

General Provisions – Chapter 17.01 BMC

17.01.050 Definitions.

For the purpose of this title, the words listed in this chapter shall have the following meanings unless the context clearly indicates otherwise. Words used in the singular include the plural, and words used in the plural include the singular. The word “shall” is always mandatory, the word “may” denotes a use of discretion in making a decision; the words “used” or “occupied” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied.”

“Electric fence” means any fence carrying an electric charge or equipped with lengths of uninsulated wire(s) carrying an electric charge. This term includes, but is not limited to, uninsulated wire(s) or systems of uninsulated wire(s) installed on or adjacent to a fence or wall and “electric security alarm systems” as that term is defined in RCW 35.21.993.

Comments: The City already regulates electric fences; however, an expanded definition is required for consistency with RCW 35.21.993.

“Emergency housing” or “emergency shelter” means temporary housing or shelter provided by a governmental entity, or a private organization sanctioned by a governmental entity, to house those persons who would otherwise be without housing or suitable shelter due to natural disaster, personal circumstances, fire, economic calamity, disability, addiction, health issues, or other similar circumstances. Emergency housing is typically provided in a congregate setting for stays of limited duration and may include the provision of supportive services including, but not limited to, food service, counseling, and screening for benefits eligibility.

1. “Emergency housing, temporary” means emergency housing or emergency shelter provided for a period of six-months or less. Examples of temporary emergency housing include inclement weather shelters, or shelters provided in response to natural disasters.
2. “Emergency housing, permanent” means emergency housing provided for periods of six-months or more.

Comments: Added definitions to distinguish between temporary shelters, such as cold weather facilities, and permanent shelter space. This is important because temporary facilities may be acceptable in variety of zones through a temporary use permit process.

“Housing, public” means housing owned or operated by a government agency. Examples of public housing include housing provided for public purposes, such as housing for public employees or low-income residents.

Comments: Needed to allow housing the PFT zones created through the last update cycle. This includes public employee housing, such as housing for Fire/EMS services and publicly owned housing, such as housing authority properties and the city-owned first-step center.

“Impervious surface” means a hard surface which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops and eaves, walkways, patios, decks (both covered and open slat construction shall both be considered impervious), driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, rockeries and oiled macadam or other surfaces which similarly impede the natural infiltration of surface and storm water runoff. Open, uncovered storm water retention and detention facilities shall not be considered impervious surfaces for purposes of this definition. For purposes of calculating impervious surface coverage and demonstrating compliance with this title, the following impervious surfaces shall be included at a ratio of 50 percent:

1. “Permeable paving” means pervious concrete, porous asphalt, permeable pavers, grass grid, or other forms of pervious or porous paving material intended to allow the passage of water through the pavement section. Permeable paving often includes an aggregate base that provides structural support and acts as a storm water reservoir.
2. “Open slatted decking” means a deck surface constructed of boards with intermittent gaps that allow water to pass through to the surface below. Only open, uncovered decks installed over a permeable surface shall be included in impervious surface calculations at a 50 percent ratio. Covered decks, or decks installed over an impermeable surface, shall be considered an impervious surface and included in all coverage calculations accordingly.
3. “Green roof” or “vegetated roof” means a roof, or a portion of a roof, consisting of waterproofing material, growing medium or soil, and vegetation used in place of or over the top of a conventional roof. Green roofs provide storm water management by capturing, filtering, and evaporating rainfall.
4. Any area covered by solar panels

Comments: Adding solar panels to this list creates an incentive to add solar panels building roofs. This is necessary to implement new comp plan goals 4.5.2 and 4.5.3 and associated policies which call for creating incentives for alternative energy sources including solar power.

RD Land Use Zones – Chapter 17.15 BMC

17.15.060 Permitted primary uses.

Buildings, structures, and lots in the RD-1 and RD-2 zones shall only be used for the following unless otherwise provided for in this title:

- A. Detached dwellings;
- B. Duplex dwellings;
- C. Small boarding houses;
- D. Small utilities;
- E. Horizontally attached dwellings;
- F. Small multiunit buildings;
- G. Small commercial child daycare center.

17.15.070 Permitted accessory uses.

The following buildings, structures, and uses may be authorized as accessory uses. Accessory uses shall only be permitted when 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: garage, guest cottage, recreation room, storage shed, noncommercial greenhouse, swimming pool, decks, patios, driveway, on-site utilities and utility connections, fences, electric vehicle chargers, and solar panels;

Climate policy and code audit recommendation. Clarifies that electric vehicle chargers associated with a dwelling are a permitted accessory use.

