

**Chapter 17.30**

**MUR-1 – Mixed Use Residential Zone**

Sections:

- 17.30.010 Title.
- 17.30.020 Application.
- 17.30.030 Purpose.
- 17.30.040 Authority.
- 17.30.050 Permitted primary uses.
- 17.30.060 Permitted accessory uses.
- 17.30.070 Conditional uses.
- 17.30.080 General use regulations.
- 17.30.090 Design standards.
- 17.30.100 Development standards.
- 17.30.110 Cottage housing (reserved).

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**17.30.010 Title.**

This chapter shall be called “MUR-1 – Mixed Use Residential Zone”

**17.30.020 Application.**

This chapter shall apply to all uses and developments in areas zone MUR-1.

**17.30.030 Purpose.**

MUR-1 zone is intended to implement the MUR comprehensive plan designation by accommodating a mix of attached housing and commercial uses with an emphasis on residential uses. The MUR-1 zone is intended to create an environment that accommodates small scale, indoor commercial activities such as offices, professional services, home businesses, art galleries, and other similar uses that generate limited traffic, pollution, and noise, and primarily operate during daytime business hours. Permitted residential uses include a variety of higher density housing types including duplexes, townhomes, and multiunit buildings. The development standards and design regulations for the MUR-1 zone are intended to create a streetscape and environment that has more traditional urban characteristics than the City’s residential zones, including building set closer to the street, varied roof types, and intermittent commercial spaces.

**17.30.040 Authority.**

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63, 36.70A and 36.70B RCW and other applicable laws and regulations. (Ord. 1857 § 2 (Exh. B), 2018).

**17.30.050 Permitted primary uses.**

Buildings structures, and lots in the MUR-1 zone shall only be used for the following, unless otherwise provided for in this title:

- A. Detached dwellings;
- B. Duplex dwellings;
- C. Horizontally attached dwellings;
- D. Multiunit buildings, small and medium;
- E. Boarding houses;
- F. Commercial child daycare center;
- G. Small utilities;

- H. Small private schools;
- I. Small meeting facilities;
- J. Professional offices;
- K. Personal services;
- L. Specialized instruction;
- M. Small nursing homes;
- N. Small scale retail;
- O. Small healthcare facilities;
- P. Veterinary clinics.

**17.30.060 Permitted accessory uses.**

The following buildings, structures, and uses are permitted accessory uses in the MUR-1 zone. Accessory uses shall only be permitted when associated with, and incidental and subordinate to, a legally established primary use.

A. Normal residential appurtenances. The following uses and structures may be authorized as an accessory use in conjunction with a dwelling, multiunit building, or residential development: garages, recreation, exercise, or community room, manager's office, storage shed, noncommercial gardens and greenhouses, swimming pools, laundry rooms and facilities, decks, patios, driveways, on-site utilities and utility connections, fences, and solar panels;

B. Keeping of not more than six household pets, four of which may be dogs, kept in the home. This limit shall not include birds, fish or suckling young of pets;

C. Family day care services;

D. Foster family care services;

E. Telecommunication mini facility, subject to the following requirements:

1. The mini facility may be located on buildings and structures; provided, that the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.
2. The mini facility shall be exempt from design review if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.
3. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.

4. Mini facilities shall comply with the height limitation specified for all zones except as follows: Omnidirectional antennas may exceed the height limitation by 10 feet, or in the case of nonconforming structures the antennas may extend 10 feet above the existing structure. Panel antennas may exceed the height limitation if affixed to the side of an existing nonconforming building and blends in architecturally with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.

F. Parking facilities.

G. Urban agriculture.

**17.30.070 Conditional uses.**

The following uses shall require a conditional use permit:

B. Large meeting facilities;

C. Large private schools;

D. Medium utilities;

E. Large multiunit buildings;

F. Small eating and drinking establishments;

G. Medium scale retail;

H. Large nursing homes;

I. Large healthcare facilities.

**17.30.080 General use regulations.**

A. Rural agricultural uses are not permitted.

B. No trailer, recreational vehicle, boat, camping trailer, fifth wheel, camper, van, car, or other similar type of mobile unit that is not a permanent structure attached to the ground, shall be used as a place of habitation or as a dwelling. Only site built structures which comply with all applicable building code requirements and manufactured or modular homes which meet applicable state or federal standards for use as a dwelling unit may be used as a place of habitation or as a dwelling.

C. Junk storage is only permitted outdoors when completely surrounded by a solid, site obscuring fence and not visible from an adjoining street or public right-of-way. Outdoor storage shall also be subject to the following additional restrictions and requirements:

1. Litter, trash, used appliances, used interior furnishings and discarded exterior furnishings and similar items are prohibited outdoors regardless of location.
2. Junk storage is further limited to piled used lumber, yard cleanup equipment and similar types of items; it is not intended to include the storage of any items that would be classified as a nuisance under chapter 8.12 BMC.

D. Drive-through uses are prohibited.

E. Uses generating noise levels incompatible with residential occupancy shall not be permitted and the following regulations shall apply to all uses:

1. Truck loading, deliveries, and other similar activities shall only be prohibited except between the hours of 7:00 a.m. and 7:00 p.m.

2. Uses involving music, such as dance studios or music classes, and uses that could potentially generate noise impacts, such as eating and drinking establishments, shall be conducted in a fully enclosed building and an approved acoustical wall installed to prevent excessive noise at the property line, or if in a mixed use building, to provide a noise barrier between the commercial and residential occupancy. Construction techniques shall be employed to ensure sound transmission control ratings are compatible with a mixed use environment.

F. Processing, handling, and storage of hazardous materials, including medical waste, is prohibited, except for small quantities as minimally necessary when incidental and secondary to a permitted use.

**17.30.090 Design standards.**

A. Parking facilities and access.

1. Where alley access is available, off street parking spaces and garages shall be accessed from the alley and no curb cuts shall be permitted. This requirement shall apply to all land divisions, the construction of new homes and buildings, and requests for new curb cuts;
2. Parking areas shall not be located between the building and the street and shall be fully screened from view using a combination of fencing and landscaping.

