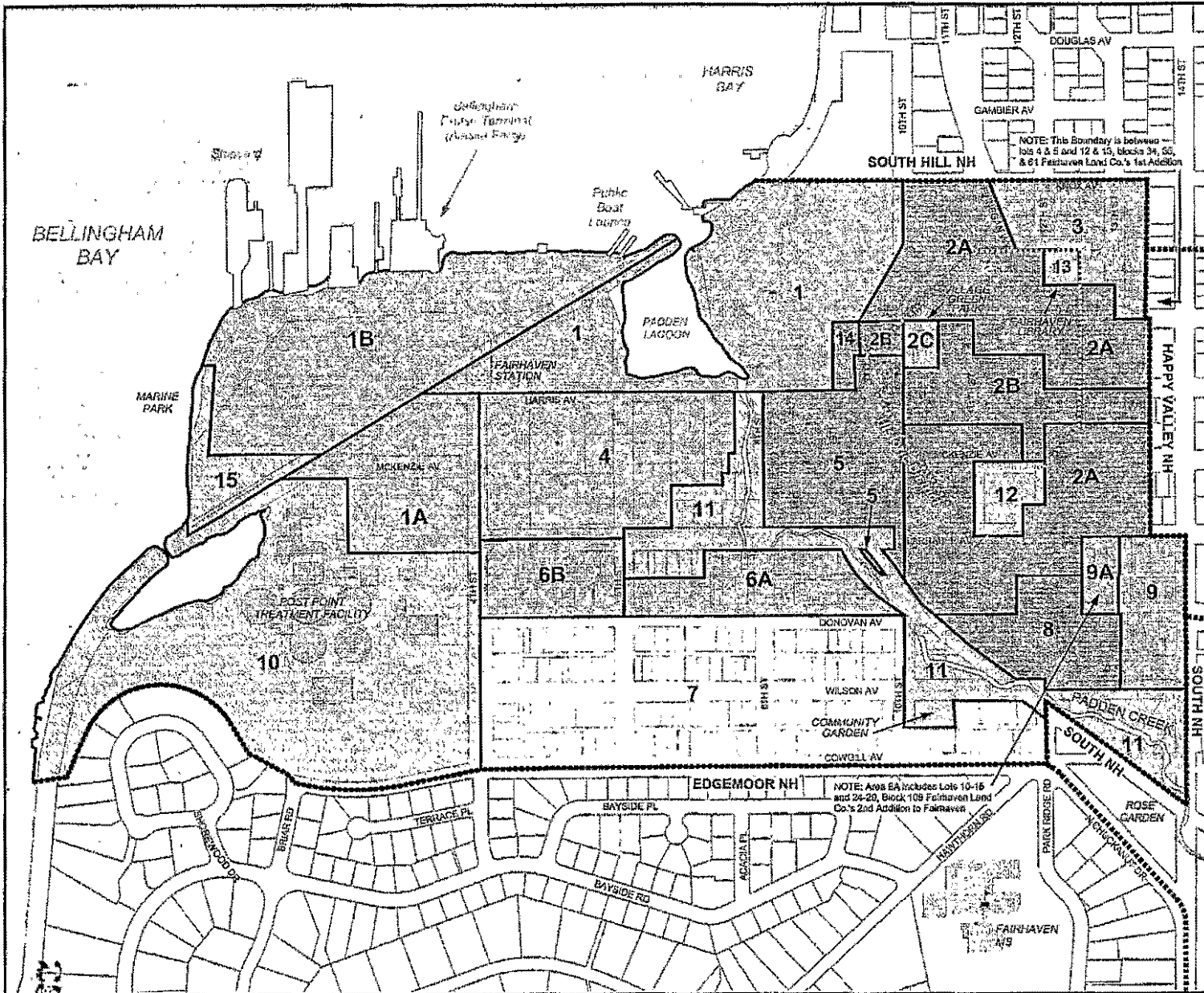
FAIRHAVEN NEIGHBORHOOD ZONING

Legend:

| AREA | ZONING DESIGNATIONS |
|----------------|---------------------------|
| 1, 1A, 1B | Marine Industrial |
| 2A, 2B | Planned Marine Industrial |
| 2C | Neighborhood Commercial |
| 3 | Public |
| 4 | Residential Multiple |
| 5 | Light Industrial |
| 6A, 6B | Planned Res. Multiple |
| 7 | Planned Commercial |
| 8 | Residential Single |
| 9, 9A | Planned Commercial |
| 10, 11, 12, 13 | Residential Multiple |
| 14 | Public |
| 15 | Planned Commercial |
| | Public |



City of Bellingham
Planning Department
2004 Example



FAIRHAVEN NEIGHBORHOOD ZONING

Legend:

| AREA | ZONING DESIGNATIONS |
|-------------|---------------------------|
| 1, | Marine Industrial |
| 1A,1B | Planned Marine Industrial |
| 2A,2B | Neighborhood Commercial |
| 2C | Public |
| 3 | Residential Multiple |
| 4 | Light Industrial |
| 5 | Planned Commercial |
| 6A,6B | Planned Res. Multiple |
| 7 | Residential Single |
| 8 | Planned Commercial |
| 9,9A | Residential Multiple |
| 10,11,12,13 | Public |
| 14 | Planned Commercial |
| 15 | Public |



City of Bellingham
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2004 Example

11/2003

B. Fairhaven Neighborhood Table of Zoning Regulations Cont.

| Area | Zoning | Use Qualifier | Density | Special Conditions | Prerequisite Considerations | Special Regulations |
|-------------|------------|--|---|---|-----------------------------|--|
| 1B cont. | | | | | | <p><u>Railroad crossing</u> Vehicular access into the area must cross over existing railroad tracks. Each crossing must be looked at and possibly controlled to ensure safe crossing.</p> <p><u>Pedestrian access</u> Provisions for pedestrians must be made both within the site (along shoreline areas integrated with Marine Park and the Commercial areas) and along Harris Avenue to the Fairhaven business district.</p> <p><u>View</u> Any potential interference with upland residential views from large-scale development should be evaluated.</p> <p><u>Other</u> Internal access, hydrant dispersal, sewer location and capacity all need to be examined with each project.</p> |
| 2A | Commercial | Neighborhood, mixed uses (see Special Regulations) | No density restriction for retail or office buildings | Design review; view; height; parking; prohibition of vehicle drive-through facilities; <u>Covenant facilities NW of Mill and 10th</u> | None | <p>1. Mixed uses specifically permitted in this area shall include and be limited to apartments, hotels and non-commercial parking lots constructed to meet the overall parking demands of the commercial area according to a parking plan approved by the City Council.</p> <p><u>2. Warehousing when adjacent to Port of Bellingham properties. Access shall be from the west and the Port-owned properties. In no case shall warehouse traffic be allowed directly on the streets abutting commercial development.</u></p> <p>Special development restrictions and options: 1. No use shall be permitted to have facilities which provide for the ordering, payment or pick-up of goods and/or services for customers staying within motorized vehicles. 2. The standard thirty-five foot (35') height restriction may be increased to fifty-four feet (54') upon specific approval by the City Council. In order to approve an increase in building height, the Council must find that the following criteria are met:</p> |

Shaded portions of the table make up the "zoning" in the neighborhood plan areas.