

AN ORDINANCE RELATED TO LAND USE REGULATIONS AND ALLOWING MINOR EXPANSION OF EXISTING NONCONFORMING LARGE RETAIL ESTABLISHMENTS BY ADDING A NEW SUBSECTION "E" TO BELLINGHAM MUNICIPAL CODE SECTION 20.14.010.

WHEREAS, on February 12th, 2007 the City adopted an ordinance establishing a 90,000 square foot size cap on individual retail establishments; and

WHEREAS, Costco Wholesale thereafter submitted a request to amend this regulation by adding a provision to allow existing stores exceeding the size cap to expand by up to 20 percent; and

WHEREAS, on October 18, 2007 the Planning Commission agreed to initiate consideration of the proposed amendment; and

WHEREAS, a Determination of Nonsignificance for the proposed amendment was issued under the State Environmental Policy Act; and

WHEREAS, as required by RCW 36.70A, notice of the City's intent to adopt the proposed code amendment was sent to the Dept. of Community, Trade and Economic Development on March 14, 2008; and

WHEREAS, after mailed and published notice as required by BMC Chapter 21.10; the Planning Commission held a public hearing on April 3, 2008 on the proposed code amendment; and

WHEREAS, the Planning Commission considered the staff report and comments received and thereafter transmitted their recommendation to the City Council; and

WHEREAS, after mailed and published notice as required by BMC 21.10, the City Council held a public hearing on the proposed code amendment on June 9, 2008;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The City Council hereby adopts the following findings of fact and conclusions:

1. The proposed code amendment to allow existing nonconforming stores to expand by up to 20 percent could result in a substantial increase in floor area and is not consistent with the purpose and intent of the 90,000 square foot size cap.
2. Existing stores may need some flexibility to do minor expansions in order to maintain their existing functions.

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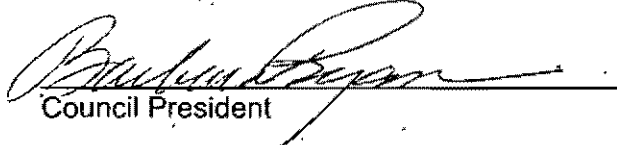
3. Accommodating minor expansions of up to 2,000 square feet for existing nonconforming stores allows adequate flexibility to make equipment and design changes without facilitating major changes in store size or program.
4. A provision to allow minor expansions of up to 2,000 square feet is not in conflict with the intent of the size cap.
5. A uniform expansion allowance for all nonconforming stores is more equitable than allowing an expansion based on a percentage of existing floor area.
6. A revised amendment that limits expansion to 2,000 square feet is consistent with the goals and policies of the Comprehensive Plan.

Section 2. A new Subsection is hereby added to Bellingham Municipal Code Section 20.14.010 Nonconformity – Buildings and Structures, as follows:

E. Nonconforming Large Retail Establishments

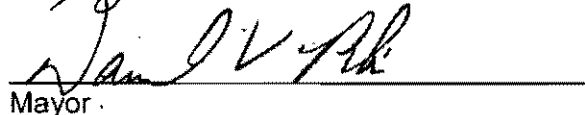
Over the life of the facility, individual retail establishments greater than 90,000 square feet in size that were in existence on the effective date of BMC 20.10.025 (February 27, 2007) shall be allowed to expand the gross floor area of the establishment by a maximum of 2,000 square feet over their original February 27, 2007 size.

PASSED by the Council this 14th day of July, 2008.



Council President

APPROVED by me this 24th day of July, 2008.



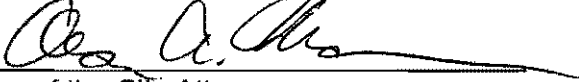
Mayor

ATTEST 

Finance Director

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APPROVED AS TO FORM:



Office of the City Attorney

Published:

July 18, 2008

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