

Chapter 17.55

CI-1 COMMERCIAL AND INDUSTRIAL ZONE

Planning Commission
Discussion Draft
Changes to BMC
17.55-17.69

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17.55.010 Title.

This chapter shall be called "CI-1 Commercial and Industrial Zone." (Ord. 1857 § 2 (Exh. B), 2018).

17.55.020 Application.

This chapter shall apply to all uses and developments in areas zoned CI-1. (Ord. 1857 § 2 (Exh. B), 2018).

17.55.030 Purpose.

The CI-1 zone is intended to implement the CI comprehensive plan designation by accommodating a mix of light industrial and outdoor sales uses including automobile and recreational vehicles sales, heavy equipment sales, lumber yards, contractor offices, nurseries, light industry, storage buildings, and other similar uses. The uses permitted in this zone are typically auto-oriented, rely on good freeway access and visibility, have associated outdoor storage or sales lots, or involve low impact industrial or manufacturing processes, such as food preparation and processing and the assembly of products from pre-manufactured components or materials. Uses that involve outdoor manufacturing, loud or consistent noises, or that result in noxious odors or emissions are not permitted. In addition, ~~uses, such as hotels, nursing homes, and apartments, that could interfere with, or be negatively impacted~~ by, the intended purposes of the CI-1 zone are prohibited or restricted. The regulations in this chapter are intended to create an attractive and welcoming environment and are focused on minimizing clutter and contributing to a sense of unity and order.

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17.55.040 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).

17.55.050 Permitted primary uses.

- A. Indoor commercial entertainment, all types;
- B. Craft industries;
- C. Personal services;
- D. Retail, all types;
- E. Offices, all types;
- F. Drive through facilities;
- G. Contractor offices;
- H. Private passenger transportation services;
- I. Car wash;

- J. Meeting facilities, all sizes;
 - K. Passenger and recreational vehicles sales;
 - L. Commercial child day care centers, all sizes;
 - M. Eating and drinking establishments, all sizes;
 - N. Heavy vehicle and equipment sales;
 - O. 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 and screening shall be provided between the wall and adjoining property lines or streets consistent with the requirements for a Type III separation buffer identified in BMC 17.81.110;
 - 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.
 - Q. Fueling stations;
 - R. Veterinary clinics;
 - S. Hospitals;
 - T. Laboratories and research facilities;
 - U. Lumber yards;
 - V. Manufactured home sales;
 - Y. Health care facilities, all sizes;
 - Z. Specialized instruction;
 - AA. Personal storage;
 - BB. Nurseries and garden supply;
 - DD. Industrial, minor;
 - FF. Private schools, all sizes;
 - GG. Theaters;
 - HH. Vehicle repair, all types;
 - II. Utilities, small and medium; (Ord. 1857 § 2 (Exh. B), 2018).
 - JJ. Commercial laundries;
- 17.55.060 Permitted accessory uses.**
- A. Automobile parking facilities and charging stations;
 - B. Outdoor storage yards and sales lots;

C. Caretaker dwellings and employee or student housing;

D. Warehousing and distribution;

E. Accessory buildings and structures associated with a permitted primary use;

F. 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).

G. Heavy vehicle and equipment repair, when associated with a related sales use;

H. Heliports, when associated with a hospital or healthcare facility.

17.55.070 Conditional uses.

The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of Title 14A BMC:

A. Multiunit buildings and nursing homes, all sizes, subject to the following:

1. Enhanced pedestrian amenities shall be provided;
2. The site shall not have frontage on I-5 or an arterial street;
3. The applicant shall demonstrate why the parcel is not suitable for outdoor sales or minor industrial uses, taking into consideration factors such as the size, configuration, and location of the site, market conditions, visibility, critical area constraints, and other uses in the vicinity of the proposal;
4. The development shall include measures to protect residents and occupants from light, glare, and noise impacts commonly associated with outdoor sales and minor industrial uses. At a minimum screening shall be provided consistent with the requirements for a Type III separation buffer identified in BMC 17.81.110;
5. Large multiunit buildings, large nursing homes, and any residential development including more than eight dwelling units shall be subject to the following activity area requirements:
 - a. A children's play area(s) shall be provided with a minimum area of 225 square feet plus 20 additional square feet for each unit or nursing home room. Nursing homes may provide a picnic area, community room, or community garden in place of play area;
 - b. Common open space shall be provided for passive or active outdoor recreation at a rate of 50 square feet for each unit or nursing home room;

c. Individual patios, decks, or balconies shall be provided for at least 25 percent of the units or nursing home rooms.

