

ORDINANCE NO. 2008-12-111

AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, AMENDING THE LAND USE CLASSIFICATION OF AREAS 3 AND 9 AND AMENDING THE BOUNDARY LINE BETWEEN AREAS 3, 8, 9, AND 14 AND CREATING A NEW AREA 3A OF THE LETTERED STREETS NEIGHBORHOOD PLAN AND AMENDING THE LAND USE DEVELOPMENT CODE (TITLE 20).

WHEREAS, the City of Bellingham has adopted 23 neighborhood plans as a component of the Bellingham Comprehensive Plan, including the Lettered Streets Neighborhood Plan; and

WHEREAS, the City of Bellingham updated and adopted a new Lettered Streets Neighborhood Plan in 1996; and

WHEREAS, the City Council adopted the current Comprehensive Plan on June 5th, 2006; and

WHEREAS, the City has a process to amend the Comprehensive Plan and the Neighborhood Plans once per year in accordance with BMC 20.20. and BMC 21.10.150; and

WHEREAS, the Lettered Streets Neighborhood Association conducted neighborhood meetings on October 28, 2006 and November 20, 2006 regarding the Neighborhood Plan Amendment and Land Use Development Code Amendments; and

WHEREAS, the Lettered Streets Neighborhood Association submitted a letter of request to the City on November 29, 2006 to change the zoning and boundary lines for certain Areas of the Lettered Streets Neighborhood Plan; and

WHEREAS, the letter of request included changes to the Land Use Development Code (Title 20) to limit potential impacts to property owners abutting and within the Areas to be rezoned; and

WHEREAS, the City Planning and Community Development Department conducted a neighborhood meeting on May 12, 2007 regarding the Neighborhood Plan Amendment and Land Use Development Code Amendments; and

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City Attorney
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WHEREAS, on September 13, 2007, the City of Bellingham as lead agency under the procedures of the State Environmental Policy Act (SEPA), issued a Determination of Non-Significance (SEP2007-00032); and

WHEREAS, the Bellingham Planning Commission conducted public hearings on August 2, 2007 and January 17, 2008 on the proposed Neighborhood Plan Amendments and Land Use Development Code Amendments with appropriate public notice provided, and thereafter made Findings, Conclusions and a Recommendation for adoption of the Neighborhood Plan Amendment; and

WHEREAS, the Bellingham City Council held a public hearing on March 3, 2007 and agrees with and adopts the Planning Commission Findings of Fact, Conclusions and Recommendation with one modification; and

WHEREAS, this modification creates Area 3A and maintains the existing Residential Multi zoning; and

WHEREAS, the City Council finds that the Neighborhood Plan Amendments satisfies the requirements of BMC Chapter 20.20.060 and BMC Chapter 20.19.030, and is consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the Lettered Streets Neighborhood Plan; and

WHEREAS, the City Council finds that the accompanying Land Use Development Code Amendments satisfies the requirements of BMC Chapter 20.22, and is consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the Lettered Streets Neighborhood Plan;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The boundary lines between Areas 3, 8, 9 and 14 of the Lettered Streets Neighborhood Land Use Map are hereby amended as shown in Exhibit A.

Section 2. The zoning boundary lines between Areas 3, 8, 9, and 14 of the Lettered Streets Neighborhood Zoning Map are hereby amended as shown in Exhibit B.

Section 3. The Comprehensive Plan land use designation and subarea narrative to Area 3 of the Lettered Streets Neighborhood Plan shall be amended as follows:

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Lettered Streets Neighborhood Plan

.....

V. Subarea Descriptions and Land Use Designations

....

Area 3

This area was rezoned in 2008 in recognition of the historic and predominate single family character. The area comprises the majority of the residential uses in the neighborhood and consists of a mix of single family and small multiple unit structures.

This area has a number of structures of historic significance. The preservation of these structures should be encouraged through flexibility in the Land Use and Development Code for repair and replacement of historic features on single family and duplexes. The special setbacks in the Area 3 Lettered Streets zoning section of the Land Use Code shall apply to structures with historic features.

Residents have expressed a desire to adopt design guidelines that would ensure new development, remodels and rebuilding of nonconforming buildings / uses are designed consistent with the areas historic architecture. They have also expressed their intent to explore the creation of zoning regulations that would allow townhouses, detached accessory dwelling units and cottage and carriage housing within the area.

AREA 3 LAND USE DESIGNATION: SINGLE FAMILY RESIDENTIAL, MEDIUM DENSITY

Area 3A

This Area was created during the 2008 Neighborhood Plan Amendment and rezone to Area 3 and includes four properties. The Area is bound by F Street, Morris Street and Cornwall Avenue. Three of the properties are currently developed with single family residences and total approximately 27,340 square feet. The fourth property includes Gossage Plaza. The residential properties are generally surrounded by commercial and multifamily uses with Gossage Plaza located to the north and across F Street.

