

Exhibit "D" - Proposed Changes to MUC Zones

Burlington Municipal Code
Chapter 17.45 ~~B-1 BUSINESS DISTRICT~~ MUC-1 –
Mixed Use Commercial Zone

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Chapter 17.45

~~B-1 BUSINESS DISTRICT~~ 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 “~~B-1 Business District~~ MUC-1 Mixed Use Commercial Zone” (Ord. 1857 § 2 (Exh. B), 2018).

17.45.020 Application.

This chapter shall apply to all areas zoned ~~B-1~~ MUC-1. (Ord. 1857 § 2 (Exh. B), 2018).

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. The B-1 zone should be applied to the historic city center. This area has traditionally served as the city's center for financial, commercial, government, and professional services. This area also provides the greatest concentration of cultural amenities and pedestrian oriented commercial enterprises.~~

~~Uses that detract from, or do not contribute to, a traditional small town streetscape, the purpose of the B-1 zone, and the following regulations, is to preserve and enhance the unique characteristics of the historic city center by encouraging the preservation, expansion, and establishment of smaller scale, pedestrian oriented businesses and uses, and by discouraging or prohibiting incompatible uses such as gas stations, outdoor storage yards, and drive-through uses shall be prohibited. (Ord. 1857 § 2 (Exh. B), 2018).~~

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. Administrative offices, provided they are located in a multistory building the ground floor of which must contain another permitted use listed in this section;~~

~~B. Multifamily Multiunit dwellings buildings and dwellings located in mixed use buildings, provided they are located in a multistory building, the ground floor of which must contain another permitted use as listed in this section;~~

~~C. Art, music and photography studios;~~

Commented [BJ86]: BJ_3-16-2021_Revised purpose statement for consistency with comp plan language and other updated purposes statements. Also removed confusing reference to downtown zoning.

Commented [BJ87]: BJ_3-9-2021_Moved to development standards section

Commented [BJ88]: BJ_3-16-2021_Special limitations on development unique to downtown will be moved to the special standards section where regulations for each of the City's special planning areas will be located.

Commented [BJ89]: BJ_3-9-2021_Moved to development standards section.

Commented [BJ90]: BJ_3-16-2021_Covered by retail and craft manufacturing.

Commented [BJ91]: BJ_3-9-2021_Sale of art and production not involving high impact processes (wood working, metal working, glass blowing, etc.) is allowed under definition of retail. Other types of art production are allowed conditionally within the definition of “craft industries”. Conditions needed to ensure noise mitigation, fire safety, and adequate provisions for loading, unloading, and storage of bulky materials. Performing arts (music, dance, etc.) allowed under definition of “theatre” or as a form of “commercial entertainment”.

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~~D. Automotive parts and accessories;~~

~~E. Customer service office, excluding drive-in facilities;~~

~~CF. Retail, small and medium scale; General personal and household retail sales and service;~~

~~DG. Hotels;~~

~~H. Major durables, sales, service and rentals;~~

~~II. Health care facilities, provided such uses shall be prohibited along Fairhaven Avenue;~~

~~J. Multipurpose convenience store;~~

~~K. Eating and drinking establishments;~~

~~GL. Schools, including art, business, barber, beauty, dancing, martial arts and music; Specialized instruction;~~

~~M. Specialty food store;~~

~~HN. Theaters, except drive-in. (Ord. 1857 § 2 (Exh. B), 2018);~~

~~I. Commercial child day care center;~~

~~J. Meeting facilities;~~

~~K. Horizontally attached dwellings;~~

~~L. Private schools;~~

~~M. Utilities, small;~~

~~N. Personal services;~~

~~O. Nursing homes;~~

~~P. Veterinary clinics;~~

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; Accessory buildings or multi-building developments with uses complementary and related to a dominant or primary use; provided control of building design, location and site development is retained by the dominant use. In such coordinated developments the site area requirement shall apply to the group of buildings and the yard requirements to the site perimeter; provided, that construction of warehouse space accessory to another use shall be required to provide landscaping, comply with design review standards and shall not be permitted to be an all-metal building;~~

~~B. Automobile parking facilities and vehicle charging stations;~~

~~C. Outdoor seating associated with an eating and drinking establishment;~~

~~D. Caretaker apartment;~~

Commented [BJ92]: BJ_3-9-2021_Deleted – this is already included within the definition of “retail” so the term is redundant and unnecessary.

