

ORDINANCE NO. 2005-07-062

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE (BMC) CHAPTER 17.82 TO ADD ELIGIBILITY CRITERIA RELATED TO BUILDING DESIGN AND USE OF GROUND LEVEL STREET-FRONT FLOOR SPACE TO THE MULTI-FAMILY HOUSING TAX EXEMPTION PROGRAM.

WHEREAS, BMC 17.82 established criteria and procedures for *ad valorem* property tax exemptions for multi-family housing located in designated target areas in urban centers pursuant to RCW Chapter 84.14; and

WHEREAS, the Planning and Community Development Department has proposed consideration of amendments to BMC 17.82 that are intended to promote the goals and policies of the City Center Master Plan and the 1995 Bellingham Comprehensive Plan, and clarify design & use provisions in the City Center Design Standards; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on May 12, 2005 and thereafter recommended approval of the amendments with minor modifications; and

WHEREAS, a duly noticed public hearing before the Bellingham City Council regarding the proposed amendments was held on June 27, 2005; and

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

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The map, Exhibit A, attached to BMC 17.82.020 C for Residential Targeted Area 1 is amended as shown on the attached Exhibit A to include a graphic delineation of streets that require ground floor commercial uses.

Section 2. Section 17.82.020 of the Bellingham Municipal Code is amended to add the following building and use criteria:

A. [NO CHANGE]

B. [NO CHANGE]

C. [NO CHANGE]

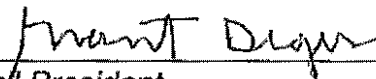
D. Designated Standards and Guidelines for the Bellingham City Center Master Plan Targeted Area. Projects proposed for exemptions from *ad valorem* property taxes and located in the City Center Master Plan Targeted area shall meet the standards established herein and in BMC 17.82.030 D. Requests for consideration under this ordinance for projects located in the City Center Master Plan Targeted Area shall be processed under procedures and conditions established in BMC 17.82.030 E, including any modification in effect at the time of application.

1. All projects shall obtain design review approval consistent with the provisions of the City Center Design Standards. For those projects that are additionally subject to other adopted design standards or guidelines, the Planning 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.
2. Ground floor commercial (including retail, service, office, government, or similar non-residential uses) is required along those streets identified on Exhibit A. Building entries and lobbies, residential entries and lobbies, and residential amenity spaces that include direct pedestrian access to the sidewalk are allowed.
3. Ground floor commercial spaces shall be a minimum of twenty feet (20') deep measured from the front face of the building.
4. Ceiling Height:
 - a. Commercial Level – Street front commercial spaces on the ground floor shall be constructed to provide a minimum finished ceiling height of ten feet (10') measured from the mean elevation of the adjoining sidewalk. The intent is to maintain the traditional scale of taller ground floor commercial facades and window glazing at the street edge. Building elevations on sloping property may be divided into modules and stepped to accomplish this.
 - b. Residential Ceiling Heights – Residential spaces shall be constructed with minimum finished floor-to-ceiling heights of nine feet (9'). The intent is to improve the quality of downtown urban living space. Alternatives may be considered in order to provide affordable housing or through the provisions of BMC 17.82.020 D.12.
5. The ground floor of buildings shall be built to the front and side property lines to maintain a clear definition of the street edge.
6. A minimum of 50% of the façade on ground floor commercial spaces shall be transparent and equally dispersed across the facade. Where this is not possible, landscaping, artwork or architectural details shall be incorporated to provide visual interest for pedestrians and protect against the blank wall effect.

7. Residential Entries. Buildings with multi-family uses shall have at least one covered front residential entryway facing a public right-of-way and accessed directly from the adjoining sidewalk.
8. Residential units built within ten feet (10') measured horizontally of an adjoining right-of-way shall be constructed so that the finished floor elevation is at least thirty inches (30") above the adjoining sidewalk. This is in order to reduce visual intrusion into private living spaces by providing vertical separation between the public and private space.
9. Ground floor residential units shall have a private front porch and entry to the sidewalk.
10. Sliding doors that open to a public right-of-way are prohibited on ground floor residential units.
11. Decks, Awnings, Bay Windows, Cornices and Other Projections. Where buildings are constructed to the edge of an adjoining right-of-way, all of the following shall apply subject to the approval of the Public Works Director:
 - a. Decks, balconies, and French balconies may project into the right-of-way a maximum of four feet (4').
 - b. Bay windows and similar architectural features with a horizontal width of no greater than twelve feet (12') may project a maximum of four feet (4) into the right-of-way from the face of the exterior wall, and shall be separated from like features by at least an equal width.
 - c. Any other projections into a right-of-way that would provide usable floor space other than those outlined in a. and b. above are prohibited.
 - d. Trellises, cornices, and other architectural or landscape elements that provide no additional floor space may project into the right-of-way a maximum of three feet (3').
 - e. Where Commercial uses are located adjacent to public sidewalks, buildings shall provide at least four feet (4') of pedestrian weather protection, composed of awnings, canopies, marquees and building overhangs, along at least 75% of the street level frontage.
12. The City Council may approve design departures after considering the recommendation of the Planning Director in the standard course of project review from any of these standards if a. or b. of this subsection applies.
 - a. The applicant can show that an alternative design will provide an equal or better solution that:

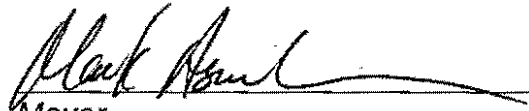
- (1). Meets the intent of the above standards, City Center Design Standards, and Bellingham Comprehensive Plan;
 - (2). Enhances the character and livability of Bellingham's city center;
 - (3). Enhances the character and environment for pedestrians;
 - (4). Enhances or protects the character of the neighborhood or vicinity by protecting natural features, historic sites, open space, or other resources; and
 - (5). Will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.
- b. In response to difficult physical circumstances relating to the size, shape, topography, location or surroundings of the subject property, the applicant can provide an alternative solution that meets the intent of (1) through (5) above to the greatest extent practical.