F Street, Alabama Street and Cornwall Avenue are all designated arterials and generally bound the subject properties. These streets provide major transportation routes linking northeast Bellingham to the city center as well as the waterfront.

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The subject properties are also located on WTA bus routes, including the high frequency line.

The special condition in the Lettered Streets Neighborhood zoning (Area 3A) section of the Land Use and Development Code is intended to allow for conversion of existing housing stock to duplexes on each lot of record.

This area has a number of structures of historic significance. The preservation of these structures should be encouraged through flexibility in the Land Use and Development Code for repair and replacement of historic features on single family and duplexes. The special setbacks in the Area 3A Lettered Streets zoning section of the Land Use Code shall apply to structures with historic features.

Due to the existing surrounding development and proximity to arterial streets, a Multi Family zoning designation is appropriate for these properties. Multi Family structures of two or more shall be subject to design review as stated in the Land Use and Development Code.

AREA 3A LAND USE DESIGNATION: MULTIFAMILY RESIDENTIAL, MEDIUM DENSITY

Section 4. The Comprehensive Plan land use designation and subarea narrative to Area 9 of the Lettered Streets Neighborhood Plan shall be amended as follows:

Lettered Streets Neighborhood Plan

.....

V. Subarea Descriptions and Land Use Designations

.....

Area 9

This area was rezoned in 2008 in recognition of the historic and predominate single family character. The zone line was also modified in order to more accurately reflect the existing development pattern of the area. In this area there are a number of historic and architecturally significant buildings, which should be preserved. The preservation of these structures should be encouraged through flexibility in the Land Use and Development Code for repair and replacement of historic features on single family homes. The special setbacks in the Area 9 Lettered Streets zoning section of the Land Use Code shall apply to structures with historic features.

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A high-density "redevelopment" designation is not compatible with existing and predominate single family development in this Area, so a medium density land use is appropriate. Residents have expressed a desire to adopt design guidelines that would ensure new development, remodels and rebuilding of nonconforming buildings / uses are designed consistent with the areas historic architecture. They have also expressed their intent to explore the creation of zoning regulations that would allow townhouses, detached accessory dwelling units and cottage and carriage housing within the area.

AREA 9 LAND USE DESIGNATION: SINGLE FAMILY RESIDENTIAL, MEDIUM DENSITY

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Section 5. The Lettered Streets Neighborhood Zoning Table (BMC 20.00.10) shall be amended as follows:

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
3	Residential Single	Detached	5,000 sq.ft. minimum detached lot size.	Historic; setback reductions with conditions as stated under special regulations.	None	The following setback requirements shall apply to homes with historic features. Front setbacks may be reduced to 40 feet from the centerline of the street or 10 feet from the property line (whichever is greater). Side and rear yard setbacks may be reduced to the minimum allowed by the building code; Development that does not conform to the zoning and is damaged or destroyed by any cause may be reconstructed. The degree of nonconformity existing immediately prior to the damage may not be expanded upon reconstruction. An application for a building permit to rebuild or repair the nonconforming improvement must be made within 12 months or the nonconformance shall be considered terminated and shall not be resumed.

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Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
3A	Residential Multi	Multiple	6,000 sq.ft. for duplex. 2,500 sq.ft. per unit for multiple of 3 units or more. 8 units per structure maximum or 1,500 sf per unit planned.	Conversions on lot of record to duplex; historic; setback reductions with conditions as stated under special regulations; design criteria for multifamily housing of 2 units or more as specified in the Land Use and Development Code	None	The following setback requirements shall apply to homes with historic features. Front setbacks may be reduced to 40 feet from the centerline of the street or 10 feet from the property line (whichever is greater). Side and rear yard setbacks may be reduced to the minimum allowed by the building code.

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Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
9	Residential Single	Detached	5,000 sq.ft. minimum detached lot size.	Historic; setback reductions with conditions as stated under special regulations.	None	The following setback requirements shall apply to homes with historic features. Front setbacks may be reduced to 40 feet from the centerline of the street or 10 feet from the property line (whichever is greater). Side and rear yard setbacks may be reduced to the minimum allowed by the building code; Development that does not conform to the zoning and is damaged or destroyed by any cause may be reconstructed. The degree of nonconformity existing immediately prior to the damage may not be expanded upon reconstruction. An application for a building permit to rebuild or repair the nonconforming improvement must be made within 12 months or the nonconformance shall be considered terminated and shall not be resumed.