17.15.080 Conditional uses.

- A. ~~Horizontally attached dwellings;~~
- B. ~~Small multiunit buildings;~~
- C. ~~Small commercial child day care center;~~
- D. Small meeting facilities;
- E. Small private school;
- F. Medium utilities;
- G. Accessory buildings with a footprint greater than 800 square feet, except for detached ADUs that comply with the regulations in BMC 17.15.090.K;

Comments: Implements Planning Commission capacity recommendation “A-1” and provides for consistency with revised comp plan goals and policies 2.5.1, 3.4.1.4, and 3.4.3. Change related to accessory buildings is necessary to resolve conflict with ADU standards which specify a different maximum footprint. RCW 35.21.996 now requires that child daycare centers be permitted outright in all zones other than industrial and open space zones.

BMC 17.15.090 Additional Regulations.

J. Horizontally Attached Dwellings and Small Multiunit Buildings.

1. Except as authorized as part of a cluster development, horizontally attached dwellings and small multiunit buildings may only be permitted on lots within 1,320 feet (travel distance) of a school, park, bus route, or commercially zoned parcel.;
2. Buildings shall be designed by a licensed architect and detailed elevation drawings shall be provided with the conditional use permit application.;
3. ~~For horizontally attached dwellings, each unit shall have frontage on a public or private street and shall have its own exterior entrance. Each unit's primary exterior entrance shall face the street and~~ A direct pedestrian access path shall be provided between the primary entrance for each unit and to the street. shall be provided.;

Comments: This restriction has not proven to be workable. In addition, it only applies to horizontally attached units and not multiunit buildings, which doesn't make sense.

K. Accessory Dwelling Units. The following standards shall apply to accessory dwelling units (ADUs):

1. Type. ADUs may be attached to the primary dwelling or be located in an accessory building;
2. Number. ~~One~~ Two accessory dwelling units ~~is permitted~~ for each primary dwelling;
3. Maximum Floor Area: 1,000 square feet.
 - ~~a. Detached: 1,000 square feet, exclusive of any area used as a garage, carport, or covered patio. In all cases detached ADUs shall comply with the size limits applicable to accessory buildings identified in this chapter;~~
 - ~~b. Attached: 1,000 square feet or 30 percent of the floor area of the primary dwelling, whichever is less; provided, that in all cases at least 500 square feet may be permitted;~~
4. Design Standards.
 - a. Entrances and addressing: Separate entrances shall be provided for the primary dwelling and the ADU. ~~The ADU entrance shall be oriented so that it faces a different direction than the entrance to the primary dwelling.~~ ADUs shall be assigned their own addresses.

- b. Setbacks: Detached ADUs shall comply with the setback standards applicable to accessory buildings identified in this chapter.
 - c. Access: Direct pedestrian access shall be provided between the ADU and a street or alley;
5. Tenure and Ownership. The ADU must be located on the same lot as the primary dwelling it is associated with and may not be separately sold except as explicitly authorized by Washington State law.

BMC 17.15.100 Development standards.

E. Accessory buildings and structures shall comply with all of the following requirements of this chapter except as follows:

1. Maximum height: 25 feet.
2. Maximum building footprint: 800 square feet except as follows: provided that open uncovered decks and patios shall not be subject to this limit and larger buildings may be permitted with a conditional use permit.
 - a. Open, uncovered decks and patios shall not be subject to this limit.
 - b. Larger accessory buildings may be authorized with a conditional use permit in limited circumstances.
 - c. ADUs shall be subject to the standards 15.15.090.K.
3. Maximum rear yard coverage: Accessory buildings and structures shall not cover more than 50 percent of the required rear yard setback area. ~~ADUs that comply with the building and impervious surface limits in BMC 17.15.100.C shall be exempt from this limitation.~~
4. Minimum setback requirements:
 - a. Side: five feet.
 - b. Street side: 17 feet.
 - c. Rear: five feet.
 - d. Alley: zero feet.

Comments: These changes are required in order to comply with RCW 36.70A.681 which establishes limits on ADU regulations.

RA-1 Residential Attached Zone – Chapter 17.20 BMC

BMC 17.20.060 Primary permitted uses.

F. ~~Small commercial child day care center.~~ Commercial child daycare centers, all sizes.

BMC 17.20.070 Conditional uses.

E. ~~Large commercial child day care centers;~~

BMC 17.20.080 Additional regulations.

Comments: RCW 35.21.996 now requires that child daycare centers be permitted outright in all zones other than industrial and open space zones.

