

Attachment 2

USER NOTE: Proposed amendments are shown in legislative format with additions underlined and ~~deletions struck out~~. **Amendments proposed by the Port of Bellingham and non-substantive changes are shown in red.** **Amendments proposed by the City are shown in green.** Staff comments are provided in the margin for clarity when necessary.

ORDINANCE NO. _____

AN ORDINANCE RELATING TO LAND USE AND ZONING, AMENDING THE 2013 WATERFRONT DISTRICT SUBAREA PLAN, THE CITY CENTER NEIGHBORHOOD PLAN, BELLINGHAM MUNICIPAL CODE (BMC) 16.30 ARTICLE II – WATERFRONT DISTRICT PLANNED ACTIONS, BMC 20.25 REGARDING WATERFRONT DISTRICT DESIGN REVIEW, AND BMC 20.37 ARTICLE V. WATERFRONT DISTRICT URBAN VILLAGE DEVELOPMENT REGULATIONS.

WHEREAS, the Port and the City have been working cooperatively since 2005 to plan for the redevelopment of the Waterfront District ("the ***Waterfront District***") into a mixed-use urban waterfront with commercial, industrial, residential, public and recreational use; and

WHEREAS, the City and the Port jointly completed an Environmental Impact Statement for the Waterfront District Redevelopment Project, including a Draft Environmental Impact Statement, Supplemental Draft Environmental Impact Statement, 2010 Addendum to the Supplemental Draft Environmental Impact Statement, the Final Environmental Impact Statement, and the 2012 Addendum to the Final Environmental Impact Statement (collectively the "***EIS***") which evaluated a range of development alternatives, including a 2010 Updated Preferred Alternative for redevelopment of the Waterfront District; and

WHEREAS, after extensive public participation and coordination with the City, the Port, as SEPA lead agency, issued the Waterfront District Redevelopment Project Final Environmental Impact Statement (FEIS) for the Waterfront District Sub-Area Plan dated July 6, 2010, that identifies the impacts and mitigation measures associated with planned development in the Planned Action Area. The FEIS includes by incorporation the Draft EIS (DEIS) issued on January 9, 2008, the Supplemental Draft EIS (SDEIS) issued on October 15, 2008, and the Addendum to the SDEIS (Addendum) issued on February 8, 2010 and the 2012 Addendum issued on December 14, 2012 (collectively referred to herein as the "***EIS***"); and

WHEREAS, the City adopted an update to its Shoreline Master Program by Ordinance Number 2013-02-005 (***City Shoreline Master Program***) codified at BMC Title 22, which contains regulations for development of property within the jurisdiction of the Shoreline Management Act; and

WHEREAS, the City has adopted a Waterfront District Sub-Area Plan complying with the GMA and RCW 53.20, through ordinance number 2013-12-090 as part of the City's Comprehensive Plan (Sub-Area Plan), an Interlocal Agreement for Facilities within the Waterfront District ("Facilities Agreement") dated December 18, 2013, and a Development Agreement between Port of Bellingham and City of Bellingham ("Development Agreement"), dated December 17, 2013, for the re-development of the former Georgia Pacific site; and

WHEREAS, the City adopted a Planned Action Ordinance by Ordinance Number 2013-12-091 (the "***PAO***"), codified at BMC 16.30, which provides for the designation of certain types of developments and

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land uses as Planned Actions and establishes SEPA review procedures and SEPA mitigating measures based on the EIS to be applied to these projects; and

WHEREAS, the City adopted a fee schedule by Resolution No. 2013-27 that is payable to the Lake Whatcom Watershed Property Acquisition Program in exchange for floor area development bonuses in the Waterfront District; and

WHEREAS, the 2013 Waterfront District Subarea Plan and related documents were the result of an extensive and inclusive nine-year public process as outlined in Section 1.3 of the Subarea Plan; and

WHEREAS, the 2019 Waterfront District Subarea Plan is an update that accounts for changes that have occurred since adoption of the 2013 WD Plan that was prepared after a series of additional public meetings and public input opportunities, and additional SEPA analysis; and

WHEREAS, specific amendments include but are not limited to new alignment of roads, parks and view corridor modifications, public access improvements, development phasing, and various other text revisions. These modifications will improve public access into and through the Waterfront District and facilitate the adaptive reuse of the Boardmill Building and Alcohol Plant; and

WHEREAS, various aspects of the updated Waterfront District documents were reviewed by a number of City advisory groups, including the Waterfront Advisory Group, the Transportation Commission, the Parks and Recreation Advisory Board, and the Historic Preservation Commission; and

WHEREAS, the proposed amendments and the 2019 Waterfront District Subarea Plan are subject to review under the State Environmental Policy Act (SEPA); and

WHEREAS, the Port of Bellingham found that the proposed amendments result in a level of development that is similar to or less than that under alternatives analyzed in the previous SEPA environmental review documents and pursuant to WAC 197-11-600 and 197-11-706 issued the *Waterfront District 2018 Sub-Area Plan Project Final EIS Addendum* dated February 12, 2019; and

WHEREAS, the Bellingham Planning Commission conducted a public hearing on February 21, 2019, with appropriate public notice provided, and held an additional work session on March 21, 2019 to review the Waterfront District documents, the recommendations of staff public comments received during the Commission's review process; and

WHEREAS, on March 21, 2019 the Planning Commission recommended approval of the amendments to the 2019 Waterfront District Subarea Plan, development regulations, design standards and Planned Action Ordinance with two recommended revisions as listed on page 10 in the Commission's adopted Findings of Fact, Conclusions and Recommendations; and

WHEREAS, the Bellingham City Council held a public hearing on October 7, 2019 work sessions thereafter to review the public record from the Planning Commission's review process, including the public comments and the recommendations of the City advisory groups, community groups, staff and the Planning Commission; and

WHEREAS, the Port Commission conducted a public hearing on **DATE**, on the package of amendments, and adopted the package of amendments by **Port Resolution No. _____** as part of the Port's Comprehensive Scheme of Harbor Improvements; and

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NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The 2013 Waterfront District Subarea Plan, incorporated by reference into the Comprehensive Plan and adopted as Appendix B to the City Center Neighborhood Plan, is amended as shown in **Exhibit 1** and hereafter referred to as the 2019 Waterfront District Subarea Plan.

Section 2. Amend the City Center Neighborhood Plan, Section I, Neighborhood Character, as follows:

1.1 [NO CHANGES]

1.2 The City Center portion of the Bellingham Bay waterfront extends from the Squalicum Creek Waterway south to approximately Palm Street. Included within this area are many commercial, industrial and marine related land uses. The waterfront has changed dramatically over the years, from a Native American fishing village to a bustling turn-of-the-century shipping center, to an industrial employment center. Then in 2005, when most of the Georgia Pacific pulp and paper mill operations had ended, much of the central waterfront area was purchased by the Port of Bellingham. Soon thereafter, the Port and City began a process to create a plan for redevelopment of the area, now known as the "Waterfront District". After a lengthy community process, the initial Waterfront District Sub-Area Plan was adopted in 2013. The subsequent 2019 Waterfront District Subarea Plan was prepared by the Port of Bellingham and Harcourt with input from City staff and the public. After additional public input, this plan was adopted by the Port and City as an amendment to the 2013 Subarea Plan. (2)

- (2) See Chapter 1 of the 2019 Waterfront District Subarea Plan for details of the extensive planning work that has occurred in Bellingham's central waterfront area.

Section 3. Amend the City Center Neighborhood Plan, Section II, City Center Neighborhood Planning, as follows:

2.1 - The City Center has been the focus of a number of planning efforts over the years. Since just 2002, the following has occurred:

- 2000 Bellingham Bay Demonstration Pilot Project Comprehensive Strategy
- 2002 City Center Master Plan and Design Guidelines
- 2004-05 Public Facilities District - Cultural District plans
- 2004 Waterfront Futures Group Vision and Framework Plan
- 2006 Downtown Circulation and Parking Study
- 2008 Old Town District Plan
- 2011 Downtown Housing Analysis and Report
- 2012 Historic Resource Survey and Inventory
- 2013 Downtown Parking Study
- 2013 Waterfront District Plan
- 2014 Downtown Bellingham Plan
- 2014 City Center Neighborhood Plan
- 2016 Bellingham Comprehensive Plan
- 2019 Waterfront District Plan

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While done at different times and by different stakeholders, all these plans had two things in common: 1) they recognized and reinforced the downtown's critical importance to the city and region; and 2) they reaffirmed the long range vision for the area that includes, among other things:

- Maintaining the downtown as the employment, civic, cultural, financial, and entertainment heart of the city and region.
- Preserving historical buildings and sites.
- Increasing the supply of housing and jobs in and around the City Center.
- Increasing access to recreational opportunities and the waterfront.

A few of the more significant planning efforts are described here.

2.2-2.4 [NO CHANGES]

2.5 - 2013 Waterfront District Plan (WD PLAN). The Waterfront District was the next portion of the City Center Neighborhood to be the subject of an intensive planning process.

Bellingham's central waterfront area has changed dramatically over the years, from a Native American fishing village to a bustling turn-of-the-century shipping center, to an industrial employment center. Then in 2005, when most of the Georgia Pacific pulp and paper mill operations had ended, much of the area was purchased by the Port of Bellingham. Soon thereafter, the Port and City began a process to create a plan for redevelopment of the area now known as the "Waterfront District". After a lengthy community process, the Waterfront District Plan was adopted by the City and Port in 2013. (5)

The WD Plan is similar to Bellingham's other urban village plans. The plan's goals, policies, and implementation strategies are intended to provide a framework for redevelopment of the site into a mixed-use urban neighborhood. The plan envisions up to 5.3 million square feet of development, including marine-related and other industries, commercial development, Western Washington University or other educational facilities, and over 1,600 housing units. (6)

Specific development regulations, design standards and a planned action ordinance were adopted to implement the goals and policies in the plan.