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Section 6. Bellingham Municipal Code (BMC) sections 20.32.040 G.3.a. shall be amended as follows:

BMC 20.32.040 G. Height: Basic Requirement:

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3. Exceptions:

- a. If abutting or across an alley from property designated residential single, the maximum above grade height adjacent to that single area shall be two stories, except when abutting Areas 3 and 9 of the Lettered Streets Neighborhood.

Section 7. Bellingham Municipal Code section 20.32.050 C.1.a. shall be amended as follows:

BMC 20.32.050 C. Lot Coverage Option.

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1. Lot Coverage Level 1 (Maximum 45% coverage)

Conditions:

- a. The proposed structure(s) is not located within a designated "view," "shoreline," "flood" special condition area, upon property with a property line to property line slope in excess of 30%, or upon property abutting or across an alley from property designated residential single, except when abutting Areas 3 and 9 of the Lettered Streets Neighborhood.

Section 8. Bellingham Municipal Code section 20.32.050 C.2.a. shall be amended as follows:

BMC 20.32.050 C. Lot Coverage Option.

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2. Lot Coverage Level 2 (Maximum 55% coverage)

Conditions:

- a. The proposed structure(s) is not located within the jurisdiction of a "view," "shoreline," "flood" special condition area, upon property with a property line to property line slope in excess of 30%, or upon property abutting or across an alley from property designated residential single,

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except when abutting Areas 3 and 9 of the Lettered Streets Neighborhood.

Section 9. Bellingham Municipal Code section 20.32.050 C.3.a. shall be amended as follows:

BMC 20.32.050 C. Lot Coverage Option.

....

3. Lot Coverage Level 3 (Maximum 65% coverage)

Conditions:

- a. The proposed structure(s) is not located within the jurisdiction of a "view," "shoreline," "flood" special condition area, upon property with a property line to property line slope in excess of 30%, or upon property abutting or across an alley from property designated residential single except when abutting Areas 3 and 9 of the Lettered Streets Neighborhood.

Section 10. Bellingham Municipal Code section 20.32.050 C.4.a. shall be amended as follows:

BMC 20.32.050 C. Lot Coverage Option.

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4. Lot Coverage Level 4 (Maximum 75% coverage)

Conditions:

- a. The proposed structure(s) is not located within the jurisdiction of a "view," "shoreline," "flood" special condition area, upon property with a property line to property line slope in excess of 30%, or upon property abutting or across an alley from property designated as residential single, except when abutting Areas 3 and 9 of the Lettered Streets Neighborhood.

Section 11. Bellingham Municipal Code section 20.32.050 D.2.a.iii. shall be amended as follows:

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BMC 20.32.050 D. Minimum Yards Option

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2. Interior Side Yard.

a. Walls without windows, eaves, and decks may extend into the standard interior side yard to 3.5' from the side property line if a one story building or to within 5' if a two story building provided:

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iii. The subject property is not abutting or across an alley from property designated residential single, except when abutting Areas 3 and 9 of the Lettered Streets Neighborhood.

Section 12. Bellingham Municipal Code section 20.32.050 D. 3.a.i. shall be amended as follows:

BMC 20.32.050 D. Minimum Yards Option

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3. Rear Yards

a. Door sections, walls without windows, eaves, and decks may extend into the standard rear yard setback to within 10' of the rear property line provided:

i. The subject property is not abutting or across an alley from property designated residential single except when abutting Areas 3 and 9 of the Lettered Streets Neighborhood.

Section 13. Bellingham Municipal Code section 20.32.050 D. 3.b.iii. shall be amended as follows:

BMC 20.32.050 D. Minimum Yards Option

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3. Rear Yards

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b. Window walls may extend into the standard rear yard setback provided:

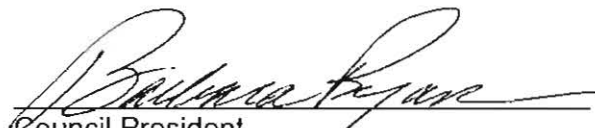
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iii. The subject property is not abutting or across an alley from property designated residential single except when abutting Areas 3 and 9 of the Lettered Streets Neighborhood.

Section 14. The City Council adopts the January 17, 2008 Planning Commission Findings of Fact, Conclusions and Recommendations as attached in Exhibit C with one modification, which creates Area 3A and maintains the existing Residential Multi zoning and as identified on the Lettered Streets Neighborhood Land Use and Zoning Maps (Exhibits A & B).

PASSED by the Council this 8th day of December, 2008.


Council President

APPROVED by me this 15th day of December, 2008.