17.20.060 Permitted accessory uses.

The following buildings, structures, and uses are permitted accessory uses in the RA-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: garage, guest cottage, recreation room, storage shed, noncommercial greenhouse, swimming pool, decks, patios, driveway, on-site utilities and utility connections, fences, electric vehicle chargers, and solar panels;

Climate policy and code audit recommendation. Clarifies that electric vehicle chargers associated with a dwelling are a permitted accessory use.

I. Accessory Dwelling Units. The following standards shall apply to accessory dwelling units (ADUs):

1. Type. ADUs may be attached to the primary dwelling or be located in an accessory building;
2. Number. ~~One~~ Two accessory dwelling units ~~is permitted~~ for each primary detached dwelling;
3. Maximum Floor Area: 1,000 square feet.

- ~~a. Detached: 1,000 square feet, exclusive of any area used as a garage, carport, or covered patio. In all cases detached ADUs shall comply with the size limits applicable to accessory buildings identified in this chapter;~~
 - ~~b. Attached: 1,000 square feet or 30 percent of the floor area of the primary dwelling, whichever is less; provided, that in all cases at least 500 square feet may be permitted;~~
4. Design Standards.
- a. Entrances and addressing: Separate entrances shall be provided for the primary dwelling and the ADU. ~~The ADU entrance shall be oriented so that it faces a different direction than the entrance to the primary dwelling.~~ ADUs shall be assigned their own addresses.
 - b. Setbacks: Detached ADUs shall comply with the setback standards applicable to accessory buildings identified in this chapter.
 - c. Access: Direct pedestrian access shall be provided between the ADU and a street or alley;
5. Tenure and Ownership. The ADU must be located on the same lot as the primary dwelling it is associated with and may not be separately sold except as explicitly authorized by Washington State law.

BMC 17.20.090 Development regulations.

E. Accessory buildings and structures shall comply with all of the following requirements of this chapter except as follows:

- 1. Maximum height: 25 feet.
- 2. Maximum building footprint: 800 square feet except as follows: ~~provided that open uncovered decks and patios shall not be subject to this limit and larger buildings may be permitted with a conditional use permit.~~
 - a. Open, uncovered decks and patios shall not be subject to this limit.
 - b. Larger accessory buildings may be authorized with a conditional use permit in limited circumstances.

- c. ADUs shall be subject to the standards 15.15.090.K.
3. Maximum rear yard coverage: Accessory buildings and structures shall not cover more than 50 percent of the required rear yard setback area. ~~ADUs that comply with the building and impervious surface limits in BMC 17.15.100.C shall be exempt from this limitation.~~

Comments: These changes are required in order to comply with RCW 36.70A.681 which establishes limits on ADU regulations

RA-2 Residential Attached Zone Chapter 17.25 BMC

17.25.050 Permitted primary uses.

Buildings, structures, and lots in the RA-2 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, all sizes;
- E. Boarding houses, all sizes;
- F. Commercial child day care centers, all sizes;
- G. Small utilities;
- H. Small private schools;
- I. Small meeting facilities;
- J. Small nursing homes.

Comments: Because RCW 36.70A.681 requires that multiple ADUs be allowed in all zones where detached homes are allowed, detached homes have been removed from the list of permitted uses. This zone already allows duplexes, townhomes, and multiunit buildings. Allowing multiple ADUs would undermine the intended purpose of the zone which is to accommodate more dense housing types. In addition, comp plan policy 2.5.2.2 states that detached dwellings should not be allowed in the RA zones.

17.25.060 Permitted accessory uses.

The following buildings, structures, and uses are permitted accessory uses in the RA-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 or exercise facilities, 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, electric vehicle chargers, and solar panels;

Climate policy and code audit recommendation. Clarifies that electric vehicle chargers associated with a dwelling are a permitted accessory use.

17.25.090. Design standards.

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

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

Comments: During the last update these design standards were copied from another city. EIFS siding does not appear to be visually objectionable and provides energy conservation benefits.

~~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.~~

Comments: Because RCW 36.70A.681 requires that multiple ADUs be allowed in all zones where detached homes are allowed, detached homes have been removed from the list of permitted uses. This zone already allows duplexes, townhomes, and multiunit buildings. Allowing multiple ADUs would undermine the intended purpose of the zone which is to accommodate more dense housing types. In addition, comp plan policy 2.5.2.2 states that detached dwellings should not be allowed in the RA zones.