B. Heat pumps and other mechanical equipment shall only be permitted within 10 feet of a property line adjoining another residential development or dwelling if all equipment shall be equipped with a noise-baffling screen so there is no audible sound at the property line. All such equipment shall be fully screened from view using landscaping or fencing. Rooftop mechanical equipment shall be fully screened from view.

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C. The following exterior finishes and materials shall be prohibited:

1. Vinyl siding;
2. T-111 plywood;
3. Exterior insulation finishing system (EIFS).

D. New subdivisions or developments that will result in 40 or more lots or dwellings shall include a common open space area for outdoor recreation.

E. Detached dwellings. Detached dwellings shall only be permitted in the following circumstances:

1. On existing lots that have an area of 4,000 square feet or less;
2. The construction of two or more detached dwellings on an existing lot provided the resulting density is at least one unit per 4,000 square feet;
3. In a cottage development with a gross density of at least 15 units per acre;
4. As part of a development with a mix of building types that has a gross density of at least 15 units per acre.

F. Multiunit and horizontally attached dwellings.

1. Large multiunit buildings and residential buildings in any development that includes more than eight dwellings shall be designed by a licensed architect and detailed elevation drawings shall be provided with the land use permit application;
2. Large multiunit buildings and residential buildings in any development that includes more than eight dwellings shall have frontage on a public or private street. The primary entrance for each building shall face the street and direct pedestrian access shall be provided between the entrance and the street.

3. For horizontally attached dwellings, each unit shall have its own exterior entrance and a direct pedestrian connection shall be provided between the entrance and the nearest street. For developments that include more than eight units, each unit shall have frontage on a public or private street and the primary entrance to each unit shall face the street.
4. Primary building entrances shall incorporate a covered porch or landing with a minimum area of 20 square feet and a minimum depth of three feet;
5. A consolidated garbage and recycling area shall be provided and shall be screened from view in accordance with the applicable landscaping standard;
6. The maximum building length shall not exceed 180 feet.
7. Street facing facades of large multiunit buildings shall incorporate modulations at intervals of 60 feet or less as follows:
  - a. Each modulation shall have a minimum width of 15 feet and a minimum depth of 6 feet;
  - b. Balconies can be used to meet a portion of this requirement provided each balcony has an area of at least 80 square feet and a depth of at least 6 feet.
8. For the purpose of breaking up the vertical mass of buildings, the first floor of a multistory building shall be distinguished from the upper floors through the use of at least one of the following design elements:
  - a. Change in materials;
  - b. Change in color;
  - c. Molding or other horizontally distinguishing transition trim, treatment, or embellishment.
9. Each building shall include architectural design elements or materials intended to break up the mass of the building and provide greater compatibility with the scale and appearance of surrounding residential structures. At a minimum all buildings must incorporate at least two of the following design elements:
  - a. Changes in the roofline at intervals of no more than 30 feet, such as variations in roof pitch, height, overhangs, projections, or extended eaves;
  - b. Include at least two dormers with a minimum width of three feet;
  - c. Include at least two balconies on front façade. Balconies shall have a minimum depth of 6 feet between the building wall and the balcony railing;
  - d. For buildings with more than one floor, reduce the area of the upper floor so that its area is less than that of the first floor. To receive credit for this design element, the front building wall on the upper floor shall be stepped back from the first floor a minimum of two feet. The portion of upper floor stepped back from the first floor shall have a minimum width of eight feet. Uncovered, or covered unenclosed, balconies can be used to receive credit for this design element provided they satisfy the minimum dimensional requirements of this provision.
10. Transition areas. For developments that abut property zoned RD the following standards shall apply:
  - a. All residential buildings shall be setback at least 20 feet from parcels zoned RD. Any portion of a building higher than 25 feet or containing more than two stories shall be setback at least 40 feet from parcels zoned RD.

- b. Balconies that face a parcel zoned RD shall be faced with a material such as frosted or opaque glass to provide visual privacy.
- c. Parking spaces and access roads shall not be located within 20 feet of a parcel zoned RD.
- d. A landscaped buffer shall be provided in accordance with the requirements of Chapter 17.81 BMC.

K. Nonresidential uses.

L. **Manufactured Homes.** Manufactured homes may be placed on any lot in an MUR-1 zone where detached dwellings are permitted and regulated in accordance with the same standards and requirements applicable to site built detached homes, except that the following additional regulations shall apply. These standards and requirements do not apply to legally established, nonconforming manufactured homes or manufactured homes placed within a manufactured home park.

- 1. The manufactured home shall be set upon a permanent foundation, as specified by the manufacturer, and the space between the bottom of the home and the ground shall be enclosed by concrete or an approved concrete product which may be either load bearing or decorative;
- 2. The manufactured home shall have been originally constructed with and shall now have a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch;
- 3. The manufactured home shall have exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences;
- 4. The placement of the manufactured home shall be consistent with all other regulatory requirements generally
- 5. Manufactured homes shall comply with all of the regulatory requirements and permit processing procedures identified in the chapter for site built detached homes.

**17.30.100 Development standards.**

A. **Lot Area and Dimension.** The following requirements shall apply to all land divisions and boundary line adjustments:

- 1. Minimum lot area: 1,500 square feet.
- 2. Minimum lot width:
  - a. For lots with no alley access or where curb cuts are permitted: 30 feet
  - b. For lots with alley access or where curb cuts are prohibited by plat notes: 15 feet
- 3. Minimum lot depth: 60 feet.

B. **Minimum setback requirements.**

- 1. Front: 10 feet
- 2. Street side: 10 feet
- 3. Side: 5 feet.
- 4. Rear: 10 feet.
- 5. Alley: 0 feet.
- 6. Setback Exceptions:

The Burlington Municipal Code is current through Ordinance 1870, passed January 24, 2019.

a. When authorized pursuant to this chapter, no property line setback shall apply to the common walls of zero lot line structures or horizontally attached dwellings;

b. All other buildings and structures: see Chapter 17.70 BMC.