6. Pedestrian access shall be provided throughout the site and shall provide a complete and logical circulation system that connects each dwelling unit or nursing home room to adjoining streets and developments, parking areas, common areas, and trash and recycling areas. Pedestrian paths shall be equipped with pedestrian scale lighting.
7. Trash and recycling areas shall be located in a central location and fully screened from view. Trash and recycling areas shall not be visible from adjoining public streets or neighboring properties.
8. Exterior lighting shall be provided for parking areas, access streets, and pedestrian paths in accordance with the requirements of Chapter 17.70 BMC.
9. Parking areas shall be located behind, between, or alongside buildings. Parking shall not be located between a street and a building and shall be fully screened from view.

B. Hotels and emergency housing, subject to the following:

1. Enhanced pedestrian amenities shall be provided;
2. The site shall not have frontage on I-5 or an arterial street;
3. The applicant shall demonstrate why the parcel is not suitable for outdoor sales or minor industrial uses, taking into consideration factors such as the size, configuration, and location of the site, market conditions, visibility, critical area constraints, and other uses in the vicinity of the proposal;
4. The development shall include measures to protect occupants from the light, glare, and noise impacts commonly associated with outdoor sales and minor industrial uses. At a minimum screening shall be provided consistent with the requirements for a Type III separation buffer identified in BMC 17.81.110;
5. Parking areas shall be located behind, between, or alongside buildings. Parking shall not be located between a street and a building and shall be fully screened from view.

C. Outdoor commercial entertainment;

D. Pet boarding, overnight, subject to the following:

1. Outdoor runs and exercise areas shall not be located between the primary structure and an adjoining street or public right-of-way;
2. Areas containing outdoor runs or exercise areas shall be surrounded on all sides not adjacent to a building or structure by a masonry wall six feet in height and screening shall be provided between the wall and adjoining property lines or streets consistent with the requirements for a Type III separation buffer identified in BMC 17.81.110;
3. Outdoor runs may be provided but individual indoor sleeping areas shall be provided for all pets;
4. Overnight boarding facilities shall include additional measures to mitigate and reduce the sound of barking including, but not limited to, acoustic insulation, additional landscaping, masonry walls, and operational procedures;
5. Overnight boarding facilities shall only be permitted on sites where all of the adjacent parcels are zoned CI-1 or CI-2. If the site is adjacent to an unincorporated area, all of the adjacent unincorporated parcels shall have a Skagit County natural resource lands designation;
6. The site shall not have frontage on I-5 or an arterial street.

E. Heavy vehicle and equipment repair;

F. Towing service, subject to the following:

1. All outdoor storage yards or outdoor areas where vehicles are impounded shall be consistent with the requirements of BMC 17.55.080.B;
2. The towing service shall maintain a registration as required by Chapter 46.55 RCW. Only towing services with a current Washington State registration shall be considered a legally authorized use;
3. The term "towing service" does not include wrecking yards or hulk haulers which are prohibited uses in the CI-1 zone.

G. Shooting range, indoors, subject to the following:

1. Indoor shooting ranges shall include additional measures to mitigate and reduce the sound of gunfire including, but not limited to, acoustic insulation, additional landscaping, masonry walls, ~~and~~ operational procedures, and hours of operation;
2. Indoor shooting ranges shall only be permitted on sites where all of the adjacent parcels are zoned CI-1 or CI-2. If the site is adjacent to an unincorporated area, all of the adjacent unincorporated parcels shall have a Skagit County natural resource lands designation;

Commented [BJ2]: BJ - 7-11-2024 - "and" not needed here.

17.55.080 Additional regulations.

A. 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.

B. Outdoor storage yards and service areas. All service yards shall be surrounded on all sides not adjacent to a building by a solid, site obscuring fence or wall six-feet in height and landscaped consistent with the requirements for Type I screening identified in BMC 17.81.110. Outdoor storage yards and service areas shall be located behind, between, or alongside buildings and shall not be located between a buildings and a street.

C. Development abutting a less intensive zone shall provide for a transition area and screening as required by chapters 17.70 and 17.81 BMC, and shall be subject to the following:

1. Uses generating noise after 9:00 p.m. shall not be permitted, including taverns, assembly occupancies, restaurants with cocktail lounges or dance floors, all night businesses, shooting ranges, overnight pet boarding, and other similar types of uses; and
2. Measures shall be taken to prevent light and glare from being directed to residential uses. (Ord. 1857 § 2 (Exh. B), 2018).