17.25.100 Development standards.

- A. Lot Area and Dimension. The following requirements shall apply to land divisions and boundary line adjustments in the RA-2 zone except that cluster developments shall be subject to the standards in BMC § 17.20.105.
 - 1. Minimum lot area: 1,500 square feet.
 - 2. Minimum lot width: 30 feet, except that a minimum lot width of 15 feet may be authorized as follows:
 - a. For lots with alley access or where curb cuts are prohibited by plat notes;
 - b. Infill development involving the establishment of up to four horizontally attached dwellings on an existing lot.
 - 3. Minimum lot depth: 60 feet.
- B. Minimum Setback Requirements.
 - 1. Front: 10 feet.
 - 2. Street side: 10 feet.
 - 3. Side: none.
 - 4. Rear: none.
- 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.
- F. Residential density.
 - 1. Maximum: None
 - 2. Minimum: 25 dwelling units per acre
 - 3. Exceptions. The following exceptions shall apply to the minimum residential density standards in this section:
 - a. Any development involving eight dwellings or less.
 - b. The addition of dwellings to an existing building.
 - c. Emergency housing.

Comments: Implements Planning Commission capacity recommendation “C-1” and provides for consistency with revised comp plan policy 2.4.1.3.

MUR-1 Mixed-Use Residential Zone – Chapter 17.30 BMC

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;~~

D. Multiunit buildings, ~~small and medium~~ all sizes, and dwellings located in mixed-use buildings;

17.30.070 Conditional uses.

The following uses shall require a conditional use permit:

~~E. Large multiunit buildings;~~

Comments: Because RCW 36.70A.681 requires that multiple ADUs be allowed in all zones where detached homes are allowed, detached homes have been removed from the list of permitted uses. This zone already allows duplexes, townhomes, and multiunit buildings. Allowing multiple ADUs would undermine the intended purpose of the zone which is to accommodate more dense housing types. In addition, comp plan policy 2.5.3.2 states that detached dwellings should not be allowed in the MUR zones. Adding “dwellings located in a

mixed-use building” will preserve allowances for the live/work character of this zone. Moving large multiunit buildings from a conditional classification to a permitted classification will implement capacity recommendation “A-5”. Note: Capacity recommendation only addresses RD zones, but it doesn’t make sense to treat housing differently in this zone with respect to permit procedures. Also consistent with “Joint Statement” adopted by North Star Steering Committee.

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.

F. Parking facilities and vehicle charging stations;

Climate policy and code audit recommendation. Clarifies that electric vehicle chargers associated with a permitted use are allowed.

17.30.090 Design standards.

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

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

Comments: During the last update these design standards were copied from another city. EIFS siding does not appear to be visually objectionable and provides energy conservation benefits.

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.~~

Comments: Because RCW 36.70A.681 requires that multiple ADUs be allowed in all zones where detached homes are allowed, detached homes have been removed from the list of permitted uses. This zone already allows duplexes, townhomes, and multiunit buildings. Allowing multiple ADUs would undermine the intended purpose of the zone which is to accommodate more dense housing types. In addition, comp plan policy 2.5.3.2 states that detached dwellings should not be allowed in the MUR zones.

MUR-2 Mixed-Use Residential Zone – Chapter 17.40 BMC

17.40.50 Primary permitted uses.

~~A. Detached dwellings;~~

D. Multiunit buildings, ~~small and medium~~ all sizes, and dwellings located in mixed-use buildings;

17.40.070 Conditional uses.

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

~~A. Large multiunit buildings;~~

Comments: Because RCW 36.70A.681 requires that multiple ADUs be allowed in all zones where detached homes are allowed, detached homes have been removed from the list of permitted uses. This zone already allows duplexes, townhomes, and multiunit buildings. Allowing multiple ADUs would undermine the intended purpose of the zone which is to accommodate more dense housing types. In addition, comp plan policy 2.5.3.2 states that detached dwellings should not be allowed in the MUR zones. Adding “dwellings located in a mixed-use building” will preserve allowances for the live/work character of this zone. Moving large multiunit buildings from a conditional classification to a permitted classification will implement capacity recommendation “A-5”. Note: Capacity recommendation only addresses RD zones, but it doesn’t make sense to treat housing differently in this zone with respect to permit procedures. Also consistent with “Joint Statement” adopted by North Star Steering Committee.

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.

F. Parking facilities and electric vehicle charging stations;

Climate policy and code audit recommendation. Clarifies that electric vehicle chargers associated with a permitted use are allowed.

17.40.090 Design standards.

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

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

Comments: During the last update these design standards were copied from another city. EIFS siding does not appear to be visually objectionable and provides energy conservation benefits.