A development agreement and an interlocal agreement for facilities were also approved by the Port of Bellingham and the City in 2013. These documents address a number of issues related to the redevelopment of the Waterfront District, including the mix of land use types, development phasing, timing of infrastructure and park improvements, and affordable housing provisions.

(5) See Chapter 1 of the [2013](#) Waterfront District Plan.

(6) See Chapter 4 of the [2013](#) Waterfront District Plan.

2.6 – 2014 Downtown Bellingham Plan. [NO CHANGES]

2.7 – 2019 Waterfront District Plan (2019 WD Plan). The 2019 WD Plan is an update that accounts for changes that have occurred since adoption of the 2013 WD Plan. It was prepared after a series of additional public meetings and public input opportunities, and additional SEPA analysis. (9) Specific amendments include but are not limited to new alignment of roads, parks and view corridor modifications, public access improvements, development phasing, and various other text revisions. These modifications will improve public access into and through the Waterfront District and facilitate the adaptive reuse of the Boardmill Building and Alcohol Plant.

In general, the proposed level of redevelopment under the 2018 WD Plan is similar to or less than the level contemplated in the 2013 WD Plan. The following documents were amended concurrently with

1 [the Sub-Area Plan update: Development Agreement, Planned Action Ordinance, Facilities Agreement,](#)
2 [and Bellingham Municipal Code.](#)

3 [\(9\) See Chapter 1 of the 2019 Waterfront District Plan.](#)

4 **Section 4.** Amend the City Center Neighborhood Plan, Section IV, Subarea Descriptions and Land Use
5 Designations, as follows:

6 **Areas 1-5** [NO CHANGES]

7 **Area 6**

8 The [2019](#) Waterfront District Sub-Area Plan includes land entirely within the City Center Neighborhood
9 on Bellingham Bay. The Subarea Plan is intended as a policy document for an overlay zone that will
10 guide future development within the subarea. See Appendix B – Waterfront District Sub-Area Plan for
11 details.

12 **Area 6 Land Use Designation: Urban Village**

13 **Area 7** [NO CHANGES]

Section 5. BMC Figure 16.30.100 - Waterfront District Planned Action Area is replaced with the following figure:



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Section 6. The tables in Chapter 16.30 BMC, Exhibit B, titled “Phasing of Transportation Infrastructure Improvements and Associated Development Potential – North of Waterway”, and “South of Waterway” are repealed and replaced with the corresponding tables in **Exhibit 2**.

Section 7. Amend BMC 20.25.020(F) concerning Design Review, Applicability, as follows:

F. Development in the Waterfront Design Review District.

1. Commercial ~~and Institutional~~ Mixed-Use Land Use Areas. All development activities within commercial ~~and institutional~~ mixed-use land use areas of the waterfront design review district (Figure 20.25.020(F)) shall obtain design review approval unless exempted under subsection (A) of this section, or the following:
 - a. Industrial, manufacturing and warehouse facilities, including boat servicing, repair and accessory offices located within the industrial mixed-use land use area, provided the buildings are set back at least 20 feet from adjacent arterial streets, trails, or parks, and the street frontage, trail or park is buffered by landscaping.
 - ~~b. The design and layout of buildings within institutional or business campuses may vary from the waterfront district design standards if a master plan or character plan is completed for the campus area with an alternate standard which implements the policies and implementation strategies of the waterfront district sub-area plan.~~
2. Industrial Mixed-Use Land Use Area. New construction within the industrial mixed-use land use area is subject to design review if the uses within the proposed building or facility include retail, personal services, cultural or entertainment uses, or if the building is located within 20 feet of an existing or proposed arterial street or park. In these situations the 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, the context of the street or park frontage, and the type of development proposed. Activities exempt from design review are those specified in subsections (A) and (F)(1)(a) of this section.
3. The following projects shall be reviewed either by staff, the design review board or the historic preservation commission as noted below:
 - a. Projects Subject to Review by the Design Review Board.
 - i. New buildings and developments.
 - b. Projects Subject to Review by the Historic Preservation Commission.
 - i. Additions and exterior alterations to buildings on the city of Bellingham register of historic places. If a certificate of alteration is required under BMC 17.90.060, the commission’s decision regarding the certificate of alteration shall be incorporated into the design review decision by the director.
 - c. Projects Subject to Staff Review.
 - i. Additions or exterior alterations to existing buildings and their associated site improvements, unless the building is on the city of Bellingham register of historic places.
 - ii. The director may refer any project subject to staff review to the applicable design review board or historic preservation commission for a recommendation if staff has identified potential inconsistencies with the design standards.

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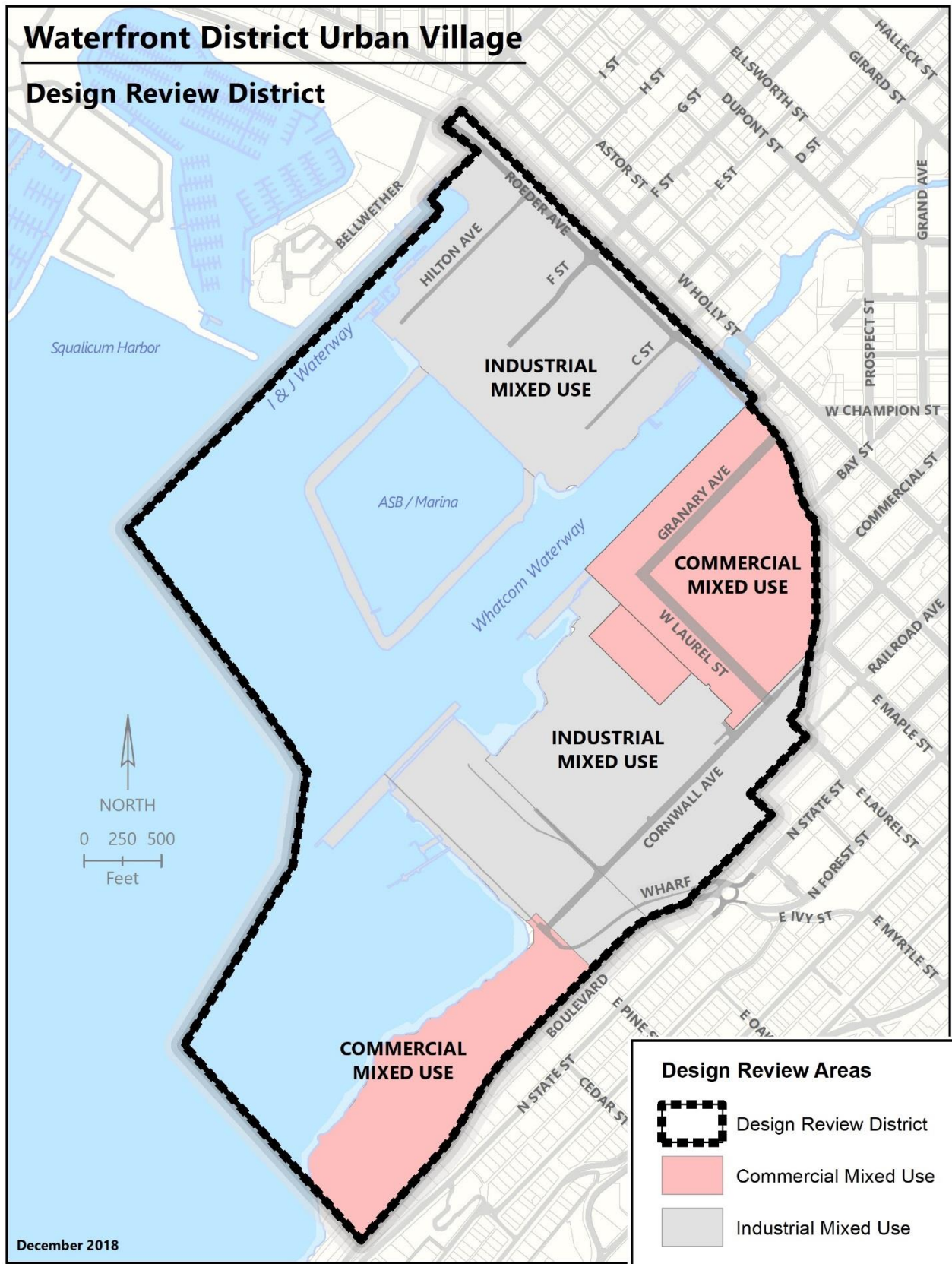
d. An applicant may request an optional preapplication design guidance meeting with the applicable design review board or historic preservation commission.

4. Decision Criteria. For projects listed in this subsection (F), Development in the Waterfront Design Review District, the director shall base his or her decision on consistency with the waterfront urban village design guidelines and standards in BMC 20.25.080 ~~unless an institutional master plan with an alternate design standard has been approved by the city council for an institutional or business campus~~. If there is any conflict between these standards and the standards in Chapter 17.90 BMC, Historic Preservation, the historic preservation standards shall prevail.

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Section 8. BMC Figure 20.25.020(F) - Waterfront Design Review District is replaced with the following figure:



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Section 9. Amend BMC 20.25.080(C) concerning Waterfront District, Specific (Design) Standards, as follows:

1. Site Design.

a. Orientation to Streets, Parks, and Trails.