Mayor

ATTEST: 
Finance Director

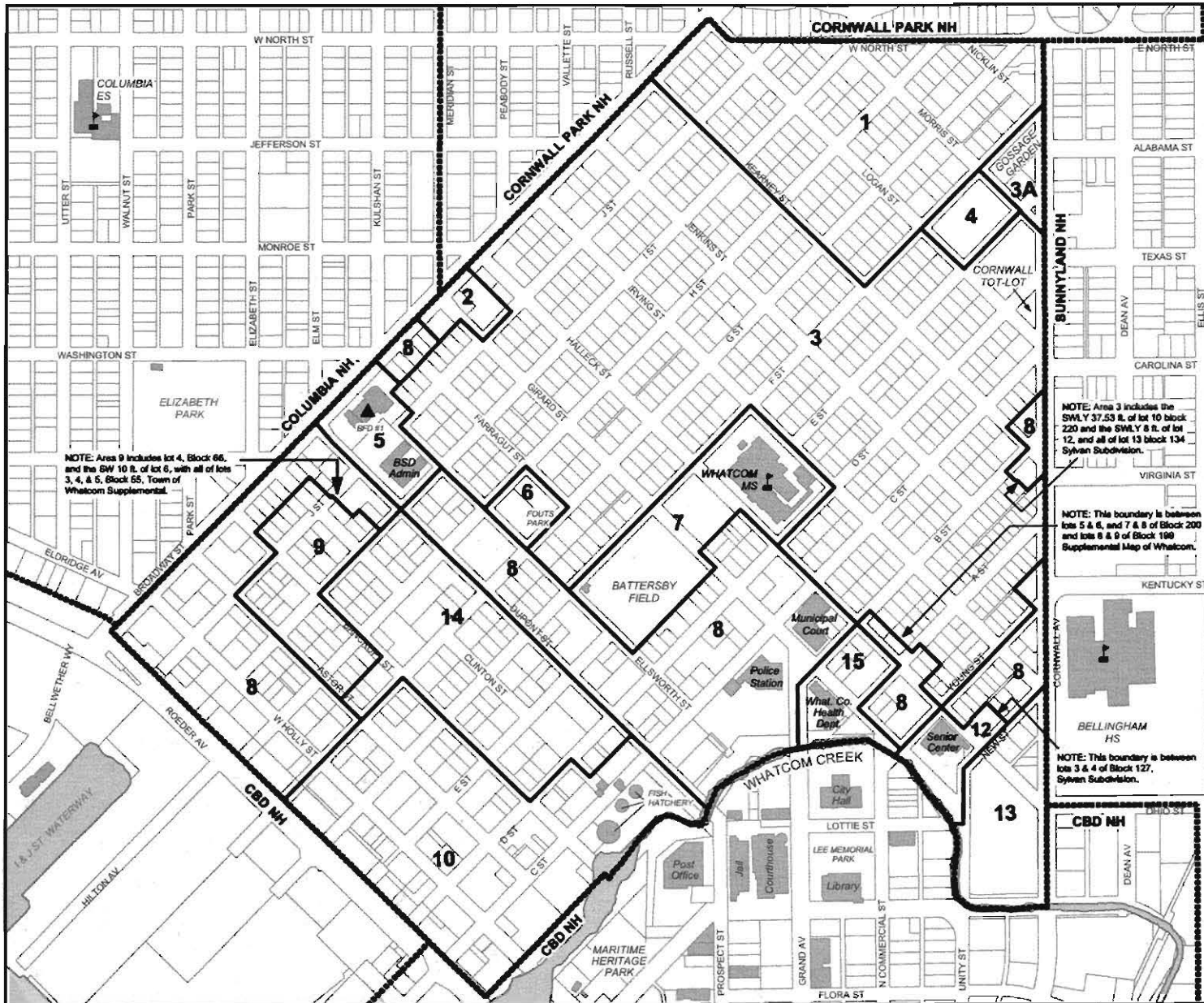
APPROVED AS TO FORM:


Office of the City Attorney

Published:

December 12, 2008

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LETTERED STREETS NEIGHBORHOOD LAND USE