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

- ~~5. On existing lots that have an area of 4,000 square feet or less;~~
- ~~6. 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;~~
- ~~7. In a cottage development with a gross density of 15 units per acre or more;~~
- ~~8. As part of a development with a mix of building types and a gross density of 15 units per acre or more.~~

Comments: Because RCW 36.70A.681 requires that multiple ADUs be allowed in all zones where detached homes are allowed, detached homes have been removed from the list of permitted uses. This zone already allows duplexes, townhomes, and multiunit buildings. Allowing multiple ADUs would undermine the intended purpose of the zone which is to accommodate more dense housing types. In addition, comp plan policy 2.5.3.2 states that detached dwellings should not be allowed in the MUR zones.

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: ~~One residential building per lot. 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. A multifamily building shall not contain more than eight dwelling units;~~

~~2. Maximum Density. One residential building per lot.~~

Comments: moving large multiunit buildings from a conditional classification to a permitted classification will implement capacity recommendation "A-5". Note: Capacity recommendation only addresses RD zones, but it doesn't make sense to treat housing differently in this zone with respect to permit procedures. Also consistent with "Joint Statement" adopted by North Star Steering Committee.

MUC-1 Mixed-Use Commercial Zone – Chapter 17.45 BMC

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:

R. Boarding houses.

Comments: this was inadvertently omitted from the original code draft.

17.45.080 Additional regulations.

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. Residential accessory uses such as community rooms, exercise rooms, manager or leasing offices, storage areas, and garages shall not be used to meet this requirement.

Comments: addresses Planning Commission capacity recommendation "B-1".

MUC-2 Mixed-Use Commercial Zone – Chapter 17.50 BMC

17.50.050 Permitted primary uses.

T. Boarding houses.

Comments: addresses Planning Commission capacity recommendation "B-1".

17.50.070 Conditional uses.

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

~~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.~~

Comments: addresses Planning Commission employment capacity recommendation and consistency with revised comprehensive plan policy 2.5.4.2.

17.50.080 Additional regulations.

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. Residential accessory uses such as community rooms, exercise rooms, manager or leasing offices, storage areas, and garages shall not be used to meet this requirement.

Comments: addresses Planning Commission capacity recommendation "B-1".

17.50.090 Development standards.

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 every foot of building height in excess of ~~each foot the building exceeds~~ 45 feet; and
2. An additional ~~15~~ 25 feet of height may be permitted when parking is located under the building.

Comments: addresses Planning Commission capacity recommendation "C-3". Provides an additional incentive for placing parking under buildings. Other changes included to provide additional clarity.

K. Residential Density.

1. Maximum: None
2. Minimum: 35 dwelling units per acre
3. Exceptions. The following exceptions shall apply to the minimum residential density standards in this section:
 - a. Any development involving eight dwellings or less.
 - b. The addition of dwellings to an existing building.
 - c. Emergency housing.

Comments: Implements Planning Commission capacity recommendation “C-1” and provides for consistency with revised comp plan policy 2.4.1.3.

CI-1 Commercial Industrial Zone – Chapter 17.55 BMC

17.55.050 Permitted primary uses.

AA. Personal storage subject to the following:

1. The site shall not be located in the Westside Freeway Sales Special Planning area.
2. The site shall not have frontage on the I-5 freeway, a railroad right-of-way, or an arterial street.

Comments: addresses Planning Commission employment capacity recommendation and consistency with revised comprehensive plan policies 2.7.1 & 2.5.5.2.

~~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 be located in the Westside Freeway Sales Special Planning area and shall not have frontage on the I-5 freeway, a railroad right-of-way, 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.

Comments: Implements Planning Commission capacity recommendation “B-2” and provides for consistency with revised comp plan policies 2.7.1 & 2.5.5.2.

17.55.090 Development standards.

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 every foot of building height in excess of ~~each foot the building exceeds~~ 45 feet; and
2. An additional ~~15~~ 25 feet of height may be permitted when parking is located under the building.

Comments: addresses Planning Commission capacity recommendation “C-3”. Provides an additional incentive for placing parking under buildings. Other changes included to provide additional clarity.

CI-2 Commercial Industrial Zone – Chapter 17.60 BMC

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:

~~FF. Personal storage;~~

Comments: addresses Planning Commission employment capacity recommendation.

17.60.060 Permitted accessory uses.

J. Parking facilities and electric vehicle charging stations.

Climate policy and code audit recommendation. Clarifies that electric vehicle chargers associated with a permitted use are allowed.