- i. *Intent.* Reinforce pedestrian activity, orientation to ground floor activities and enhance the liveliness of the street and public spaces through building location and design.
- ii. *Guideline.* Locate new structures to contribute to a strong “building wall” edge to the street such that they align at the front lot line and build out to the full width of the parcel, to the side lot lines. Although small gaps may occur between some structures, these are the exception. This should not preclude the provision of a wider sidewalk, public space, landscaping, art or outdoor seating.
- iii. *Guideline.* Locate the primary building entrance at street level facing a public street. The primary entrance should be more articulated and highlighted (size, material, recessed, lighting) than secondary entrances.
- iv. *Guideline.* Commercial buildings facing public streets or trails in commercial mixed use areas shall have entrances from the street or trail every 75 feet, on average.
- v. Guideline. Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and their functions are mutually supportive. The following should be considered:
 - (A) Ensure that buildings which directly front on parks and trails interact with facility users.
 - (B) Activate parks and trails with a variety of uses that provide a continuity of experience with focused nodes of activity and destinations that are linked together.
 - (C) Provide interpretive opportunities that incorporate the cultural, historical, economic and environmental history of the site and community into the design of the park.
 - (D) Minimize conflicts with vehicular traffic.
 - (E) Consider the localized effect of sun angles, shading and wind on proposed park facilities and spaces.
- vi. Guideline. Site and design project-related open spaces to connect with, or enhance, the uses and activities of other nearby public open space where appropriate. Look for opportunities to support uses and activities on adjacent properties and/or the sidewalk.

b. Bay Street Connector.

- i. Intent. A key design consideration for the Waterfront District is the need to establish a strong visual and multi-modal connection between the existing commercial downtown and the business, residences and public spaces in the waterfront area. Although this connection will be challenging due to the presence of a bluff with a grade difference of approximately sixty (60) feet between the Downtown and Waterfront Districts, the Bay Street alignment can be developed in a manner that provides a gateway and strong linkage to the waterfront. Thoughtful design will be necessary to achieve both an effective and functional linkage. (see Figure 20.25.080(A))

ii. Guidelines. New development should respond to the following to ensure successful implementation of the Bay Street Connector:

(A) Create an iconic gateway from the Downtown to the Waterfront District and from the Waterfront to Downtown.

(B) Provide more than just a convenience between Districts – the connection should itself be a destination.

(C) Preserve and integrate views along the connection from Downtown to the interior of the site, tile tanks, digester, islands, and Olympic Mountains.

(D) Program a series of experiences and active uses to draw people through the corridor.

(E) Ensure that non-motorized access is seamless between Districts.

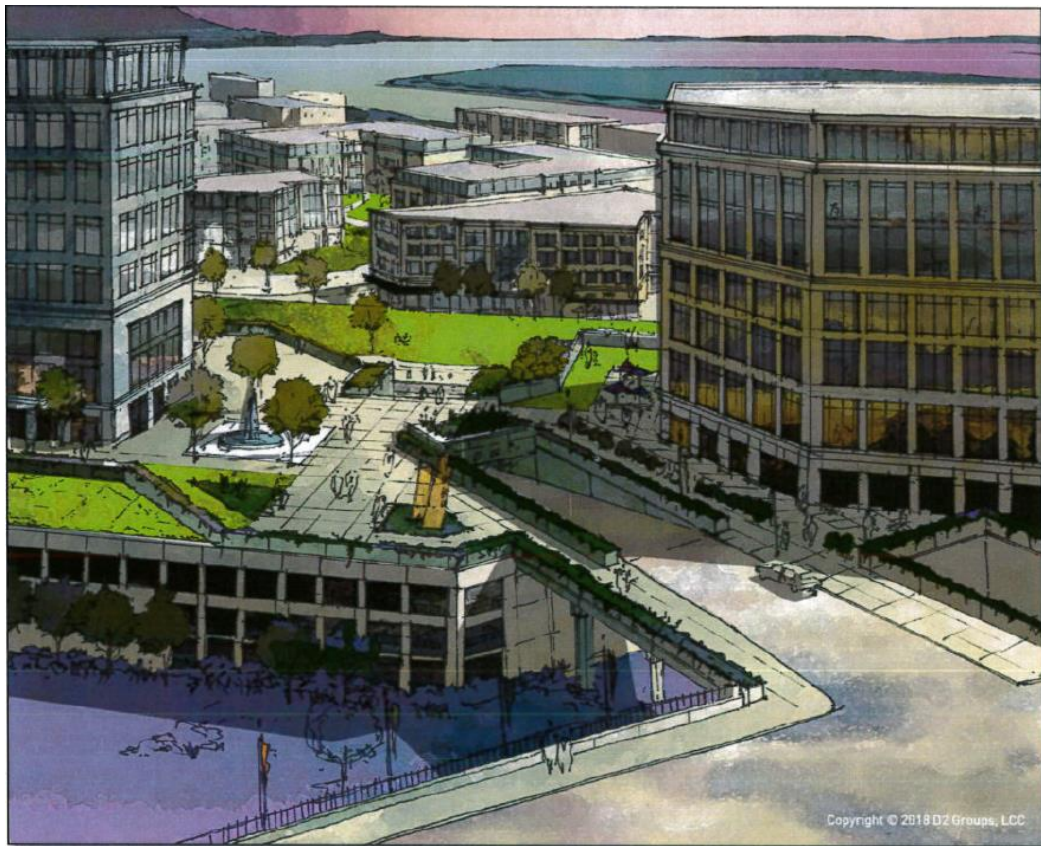


Figure 20.25.080(A): Bay Street Connector Concept

b-c. Surface Parking.

- i. *Intent.* Ensure that surface parking lots are not a dominant element within the waterfront district and minimize the impact of surface parking on the pedestrian environment.
- ii. *Standard.* Parking shall be located to the rear or side of buildings. Surface parking lots shall not be located at intersections nor include more than 120 feet of street frontage along any arterial street (see Figure 20.25.080(A)(B)). Access should be from a local street or alley where feasible.

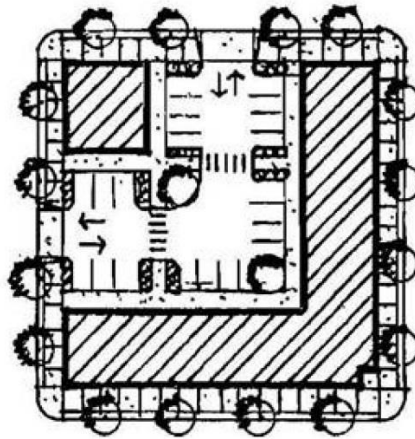


Figure 20.28.080(A)(B): Surface Parking – Parking Area Interior to Site

- iii. *Standard.* Long-term off-street surface parking lots shall not be located adjacent to Commercial Street or Bloedel Avenue Granary Avenue or W. Laurel Street. Interim surface parking lots may be permitted along Commercial Street and Bloedel Avenue Granary Avenue and W. Laurel Street for up to 10 years on parcels intended for redevelopment.

e.d. Drive-Through Facilities.

- i. Intent. Diminish the impact of automobiles on the pedestrian environment.
- ii. *Standard.* Access and stacking lanes for drive-through services shall not be located between the street and the building or between the building and a residential zone. (See Figure 20.25.080(B)(C).)

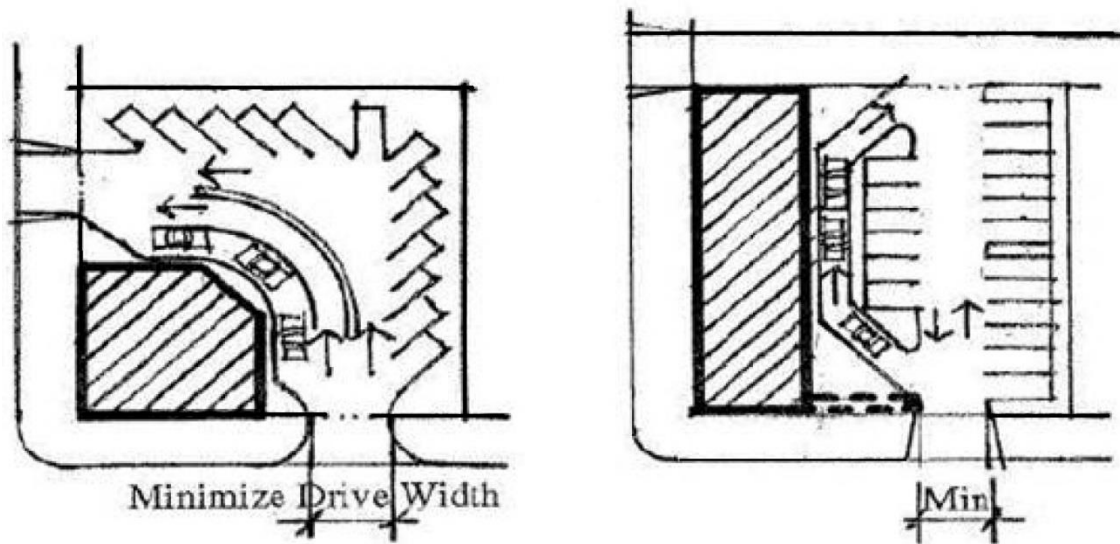


Figure 20.28.080(B)(C): Drive-Through Facilities

d.e. Refuse Enclosures.

- i.-iii. [NO CHANGES]

e.f. Rooftop Screening.

- i.-ii. [NO CHANGES]

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f.g. Pedestrian Connectivity.

- i. Intent. Create a network of safe, convenient and attractive off-street linkages for pedestrians.
- ii. Guideline. When a development encompasses a site greater than 240 feet wide or deep, incorporate pedestrian access through the site to connect to alleys, streets or neighboring properties. (See Figure 20.25.080~~(C)~~(D).)

