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ORDINANCE NO. 2017-05-013

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, RELATING TO LAND USE AND ZONING; AMENDING SECTION 20.37.370 BMC TO ADDRESS PROJECTING SIGNAGE STANDARDS IN THE FAIRHAVEN URBAN VILLAGE.

WHEREAS, the City of Bellingham Comprehensive Plan was adopted to provide guidance for the community on accommodating growth and redevelopment; and

WHEREAS, Title 20 (Land Use Development) of the Bellingham Municipal Code was adopted to fully implement the Comprehensive Plan; and

WHEREAS, certain development regulations and codes in Title 20 have been identified as needing clarification; and

WHEREAS, the proposed minor code amendments clarify the purpose, intent and requirements of the BMC and will ensure appropriate signage size and design in the Fairhaven Urban Village; and

WHEREAS, Title 21 (Administration of Development Regulations) of the BMC establishes a process for consideration of amendments to development regulations; and

WHEREAS, on February 22, 2017 notice of the city's intent to adopt the proposed code amendments was sent to the Washington State Department of Commerce pursuant to RCW 36.70A.106; and

WHEREAS, the responsible official reviewed the proposed amendments under the procedures of the State Environmental Policy Act, and issued a non-project Determination of Non-Significance (DNS) for the proposed changes on February 24, 2017; and

WHEREAS, after mailed and published notice as required by BMC 21.10, the Bellingham Planning Commission conducted a public hearing on March 16, 2017, and

WHEREAS, the Bellingham Planning Commission considered the staff report and testimony at the hearing, and thereafter made Findings of Fact, Conclusions and Recommendations for adoption of the proposed amendments; and

WHEREAS, after mailed and published notice as required by BMC 21.10, the Bellingham City Council held a public hearing on the proposed code amendments on May 8, 2017; and

WHEREAS, the Bellingham City Council considered the recommendation of the Planning Commission, the staff report, the public testimony, and voted to approve the code amendments, and hereby adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission.

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NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

SECTION 1. The Bellingham City Council adopts the Planning Commission Findings of Fact, Conclusions, and Recommendations as shown in Exhibit A.

SECTION 2. BMC 20.37.370 is hereby amended as follows:

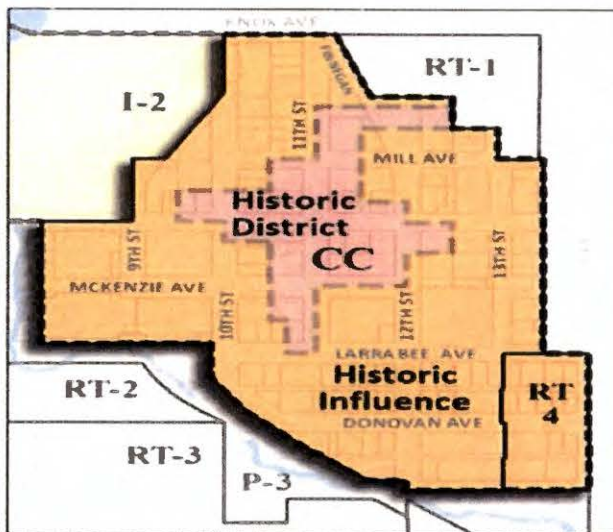
20.37.370 Fairhaven urban village – Signs.

- A. Applicability. The regulations of this section shall apply to the development of any principal and/or accessory use within any area in the Fairhaven urban village except as follows:
 - 1. Development in residential transition areas shall comply with Chapter 20.28 BMC, Infill Housing, Chapter 20.30 BMC, Residential Single Development, or Chapter 20.32 BMC, Residential Multi Development, for corresponding development.
 - 2. Signage for industrial uses in industrial zoned areas shall comply with Chapter 20.36 BMC, Industrial Development.
- B. General Provisions. No sign shall be permitted unless it complies with the provisions herein.
- C. Exemptions. The following signs shall be exempt from the provisions of this title:
 - 1. Traffic signs installed by a government agency.
 - 2. Directional, wayfinding program signs installed by a government agency if the signs are consistent with the provisions of the Fairhaven neighborhood and urban village plan.
 - 3. Tenant panel and directory signs when located within a recessed entry.
 - 4. Interior signs including those painted on the interior of glass windows.
 - 5. Building identification signs or cornerstones are permitted as an integral and architecturally compatible part of the building or structure. Cornerstones shall not exceed four square feet and building identification signs shall not exceed 32 square feet. These exemptions shall not contain any colors, words, letters, numbers, symbols, graphic designs, logos or trademarks for the purpose of identifying a good, service, product or establishment.
 - 6. Directional Signs.
 - a. Directional signs are limited to six square feet per sign face and three feet in height if freestanding.
 - b. The message shall not contain the name of the establishment or advertising of any kind. Examples of directional signs include: "Enter," "Service Entrance," "No Parking," etc.
 - c. There is no limit on the number of directional signs.