C. Minimum building separation:

1. Primary structures: 30 feet.
2. Accessory structures: 10 feet.
3. Exceptions: When authorized pursuant to this Chapter no separation requirement shall apply between zero lot line structures or horizontally attached dwellings that share a common wall.

D. Maximum building and impervious surface coverage: 70 percent.

E. Maximum building height: 45 feet.

**17.30.110 Cottage housing (reserved).**

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## Chapter 17.40

### MUR-2 – Mixed Use Residential Zone

#### Sections:

- 17.40.010 Title.
- 17.40.020 Application.
- 17.40.030 Purpose.
- 17.40.040 Authority.
- 17.40.050 Primary permitted uses.
- 17.40.060 Permitted accessory uses.
- 17.40.070 Conditional uses.
- 17.40.080 General use regulations.
- 17.40.090 Design standards.
- 17.40.100 Development standards.

#### **17.40.010 Title.**

This chapter shall be called “MUR-2 – Mixed Use Residential Zone”

#### **17.40.020 Application.**

This chapter shall apply to all uses and developments in areas zone MUR-2.

#### **17.40.030 Purpose.**

MUR-2 zone is intended to implement the MUR comprehensive plan designation by accommodating a mix of attached housing and commercial uses with an emphasis on residential uses. The MUR-2 zone is intended to create an environment that accommodates small scale, commercial activities such as offices, professional services, home businesses, art galleries, and other similar uses that generate limited traffic, pollution, and noise, and primarily operate during daytime business hours. This zone is also intended to accommodate small scale craft industries and trades that are compatible with residential uses such as contractor’s offices and craft industries. Permitted residential uses include a variety of higher density housing types including duplexes, townhomes, and multiunit buildings. The development standards and design regulations for the MUR-2 zone are intended to create a streetscape and environment that has more traditional urban characteristics than the City’s residential zones, including buildings set close to the street, varied roof types, and intermittent commercial spaces, and to minimize conflicts between residential and non-residential uses.

#### **17.40.040 Authority.**

This chapter is adopted pursuant to the provisions of chapters 35A.63, 36.70A, and 36.70B RCW and other applicable laws and regulations. (Ord. 1857 § 2 (Exh. B), 2018).

#### **17.40.050 Primary permitted uses.**

- A. Detached dwellings;
- B. Duplex dwellings;
- C. Horizontally attached dwellings;
- D. Multiunit buildings, small and medium;
- E. Boarding houses;
- F. Commercial child daycare center, all sizes;
- G. Small utilities;

- H. Private schools, all sizes;
- I. Meeting facilities, all sizes;
- J. Professional offices;
- K. Personal services;
- L. Specialized instruction;
- M. Craft industries;
- N. Contractor's offices;
- O. Small eating and drinking establishments;
- P. Small scale retail;
- Q. Healthcare facilities, all sizes;
- R. Veterinary clinics.

**17.40.060 Permitted accessory uses.**

The following buildings, structures, and uses are permitted accessory uses in the MUR-2 zone. Accessory uses shall only be permitted when associated with, and incidental and subordinate to, a legally established primary use.

A. Normal residential appurtenances. The following uses and structures may be authorized as an accessory use in conjunction with a dwelling, multiunit building, or residential development: garages, recreation, exercise, or community rooms, manager's office, storage shed, noncommercial gardens and greenhouses, swimming pools, laundry rooms and facilities, decks, patios, driveways, on-site utilities and utility connections, fences, and solar panels;

B. Keeping of not more than six household pets, four of which may be dogs, kept in the home. This limit shall not include birds, fish or suckling young of pets;

C. Family day care services;

D. Foster family care services;

F. Telecommunication mini facility, subject to the following requirements:

1. The mini facility may be located on buildings and structures; provided, that the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.
2. The mini facility shall be exempt from design review if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.
3. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.
4. Mini facilities shall comply with the height limitation specified for all zones except as follows: Omnidirectional antennas may exceed the height limitation by 10 feet, or in the case of nonconforming structures the antennas may extend 10 feet above the existing structure. Panel antennas may exceed the height limitation if affixed to the side of an existing nonconforming building and blends in architecturally with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.

G. Parking facilities;

H. Outdoor storage yards associated with a non-residential use.

I. Urban agriculture.

**17.40.070 Conditional uses.**

The following uses shall be considered conditional uses and shall require a conditional use permit:

B. Large multiunit buildings;

C. Medium utilities;

D. Minor industrial;

E. Medium scale retail;

F. Large nursing homes;

G. Laboratories and research facilities.

**17.40.080 General use regulations.**

A. Uses generating noise levels incompatible with residential occupancy shall not be permitted and the following regulations shall apply to all uses:

1. Truck loading, deliveries, and other similar activities shall only be prohibited except between the hours of 7:00 a.m. and 7:00 p.m.

2. Uses involving music, such as dance studios or music classes, and uses that could potentially generate noise impacts, such as eating and drinking establishments and craft industries, shall be conducted in a fully enclosed building and an approved acoustical wall installed to prevent excessive noise at the property line, or if in a mixed use building, to provide a noise barrier between the commercial and residential occupancy. Construction techniques shall be employed to ensure sound transmission control ratings are compatible with a mixed use environment.

B. Processing, handling, and storage of hazardous materials, including medical waste, is prohibited, except for small quantities as minimally necessary when incidental and secondary to a permitted use.

C. Outdoor storage shall only be permitted in an improved storage yard and shall be subject to the following standards:

1. Outdoor storage yards shall be secondary and incidental to a permitted use;

2. Must be paved with asphalt, concrete, or an approved permeable paving material;

3. In addition to any other standard prescribed in the landscaping section, outdoor storage yards shall be screened from view using a combination of fencing and landscaping;

4. Storage yards shall not be located between a building and the street, except on corner lots where storage yards may be located between a building and one street frontage if no feasible alternative exists;

4. Litter, trash, used appliances, used interior furnishings and discarded exterior furnishings and similar items are prohibited outdoors regardless of location.