D. Parking areas and outdoor sales lots shall be located behind, between, or alongside buildings and shall not be located between a building and a street.

17.55.090 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, provided the building shall not be setback more than necessary to accommodate the drive through and queuing lanes;
 - e. Fueling stations and car washes, provided this exception applies only to fueling islands, and buildings washing equipment. Associated retail buildings shall comply the requirements of this section.

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 BMC 17.70.070.

G. Parking. See chapter 17.85 BMC.

H. Landscaping. See chapter 17.80 BMC.

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

J. Lighting. See chapter 17.70 BMC:

Chapter 17.60

CI-2 COMMERCIAL AND INDUSTRIAL ZONE

Sections:

17.60.010	Title.
17.60.020	Application.
17.60.030	Purpose.
17.60.040	Authority.
17.60.050	Permitted primary uses.
17.60.060	Permitted accessory uses.
17.60.070	Conditional uses.
17.60.080	Additional regulations.
17.60.090	Development standards.

17.60.010 Title.

This chapter shall be called "CI-2 Commercial and Industrial Zone" (Ord. 1857 § 2 (Exh. B), 2018).

17.60.020 Application.

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

17.60.030 Purpose.

The CI-1 zone is intended to implement the CI comprehensive plan designation by accommodating uses such as manufacturing, warehousing, and distribution that require little or no retail contact with the general public, large tracts of land, and access to rail. The uses permitted in this zone may involve outdoor manufacturing, intensive nighttime operations, loud and consistent noise emissions, or light, glare, and odor impacts. The uses permitted in this zone may also generate heavy truck traffic or involve loading and unloading operations that are incompatible with general pedestrian or vehicle traffic. The CI-2 zoning designation is primarily associated with the North and South Burlington Industrial Areas but has also been applied to other areas of existing industrial development. The ~~regulations in this chapter are~~ CI-2 zone is intended to accommodate the needs of uses involving manufacturing processes, assembly, fabrication, ~~processing~~, bulk material handling, storage or processing, ~~—~~ storage and warehousing, and outdoor industrial activities. ~~The regulations in this Chapter are intended —and to minimize the~~ impacts of such uses through the application of appropriate design and performance standards.

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While non-industrial ~~—~~uses may, in limited circumstances, be permitted in this zone, the overall purpose of the CI-2 is to maintain a large block of industrial land, minimize conflicts between incompatible uses, and to discourage, restrict, or prohibit non-industrial uses that could conflict or interfere with the intended purposes of the zone. (Ord. 1857 § 2 (Exh. B), 2018).

17.60.040 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).

17.60.050 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. Adult entertainment use; provided, that it shall be located a minimum of 1,000 feet from any residential zone, 1,000 feet from any school, public or private, 1,000 feet from any church, and 1,000 feet from any park, measured along the right-of-way;
- B. Vehicle parking and storage;
- C. Fueling stations;
- D. Warehousing and distribution;

E. Car wash;

F. Pet boarding, daycare and overnight, subject to the following:

1. Outdoor runs and exercise areas shall not be located between the primary structure and an adjoining street or public right-of-way;
2. Areas containing outdoor runs or exercise areas shall be surrounded on all sides not adjacent to a building or structure by a masonry wall six feet in height and screening shall be provided consistent with the requirements for a Type III separation buffer identified in BMC 17.81.110;
3. Outdoor runs may be provided but individual indoor sleeping areas shall be provided for all pets;
4. Overnight boarding facilities shall include additional measures to mitigate and reduce the sound of barking including, but not limited to, acoustic insulation, additional landscaping, masonry walls, and operational procedures;
5. Overnight boarding facilities shall only be permitted on sites where all of the adjacent parcels are zoned CI-1 or CI-2. If the site is adjacent to an unincorporated area, all of the adjacent unincorporated parcels shall have a Skagit County natural resource lands designation;

G. Contractor offices;

H. Nurseries and garden supply;

I. Bulk material sales and storage;

J. Heavy vehicle and equipment repair;

K. Personal storage;

L. Vehicle repair, all types;

M. Specialized instruction, limited to job training and vocational education where the course of instruction is related to another use listed as permitted in this chapter, including, but not limited to, training and education for construction trades, mechanics, industrial workers, heavy equipment and vehicle operation and repair, and machinists;