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D. Standards.

1. Unless specified otherwise herein, the following signs are prohibited:
 - a. Off premises, billboard, and rooftop.
 - b. Flashing, video, electronic, revolving, and any other signs that appear to move or vary in intensity. Animated, moving, blinking or electronic (LED or similar) message boards are permitted only in association with theaters.
 - c. Halo signs are not permitted within the historic district (see Figure 20.37.370-20.37.370 - A).
 - d. Signs on building walls facing a residentially zoned area when the property whereon the sign is located abuts a residentially zoned area.



16
17 **Figure 20.37.370 20.37.370 - A.-- Historic District and Historic Influence Area.**

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2. The total gross area of all permanent exterior signs, including wall mounted and projecting signs, for any one building shall not exceed one square foot of area to one lineal foot of street frontage, or 100 square feet, whichever is more restrictive (logos are included).
3. One monument or pole sign per parcel is permitted whether it is for a single or mixed use. Either sign shall not exceed 60 square feet per face or six feet in height measured from existing grade. A pole sign shall be mounted on at least two posts placed at the outmost sides of the sign face.

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4. Projecting signs:

- a. Shall not exceed twelve square feet (12 sq. ft) in area and shall have a rectilinear shape to emphasize design elements of the building facade itself. Minor allowances for logo identity are permitted. (See 20.37.370 - B)
- b. Shall be mounted to have at least eight (8') feet of clearance from the ground and six inches from the vertical wall.
- c. Shall comply with the International Building Code and the requirements of the public works department when projecting over the street right of way or public alley.
- d. One projecting sign shall be allowed per tenant. Tenants may be grouped onto a single sign not to exceed the maximum twelve square (12 sq. ft.) feet. (See Figure 20.37.370 - C)
- e. Not obscure a building's character-defining features.
- f. Use permanent, durable materials such as painted or carved wood, individual wood or cast metal letters or symbols, or stone (slate, marble or sandstone). Plastic and other synthetic materials are not appropriate
- g. Be limited to lighting that is subdued, incandescent and front lit from the exterior rather than back lit. Neon signs are permitted.

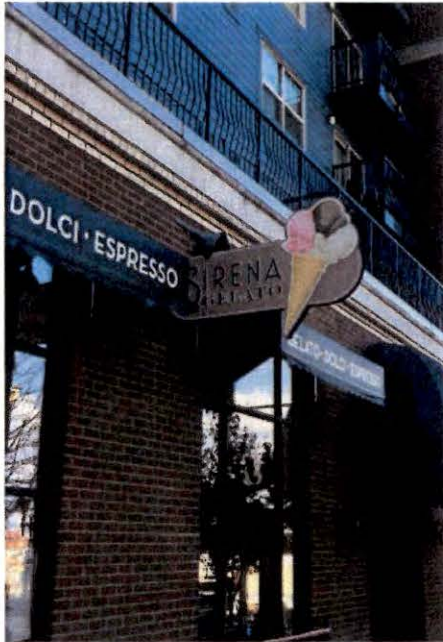


Figure 20.37.370 - B



Figure 20.37.370 - C

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4. Building-mounted signs shall:

- a. Be located to emphasize design elements of the building facade itself.

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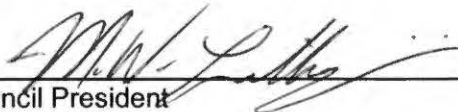
- ~~b. Be mounted to fit within existing architectural features.~~
- ~~c. Use the shape of the sign to reinforce the lines of the building.~~
- ~~d. Not obscure a building's character-defining features.~~
- ~~e. Use permanent, durable materials such as painted or carved wood, individual wood or cast metal letters or symbols, or stone (slate, marble or sandstone). Plastic and other synthetic materials are not appropriate.~~
- ~~f. Be limited to lighting that is subdued, incandescent and front lit from the exterior rather than back lit. Neon signs are permitted.~~

~~5. Building-mounted signs extending over the street right-of-way shall comply with the International Building Code and the requirements of the public works department.~~

- 6. 5. Temporary building signs shall not exceed 32 square feet.
- ~~7.~~ 6. Real estate signs are limited to one sign per street frontage, shall be unlighted, and shall not exceed 32 square feet.