5. Outdoor storage of junked, wrecked, or inoperable vehicles shall be prohibited.

6. Outdoor storage of any items that would be classified as a nuisance under Chapter 8.12 BMC is prohibited.

D. Drive-through uses are prohibited.

E. Rural agricultural uses are not permitted.

F. No trailer, recreational vehicle, boat, camping trailer, fifth wheel, camper, van, car, or other similar type of mobile unit that is not a permanent structure attached to the ground, shall be used as a place of habitation or as a dwelling. Only site built structures which comply with all applicable building code requirements and manufactured or modular homes which meet applicable state or federal standards for use as a dwelling unit may be used as a place of habitation or as a dwelling.

**17.40.090 Design standards.**

**A. Parking facilities and access.**

1. Where alley access is available, off street parking spaces and garages shall be accessed from the alley and no curb cuts shall be permitted. This requirement shall apply to all land divisions, the construction of new homes and buildings, and requests for new curb cuts;
2. Parking areas shall not be located between the building and the street and shall be fully screened from view using a combination of fencing and landscaping

B. Heat pumps and other mechanical equipment shall only be permitted within 10 feet of a property line adjoining another residential development or dwelling if all equipment ~~shall be~~ equipped with a noise-baffling screen so there is no audible sound at the property line. All such equipment shall be fully screened from view using landscaping or fencing. Rooftop mechanical equipment shall be fully screened from view.

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**C. The following exterior finishes and materials shall be prohibited:**

1. Vinyl siding;
2. T-111 plywood;
3. Exterior insulation finishing system (EIFS).

D. New subdivisions or developments that will result in 40 or more lots or dwellings shall include a common open space area for outdoor recreation.

**E. Detached dwellings. Detached dwellings shall only be permitted in the following circumstances:**

1. On existing lots that have an area of 4,000 square feet or less;
2. The construction of two or more detached dwellings on an existing lot provided the resulting density is at least one unit per 4,000 square feet;
3. In a cottage development with a gross density of 15 units per acre or more;
4. As part of a development with a mix of building types and a gross density of 15 units per acre or more.

**F. Multiunit and horizontally attached dwellings.**

1. Large multiunit buildings and buildings in any development that includes more than eight dwellings shall be designed by a licensed architect and detailed elevation drawings shall be provided with the land use permit application;
2. Multiunit buildings shall have frontage on a public or private street. The primary entrance for each building shall face the street and direct pedestrian access shall be provided between the entrance and the street.
3. For horizontally attached dwellings, each unit shall have its own exterior entrance and a direct pedestrian connection shall be provided between the entrance and the nearest street. For developments that include more than eight units, each unit shall have frontage on a public or private street and the primary entrance to each unit shall face the street.

4. Primary building entrances shall incorporate a covered porch or landing with a minimum area of 20 square feet and a minimum depth of three feet;
5. A consolidated garbage and recycling area shall be provided and shall be screened from view in accordance with the applicable landscaping standard;
6. The maximum building length shall not exceed 180 feet.
7. Street facing facades of large multiunit buildings shall incorporate modulations at intervals of 60 feet or less as follows:
  - a. Each modulation shall have a minimum width of 15 feet and a minimum depth of 6 feet;
  - b. Balconies can be used to meet a portion of this requirement provided each balcony has an area of at least 80 square feet and a depth of at least 6 feet.
8. For the purpose of breaking up the vertical mass of buildings, the first floor of a multistory building shall be distinguished from the upper floors through the use of at least one of the following design elements:
  - a. Change in materials;
  - b. Change in color;
  - c. Molding or other horizontally distinguishing transition trim, treatment, or embellishment.
9. Each building shall include architectural design elements or materials intended to break up the mass of the building and provide greater compatibility with the scale and appearance of surrounding residential structures. At a minimum all buildings must incorporate at least two of the following design elements:
  - a. Changes in the roofline at intervals of no more than 30 feet, such as variations in roof pitch, overhangs, projections, or extended eaves;
  - b. Include at least two dormers with a minimum width of three feet;
  - c. Include at least two balconies on front façade. Balconies shall have a minimum depth of 6 feet between the building wall and the balcony railing;
  - d. For buildings with more than one floor, reduce the area of the upper floor so that its area is less than that of the first floor. To receive credit for this design element, the front building wall on the upper floor shall be stepped back from the first floor a minimum of two feet. The portion of upper floor stepped back from the first floor shall have a minimum width of eight feet. Uncovered, or covered unenclosed, balconies can be used to receive credit for this design element provided they satisfy the minimum dimensional requirements of this provision.
10. Transition areas. For developments that abut property zoned RD the following standards shall apply:
  - a. All residential buildings shall be setback at least 20 feet from parcels zoned RD. Any portion of a building higher than 25 feet or containing more than two stories shall be setback at least 40 feet from parcels zoned RD.
  - b. Balconies that face a parcel zoned RD shall be faced with a material such as frosted or opaque glass to provide visual privacy.
  - c. Parking spaces and access roads shall not be located within 20 feet of a parcel zoned RD.

d. A landscaped buffer shall be provided in accordance with the requirements of Chapter 17.81 BMC.

~~K. Nonresidential uses.~~

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L. Manufactured Homes. Manufactured homes may be placed on any lot in an RA-2 zone where detached dwellings are permitted and regulated in accordance with the same standards and requirements applicable to site built detached homes, except that the following additional regulations shall apply. These standards and requirements do not apply to legally established, nonconforming manufactured homes or manufactured homes placed within a manufactured home park.

1. The manufactured home shall be set upon a permanent foundation, as specified by the manufacturer, and the space between the bottom of the home and the ground shall be enclosed by concrete or an approved concrete product which may be either load bearing or decorative;
2. The manufactured home shall have been originally constructed with and shall now have a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch;
3. The manufactured home shall have exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences;
4. The placement of the manufactured home shall be consistent with all other regulatory requirements generally
5. Manufactured homes shall comply with all of the regulatory requirements and permit processing procedures identified in the chapter for site built detached homes.

**17.40.100 Development standards.**

**A. Lot Area and Dimension.**

1. Minimum lot area: 1,500 square feet.
2. Minimum lot width:
  - a. For lots with no alley access or where curb cuts are permitted: 30 feet
  - b. For lots with alley access or where curb cuts are prohibited by plat notes: 15 feet
3. Minimum lot depth: 60 feet.