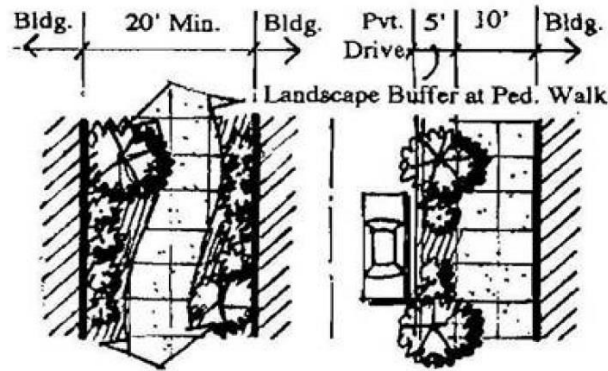


Figure 20.28.080~~(C)~~(D): Pedestrian Connectivity

- iii. Guideline. Provide walkways connecting building entrances to adjacent streets, parks and buildings. Locate walkways in active and well-lighted areas visible from adjoining public spaces. (See Figure 20.25.080~~(D)~~(E).)

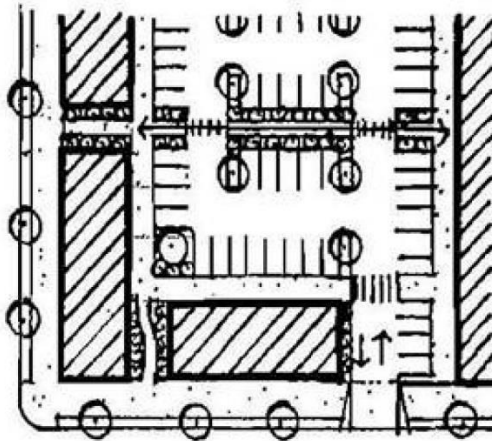


Figure 20.28.080~~(D)~~(E): Pedestrian Connectivity

- iv. Standard. Pedestrian through-block connections shall include a walkway at least five feet wide and shall be clearly defined by use of material, elevation (six inches raised) or landscaping borders. The space between two buildings adjoining a through-block walkway shall be a minimum of 20 feet, unless a shorter distance is approved through design review.
- v. Standard. Pedestrian access shall be provided between the building main entry and the public sidewalk. If walkways cross parking lots or driveways, the walkway shall be separated from the parking area by landscaping or by raised pavement, or, when crossing driving lanes, by a change in pavement texture or material.

g.h. Site Lighting.

i.-v. [NO CHANGES]

h.i. Acoustical Site Planning.

i.-v. [NO CHANGES]

2. Building Design

a. Building Scale.

i. Intent. Establish a building scale consistent with a highly urban downtown context.

ii. Guideline. Compose the massing and organize the interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.

iii. Guideline. Develop a primary facade that is in scale and maintains alignments with surrounding buildings. Although a new building may tower above the surrounding buildings, the first several stories should visually relate to the surrounding context.

iiiiv. Standards. (See Figure 20.25.080(E)(F).)

(A) Minimum building height within 15 feet of the street frontage of arterial streets in the commercial mixed-use subzone is 25 feet.

(B) Buildings within the commercial mixed-use sub-zone should have at least three (3) stories of occupied space in some portion of the building. This standard does not apply to buildings located within parks, view corridors or shoreline jurisdiction.

b. Massing and Articulation.

i. Intent. Reduce the apparent mass of large buildings to provide visual interest and pedestrian scale.

ii. ~~Guideline. Buildings should convey a visually distinct base and top.~~

iii. Guideline. Encourage visually distinct tops by incorporating Rroof parapets and eaves ~~are encouraged to that~~ vary in height to avoid long, straight lines at the maximum building heights.

iiiv. Guideline. Buildings with facades longer than 50 feet should be divided into “modules” that are expressed three-dimensionally throughout the building facade. Modules could vary in width and height.

iv. Guideline. Reduce the apparent mass of buildings facing adjacent public spaces by stepping down building height and reducing the area of wall planes.

vi. Standards.

~~(A) The maximum height within 15 feet of any arterial street right-of-way is four stories and 56 feet. A maximum of 50 percent of wall length above the fourth story may encroach five feet into the setback (not including decks). (See Figure 20.25.080(E).)~~

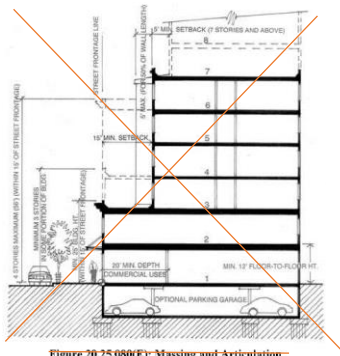


Figure 20.25.080(E): Massing and Articulation

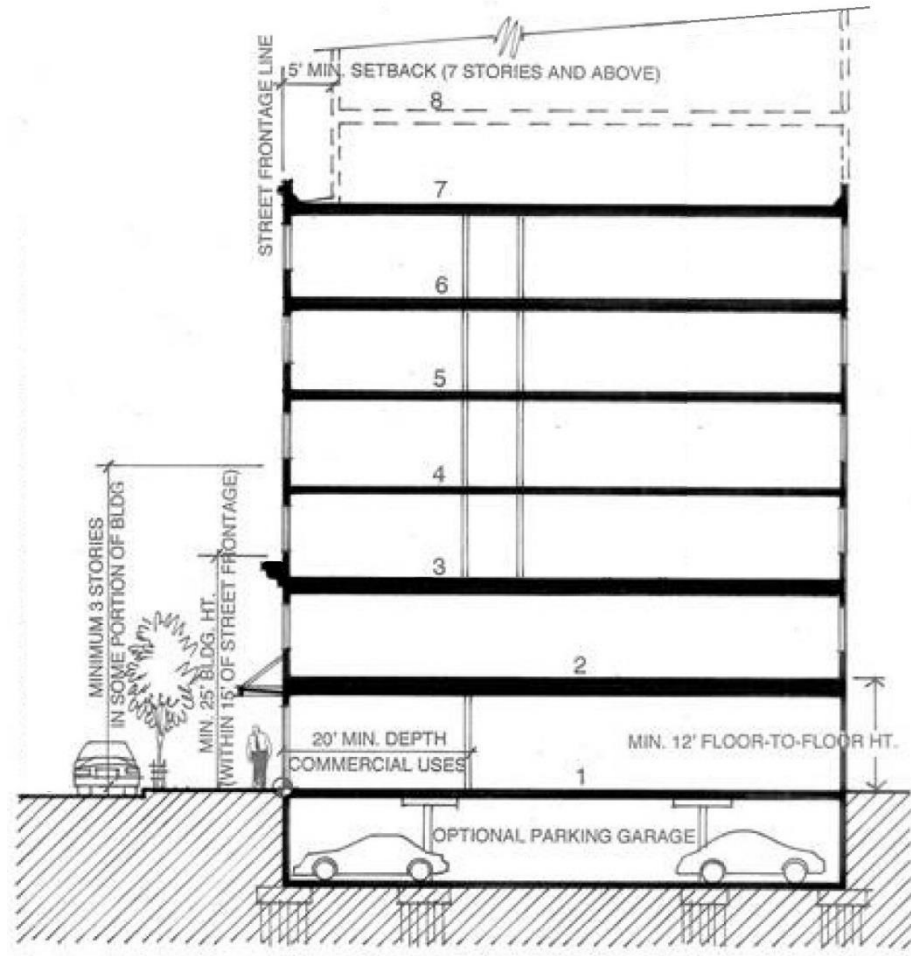


Figure 20.25.080(F): Massing and Articulation

(B)(A) Buildings over seven stories in height shall incorporate at least one additional setback at or above the seventh-third floor but below the 8th floor (see Figure 20.25.080(F)), and shall incorporate features that create a visually distinct roof form (see Figure 20.25.080(FG)). The following are examples of such features:

- 1 Terraced setbacks.
- 2 Pitched or curved roof elements.
- 3 Projecting cornice elements.
- 4 Trellises along the parapet.

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- 5 Geometric forms.
- 6 Change of material or color on the top floor.



Figure 20.25.080(G) – Roof Forms

~~(C)(B)~~ The street level floor of buildings within commercial mixed-use subzones shall have a minimum floor-to-floor height of 12 feet.

~~(D)(C)~~ The floor plate for any portion of a building exceeding 100 feet in height is limited to 14,000 square feet. (See Figure 20.25.080(~~FH~~).)

~~(E)(D)~~ Any portion of a building exceeding 100 feet must be located at least 100 feet from any portion of an existing or approved building face which exceeds 100 feet. (See Figure 20.25.080(~~FH~~).)



Figure 20.25.080(F)(H): Floor Plate Standards for Buildings Over 100 Feet Tall

c. Variations on Building Design.

i.-ii. [NO CHANGES]

d. Commercial Street Frontage Standard.

- i. *Intent.* To encourage pedestrian-oriented activity at street level along arterial streets in the downtown waterfront area.
- ii. *Guideline-Standard.* The front 20 feet of building space at sidewalk level along ~~Commercial Street and Bloedel Avenue~~ Granary Avenue and W. Laurel Street shall be designed for commercial or public uses, including retail, service, office, government, or similar nonresidential uses. Lobbies for residential uses and hotels and parking garage entries are exempt from this provision. Hotel guest rooms, dwelling units and structured parking garages shall not occupy street level building space fronting on ~~Commercial Street or Bloedel Avenue~~ Granary Avenue or W. Laurel Street.

e. Ground Floor Details.

- i. *Intent.* Reinforce the character of the streetscape by encouraging the greatest amount of visual interest along the ground level of buildings facing streets.
- ii. *Guidelines.* Create a visually distinct base. Ground-floor, street-facing facades of commercial and mixed-use buildings shall incorporate elements such as lighting ~~or hanging baskets~~, medallions, belt courses, plinths for columns, kick plates, projecting sills, tile work, pedestrian scale signs, planter boxes or other vegetation, or other elements that meet the intent.
- iii. *Guideline.* Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should appear safe, welcoming, and open to the general public.
- iv. *Guideline.* Consider setting portions of the building back slightly to create spaces conducive to pedestrian-oriented activities such as vending, resting, sitting, or dining. Further articulate the street level façade to provide an engaging pedestrian experience via open facades (i.e., arcades and shop fronts); multiple building entries; windows that encourage pedestrians to look into the building interior; merchandising display windows; street front

open space that features artwork, street furniture and landscaping; and exterior finish materials having texture, pattern, lending themselves to high quality detailing.

f. Structured Parking.