N. Lumber yards;

O. Industrial, major and minor;

V. Recreational marijuana processors and producers subject to the following:

1. The definitions set forth in BMC 17.01.050 shall apply.
2. Recreational marijuana processors and producers shall only be permitted when licensed by the state of Washington.
3. Location.
 - a. No more than one medical or recreational marijuana use or garden shall be located on a single parcel or in a single structure.
 - b. Shall be located fully within a permanent structure designed to comply with the city building code and constructed under a building permit from the city regardless of the size or configuration of the structure.
 - c. Shall not be located in a mobile structure.

d. Shall not be located within 1,000 feet of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or arcade, single-family residential zone or another medical or recreational marijuana use. The measurement shall be taken in a straight line from property boundary to property boundary.

e. No production, processing or delivery of marijuana may be visible to the public nor may it be visible through windows.

f. All requirements of state laws must be met.

g. All fertilizers, chemicals, gases and hazardous materials shall be handled in compliance with all applicable local, state and federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter a sanitary sewer or storm sewer system nor be released into the atmosphere outside of the structure where the garden is located.

h. No odors shall be allowed to migrate beyond the interior portion of the structure where the garden or processing facility is located;

W. Manufactured home sales;

X. Utilities, small and medium;

Y. Outdoor storage yards;

Z. Printing, publishing, and allied industries including such processes as lithography, etching, and engraving, binding, blueprinting, photocopying, and film processing;

AA. Craft industries;

BB. Auction houses and wholesalers;

CC. Laboratories and research facilities;

DD. Private passenger transportation services;

EE. Towing service, subject to the following:

1. All outdoor storage yards or outdoor areas where vehicles are impounded shall have screening consistent with the requirements for a Type III separation buffer identified in BMC 17.81.110
2. The towing service shall maintain a registration as required by Chapter 46.55 RCW. Only towing services with a current Washington State registration shall be considered a legally authorized use;
3. The term "towing service" does not include wrecking yards or hulk haulers which are classified as conditional uses in the CI-2 zone.

FF. Personal storage;

GG. Commercial laundries.

17.60.060 Permitted accessory uses.

A. Caretaker dwellings and employee or student housing;

B. Offices, all types;

C. On-site day commercial child day center serving the employees of a permitted use;

D. On-site recreational facilities serving the employees of a permitted use;

- E. Outdoor storage yards and sales lots;
- F. Eating and drinking establishment;
- G. Retail and wholesale trade of products produced, manufactured, or assembled on site;
- H. Telecommunication macro facilities may be permitted, subject to the following requirements, except as limited by the Telecommunications Act of 1996 as amended:
 - 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 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.
 - 3. 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.
- I. Existing monopole I and lattice towers may be extended in height to maximum of 160 feet in height without complying with setback requirements. (Ord. 1857 § 2 (Exh. B), 2018).

17.60.070 Conditional uses.

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

- A. Meeting facilities, all sizes;
- B. Wrecking yards and hulk haulers;
- C. Indoor commercial entertainment, all types;
- D. Outdoor commercial entertainment;
- E. Shooting range, indoors;
- F. Utilities, large;
- G. Truck stop;
- H. Industrial, high impact;.
- I. Animal and food processing including the following:
 - 1. Tanning and dressing of hides,
 - 2. Curing, canning, freezing, canning and processing of meat and seafood,
 - 3. Pickling and brine curing;
- T. Bulk storage or processing of oil, gas, petroleum, butane, liquid petroleum, gas and similar products, unless clearly incidental and secondary to support a principally permitted use;
- U. Concrete mixing and batching plants, including ready-mix concrete facilities;
- Z. Rock crushing plants;

AA. Sales and rental of motorized vehicles;

BB. Transmission towers, subject to the following, except as limited by the Telecommunications Act of 1996 as amended:

1. Antennas may not extend more than 15 feet above their supporting structure, monopole, lattice tower, building or other structure;
2. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district to the extent consistent with the function of the communications equipment. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practicable. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area;
3. Accessory equipment facilities used to house wireless communications equipment should be located within buildings or placed underground when possible. When they cannot be located in buildings, equipment shelters or cabinets shall be screened and landscaped in conformance with chapter 17.80 BMC;
4. No equipment shall be operated so as to produce noise in levels above 45 dB as measured from the nearest property line on which the attached wireless communication facility is located;
5. New transmission towers and additional height on existing towers shall comply with performance standards for industrial uses adjacent to less intensive or residential zones consistent with chapters 17.70 and 17.81 BMC;
6. New transmission towers shall only be permitted within the Burlington Hill special management area;
7. New transmission towers shall only be permitted where co-location exists.