**B. Maximum Density.** New residential development, and the addition of dwelling units to existing residential structures, shall be subject to the following standards:

1. Dwelling Units per Building. ~~Unless otherwise authorized by a conditional use permit under BMC 17.40.070.A, aA~~ multifamily building shall not contain more than eight dwelling units.
2. Maximum Density. One residential building per lot.

Commented [BJ3]: BJ - Cited code section allows more than eight units with a conditional use permit in limited circumstances. Added cross reference language to address conflict between sections.

**C. Minimum Setback Requirements.**

1. Front: 10 feet.
2. Street side: 10 feet.
3. Side: 10 feet.
4. Rear: 5 feet.
5. Alley: 0 feet.

6. Setback Exceptions:

- a. When authorized pursuant to this chapter, no property line setback shall apply to the common walls of zero lot line structures or horizontally attached dwellings;
- b. All other buildings and structures: see Chapter 17.70 BMC.

D. Minimum building separation:

1. Primary structures: 30 feet.
2. Accessory structures: 10 feet.
3. Exceptions: When authorized pursuant to this Chapter no separation requirement shall apply between zero lot line structures or horizontally attached dwellings that share a common wall.

E. Maximum building and impervious surface coverage: none.

F. Maximum building height: 45 feet.

## Chapter 17.45

### MUC-1 – Mixed Use Commercial Zone

#### Sections:

17.45.010	Title.
17.45.020	Application.
17.45.030	Purpose.
17.45.040	Authority.
17.45.050	Permitted primary uses.
17.45.060	Permitted accessory uses.
17.45.070	Conditional uses.
17.45.080	Additional regulations.
17.45.090	Development standards.

#### **17.45.010 Title.**

This chapter shall be called “MUC-1 Mixed Use Commercial Zone”.

#### **17.45.020 Application.**

This chapter shall apply to all areas zoned MUC-1.

#### **17.45.030 Purpose.**

MUC-1 zone is intended to implement the MUC comprehensive plan designation by accommodating a dense mix of small scale, pedestrian oriented commercial activities and residential uses such as stores, eating and drinking establishments, offices, art galleries, and smaller multiunit residential buildings. Uses permitted in this zone typically rely on a high degree of visibility and easy pedestrian access. The regulations in this chapter are intended to create and maintain a traditional small town streetscape with urban characteristics, including buildings located at the street-line, smaller scale buildings, and entrances and windows that face the street. Parking is provided by on-street spaces, off-street public parking lots, or in small lots located behind buildings and accessed from alleyways. Uses that detract from, or do not contribute to, a traditional small town streetscape, such as gas stations, outdoor storage yards, and drive-through uses shall be prohibited.

#### **17.45.040 Authority.**

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63, 36.70A and 36.70B RCW and other applicable laws. (Ord. 1857 § 2 (Exh. B), 2018).

#### **17.45.050 Permitted primary uses.**

Hereafter all buildings, structures, or parcels of land shall only be used for the following, unless otherwise provided for in this title:

- A. Offices, all types;
- B. Multiunit buildings, all sizes, and dwellings located in mixed use buildings;
- C. Retail, small and medium scale;
- D. Hotels;
- E. Health care facilities, all sizes;
- F. Eating and drinking establishments, all sizes;
- G. Specialized instruction;
- H. Theaters;

- I. Commercial child day care center, all sizes;
- J. Meeting facilities, all sizes;
- K. Horizontally attached dwellings;
- L. Private schools, all sizes;
- M. Utilities, small;
- N. Personal services;
- O. Nursing homes, all sizes;
- P. Veterinary clinics;
- Q. Emergency housing.

**17.45.060 Permitted accessory uses.**

The following buildings, structures, and uses are permitted accessory uses in the MUC-1 zone. Accessory uses shall only be permitted when associated with, and incidental and subordinate to, a legally established primary use.

A. Normal commercial and residential appurtenances. The following uses and structures may be authorized as an accessory use in conjunction with a permitted use: recreation, exercise, or community rooms, manager's office, storage shed or buildings, noncommercial gardens and greenhouses, swimming pools, laundry rooms and facilities, decks, patios, driveways, on-site utilities and utility connections, fences, solar panels, and signs;

B. Automobile parking facilities and vehicle charging stations;

C. Macro telecommunication facilities, subject to the following standards:

1. Macro facilities may be located on buildings and structures; provided, that the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.
2. The macro facility shall be exempt from review by the director if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.
3. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.
4. Macro facilities shall comply with the height limitation specified for all zones except as follows: Omnidirectional antennas may exceed the height limitation by 15 feet, or in the case of nonconforming structures the antennas may extend 15 feet above the existing structure. Panel antennas may exceed the height limitation if affixed to the side of an existing building and architecturally blends in with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure. (Ord. 1857 § 2 (Exh. B), 2018).

D. Caretaker dwellings and employee or student housing;

**17.45.070 Conditional uses.**

The following uses shall be considered conditional uses and shall require a conditional use permit:

A. Duplexes, subject to the following:

1. The lot is not large enough to accommodate a more intensive residential use or the duplex is part of a larger development with a gross site density of at least 25 dwelling units per acre; and
2. The lot does not have frontage on Fairhaven Avenue.

B. Indoor commercial entertainment, minor;

C. Utilities, medium;

D. Craft industries, subject to the following:

1. A display area for selling products and crafts manufactured onsite shall be included and must be visible and accessible from adjacent streets;
2. Outside storage shall not be permitted;
3. Garage doors and loading areas shall not be visible from adjoining streets.