- i. *Intent.* Reduce the visual impacts of structured parking on public streets and open spaces.
- ii. *Guideline.* Where feasible, parking garages should be located on local streets or alleys or integrated within a building with occupied building space along the ground level street frontage.
- iii. *Guideline.* Structured parking levels that are adjacent to an arterial street or open space, or a public street within a commercial ~~or institutional~~ mixed zone, shall be screened or treated architecturally by window openings, landscaping or artwork designed to screen the facade.

g. Building material.

- i. *Intent.* Create a vibrant waterfront district through the use of good design and quality materials. The design of architectural features should contribute to create a building that exhibits a coherent architectural concept.
- ii. *Guideline.* Design architectural features that are an integral part of the building. ~~and~~
- iii. *Guideline.* ~~Discourage~~ features that appear to be “tacked on” or artificially thin.
- iv. *Guideline.* Material selection should exhibit high quality, particularly at street level. Examples include stone, brick, tile, concrete, metal, or transparent glass. ~~Avoid Residential lap siding on the ground floor of commercial or mixed use buildings~~ should be discouraged or minimized to an accent material.
- iv. *Guideline.* Encourage the use of recessed windows that create shadow lines.

h. Transparency.

- i. *Intent.* Provide a visual link between business spaces and public sidewalks to create visual interest at the pedestrian level.
- ii. *Standard.* A minimum of 60 percent of the building wall between two feet and seven feet above the sidewalk facing an arterial street in the commercial mixed-use subzone shall be transparent or lightly tinted glazing. Windows into parking garage space shall not qualify. If windows are not appropriate, glass display cases, decorative art (for example, murals or relief sculpture), significant architectural detailing or wall-covering landscaping may be used. (See Figure 20.25.080 ~~(G)(I).~~)

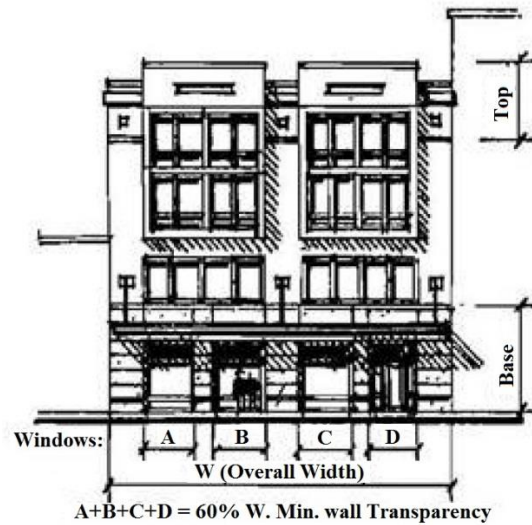


Figure 20.25.080 ~~(G)(I)~~: Transparency

i. Weather Protection.

- i. Intent. Provide pedestrians rain protection, integrate individual buildings into the streetscape, and define the pedestrian zone.

ii. Guideline. Project applicants are encouraged to provide continuous, well-lit, overhead weather protection where commercial uses are located at street level along arterial streets.

- ii. Guideline. Weather protection should be located between eight and 12 feet above the walkway but a higher placement may be considered if the width of the protection is increased.

~~iii. Standard. Where commercial uses or parking garages are located at street level along an arterial street, buildings shall provide pedestrian weather protection covering at least a four-foot width of sidewalk along at least 75 percent of the street level frontage. Minimum adjustments needed to accommodate trees or other overhead objects may be allowed. Materials shall be limited to metal, glass, Plexiglas or equivalent "hard" durable materials.~~

j.-k. [NO CHANGES]

l. Projections into the Public Right-of-Way.

- i. Intent. Provide adequate separation between private residential spaces, such as balconies, and the public walkway in order to make both the private and public spaces comfortable. Projections should not interfere with street amenities such as street trees, lighting or important public views. (Street encroachments are also regulated by the building code and BMC Title 13.)

- ii. Standards. No portion of a building may extend into the street right-of-way except:

(A) Decks and balconies shall not project more than two feet into the right-of-way unless a fixed awning covers the entire space directly below the deck or balcony incorporated into a fixed awning at the ground floor level. ~~A-Other than the preceding,~~ a deck or balcony may not in any case project more than four feet into the right-of-way.

- (B) Bay windows and similar architecture features with a horizontal width of not greater than 12 feet that project no more than four feet into the right-of-way from the face of the exterior wall, provided they are separated from like features by at least an equal width, may protrude into the right-of-way.
- (C) Columns, cornices, trellises, eaves and similar minor and/or decorative features; provided, that arcades shall not be located in the street right-of-way.
- (D) Steps, stoops and similar ground level features provided there is a minimum 12 feet of horizontal clearance to the street curb edge.
- (E) Awnings, marquees and signs, subject to compliance with other codes, provided no ground-mounted support structures for these features shall be located in the right-of-way.

m. [NO CHANGES]

n. Decks and Balconies.

- i. Intent. When provided, decks and balconies shall be designed as an integral element to a building's architecture.
- ii. Guideline. Decks and balconies should add visual texture and depth to the facade of a building without dominating the street or pedestrian environment below. They should not appear to be "tacked on" or artificially thin.

Section 10. Amend BMC 20.37.400 concerning Waterfront District Urban Village – Applicability, as follows:

A. The regulations specified in this article shall apply to the use of all public and private land within the waterfront district. Additional development regulations and restrictions apply as outlined in the development agreement adopted by Resolution No. ~~2013-28~~_____.

B. and C. [NO CHANGES]

D. Amendment.

1. The following amendments shall follow the annual comprehensive plan amendment process outlined in Chapter 20.20 BMC:
 - a. Any change within a land use area from one land use classification to another (i.e., commercial ~~or institutional~~ mixed-use to industrial mixed-use).
 - b. Any boundary change between unlike land use classifications (i.e., between commercial ~~or institutional~~ mixed-use and industrial mixed-use).
 - c. Creation of a new land use area with a new land use classification.
2. The following shall be considered through the rezone procedure in Chapter 20.19 BMC:
 - a. Changes in the boundaries between like land uses, such as commercial mixed-use and ~~institutional~~ industrial mixed-use.
 - b. Changes in the zoning of an "area" or portion thereof.
 - c. Changes in permitted uses and/or density rules shall be considered a rezone, regardless of the land use area in which they appear.

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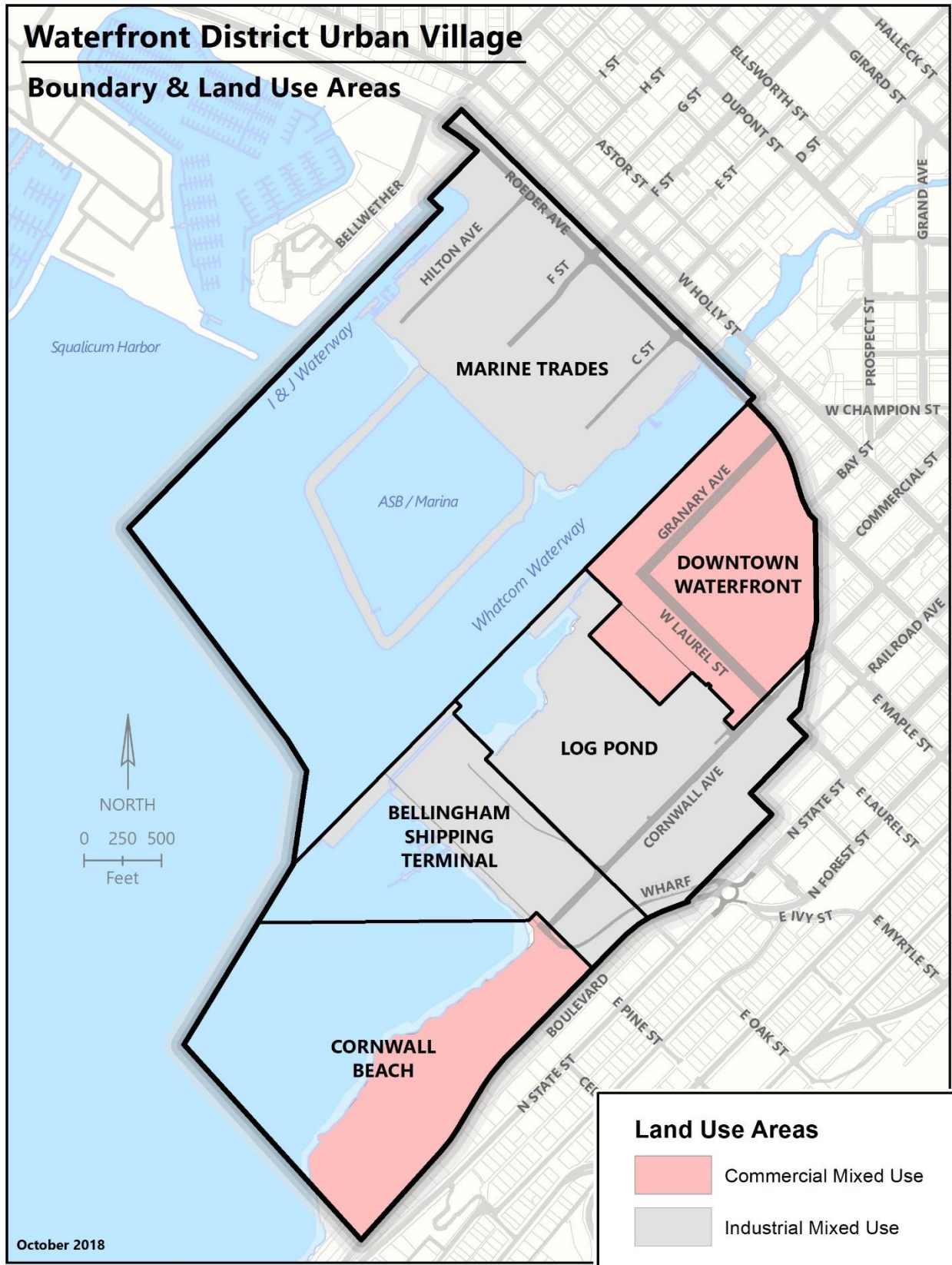
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3. All other amendments to BMC 20.37.400 through 20.37.480 shall be considered through the development regulation amendment procedure in Chapter 20.22 BMC.