PASSED by the Council this 18th day of July, 2005.



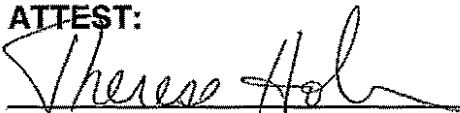
Council President

APPROVED by me this 1st day of August, 2005.



Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:





Office of the City Attorney

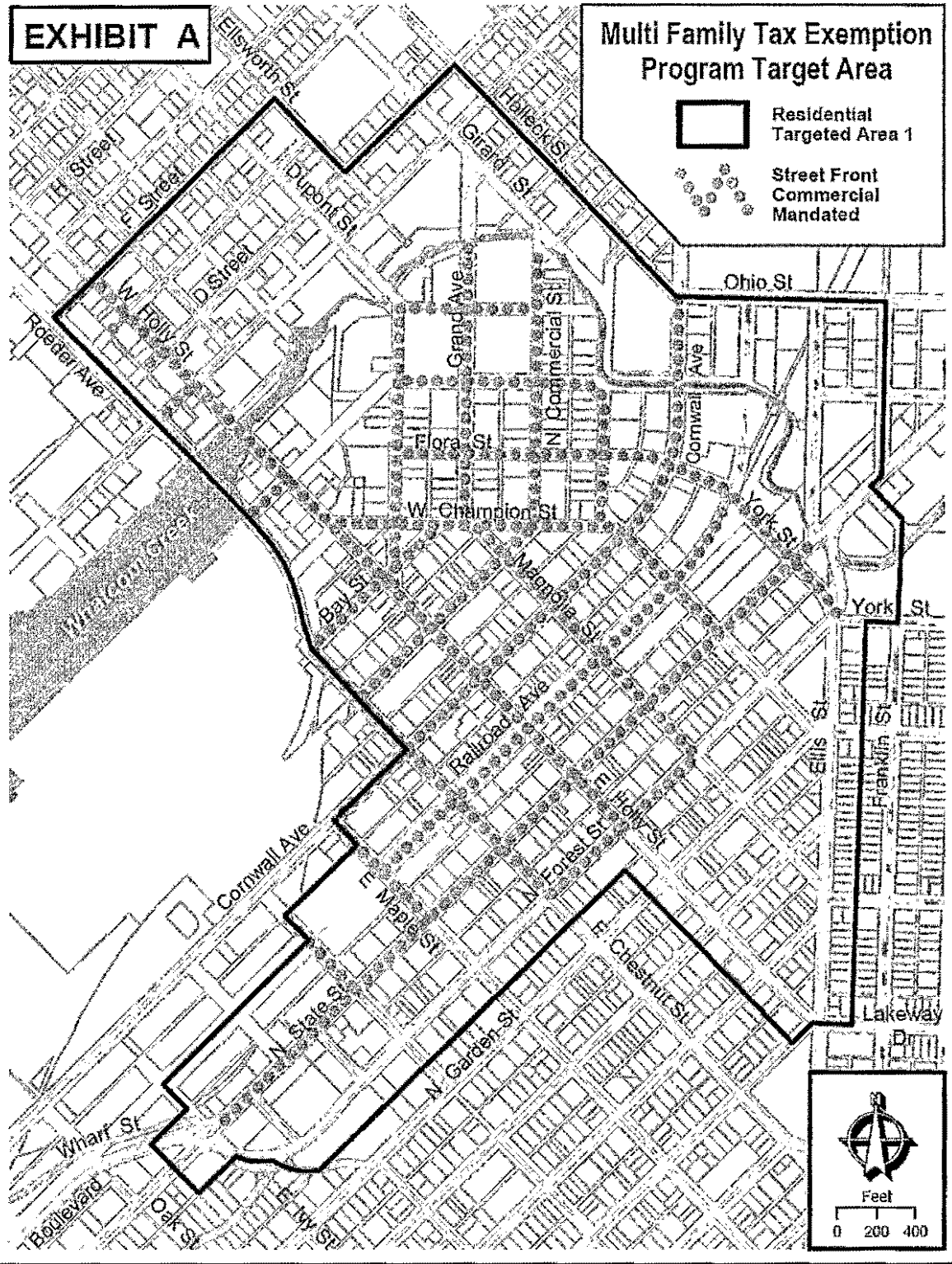
Published: July 22, 2005

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210 Lottie Street
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Telephone (360) 676-6903

EXHIBIT A

Multi Family Tax Exemption Program Target Area

-  Residential Targeted Area 1
-  Street Front Commercial Mandated



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