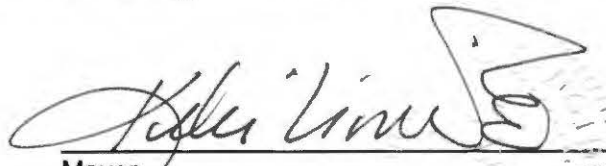
SECTION 3. Severability. If any sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause of phrase or work of this ordinance.

PASSED by the Council this 22nd day of May, 2017.



Council President

APPROVED by me this 6th day of June, 2017.



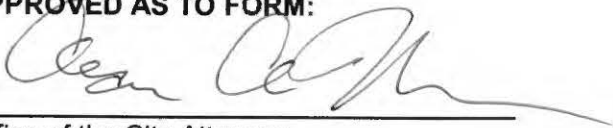
Mayor

ATTEST: 

Finance Director

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APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Cesar A. [unclear]", written over a horizontal line.

Office of the City Attorney

Published:

May 26, 2017

Exhibit A

BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

MARCH 16, 2017

SUMMARY

Following the public hearing and deliberation on proposed land use development code amendments regarding fencing materials used on common property lines between different zoning designations, establishing a review process and criteria that would allow the Director to determine unclassified uses in commercial and industrial zones, and adopting additional language for building mounted signage in the Fairhaven Urban Village, the Bellingham Planning Commission has determined that the proposed code amendments comply with, and will implement, the goals and policies of the Bellingham Comprehensive Plan and should be approved.

I. FINDINGS OF FACT

Throughout the year, potential clarifying or minor amendments to the zoning code and other development regulations are often identified by PCD staff, applicants, community members, the Planning Commission, the Mayor/City Administration and City Council. Although the annual amendment process for the Comprehensive Plan (the "Annual Docket") has been established and includes the opportunity to process code amendments, these minor fixes are usually overshadowed by the need to address formal applications and left unaddressed.

Although minor amendments to development regulations that are consistent with the Comprehensive Plan may be considered outside of the annual amendment process at the discretion of the PCD Director, Planning Commission, and City Council (consistent with the requirement of BMC Chapter 20.22), the significant resources necessary to facilitate the required notice, environmental review and public hearings associated with a code revision typically results in postponement of consideration until the proposal can be included in a more comprehensive review of the applicable code section.

A "Running List" is a method to record, retain and consolidate these proposed revisions so that they may be considered collectively once or twice a year (dependent on available resources). After preliminary discussion at the Planning Commission's September 22, 2016 meeting, it was determined that three items on the Running List should move forward at this time. These items were identified because of their minor nature, their ability to clarify existing regulations, and available staff resources needed to conduct the review process. The three amendments are:

1. Fence Materials between Residential and Transitional Zoning. Addressing fence materials used on common property lines between single-family residential zoning and urban village transitional zoning. Currently, the municipal code is silent on the type of fence required and chain link has been used. Requiring fencing to be designed to integrate in to the architecture of the building and prohibiting chain link fencing between commercial and residential areas could soften the transition between the zoning districts and uses and ensure appropriate materials are used.
2. Unclassified Uses in Commercial and Industrial Zones. In a number of cases, uses that are proposed for commercial or industrial areas are prohibited due to their not

Exhibit A

being specifically listed in the zoning code - regardless of the fact that they would have the same or lesser impacts than a listed use. Currently when an applicant proposes a use that is not listed in the applicable permitted uses section there is no specific criteria to evaluate proposals. This proposed revision would establish a process that would allow the PCD Director to approve unlisted uses provided that their impact would be the same or less than those allowed in the district.

In making the determination, the Director would evaluate the proposed use to ensure it is consistent with the purpose and intent of the zoning district and the comprehensive plan. Additionally, the Director would be required to find that the proposed use would not generate greater vehicular traffic levels, noise, light and glare, odors or other similar impacts than those uses specifically permitted in the zoning district.

Establishing a review process and criteria ensures that these industrial and commercial use interpretations are standardized, efficient for the applicant and staff, reviewed in relation to comparable impacts generated by permitted uses and consistently applied.

3. Fairhaven Building Mounted Signage. Currently building mounted signage in Fairhaven is regulated per BMC 20.37.370 D.4. Staff believes that additional language is needed to ensure appropriate signage size, in relation to the building and pedestrian area, is regulated. Additionally, clarification of the existing code language would make the permitting process more predictable for property owners, applicants and staff.

Public Comment

Notice of the Planning Commission hearing was mailed to the Mayor's Neighborhood Advisory Commission and registered neighborhood associations. The notice was also published in the Bellingham Herald.

The Planning Commission held a public hearing on March 16, 2017, though no members of the public testified at the hearing. Staff presented the proposed code amendments and discussed them with the Commissioners.