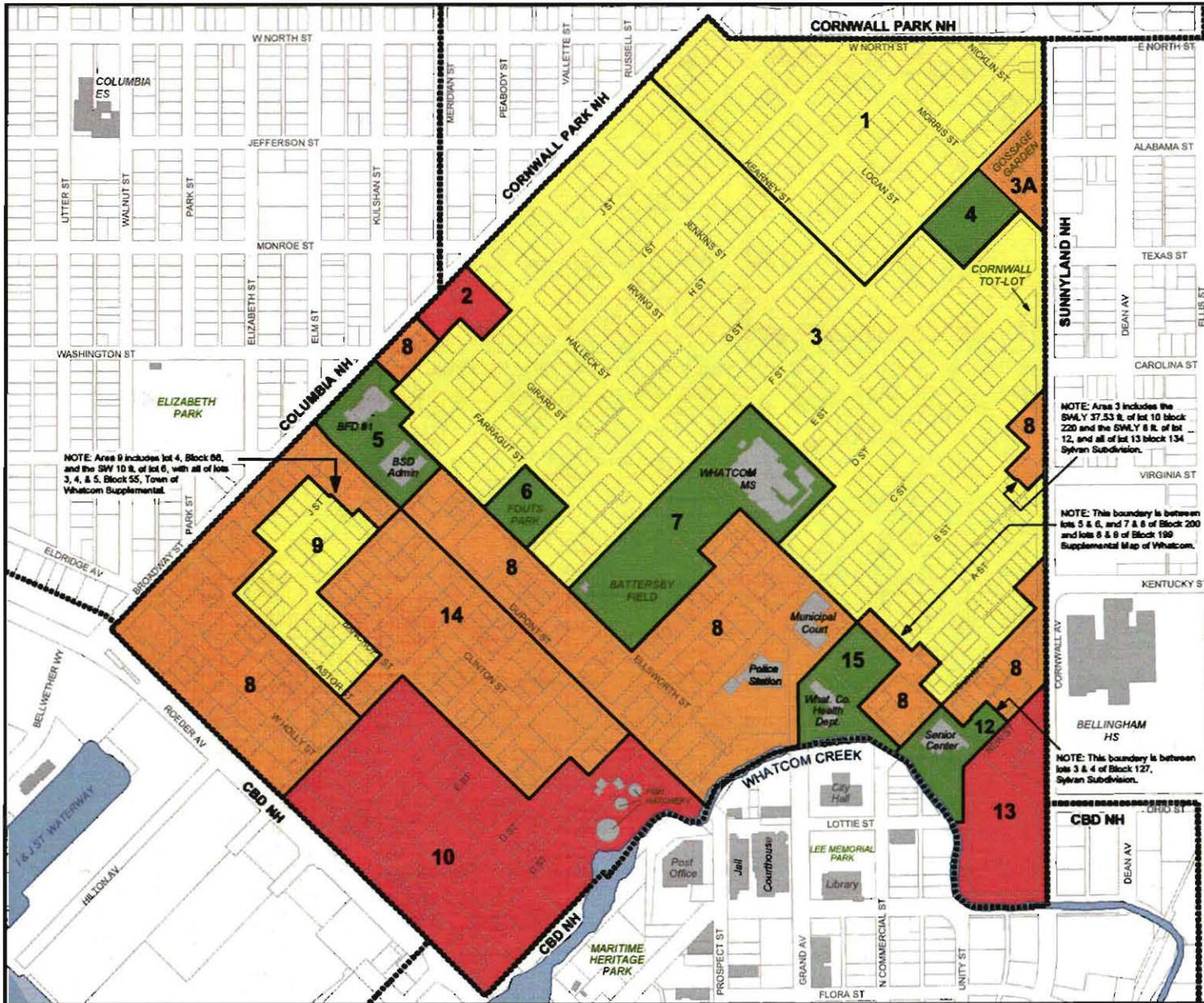
Legend:

AREA	COMPREHENSIVE PLAN LAND USE DESIGNATION
1	Residential Single, Medium Density
2	Commercial
3	Residential Single, Medium Density
3A	Residential Multi, Medium Density
4	Public
5	Public
6	Public
7	Public
8	Residential Multi, High Density
9	Residential Single, Medium Density
10	Commercial (Old Town Sub-Area)
12	Public
13	Commercial
14	Residential Multi
15	Public


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**City of Bellingham
 Planning Department
 2008**

EXHIBIT A

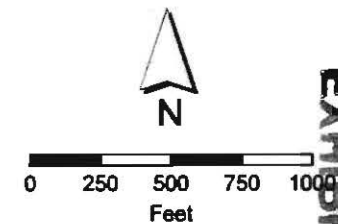


LETTERED STREETS NEIGHBORHOOD ZONING

Legend:

AREA	ZONING DESIGNATION*
1	Residential Single
2	Neighborhood Commercial
3	Residential Single
3A	Residential Multi
4	Public
5	Public
6	Public
7	Public
8	Residential Multi
9	Residential Single
10	Commercial - Old Town Overlay District
12	Public
13	Central Commercial
14	Residential Multi
15	Public

* SEE BELLINGHAM MUNICIPAL CODE TITLE 20 TABLE OF ZONING REGULATIONS FOR MODIFICATIONS IN THE LIST OF PERMITTED USES AND OTHER SPECIAL PROVISIONS FOR EACH NUMBERED AREA



City of Bellingham
Planning Department
2008

EXHIBIT B

BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

JANUARY 17, 2008

SUMMARY

Following the public hearing and deliberation on the proposed Lettered Streets Neighborhood Plan amendment, the Bellingham Planning Commission has determined that the proposed changes comply with, and will implement, the goals and policies of the Bellingham Comprehensive Plan.