Section 11. Amend BMC 20.37.410 concerning Waterfront District Urban Village – Establishment of Boundaries and Land Use Areas, as follows:

- A. The boundaries of the waterfront district and associated land use areas are delineated in Figure 20.37.410-A.
- B. The waterfront district is divided into various commercial, ~~institutional~~ and industrial land use areas. The purpose of these areas is to encourage the clustering of compatible uses, establish areas of unique character, and allow for variance in design and development intensity.
1. Generally. The waterfront district mixed-use designation is intended to implement the waterfront district subarea plan and community vision for the central waterfront. The mix of land uses and densities is intended to attract a compatible mix of commercial, institutional, light industrial, recreational, and urban density residential land uses. Parks, trails, public gathering places and areas for public use and enjoyment of the waterfront are encouraged throughout the district. Development and design standards encourage pedestrian-oriented development at street level and preserve water views from public viewpoints within adjacent neighborhoods through the use of view corridors and building height limitations.
 2. Industrial Mixed-Use (IND). The waterfront district industrial mixed-use designation recognizes the value and unique character of property with access or close proximity to navigable water and reserves this property primarily for industrial uses which depend upon or relate to the waterfront, but also allows public facilities, services, commercial and light industrial uses which support or are compatible with an industrial setting in areas where infrastructure supports such uses. Development regulations in this area allow the building height and bulk needed to accommodate marine and industrial uses.
 - ~~3. Institutional Mixed-Use (IM). The waterfront district institutional mixed-use and commercial mixed-use designations are like land use designations with the exception that IM is intended to accommodate higher educational institutions and similar institutional uses or business campuses as the primary use. Building placement within such campuses in the institutional mixed-use subzone may be in accordance with an adopted master plan prepared for the campus area. Research facilities, offices, retail, recreation, business and personal services and residential uses are also encouraged within the district to complement and support the institutional or business campus uses.~~
 - 4.3. Commercial Mixed-Use (CM). The waterfront district commercial mixed-use designation is characterized by a mix of residential, commercial, ~~institutional~~, offices, recreation and public uses. Eating, drinking, entertainment, retail and service establishments are encouraged at ground level.

Section 12. BMC Figure 20.37.410-A “Waterfront District Urban Village Boundary and Land Use Areas” is replaced with the following figure:



Section 13. Amend BMC 20.37.420(A)(7) concerning Waterfront District Urban Village – Uses, as follows:

A. Uses are established in Table 20.37.420-A, and the following:

1. Land use classifications are listed on the horizontal axis. Waterfront district land use areas are shown on the vertical axis.
2. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted subject to general requirements for the use and the use area.
3. If the symbol “C” appears in the box at the intersection of the column and the row, the use is permitted subject to the conditional use provisions specified in Chapter 20.16 BMC and to general requirements for the use and the use area.
4. If the symbol “N” appears in the box at the intersection of the column and the row, the use is not allowed in that area, except for certain short-term uses (see BMC 20.10.040, Temporary uses).
5. If a (number) appears in the box at the intersection of the column and the row, the use may be permitted in the use area subject to the special limitation indicated in the corresponding “note” at the end of the table.
6. Use Determination. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the planning and community development director shall have the authority to make the final determination. The director shall make the determination according to the characteristics of the operation of the proposed use as they relate to similar allowed uses within the use area.
7. Interim permitted uses are allowed in accordance with the development agreement approved by Resolution No. ~~2013-28~~ _____, or as amended by city council action.
8. Shoreline Master Program. Specific uses allowed in Table 20.37.420-A may be restricted by the shoreline master program.

Section 14. BMC Table 20.37.420-A Permitted Uses, concerning the Waterfront District Urban Village, is amended to eliminate the Institutional Mixed Use Area as follows:

Table 20.37.420-A Permitted Uses			
P = Permitted (#) = See Notes C = Conditional N = Not allowed			
LAND USE CLASSIFICATION	Area		
	Industrial Mixed-Use	Commercial Mixed-Use	Institutional Mixed-Use
A. RESIDENTIAL USES			
1. Bed and breakfast	N	N	N
2. Confidential shelters (subject to BMC 20.10.047)	N	P	P
3. Hotel, motel and hostel	N	p ⁽¹⁾	p⁽¹⁾
4. Residential uses	N	p ⁽¹⁾	p⁽¹⁾

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Table 20.37.420-A Permitted Uses P = Permitted (#) = See Notes C = Conditional N = Not allowed			
LAND USE CLASSIFICATION	Area		
	Industrial Mixed-Use	Commercial Mixed-Use	Institutional Mixed-Use
5. Night watchman or caretaker quarters	P	P	P
B. COMMERCIAL			
1. Adult entertainment	N	N	N
2. Commercial recreation	C ⁽⁵⁾	P	P
3. Crematory	P	N	N
4. Day care	N	P	P
5. Day treatment center	N	P	P
6. Drinking establishment	p ⁽⁵⁾	P	P
7. Drive-up/drive-through facilities such as bank tellers, food and beverage services, laundry pick-up, and car washes	p ⁽⁴⁾	N	N
8. Eating establishment	p ⁽⁵⁾	P	P
9. Live/work unit	N	P	P
10. Motor vehicles sales, limited to automobiles, motorcycles, scooters, recreational vehicles	N	p ⁽⁷⁾	p ⁽⁷⁾
11. Nightclubs	N	P	P
12. Offices, including child placement agency, post office and tourism center	p ⁽⁶⁾⁽¹¹⁾	P	P
13. Repair of small equipment and items such as appliances, electronics, clocks, furniture, hand tools and watches	P	p ⁽²⁾	p ⁽²⁾
14. Retail sales, except as restricted in subsection (B)(10) of this table	p ⁽⁶⁾	P	P
15. Services, personal	N	P	P
16. Service stations and gas stations	p ⁽⁴⁾	N	N
17. Water-related and water-dependent commercial, recreation and transportation uses such as: boat launching facilities, boat rental and sales, boat charter or cruise facilities, visitor moorage, boat storage, marina, water based transportation, and offices and retail supporting the same	P	P	P
C. HEALTH CARE			
1. Doctor, dentist, medical and therapy office and/or laboratory	N	P	P

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Table 20.37.420-A Permitted Uses P = Permitted (#) = See Notes C = Conditional N = Not allowed			
LAND USE CLASSIFICATION	Area		
	Industrial Mixed-Use	Commercial Mixed-Use	Institutional Mixed-Use
2. Medical care facility	N	P	P
3. Service care	N	P	P
4. Veterinary service, animal hospital and small animal care shop	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾
D. PUBLIC AND SEMI-PUBLIC ASSEMBLY			
1. Aquarium, interpretive center, library and museum	P	P	P
2. Art gallery, art school, and commercial art studio	P	P	P
3. Auditorium, stadium and theater	C ⁽⁴⁾	P	P
4. Church and house of worship	C ⁽⁴⁾	C	C
5. Community center	C	P	P
6. Convention center	C	P	P
7. Institution of higher education	p ⁽⁴⁾	P	P
8. Neighborhood club and activity center	N	P	P
9. Park, trail and playground	P	P	P
10. Passenger terminal	P	P	P
11. Private club and lodge	P	P	P
12. Public building and use	P	P	P
13. School	C	P	P
E. INDUSTRIAL			
1. Automobile repair	P	N	N
2. Automobile wrecking	N	N	N
3. Commercial electrical power generation per BMC 20.36.030	P	N	N
4. Hazardous waste treatment and storage facility per BMC 20.16.020(G)(1)	C	N	N
5. Manufacture and assembly	P	p ⁽²⁾	p ⁽²⁾
6. Mini-storage facility	P	p ⁽⁸⁾	p ⁽⁸⁾
7. Monument and stone works	P	N	N

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Table 20.37.420-A Permitted Uses P = Permitted (#) = See Notes C = Conditional N = Not allowed			
LAND USE CLASSIFICATION	Area		
	Industrial Mixed-Use	Commercial Mixed-Use	Institutional Mixed-Use
8. Repair of large equipment such as vessels, vehicles and floor based tools	P	N	N
9. Warehousing, wholesaling and freight operation	P	N	N
10. Water-related and dependent industrial uses such as: aquaculture, barge loading facility, boat/ship building, boat repair, dry dock, net repair, seafood processing, cargo terminal, web house, and offices supporting the same	P	N	N
F. MISCELLANEOUS USES			
1. Adaptive uses for historic register buildings per BMC 17.90.080 and 20.16.020	P	P	P
2. Agricultural nursery	P ⁽⁷⁾	N	N
3. Community gardens	N	P	P
4. Community public facilities per BMC 20.16.020(J)(4)	P	P	P
5. Parking facility (nonretail)	P	P	P
6. Parking facility (retail)	P	P	P
7. Public utilities on private property	P	P	P
8. Public utilities within a public right-of-way or park	P	P	P
9. District-specific utilities	P ⁽⁹⁾	P ⁽⁹⁾	P ⁽⁹⁾
10. Recreational vehicle park	N	N	N
11. Recycling collection center	P	P ⁽³⁾	P ⁽³⁾
12. Recycling and refuse collection and processing	P ⁽³⁾ , C ⁽¹⁰⁾	N	N
13. Wireless communications facility per Chapter 20.13 BMC	P, C	P, C	P, C

Notes

(1) Residential units or hotel rooms may not occupy the street level frontage on Granary ~~or Bleedel Avenue~~ or E. Laurel Street.