17.60.080 Additional regulations.

A. 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.

B. Development abutting a less intensive zone shall provide for a transition area and screening as required by chapters 17.70 and 17.81 BMC and shall be subject to the following the following:

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, shooting ranges, overnight pet boarding, and other similar types of uses. This shall not include shift work for an industrial or manufacturing use;
3. Measures shall be taken to prevent light and glare from being directed to residential uses; and

C. Outdoor storage yards and service areas. All service yards shall be surrounded on all sides not adjacent to, and directly abutting, a building by a solid site obscuring fence or wall six-feet in height and landscaped consistent with the requirements for Type I screening identified in BMC 17.81.~~17.81.110081.~~

17.60.090 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 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.

E. Fences. See Chapter 17.70 BMC.

F. Parking. See chapter 17.85 BMC.

G. Landscaping. See Chapter 17.81 BMC.

H. Signs. See Chapter 17.95 BMC.

I. Performance Standards. See Chapter 17.70 BMC.

Chapter 17.66

PC-1 Parks and Conservation Zone

Sections:

17.66.010	Title.
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17.66.040	Authority.
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17.66.060	Conditional uses.
17.66.070	Permitted accessory uses.
17.66.080	Development standards Additional regulations.

~~17.66.090~~ Development standards.

Commented [BJ1]: 7-11-2024 - revised list to reflect actual section titles.

17.66.010 Title.

This chapter shall be called "PC-1 Parks and Conservation Zone".

17.66.020 Application.

This chapter shall apply to all uses and developments in areas zoned PC-1. (Ord. 1857 § 2 (Exh. B), 2018).

17.66.030 Purpose.

The PC-1 zone is intended to implement the PC comprehensive plan designation by identifying and protecting environmentally sensitive lands, lands needed for conservation, restoration, or natural resource functions, and recognizing parcels subject to public or private development restrictions. The uses and developments permitted in this zone are related to, or compatible with, environmental restoration, passive recreation, natural storm-water management, or flood control. In addition, above or below ground utilities, agricultural uses, and transportation improvements may be acceptable in limited circumstances. The regulations of this chapter are intended to provide opportunities for the public to interact with nature, protect important habitat blocks and corridors, allow for the maintenance and restoration of natural hydrologic functions, limit exposure to natural hazards, and to facilitate the construction of flood protection measures and environmental restoration projects.

The PC-1 zoning designation should be applied to areas that are largely undeveloped and extensively constrained by natural hazards or critical areas. This zoning designation is generally applied to publicly owned ~~land, but~~land but may also be applied to privately owned land when the land is restricted by a conservation or open space easement, notes or restrictions on a recorded plat, or where the widespread presence of severe natural hazards or critical areas makes development extremely hazardous or infeasible.

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17.66.040 Authority.

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

17.66.050 Permitted primary uses.

Buildings, structures, and parcels of land shall only be used for the following uses, unless otherwise provided for in this title. In order to be considered a permitted use projects initiated by a government agency shall be listed below and must also be clearly identified in, and consistent with, the City's adopted capital improvement plan or the capital facilities element of the comprehensive plan.

A. Agriculture, urban;

B. Passive recreation;

C. Flood control improvements;

- D. Storm-water and sewer outfalls;
- E. Commercial wetland mitigation banks;
- F. Underground and overhead utilities;
- G. Natural storm-water management;

17.66.060 Conditional uses. (Reserved)

~~The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of this code;~~

Commented [BJ4]: 7-11-2024 - no conditional uses currently identified -added reserved to clarify that omission of listed conditional uses is intentional and to serve as a placeholder

17.66.070 Accessory uses.

The following uses and developments may be authorized as accessory uses. Accessory uses shall only be permitted when incidental and subordinate to a legally established primary use.

- A. Restrooms;
- B. Storage buildings;
- C. Automobile parking facilities and charging stations;
- D. Interpretive or directional signs;
- F. Picnic tables, benches, and other similar improvements.