The proposed amendments more accurately reflect the predominate land use pattern of the portions of the Lettered Streets Neighborhood identified for rezone and reflect the intent of goals to preserve existing neighborhood character.

I. FINDINGS OF FACT

1. Proposal Description -

The Lettered Streets Neighborhood Association has proposed several changes to their Neighborhood Plan. Specifically they have requested to:

1. Change the Neighborhood Plan land use designation of Area 3 **from** Multi Family Residential – Medium Density **to** Single Family Residential – Medium Density and Area 9 **from** Multi Family Residential – Medium to High Density **to** Single Family Residential – Medium Density.
2. Change the Zoning Table of Areas 3 and 9 from Residential Multi, Multiple to Residential Single, Detached
3. Change the boundary lines of Areas 3, 8, 9 and 14,
4. Amend Bellingham Municipal Code (BMC) sections 20.32.040 G.3.a., 20.32.050 C.1.a. / 2.a. / 3.a. / 4.a. and 20.32.050 D.2.a.iii. / 3.a.i. / b.iii. These amendments would ensure that abutting multifamily zoned areas are not subject to more stringent development standards caused by the proposal.
5. Add Special Regulations to Areas 3 and 9 that would “grandfather” nonconforming uses and allow the uses to be reconstructed if damaged or destroyed by any means.

2. Background Information/Procedural History -

October 28, 2006 – Lettered Streets Neighborhood Association sponsors the first of 3 neighborhood meetings.

November 20, 2006 – Second neighborhood meeting held and survey conducted of attendees.

November 29, 2006 – Proposed amendments submitted by the Lettered Streets Neighborhood Association based on the findings and recommendations identified during neighborhood meetings and committee work sessions.

January 10, 2007 – Proposal docketed by the Planning Director for review in 2007.

May 12, 2007 – Planning Division staff and Lettered Streets Neighborhood Association sponsor third neighborhood meeting to discuss the proposal.

June 13, 2007 – Mayor's Neighborhood Advisory Commission votes unanimously to recommend the approval of the proposal as submitted by the Lettered Streets Neighborhood Association.

August 2, 2007– The Planning Commission holds a public hearing on the proposal.

January 17, 2008 – The Planning Commission recommends approval of the proposal.

3. Public Comment -

See Attachment E of the Staff Report.

4. State Environmental Policy Act (SEPA) Determination –

A SEPA determination of Non-Significance was issued by the City of Bellingham on September 13, 2007.

5. Consistency with the Bellingham Comprehensive Plan and BMC Review Criteria

Neighborhood Plans must be consistent with and carry out the goals and policies of the Comprehensive Plan. In addition, neighborhood plan amendments must be consistent with the factors and review criteria in BMC 20.20.060. Specific criteria are as follows:

1. The proposed amendment bears a substantial relation to public health, safety, and welfare;

The retention and possible protection of the overall historic character (housing style and architecture) of the Lettered Streets Neighborhood is related to the public health, safety and welfare of all Bellingham neighborhoods. The Planning Commission finds that the proposal is consistent with the criteria.

2. The proposed amendment is consistent with the Growth Management Act;

Protection of neighborhood character as infill occurs is critical to fulfilling the infill and sprawl reduction goals of the GMA. The proposal ensures the vitality and protection of the collective historic and primarily single family character of the neighborhood. The Planning Commission finds that the proposal is consistent with the criteria.

3. The proposed amendment is consistent with the countywide planning policies;

The Lettered Streets Neighborhood has an average density of 13.1 dwelling units per acre. This density is consistent with strategies of the countywide planning policies intended to promote growth within cities and to protect county rural lands. The Planning Commission finds that the proposal is consistent with the criteria.

4. The comprehensive plan will be internally consistent; and

Goals and policies of the comprehensive plan emphasize cultural and historic preservation; protection of existing established neighborhood character; and directing growth to the downtown, urban villages and urban growth area. The proposal is internally consistent with these priorities. The Planning Commission finds that the proposal is consistent with the criteria.

5. The proposed amendment will result in long-term benefits to the community as a whole and is in the best interest of the community.

