

ORDINANCE NO. 2011-07-035

AN ORDINANCE RELATED TO LAND USE REGULATIONS AND AMENDING BELLINGHAM MUNICIPAL CODE 20.08.020 F. 2 AND 20.08.020 F. 3 - SPECIFIC DEFINITIONS RELATING TO CHANGES TO THE FLOOR AREA OR SPACE AND FLOOR AREA RATIO DEFINITIONS TO SIMPLIFY AND COORDINATE THE TWO DEFINITIONS.

WHEREAS, The Planning and Community Development Department has been developing a series of code amendments to improve the City's Land Use and Development code; and

WHEREAS, the amendments are needed to help alleviate confusion, improve the definition section of the development code and eliminate previous code interpretations regarding Floor Area or Space and Floor Area Ratio; and

WHEREAS, the proposed code amendments to the Floor Area or Space definition will allow the 'Floor Area Ratio' definition to work in tandem creating a cohesive set of definitions without changing the meaning; and

WHEREAS, the proposed amendments comply with and implement the goals and policies of the Bellingham Comprehensive Plan; and

WHEREAS, the responsible official reviewed the proposed amendments under the procedures of the State Environmental Policy Act, and a Determination of Nonsignificance was issued on March 25, 2011; and

WHEREAS, as required by RCW 36.70A, notice of the City's intent to adopt the proposed code amendments was sent to the Washington State Department of Commerce on March 25, 2011; and

WHEREAS, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on April 28, 2011 on the proposed code amendments; and

WHEREAS, the Planning Commission considered the staff report and comments received and thereafter made Findings, Conclusions, and a Recommendation for adoption of the proposed amendments; 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 July 11, 2011; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission, the staff report and the public comment and hereby adopt the Findings of Fact and Conclusions of the Planning Commission.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code, 20.08.020 F. 2 and 20.08.020 F. 3 regarding the definition of "Floor Area or Space" and "Floor Area Ratio" are hereby amended as follows:

20.08.020 F - Specific Definitions

F. 1. [No change]

2. Floor Area or Space:

a. **General:** The sum of the total floor area of the floor(s) of a building measured from the exterior face of the exterior walls or from the centerline of a wall separating two buildings, including elevator shafts and stairwells on each floor, and areas having a floor to ceiling height of 7' or more, but excluding all parking and loading areas, unroofed areas, roofed areas open on two or more sides, and any space where the floor to ceiling height is less than 7'.

b. Single Family Development:

i. **Main Residential Building:** For the purpose of determining the maximum size of a main residential building in BMC 20.30 single family development, total floor area shall include the sum of the gross horizontal area of the floor(s) of the building, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and including attached garages, but excluding unroofed areas and roofed areas open on two or more sides.

ii. **Accessory Residential Building:** For the purpose of determining the maximum size of accessory residential buildings in BMC 20.30 single family development, total floor area shall include the sum of the gross horizontal area of the floor(s) of the building, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor, garages, and areas having a floor to ceiling height of 6' or more, but excluding unroofed areas, roofed areas open on two or more sides, and any space where the floor to ceiling height is less than 6'.

c. **Retail Establishments:** Individual retail establishments meeting the provisions of BMC 20.10.025 shall be calculated per Section 20.10.025 B.

3. **Floor Area Ratio (FAR):** The total floor area of the building(s) on a site divided by the site area. For the purposes of calculating FAR, all floor area with ceiling height not more than 3 feet above the adjacent finished ground level is excluded.

4.through 5 [No change]

PASSED by the Council this 25th day of July, 2011.



Council President

APPROVED by me this 1st day of August, 2011.



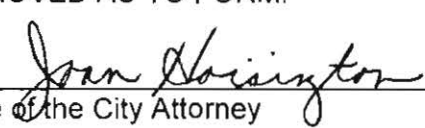
Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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