(2) Provided noise, smell and other impacts are internalized within an enclosed structure.

(3) Facilities shall be sized and designed to collect waste from residents, businesses and visitors to the waterfront district and shall not be used to collect or treat waste imported from outside of the district.

(4) Provided the project site has frontage on an arterial public street improved to a Type 1A or Type 1B street standard depicted in the waterfront district subarea plan, multi-modal circulation and parking chapter, or an alternate standard approved by the public works director.

(5) Provided the project site has frontage on an arterial public street improved to a Type 1A or Type 1B street standard depicted in the waterfront district subarea plan, multi-modal circulation and parking chapter, or an alternate standard

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approved by the public works director, or is located adjacent to the public park and trail planned along the frontage of the new ASB marina. Such uses may not be approved adjacent to the marina until after the marina and associated public access and parking are constructed.

(6) Provided the ~~office or~~ retail uses are related to construction, shipping, industrial or marine-related activities, or the sale of products manufactured or processed within the district. Retail sales in buildings adjacent to the new ASB marina may include food, alcohol and other commodities intended to serve boaters or marina customers after the marina has been constructed and is open for vessel use.

(7) When entirely enclosed within a structure.

(8) The floor area devoted to mini-storage shall be less than 50 percent of the floor area of other permitted use(s) on site, and mini-storage uses are prohibited on ground level street frontages except for entry, office and similar active uses.

(9) As allowed through approval of a waterfront utility master plan.

(10) Conditional for facilities that collect or process recycling or refuse imported from outside the district.

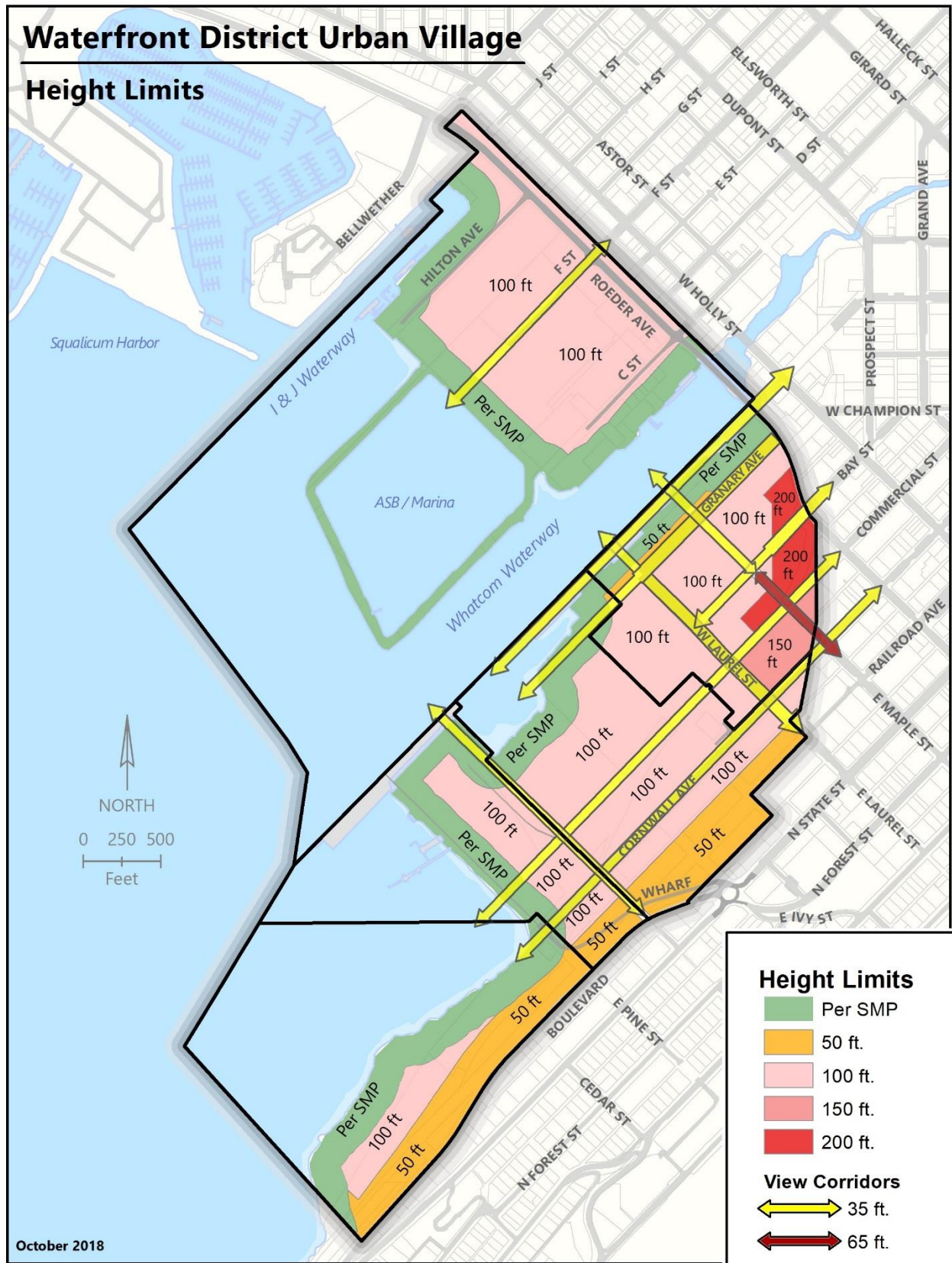
(11) Provided the office uses are related to construction, shipping, industrial or marine-related activities, research and development, alternative energy, or high technology industries and the office site has frontage on a public street improved to a Type 1A, or 1B Arterial or Type II Local Street standards, or an alternate standard approved by the City Public Works Director.

Section 14. Amend BMC 20.37.430(F) concerning Waterfront District Urban Village – Development Regulations, as follows:

F. Setbacks.

1. There shall be no minimum yards or building setbacks in the commercial ~~or institutional~~ mixed-use subzone~~s~~.
2. The location and screening of buildings and uses in the industrial mixed-use subzone shall comply with BMC 20.37.470, Waterfront district urban village – Landscaping.

Section 15. BMC Figure 20.37.430-A “Waterfront District Urban Village Height Limits” is replaced with the following figure:



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Section 16. Amend BMC 20.37.430(G)(4) concerning Waterfront District Urban Village – Development Regulations, Maximum Building Height as follows:

4. View Corridors.

- a. View corridors within the waterfront district are shown on Figure 20.37.430-A.
- b. Building height within view corridors is limited to 35 feet with the exception of the Maple Street view corridor which is limited to 65 feet upland from the tile tanks, and 35' waterward from the tile tanks. Where view corridors fall within public rights-of-way, including the Bay Street extension over the proposed parking garage, the view corridor extends to the edge of the right-of-way. View corridors which do not fall within public rights-of-way extend 30 feet on either side of the centerline of the designated view corridor.
- c. Height within view corridors is measured to the highest point of the building or structure. Encroachment above the height limit into view corridors by rooftop objects such as mechanical equipment, elevator and stair shafts, smokestacks and ventilators is prohibited, other than eaves, cornices, awnings, decks with see-through railings and other similar features not exceeding four feet tall.
- d. Exempt Structures. Structures of iconic art and historic waterfront structures that may be preserved and/or moved are exempt from view corridor height limits.