17.66.080 Additional Regulations.

- A. Outdoor storage shall be prohibited;
- B. Parking areas shall be limited to the absolute minimum necessary to support an allowed use;
- C. Land divisions shall be prohibited except when necessary to accommodate a permitted or conditional use identified in this chapter. When authorized, land divisions shall be subject to title restrictions or restrictive plat notes that limit the allowed uses to those authorized by this chapter. Under no circumstances shall a land division ~~be authorized to facilitate, or allow, new residential, commercial, or industrial development.~~
- D. No buildings shall be permitted in conjunction with an urban agricultural use;
- E. If surfaced, walking paths should be constructed of gravel or wood chips. Paved paths shall not be permitted in the PC-1 zone except as part of a regional or citywide trail network;
- F. Utilities, other than those minimally necessary to support a use authorized by this chapter, shall be subject to the following:
 - 1. There is no reasonable or practicable alternative that avoids land zoned PC-1;
 - 2. All reasonable methods have been taken to avoid disturbing critical areas and critical area buffers, such as underground boring;

Commented [BJ5]: 7-11-2024 - rephrased to improve clarity

3. The location and construction of the project is designed to minimize critical area impacts and maintain the physical and aesthetic characteristics of the property and will not interfere with any existing or planned public park improvements;
4. The project fully complies with the critical area standards in Title 14 BMC.

17.66.090 Development standards.

- A. Lot Area and Dimension: No requirements
- B. Minimum Setback Requirements: No requirements
- C. Maximum building height: 20 feet.
- D. Maximum impervious surface coverage: 10 percent

Chapter 17.67

PC-2 Parks and Conservation Zone

Sections:

17.67.010	Title.
17.67.020	Application.
17.67.030	Purpose.
17.67.040	Authority.
17.67.050	Permitted primary uses.
17.67.060	Conditional uses.
17.67.070	Permitted accessory uses.
17.67.080	Additional regulations.
17.67.090	Development regulations.

17.67.010 Title.

This chapter shall be called “PC-2 Parks and Conservation Zone”.

17.67.020 Application.

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

17.67.030 Purpose.

The PC-2 zone is intended to implement the PC comprehensive plan designation by identifying and designating lands needed for publicly owned parks and recreation facilities. The uses and developments permitted in this zone are related to, or compatible with, active recreation, such as athletic fields, sports facilities, and community centers. In addition, above or below ground utilities, flood control improvements, and transportation facilities may be acceptable in limited circumstances.

The PC-2 zoning designation should be applied to existing and planned publicly owned parks, including areas that are already developed for active recreational purposes.

17.67.040 Authority.

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

17.67.050 Permitted primary uses.

Buildings, structures, and parcels of land shall only be used for the following, unless otherwise provided for in this title. In order to be considered a permitted use projects initiated by a government agency shall be listed below and must also be clearly identified in, and consistent with, the City’s adopted capital improvement plan or the capital facilities element of the comprehensive plan.

- A. Agriculture, urban;
- B. Recreation, active and passive;
- C. Flood control improvements;
- D. Storm-water and sewer outfalls;
- E. Underground and overhead utilities;
- F. Natural storm-water management;
- G. Meeting facilities, public;

H. Boat launches and mooring facilities, public;

I. RV parks and campgrounds, public;

J. Public services, administrative and customer service;

K. Cemeteries.

L. Any other public park improvement identified in the adopted Parks Recreation and Open Space Plan (PROs) Plan, Capital Improvement Plan (CIP), or the Parks and Recreation Element of the comprehensive plan.

17.67.060 Conditional uses.

A. Emergency housing;

17.67.070 Accessory uses.

The following uses and developments may be authorized as accessory uses. Accessory uses shall only be permitted when incidental and subordinate to a legally established primary use.

A. Restrooms;

B. Storage buildings and yards;

C. Automobile parking and charging stations;

D. Interpretive or directional signs;

E. Caretaker dwellings;

F. Picnic tables, benches, and shelters;

G. RV pump out stations;

17.67.080 Additional Regulations.

- A. Outdoor storage yards shall be fully screened from view;
- B. Parking areas shall be limited to the absolute minimum necessary to support an allowed use;
- C. Land divisions shall be prohibited except when necessary to accommodate a permitted or conditional use identified in this chapter. When authorized, land divisions shall be subject to title restrictions or restrictive plat notes that limit the allowed uses to those authorized by this chapter. Under no circumstances shall a land division be authorized to facilitate, or allow, new residential, commercial, or industrial development.
- D. In addition to complying with all the regulations identified in this chapter, only those public improvements identified in the adopted Parks Recreation and Open Space Plan (PROs) Plan, Capital Improvement Plan (CIP), or the Parks and Recreation Element of the comprehensive plan shall be permitted;
- E. Trailer parks and campgrounds may only be permitted if operated by a government agency and shall only be used to accommodate short term, recreational stays by travelers or event attendees.
- F. Utilities, other than those minimally necessary to support a use authorized by this chapter, shall be subject to the following:
 - 1. There is no reasonable or practicable alternative that avoids land zoned PC-1 or PC-2;
 - 2. All reasonable methods have been taken to avoid disturbing critical areas and critical area buffers, such as underground boring;
 - 3. The location and construction of the project is designed to minimize critical area impacts and maintain the physical and aesthetic characteristics of the property and will not interfere with any existing or planned public park improvements;
 - 4. The project fully complies with the critical area standards in Title 14 BMC.