State Environmental Policy Act (SEPA) Determination

A non-project SEPA Determination of Non-Significance was issued on February 24, 2017. No comments were received regarding this determination.

Consistency with the Bellingham Comprehensive Plan -

Zoning and development codes are intended to implement the visions, goals and policies of the comprehensive plan. Relevant comprehensive plan goals and policies were included in the Planning Commission's consideration of the proposed neighborhood plan amendment.

Policy LU-4 Protect the unique character and qualities of existing neighborhoods, while identifying opportunities for improved livability, safety, and housing affordability and diversity.

Policy LU-7 Periodically review and update the City's residential zoning regulations and design standards to promote quality development that considers and complements existing neighborhoods.

Policy LU-23 Regularly review and update the City's commercial zoning regulations (e.g. text and associated maps), design standards, and design review process as needed to allow design

Exhibit A

flexibility and creativity, address emerging issues, and foster compatibility of development with the character of surrounding areas.

Policy LU-24 Encourage the inclusion of context-sensitive elements in the design, maintenance, and update of new and existing mixed-use, industrial and commercial sites (e.g. lighting, signs and landscaping) and buildings (e.g. scale and height).

GOAL CD-1 Promote streetscapes that enhance the economic vitality and overall visual quality of the City, support the circulation network, and support pedestrian-scale streets and patterns of activity.

GOAL CD-3 Establish and reinforce district and neighborhood characteristics recognized both within the community and throughout the region.

GOAL CD-4 Provide a well-designed, pedestrian-friendly, and community-oriented environment.

GOAL CD-5 Ensure that the design and development of urban villages and transit corridors convey a positive image of the district they are located within, contribute to the economic vitality and perception of the City, and improve visual and physical transitions into adjacent neighborhoods.

Policy CD-13 Review and update the City's sign standards to:

- Encourage signs to be complementary in scale to the building architecture and site design.
- Discourage multiple or large signs that clutter, distract, or dominate the streetscape of commercial areas.
- Encourage replacement of pole signs with context-sensitive monument and building signs, and prohibit new pole signs.
- Encourage the consolidation of signs on a single structure where a commercial development includes multiple businesses.
- Encourage signs on multi-tenant buildings to be complementary in size and style for all commercial and mixed-use zones.
- Discourage signs that are distracting to drivers.
- Continue to ensure that there will be no increase in the existing number of billboard signs allowed in the City or in the urban growth area (UGA) as of the date of adoption of this plan, and consider amortization of existing billboards.
- Use design review for new signs to protect views of significant land forms and community features, avoid visual clutter, and ensure Citywide design standards are met.

Policy CD-15 Establish appropriate transitions between commercial, industrial, higher-density residential, mixed-use development, and lower-density residential areas. Consider methods such as architectural techniques, landscaped buffers, or transitional uses such as plazas and pedestrian-scale offices, retail, services and live/work units.

Policy CD-22 Use design standards and design review to accomplish the following:

- Retain and create places and structures in the City that have unique features.
- Ensure elements of design, proportion, rhythm, scale and massing are appropriate for proposed structures and sites and contextually compatible with surrounding development.
- Maintain the integrity of zones with unique or historic qualities such as Fairhaven.

Exhibit A

- Encourage the use of high-quality and durable materials, as well as innovative building techniques and designs.

The proposed code amendments are consistent with the Land Use and Community Design goals and policies referenced. They ensure elements of design are carefully considered and new fences and signs are complementary in scale and context, while still providing for adequate business identification and property protection.

II. CONCLUSIONS

The code amendments are consistent with and will implement the goals and policies of the Bellingham Comprehensive Plan and ensure fencing compatibility between residential and transitional urban village zoning districts. The amendments also create a standardized review process and criteria, which ensures consistent application of the codes, for unclassified uses in industrial and commercial zoning districts. The proposed 2017 Running List amendments help clarify existing development regulations and promote high standards of development within the city.


III. RECOMMENDATIONS

Based on the findings and conclusions of law, the Bellingham Planning Commission recommends that the City Council adopt the proposed code amendments as attached.

ADOPTED this 16th day of March, 2017.

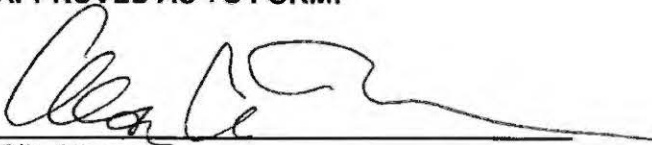


Planning Commission Chairperson

ATTEST: 

Recording Secretary

APPROVED AS TO FORM:



City Attorney