The collective historical character and past of the Lettered Streets Neighborhood is paramount to understanding how the City of Bellingham was created. The city's roots are founded in this neighborhood as well as other neighborhoods. Preserving components of these neighborhoods is a benefit to the community as a whole and is in the best interest of the community. Property owners and residents of the Lettered Streets Neighborhood have actively participated in the planning process; this participation is also in the best interests of the community. The Planning Commission finds that the proposal is consistent with the criteria.

Relevant Comprehensive Plan Goals and Policies and the BMC review considerations were included in the Planning Commission's deliberation of the proposal and reflected in the staff report.

II. CONCLUSIONS

Based on the staff report, the submittal from the neighborhood and the information presented at the public hearing, the Planning Commission concludes:

1. The proposed amendments to the Lettered Streets Neighborhood Plan are consistent with the goals and policies of the Bellingham Comprehensive Plan, the Countywide Planning Policies and the GMA.
2. The proposed amendments to the Lettered Streets Neighborhood Plan are consistent with, and satisfy the review factors and criteria in BMC 20.20.060 C and D.

III. RECOMMENDATIONS

Based on the findings and conclusions, the Bellingham Planning Commission recommends that the City Council approve the proposal as submitted by the Lettered Streets Neighborhood Association.

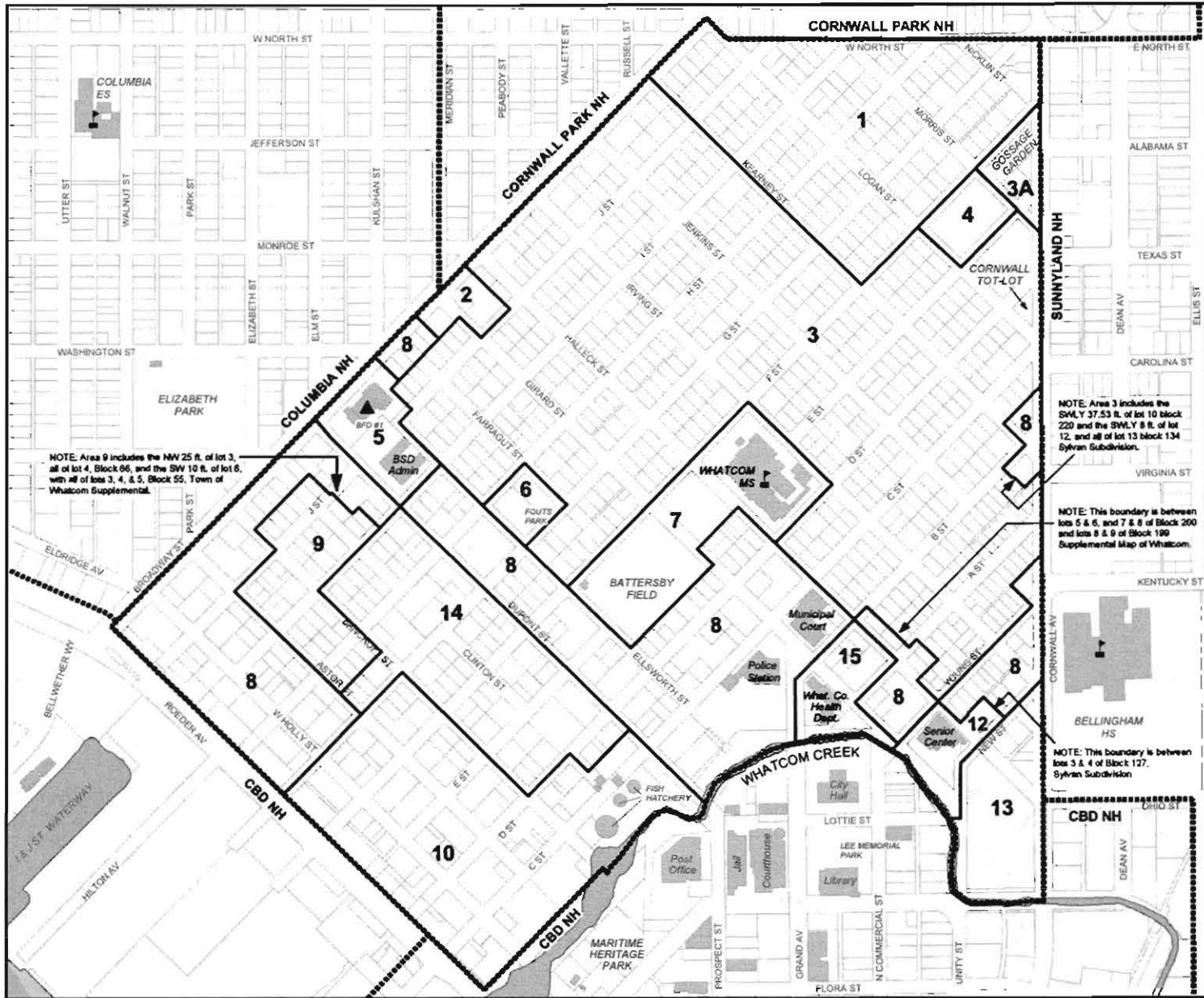
ADOPTED this 28th day of November, 2008.