E. Retail, large scale;

F. Laboratories and research facilities;

~~G. Indoor commercial entertainment, small scale;~~

**Commented [BJ1]:** BJ - deleted - duplicate of subsection "B" above

GH. Buildings with a footprint greater than 6,000 square feet, subject to the following:

1. Street facing facades shall incorporate modulations at intervals of 60 feet or less. Each modulation shall have a minimum width of 15 feet and a minimum depth of 2 feet;
2. For the purpose of breaking up the vertical mass of buildings, the first floor of a multistory building shall be distinguished from the upper floors through the use of at least one of the following design elements:
  - a. Change in materials;
  - b. Change in color;
  - c. Awning, molding, or other horizontally distinguishing transition trim, treatment, or embellishment.
3. A minimum of 50 percent of any ground floor façade facing a street shall be comprised of transparent windows or entrances. Reflective glass or film or opaque window treatments shall not be used to satisfy this requirement.

**17.45.080 Additional regulations.**

A. Off-street parking and loading areas shall not be located between buildings and streets.

B. All uses shall be conducted entirely within a building or structure except:

1. Automobile parking lots and vehicle charging stations;
2. Display or sales of goods that do not extend eight feet past the front of the building, do not block entrances or interfere with pedestrian travel, do not interfere with the parking areas and do not encroach upon public property;
3. Outdoor seating associated with an eating and drinking establishment, theater, or other entertainment;
4. Temporary uses consistent with approval criteria in Chapter 14A BMC;
5. Unloading and loading areas;
6. Utility substations;
7. Refuse and recycling containers, provided they are fully screened from view in accordance with any applicable standards set forth in this title;

8. Play areas for child day care centers and schools.

C. Any on-premises repair work shall be incidental only, and limited to repairing the types of merchandise sold on the premises. The floor area devoted to such repair work shall not exceed 30 percent of the total floor area occupied by the primary use, except that the limitations of this subsection shall not apply to electronic devices, shoe, radio, television, or other small appliance repair services.

D. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises. No outside storage is permitted.

E. Operations conducted on the premises shall not be objectionable beyond the property boundary lines by reason of noise, odor, fumes, gases, smoke, vibration, hazard, or other causes.

F. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. (Ord. 1857 § 2 (Exh. B), 2018).

G. Buildings with frontage on an arterial street may not include dwellings unless at least 50 percent of the ground floor street frontage is devoted to a permitted nonresidential use listed in section 17.45.050.

**17.45.090 Development standards.**

A. Lot Area and Dimension.

1. Minimum lot size: none.
2. Minimum lot width: none.
3. Minimum lot depth: none.

B. Maximum building footprint: 6,000 square feet. Larger buildings may be authorized through a conditional use permit subject to BMC 17.45.070.H.

C. Maximum impervious surface coverage.

1. Downtown: none
2. All other locations: 80 percent

D. Minimum Setbacks.

1. Front: none;
2. Side: none;
3. Street: none;
4. Rear: none.

E. Maximum front and street setbacks:

1. Along Fairhaven Avenue: 0 feet
2. All other locations: 10 feet

3. Exceptions: Exceptions may be granted in the following situations, provided that in all cases new buildings and additions shall be constructed as close as possible to adjoining streets.

- a. To accommodate a wider sidewalk; or
- b. To comply with the façade modulation requirements of this chapter; or

**Commented [BJ2]:** BJ\_3-16-2021\_limited to wider sidewalk since the goal is not to promote expansive landscaping in front of buildings. Not consistent with the current appearance in the MUC-1 zone where most buildings are built at the property line.

c. To accommodate a recessed entry, provided the entry is recessed no more than four feet from the adjoining street; or

d. The presences of utility easement makes compliance with the maximum setback impossible; or

e. The expansion or modification of an existing building where compliance with the maximum setback is not feasible due to the location of the existing building and the size of the proposed expansion. In such cases the expansion shall be constructed forward of the existing building line and closer to the street.

F. Maximum setback requirement in all other locations: 10 feet from the property line on the front and street side. The maximum setback shall apply to each lot line adjacent to a street.

G. Maximum building height: 45 feet.

H. Fences. See Chapter 17.70 BMC.

I. Parking. See Chapter 17.85 BMC.

J. Landscaping. See Chapter 17.81 BMC.

K. Signs. See Chapter 17.95 BMC. (Ord. 1857 § 2 (Exh. B), 2018).

L. Lighting. See Chapter 17.70 BMC



## Chapter 17.50

### MUC-2 MIXED USE COMMERCIAL ZONE

#### Sections:

17.50.010	Title.
17.50.020	Application.
17.50.030	Purpose.
17.50.040	Authority.
17.50.050	Permitted primary uses.
17.50.060	Permitted accessory uses.
17.50.070	Conditional uses.
17.50.080	Additional regulations.
17.50.090	Development standards.

#### **17.50.010 Title.**

This chapter shall be called “MUC-2 Mixed Use Commercial Zone.” (Ord. 1857 § 2 (Exh. B), 2018).

#### **17.50.020 Application.**

This chapter shall apply to all uses and developments in areas zoned MUC-2. (Ord. 1857 § 2 (Exh. B), 2018).

#### **17.50.030 Purpose.**

MUC-2 zone is intended to implement the MUC comprehensive plan designation by accommodating a dense mix of large scale commercial activities and residential uses such as stores, eating and drinking establishments, ~~and~~ offices, and large multiunit residential buildings. Uses permitted in this zone typically rely on a high degree of visibility, easy pedestrian access, and a dense concentration of shoppers and residents. The regulations in this chapter are intended to create and maintain a modern streetscape with urban characteristics, including buildings located near the street-line, entrances and windows that face the street, and amenities that buffer pedestrians from vehicle traffic such as extensive landscaping, street trees, and wide sidewalks. Parking is typically provided on-site but is not located between buildings and the street. Uses that could discourage pedestrian traffic and recreational shopping, such as car lots, drive-through businesses, or gas stations are restricted or prohibited.

Commented [BJ1]: BJ - “and” not needed here.

#### **17.50.040 Authority.**

This chapter is adopted pursuant to the provisions of chapters 35A.63, 36.70A, and 36.70B RCW and other applicable laws and regulations. (Ord. 1857 § 2 (Exh. B), 2018).