17.67.090 Development standards.

- A. Lot Area and Dimension: No requirements
- B. Minimum Setback Requirements: No requirements
- C. Maximum building height: 45 feet.
- D. Maximum impervious surface coverage: 80 percent.

Chapter 17.68

PFT-1 Public Facilities and Transportation Zone

Sections:

- 17.68.010 Title.
- 17.68.020 Application.
- 17.68.030 Purpose.
- 17.68.040 Authority.
- 17.68.050 Permitted primary uses.
- 17.68.060 Conditional uses.
- 17.68.070 Permitted accessory uses.
- 17.68.080 ~~Development standards.~~ Additional regulations.

~~17.68.090 Development standards.~~

Commented [BJ1]: BJ - 7-11-2024 - revised list to include the correct sections titles

17.68.010 Title.

This chapter shall be called “PFT-1 Public Facilities and Transportation Zone”.

17.68.020 Application.

This chapter shall apply to all uses and developments in areas zoned PFT-1. (Ord. 1857 § 2 (Exh. B), 2018).

~~17.7568.030~~ **17.68.030 Purpose.**

The PFT-1 zone is intended to implement the PFT comprehensive plan designation by identifying and designating lands needed for public services and facilities. The uses and developments permitted in this zone are compatible with, or necessary to support, residential and commercial development and typically have a commercial or institutional character. Examples of uses allowed in the PFT-1 include schools, fire stations, public offices, small scale utilities and public streets. The regulations of this chapter are intended to ensure public facilities are compatible with surrounding development patterns and encourage long-range planning and coordination between public agencies, utility providers, and various levels of government.

Commented [BJ2]: BJ - 7-11-2024 - correct section number

The PFT-1 zoning designation should be applied to all lands occupied by one of the permitted uses listed below on or before effective date of this chapter. New lands may be designated PFT-1 consistent with the applicable policies identified in the Public Services and Facilities Element of the Burlington Comprehensive Plan.

17.68.040 Authority.

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

17.68.050 Permitted primary uses.

Buildings, structures, and parcels of land shall only be used for the following, unless otherwise provided for in this title. In order to be considered a permitted use projects shall be listed below and must also be clearly identified in, and consistent with, the City’s adopted Capital Improvement Plan (CIP) or the Public Facilities and Services Element of the Comprehensive Plan. Private utilities shall be subject to the requirements of Chapter 17.90 BMC and shall not be regulated under this chapter.

- A. Public housing;
- B. Nursing homes;
- D. Emergency housing;
- E. Healthcare facilities;

- F. Child daycare;
- K. Automobile parking and vehicle charging stations;
- M. Public restrooms;
- N. Emergency services;
- O. Transit stops and services;
- P. Public facilities, administrative and customer service;
- Q. Public meeting facilities;
- R. Public streets, pedestrian paths, and multiuse trails;
- S. Utilities, small and medium.

F. Emergency Housing

17.68.060 Conditional uses.

- A. Hospitals;
- B. Schools;
- C. Colleges and universities;
- D. Public facilities, industrial;
- E. Utilities, large, limited to overhead or underground infrastructure such as electrical wires or sewer and water lines.

17.68.070 Accessory uses.

The following uses and developments may be authorized as accessory uses. Accessory uses shall only be permitted when incidental and subordinate to a legally established primary use.

- A. Storage buildings and yards;
- B. Caretaker dwellings and employee or student housing;
- C. Fueling stations;
- D. Picnic tables and shelters;
- E. Drive through uses;
- F. Automobile parking facilities and charging stations;
- G. 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.

Commented [BJ3]: BJ - 7-11-2024 - duplicate - already listed at beginning of this section

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.

17.68.080 Additional regulations.

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

B. Public facilities directly abutting a less intensive or residential zone shall provide for a transition area and screening consistent with the requirements of chapters 17.70 and 17.81 BMC.

17.68.090 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. To accommodate a wider sidewalk;
 - b. To accommodate a recessed pedestrian entrance, plaza, or additional landscaping;
 - 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 irregularly 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 accessory to an authorized public use;

e. As minimally necessary to accommodate pick-up and drop-off lanes;

f. To provide access to emergency services equipment bays.