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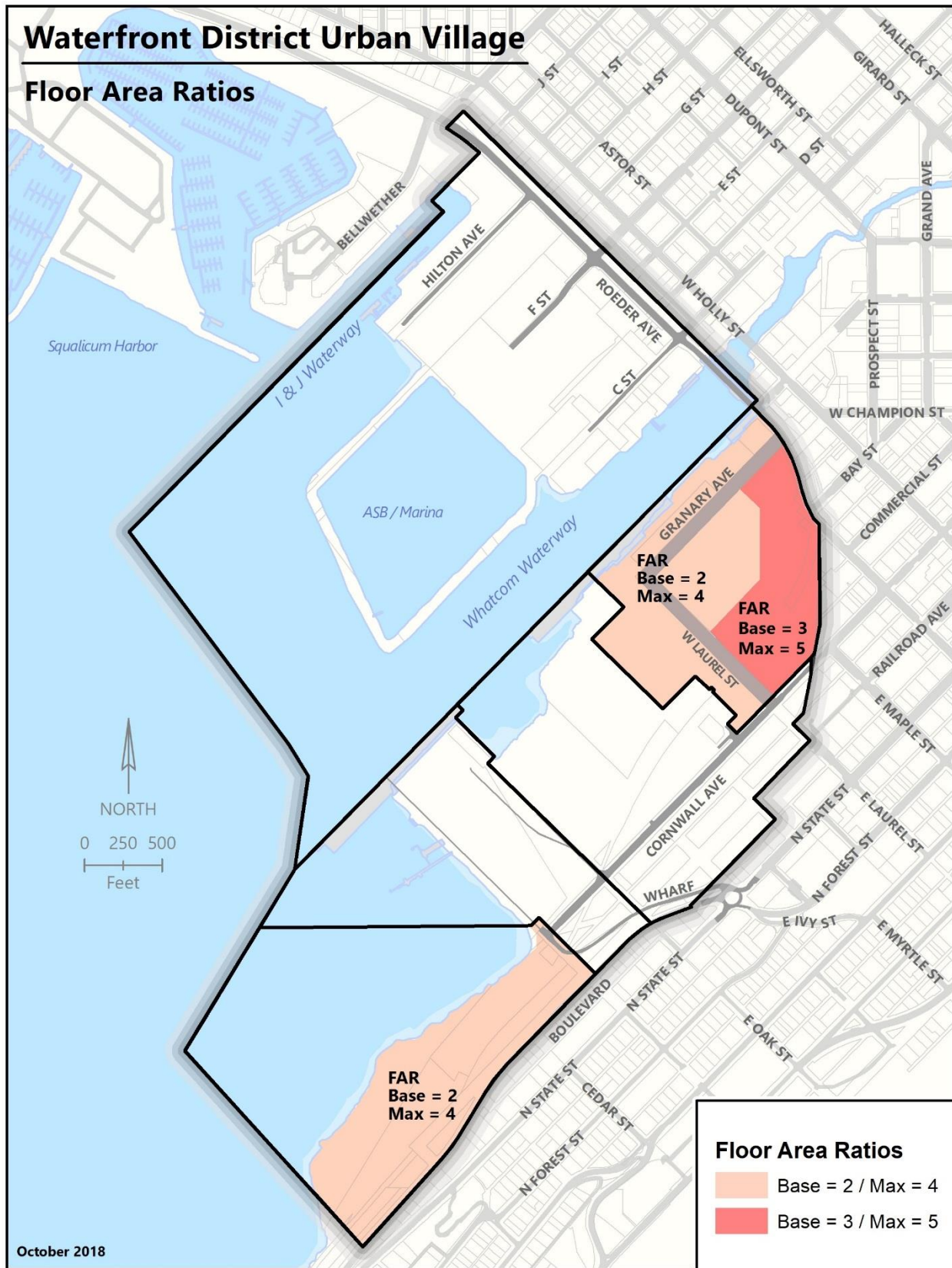
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Section 17. BMC Figure 20.37.430-B “Waterfront District Urban Village Floor Area Ratios” is replaced with the following figure:



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Section 18. Amend BMC 20.37.430(H)(2)(b) concerning Waterfront District Urban Village – Development Regulations – Floor Area Ratio (FAR), as follows:

2. Floor Area Ratio (FAR) Standard.

- a. Base and maximum FAR for each subzone are illustrated on Figure 20.37.430-B. Industrial mixed-use land use areas are exempt from FAR.
- b. Floor area transfer and bonuses outlined in Table 20.37.430-A provide the opportunity to increase FAR on individual building sites in the commercial ~~and institutional~~ mixed-use areas by a maximum of 2.0 FAR to the maximum FAR shown on Figure 20.37.430-B.

Section 19. Amend BMC 20.37.450(F) concerning Waterfront District Urban Village – Parking Design, as follows:

1. The location and screening of parking facilities in the waterfront district shall comply with BMC 20.37.470, Waterfront district urban village – Landscaping.

2. Commercial ~~and Institutional~~ Mixed-Use Areas.

- a. Individual surface parking lots or ground-level garages shall not be larger than two acres unless they are located under or over space intended for human occupancy.
- b. To minimize the heat island impact of surface parking lots, a minimum of 50 percent of all off-street parking spaces shall be:
 - i. Located within a building or parking structure;
 - ii. Placed under cover in a structure with a roof having a solar reflective index (SRI) of at least 29;
 - iii. Use paving materials with a SRI of at least 29; or
 - iv. Shaded by landscaping within five years of occupancy.

3. Interim Surface Parking.

- a. Intent. Interim surface parking may be permitted on parcels intended for redevelopment and should not remain in excess of 10 years in commercial ~~and institutional~~ mixed-use areas.
- b. Standard. Alternative development standards may be approved by the planning director for interim surface parking lots provided stormwater is treated in accordance with city stormwater regulations and a clear timeline is established for converting the lot to an alternate use.

Section 20. Amend BMC 20.37.470(B) concerning Waterfront District Urban Village – Landscaping, as follows:

B. Requirements.

1. Commercial ~~and Institutional~~ Mixed-Use Areas.

- a. Where open maintenance/storage yards, loading areas, internal vehicular circulation or open parking areas abut a street, trail or park, a landscape buffer a minimum of five feet deep shall be planted along the park, trail or street frontage.

2. Industrial Mixed-Use Areas.

- a. Where buildings containing industrial uses abut an arterial street, trail or park, a landscape buffer having a minimum 20-foot depth shall be planted along the park, trail or street frontage.
- b. Where open construction/maintenance/storage yards or loading areas abut an arterial street, trail or park, or are adjacent to land zoned ~~CM or IM~~ Commercial Mixed, a landscape buffer having a minimum 10-foot depth shall be planted along the park, trail or street frontage.
- c. Where open internal vehicular circulation or parking areas abut an arterial street, trail or park, a landscape buffer a minimum of five feet deep shall be planted along the park, trail or street frontage.
- d. The planning and community development director may reduce or eliminate the landscape buffer in subsection (B)(2)(a) of this section if all of the following criteria can be met for the wall length within the yard being reduced:
 - i. At least 35 percent of the building wall area on the ground floor contains transparent windows between a height of two feet and seven feet facing the street. The 35 percent transparent window calculation only applies to the section of building within the reduced yard.
 - ii. When the wall length within the yard being reduced fronts a street, a customer-oriented pedestrian entry faces, and is accessible from, the street.
 - iii. All parking facilities are located to the side or rear of the building having a reduced yard.
 - iv. Unless otherwise prohibited in Table 20.37.420-A or the shoreline master program, the proposed use is retail, eating or drinking establishment, personal or business services, amusement and recreation, professional offices, the office component of an industrial use, educational facilities, or similar uses as determined by the planning and community development director.

3. Street Trees.

- a. One street tree shall be provided for every 50 feet of street frontage.
- b. Street trees within view corridors shall be slow growing species with narrow canopy.

4. Parking Lot Landscaping.

- a. In commercial ~~and institutional~~ mixed use areas, surface parking lots with 15 or more parking spaces shall provide internal landscaping at the rate of 20 square feet of landscaped area per parking stall. The landscaping shall include at least one shrub for every 20 square feet of landscaped area and one shrub per enclosed bed. One tree shall be required for every 10 open parking spaces. Vegetation ground cover shall be provided for all landscaped areas that will provide 90 percent coverage within two years. This provision may be applied at the discretion of the planning director in industrial mixed use areas when developed with a commercial use.
- b. Areas between surface parking lots and adjacent property, except for ingress/egress lanes, shall be landscaped. Planting beds must be at least five feet wide. Exceptions:
 - i. A single five-foot-wide landscape bed may be installed between adjacent properties when parking thereon is developed in a coordinated fashion.

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- 1 ii. Landscaping between surface parking lots on adjacent properties may be waived by the
2 planning director when the parking on said properties will be shared or unbundled as
3 specified in BMC 20.37.450(C) and (D).
- 4 c. For every 10 open parking spaces, one tree shall be installed around the perimeter of the
5 surface parking. These trees may be grouped or spread lineally.
- 6 d. A wall or evergreen hedge designed to be maintained at a height of at least two and one-
7 half feet and not more than three and one-half feet is required along the frontage of any
8 street level open parking lot that fronts on an arterial street or park, or that is located in or
9 across a right-of-way from a commercial ~~or institutional~~ mixed zone. Open trellis work or
10 similar features that can be seen through may extend above the wall. Street trees with
11 canopies above pedestrian height may be included. Planting beds must be at least five feet
12 wide. (See Figure 20.37.470-A.)
- 13 e. Perimeter landscaping may not substitute for interior landscaping. However, interior
14 landscaping may join perimeter landscaping as long as it extends at least four feet into the
15 parking area from the perimeter landscape line.
- 16 f. A rain garden, bioswale or low water use alternative landscaping feature may be used to
17 screen surface parking lots, provided the planting bed is at least five feet wide and includes
18 shrubs or grasses which can be maintained at a height between two and one-half feet and
19 three and one-half feet the majority of the year.
- 20 g. Interim Surface Parking. Alternative development standards may be approved by the
21 planning director for interim surface parking lots provided stormwater is treated in
22 accordance with city stormwater regulations and a clear timeline is established for
23 converting the lot to an alternate use.
- 24 5. All Landscaping.
- 25 a. Landscape beds shall include trees and a mix of small, medium and large plantings for a
26 “layered” appearance, except where landscaping standards require a hedge, or an
27 alternative design is approved by the planning director.
- 28 b. Crime Prevention through Environmental Design (CPTED). Plant selection and maintenance
 shall incorporate CPTED principles to provide adequate visibility from sidewalks, trails and
 adjacent uses, and minimize squatting and loitering.
- c. Native Vegetation. Where feasible, landscaping should include drought-tolerant or native
 plant species.
- d. Irrigation. If permanent irrigation systems are installed, they shall utilize captured rainwater,
 treated wastewater or water from other non-potable source. Temporary irrigation systems
 may be installed for up to three years to allow new landscaping to be established.
- e. Bioretention Facilities. Bioretention facilities or bioswales for stormwater treatment may be
 located within public rights-of-way or parks adjacent to public right-of-way in place of
 required street trees or landscaping.

Section 21. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

1 **PASSED** by the Council this _____ day of _____, 2019

2
3 _____
4 Dan Hammill, Council President

5
6 **APPROVED** by me this _____ day of _____, 2019

7
8 _____
9 Kelli Linville, Mayor

10 **ATTEST:**

11 _____
12 Andy Asbjornsen, Finance Director

13
14 **APPROVED AS TO FORM:**

15
16 _____
17 Office of the City Attorney

18 **Published:** _____
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