#### **17.50.050 Permitted primary uses.**

- A. Multiunit buildings, all sizes, and dwellings located in a mixed use buildings;
- B. Retail, all sizes;
- C. Horizontally attached dwellings;
- D. Offices, all types;
- E. Indoor commercial entertainment, all types;
- F. Private passenger transportation terminals;
- G. Meeting facilities, all sizes;
- H. Commercial child day care centers, all sizes;
- I. Private schools, all sizes;

J. Health care facilities, all sizes;

K. Veterinary clinics;

L. Hotels;

M. Nursing homes, all sizes;

N. Utilities, small;

O. Eating and drinking establishments, all sizes;

P. Specialized instruction;

Q. Theaters;

R. Marijuana retailers (subject to BMC 17.50.080.I);

S. Emergency housing.

**17.50.060 Permitted accessory uses.**

A. Automobile parking facilities and charging stations;

B. Caretaker dwellings and employee or student housing;

C. Family day care home;

D. Foster family home;

E. Telecommunication macro facilities, subject to the following requirements:

1. Macro facilities may be located on buildings and structures; provided, that the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.
2. The macro facility shall be exempt from review by the community development director or designee if the antenna and related components are the same color as the existing building, pole or support structure on which it is proposed to be located.
3. The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.
4. Macro facilities shall comply with the height limitation specified for all zones except as follows: Omnidirectional antennas may exceed the height limitation by 15 feet, or in the case of nonconforming structures the antennas may extend 15 feet above the existing structure. Panel antennas may exceed the height limitation if affixed to the side of an existing building and architecturally blends in with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure. (Ord. 1857 § 2 (Exh. B), 2018).

**17.50.070 Conditional uses.**

The following uses shall be considered conditional uses and shall require a conditional use permit:

A. Craft industries, subject to the following:

1. A display area for selling products and crafts manufactured onsite shall be included and must be visible and accessible from adjacent streets;
2. Outside storage is prohibited;
3. Garage doors and loading areas shall not be visible from adjoining streets.

B. Contractor offices, subject to the following:

1. Outside storage is prohibited;
2. Contractor offices shall not be permitted on lots fronting an arterial street;
3. Garage doors and loading areas shall not be visible from adjoining streets.

C. Drive-through facilities, subject to the following:

1. Drive-through facilities shall only be permitted at the following locations:
  - a. Corner lots at signalized intersections; or
  - b. Corner lots at non-signalized intersections within a binding site plan or plat where the lot was designated and approved for drive-through uses during the land division approval process; or
  - c. Through lots or lots with alley access.
2. Drive-through facilities shall only be permitted when the vehicle entrances and exits fully comply with the intersection and driveway spacing requirements identified in Chapter 12.28 BMC.
3. Buildings shall be located as close to adjoining streets as possible and shall comply with the maximum setback requirements of this chapter except as minimally necessary to accommodate a single queuing lane.
4. In addition to any other applicable landscaping and screening requirements, queuing lanes shall be screened from view using a landscaped earthen berm or a low masonry wall. The screening shall have a minimum height of three feet, as measured above the grade of the adjacent queuing lane and shall be consistent with the standards for Type II screening identified in Chapter 17.81 BMC.
5. A raised pedestrian crossing with a minimum walking surface width of 5 feet shall be provided wherever a pedestrian path crosses a queuing lane.
6. For drive-through facilities with inside seating or service areas the primary building entrance shall face the street and a direct pedestrian connection shall be provided between the entrance and the street. For drive-through uses with no inside seating or service areas, a walkup window or service area shall be provided to allow pedestrians to place and pickup orders without entering a vehicle queuing lane.
7. The design shall incorporate enhanced pedestrian amenities and measures to mitigate the impacts of additional vehicle traffic on pedestrian access.

D. Laboratories and research facilities;

E. Personal storage, subject to the following:

1. Each building shall have no more than two primary entrances and access to individual storage units shall be from the inside the building;
2. Landscaping and architectural improvements shall be provided to ensure visual compatibility with those uses and development types typically found in mixed commercial and residential environments;
3. The site shall not have frontage on Burlington Boulevard;
4. The design shall incorporate enhanced pedestrian amenities;
5. Garage doors and loading areas shall not be visible from adjoining streets.

F. Utilities, medium;

G. Hospitals;

H. Fueling stations and car washes, subject to the following:

1. Fueling stations and car washes shall only be permitted at the following locations:

- a. At a signalized intersection; or
- b. Within a binding site plan or plat where the lot was designated and approved for ~~use as a fueling station or car wash drive-through uses~~ during the land division approval process; or
- c. Through lots or lots with alley access.

2. Fueling stations and car washes shall only permitted when the vehicle entrances and exits fully comply with the intersection and driveway spacing requirements identified in Chapter 12.28 BMC.

3. Fueling stations and car washes must be located along an arterial providing direct access to an I-5 freeway interchange and be located within 1,500 feet of the centerline of I-5 as measured along the arterial centerline;

4. Buildings, excluding fueling islands and associated canopies, shall comply with the maximum setback standards identified in this Chapter. Drive through car wash buildings and structures shall be located as close to adjoining streets as possible and shall comply with the maximum setback requirements of this chapter except as minimally necessary to accommodate a single queuing lane;

3. In addition to any other applicable landscaping and screening requirements, vehicle circulation and parking areas shall be screened from view using a landscaped earthen berm or a low masonry wall. The screening shall have a minimum height of three feet, as measured above the grade of the adjacent parking or circulation area and shall be consistent with the standards for Type II screening identified in Chapter 17.81 BMC;

4. The design shall incorporate enhanced pedestrian amenities and measures to mitigate the impacts of additional vehicle traffic on pedestrian access.

I. Pet boarding, daycare, subject to the following:

1. Kennels shall be entirely indoors;
2. Outside exercise areas shall be surrounded on all sides not adjacent to a building or structure by a solid masonry wall six feet in height;
3. Outside exercise areas shall be used for short term supervised play and exercise only. Animals shall not have access to individual outdoor runs or be left unsupervised, or for extended periods of time, in outdoor areas.