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.

J. Lighting. See Chapter 17.70 BMC.

Chapter 17.69

PFT-2 Public Facilities and Transportation Zone

Sections:

17.69.010	Title.
17.69.020	Application.
17.69.030	Purpose.
17.69.040	Authority.
17.69.050	Permitted primary uses.
17.69.060	Conditional uses.
17.69.070	Permitted-a Accessory uses.
17.69.080	Development standards Additional regulations.
17.69.090	Development standards.

17.69.010 Title.

This chapter shall be called “PFT-2 Public Facilities and Transportation Zone”.

17.69.020 Application.

This chapter shall apply to all uses and developments in areas zoned PFT-2.

17.8069.030 Purpose.

The PFT-2 zone is intended to implement the PFT comprehensive plan designation by identifying and designating lands needed for public services and facilities. The uses and developments permitted in this zone are compatible with, or necessary to support, public facilities and services with an industrial character that could negatively impact residential or commercial uses. Examples of uses allowed in the PFT-2 include maintenance and storage yards, equipment repair, major utility installations such as sewage treatment plans, and ~~high capacity~~ ~~high-capacity~~ regional transportation facilities such as freeways, transit centers, and railways. The regulations of this chapter are intended to ensure public facilities are compatible with surrounding development patterns and encourage long-range planning and coordination between public agencies, utility providers, and various levels of government.

The PFT-2 zoning designation should be applied to all lands occupied by one of the permitted uses listed below on or before effective date of this chapter. New lands may be designated PFT-2 consistent with the applicable policies identified in the Public Services and Facilities Element of the Burlington Comprehensive Plan.

17.69.040 Authority.

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

17.69.050 Permitted primary uses.

Buildings, structures, and parcels of land shall only be used for the following, unless otherwise provided for in this title. In order to be considered permitted, a use must be both listed below and clearly identified in, and consistent with, the City’s Capital Improvement Plan (CIP) and the Public Facilities and Services element of the comprehensive plan. Private utilities shall be subject to the requirements of Chapter 17.90 BMC and shall not be regulated under this chapter.

- A. Emergency housing;
- B. Automobile parking and vehicle charging stations;
- C. Public restrooms;

Commented [BJ1]: BJ - 7-11-2024 - revised to reflect wording in code sections and to be consistent with section index language and format used throughout the code.

Commented [BJ2]: BJ - 7-11-2024 - correct section number

Commented [BJ3]: BJ - 7-11-2024 - style change - added format for readability

- D. Emergency services;
- E. Transit stops and services;
- F. Transit centers;
- G. Public facilities, administrative and customer service;
- H. Public facilities, minor and major industrial;
- I. Public streets, pedestrian paths, and multiuse trails;
- J. State highways;
- K. Intercity passenger rail facilities;
- L. Transmission towers;
- M. Utilities, all types;
- N. Outdoor storage yards;
- O. Vehicle repair, minor and major;
- P. Heavy vehicle and equipment repair;

17.69.060 Conditional uses.

- A. Public facilities, high impact industrial;
- B. Heliports, when accessory to a healthcare facility, hospital, or emergency services facility;
- C. Shooting range, indoors;

17.69.070 Accessory uses.

The following uses and developments may be authorized as accessory uses. Accessory uses shall only be permitted when incidental and subordinate to a legally established primary use.

- A. Storage buildings and yards;
- B. Caretaker dwellings and employee or student housing;
- C. Fueling stations;
- D. Automobile parking facilities and charging stations;
- 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.

17.69.080 Additional regulations.

A. Public uses with an industrial character directly abutting a less intensive or residential zone shall provide for a transition area and screening consistent with the requirements of chapters 17.70 and 17.81 BMC.

B. Outdoor storage yards and service areas. All service yards shall be surrounded on all sides not adjacent to, and directly abutting, a building by a solid site obscuring fence or wall six-feet in height and landscaped in accordance with the requirements of Chapter 17.81 BMC. Outdoor storage yards and service areas shall be located behind, between, or alongside buildings and shall not be located between a buildings and a street.

17.69.090 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 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.

E. Fences. See Chapter 17.70 BMC.

F. Parking. See Chapter 17.85 BMC.

G. Landscaping. See Chapter 17.81 BMC.

H. Signs. See Chapter 17.95 BMC.

I. General Development Standards. See Chapter 17.70 BMC.