Jim Bishop
Planning Commission Chairperson

ATTEST: Deborah Sten
Recording Secretary

APPROVED AS TO FORM:

City Attorney

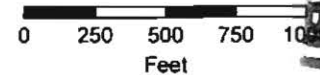


LETTERED STREETS NEIGHBORHOOD PROPOSED LAND USE

Legend:

AREA **COMPREHENSIVE PLAN
LAND USE DESIGNATION**

- 1 Residential Single, Medium Density
- 2 Commercial
- 3 Residential Single, Medium Density
- 3A Residential Multi, Medium Density
- 4 Public
- 5 Public
- 6 Public
- 7 Public
- 8 Residential Multi, High Density
- 9 Residential Single, Medium Density
- 10 Commercial (Old Town Sub-Area)
- 12 Public
- 13 Commercial
- 14 Residential Multi
- 15 Public



City of Bellingham
Planning Department
November 2008

EXHIBIT A

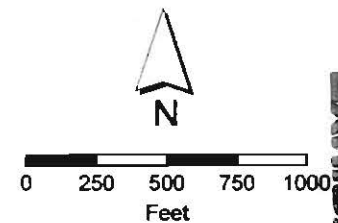


LETTERED STREETS NEIGHBORHOOD PROPOSED ZONING

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City of Bellingham
Planning Department
November 2008

EXHIBIT B

BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

JANUARY 17, 2008

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Following the public hearing and deliberation on the proposed Lettered Streets Neighborhood Plan amendment, the Bellingham Planning Commission has determined that the proposed changes comply with, and will implement, the goals and policies of the Bellingham Comprehensive Plan.

The proposed amendments more accurately reflect the predominate land use pattern of the portions of the Lettered Streets Neighborhood identified for rezone and reflect the intent of goals to preserve existing neighborhood character.

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3. Public Comment -

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The retention and possible protection of the overall historic character (housing style and architecture) of the Lettered Streets Neighborhood is related to the public health, safety and welfare of all Bellingham neighborhoods. The Planning Commission finds that the proposal is consistent with the criteria.

2. The proposed amendment is consistent with the Growth Management Act;

Protection of neighborhood character as infill occurs is critical to fulfilling the infill and sprawl reduction goals of the GMA. The proposal ensures the vitality and protection of the collective historic and primarily single family character of the neighborhood. The Planning Commission finds that the proposal is consistent with the criteria.

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4. The comprehensive plan will be internally consistent; and

Goals and policies of the comprehensive plan emphasize cultural and historic preservation; protection of existing established neighborhood character; and directing growth to the downtown, urban villages and urban growth area. The proposal is internally consistent with these priorities. The Planning Commission finds that the proposal is consistent with the criteria.

5. The proposed amendment will result in long-term benefits to the community as a whole and is in the best interest of the community.

The collective historical character and past of the Lettered Streets Neighborhood is paramount to understanding how the City of Bellingham was created. The city's roots are founded in this neighborhood as well as other neighborhoods. Preserving components of these neighborhoods is a benefit to the community as a whole and is in the best interest of the community. Property owners and residents of the Lettered Streets Neighborhood have actively participated in the planning process; this participation is also in the best interests of the community. The Planning Commission finds that the proposal is consistent with the criteria.

Relevant Comprehensive Plan Goals and Policies and the BMC review considerations were included in the Planning Commission's deliberation of the proposal and reflected in the staff report.

II. CONCLUSIONS

Based on the staff report, the submittal from the neighborhood and the information presented at the public hearing, the Planning Commission concludes:

1. The proposed amendments to the Lettered Streets Neighborhood Plan are consistent with the goals and policies of the Bellingham Comprehensive Plan, the Countywide Planning Policies and the GMA.
2. The proposed amendments to the Lettered Streets Neighborhood Plan are consistent with, and satisfy the review factors and criteria in BMC 20.20.060 C and D.

III. RECOMMENDATIONS

Based on the findings and conclusions, the Bellingham Planning Commission recommends that the City Council approve the proposal as submitted by the Lettered Streets Neighborhood Association.

ADOPTED this _____ day of _____, 2008.

Planning Commission Chairperson

ATTEST: _____
Recording Secretary

APPROVED AS TO FORM:

City Attorney