**17.50.080 Additional regulations.**

A. All uses shall be conducted entirely within a building or structure except:

1. Automobile parking facilities and vehicle charging stations;
2. When accessory to a permitted use, display or sales of goods that do not extend eight feet past the front of the building, do not block entrances or interfere with pedestrian travel, do not interfere with the parking areas and do not encroach upon public property;
3. Outdoor seating accessory to a permitted use;
4. Play areas accessory to a child day care center or school;

**Commented [BJ2]:** BJ - under the adopted definitions, drive-throughs are a different use than car washes and fueling stations. Corrected reference here so code section makes sense

5. Refuse and recycling containers associated with a permitted use, provided they are screened from view in accordance with the requirements of chapter 17.80 BMC;
6. Temporary uses consistent with standards identified in Title 14A BMC;
7. Unloading and loading areas accessory to a permitted use;
8. Utility substation;
9. Play and exercise areas associated with pet boarding facilities.

B. Any repairing done on the premises shall be incidental only, and limited to custom repairing of the types of merchandise sold on the premises at retail. The floor area devoted to such repairing shall not exceed 30 percent of the total floor area occupied by the particular enterprise, except that the limitations of this subsection shall not apply to electronic equipment, shoe, radio, television, or other small appliance repair services.

C. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises.

D. Operations conducted on the premises shall not be objectionable beyond the property boundary lines by reason of noise, odor, fumes, gases, smoke, vibration, hazard, or other causes.

E. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use, subject to the requirements of the International Fire Code.

F. Off-street parking and loading areas shall not be located between buildings and adjoining streets.

G. ~~Commercial land abutting Sites directly abutting a RD or RA zone shall comply with the transition area requirements identified in Chapter 17.70 BMC (Supplemental Development Standards) directly a residential zone shall provide for a transition to the residential use as required in chapter 17.70 BMC, Supplemental Development Standards, and the following:~~

1. ~~A six-foot screening fence and a 20-foot landscaped buffer designed for sight and noise baffling or a six-foot solid block wall and a 10-foot landscaped buffer designed for sight and noise baffling~~A type III separation buffer shall be provided consistent with Chapter 17.81 BMC; and
2. Uses generating noise after 9:00 p.m. shall not be permitted, including assembly occupancies, restaurants with cocktail lounges or dance floors, all night businesses and other similar types of uses;
3. Measures shall be taken to prevent light and glare from being directed to residential uses. (Ord. 1857 § 2 (Exh. B), 2018).

H. Except in the Northern Gateway area buildings with frontage on an arterial street may not include dwellings unless at least 50 percent of the ground floor street frontage is devoted to a permitted nonresidential use listed in BMC 17.50.050.

I. Marijuana Retailers. The following requirements shall apply to marijuana retailers. The provisions of this code section are intended to be consistent, and ensure compliance, with the regulations identified in Chapter 314-55 WAC.

1. In accordance with the provisions of WAC 314-55-050(11)(a) marijuana retailers shall be located at least 100 feet from the following:
  - a. Recreation centers;
  - b. Child care centers;

The Burlington Municipal Code is current through Ordinance 1870, passed January 24, 2019.

**Commented [BJ3]:** BJ - During the last code update the supplemental development standards section was revised to reference conflicts between abutting zones rather than abutting uses. This section has been revised to reference the relevant zones rather than uses.

**Commented [BJ4]:** BJ - The landscaping buffer provisions added to the code during the last update conflict with this section. Revised to cross reference transition area separation buffer requirements.

- c. Public parks;
  - d. Transit centers;
  - e. Libraries;
  - f. Arcades (where admission is not restricted to persons 21 or older)
2. Marijuana retailers shall not be located within 1,000 feet of the following:
- a. Elementary or secondary schools;
  - b. Playgrounds.
3. In determining compliance with the provisions of this section the definitions and measurement procedures identified in Chapter 314-55 WAC shall apply.

**17.50.090 Development standards.**

**A. Lot Area and Dimension.**

1. Minimum lot area: none.
2. Minimum lot width: none.
3. Minimum lot depth: none.

**B. Maximum Building and Impervious Surface Coverage.**

1. Building coverage: none.
2. Impervious surface coverage: 80 percent.

**C. Minimum Setbacks.**

1. Front: none.
2. Side: none.
3. Street: none.
4. Rear: none.

**D. Maximum Setbacks.**

1. Front: 10 feet.
2. Street: 10 feet.
3. Exceptions. Exceptions may be granted in the following situations:
  - a. As minimally necessary to accommodate a wider sidewalk;
  - b. A portion of the building façade may be recessed as minimally necessary to accommodate a recessed pedestrian entrance or plaza. In such cases a direct pedestrian connection with a minimum width of 10 feet shall be provided between the adjoining street and the entrance, plazas shall be surfaced with concrete or pavers, and the recessed entrance or plaza shall be publicly accessible;
  - b. As minimally necessary to avoid a utility easement that makes compliance with the maximum setback impossible;

c. The expansion or modification of an existing building where compliance with the maximum setback is not feasible due to the location of the existing building and the size of the proposed expansion. In such cases the expansion shall be constructed forward of the existing building line and closer to the street;

d. As minimally necessary to accommodate development on irregular shaped lots where the street frontages are angular or curvilinear. In such instances buildings shall be located as close as possible to the street frontages;

e. For corner lots, buildings shall be located at the corner or intersection;

f. For lots with more than two street frontages, the maximum setback shall be applied to the street frontages with the highest classification. For example, if a parcel has frontage on two arterial streets and a local access street, the maximum setback shall apply to the two arterial streets;

d. Drive-through uses subject to compliance with BMC 17.50.070.C;

e. Fueling stations and car washes subject to compliance with BMC 17.50.070.H.

E. Maximum building height: 45 feet, except:

1. Buildings may exceed 45 feet if one foot of setback is provided from each property line, for each foot the building exceeds 45 feet; and

2. An additional 15 feet of height may be permitted when parking is located under the building.

F. Fences. See chapter 17.70 BMC.

G. Parking. See chapter 17.85 BMC.

H. Landscaping. See chapter 17.81 BMC.

I. Signs. See chapter 17.95 BMC. (Ord. 1857 § 2 (Exh. B), 2018).

J. Lighting. Chapter 17.70 BMC.