Commented [BJ93]: BJ_3-9-2021_All categories of offices are permitted. Regulations pertaining to where in a building a particular type of office may be located are included in the development standards section.

Commented [BJ94]: BJ_3-9-2021_Included in the definition of “retail” – not necessary to repeat it.

Commented [BJ95]: BJ_3-9-2021_Location specific restrictions included in the development standards section and includes all uses that are not pedestrian oriented, high turn-over, activity generators.

Commented [BJ96]: BJ_3-9-2021_Deleted – this is already included within the definition of “retail” so the term is redundant and unnecessary.

Commented [BJ97]: BJ_3-9-2021_No change other than term. Updated for consistency.

Commented [BJ98]: BJ_3-9-2021_Deleted – this is already included within the definition of “retail” so the term is redundant and unnecessary.

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Commented [BJ99]: BJ_3-9-2021_Seating is generally an integral part of an eating and drinking establishment. Why is it necessary to call it out here?

Commented [BJ100]: BJ_3-9-2021_Dwellings in mixed use buildings are a permitted use, making this term unnecessary.

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CE. 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 housing:

17.45.070 Conditional uses.

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

A. Administrative offices located on the ground floor;

AB. Multifamily dwellings without a permitted ground floor use 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
- 1-2. The lot does not have frontage on Fairhaven Avenue. ;

BC. Areades Indoor commercial entertainment, minor;

D. Utility substations. (Ord. 1857 § 2 (Exh. B), 2018);

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;

H. 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;

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Commented [BJ101]: BJ_3-16-2021_ These regulations adopted to ensure buildings are consistent visually with other buildings in the MUC-1 zone. 6,000 sq ft. appears to be near the upper limit of building sizes in this zone. Regulations are intended to ensure larger buildings appear to be made up of smaller components.

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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 Area Requirements. See chapter 17.85 BMC 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 BMC 17.XX.XXX; as permitted by the fire marshal, building official, community development director or designee or city engineer pursuant to the applicable ordinances;
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 as regulated by International Fire Code. (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.

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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 Density building footprint: 6,000 square feet. The maximum permissible density for multifamily development shall be calculated as follows: one unit per lot plus one additional unit for every 3,000 square feet of lot area; provided, that additional density may be permitted through the agricultural heritage credit program. Larger buildings may be authorized through a conditional use permit subject to BMC 17.45.070.H.~~

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C. Maximum ~~building and~~ impervious surface coverage.

- ~~1. Downtown: none~~
- ~~2. All other locations: 80 percent; none.~~

D. Minimum Setback ~~s~~ Requirements.

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

~~E. Maximum front front and street setbacks: along Fairhaven Avenue: zero feet; provided, that exceptions to this requirement may be authorized when:~~

- ~~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. A To accommodate a wider sidewalk wider sidewalk or additional landscaping is approved at the building entrance; or~~

~~b. To comply with the façade modulation requirements of this chapter; or~~

~~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. or~~

~~2. A greater setback is necessary to maintain the continuity of the street front because of the setback line of the buildings on either side.~~

Commented [BJ102]: 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.

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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.

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G. Maximum building height: 45 feet.

H. Fences. See BMC 17.70.070.

I. Parking. Parking shall not be located between a building and a street. See Chapter 17.85 BMC.

J. Landscaping. See Chapter 17.80 BMC.

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

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Chapter 17.50

~~C-1 GENERAL COMMERCIAL DISTRICT~~ 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 "~~C-1 General Commercial District~~ 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 ~~designated zoned C-1~~ 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 larger 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 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. The intent and objective of this classification and its application is to provide for the location of a grouping of uses which are considered compatible uses having common or similar performance standards in that they represent types of enterprises involving the rendering of services, both professional or to the person, or on-premises retail activities. This zone represents the prime commercial designation for small to moderate scale commercial activities and should be developed in a manner which is consistent with and attracts pedestrian oriented activities. This zone encourages leisure shopping and provides amenities conducive to attracting shoppers.~~

Commented [BJ103]: BJ_3-16-2021_revised to match comp plan language and for consistency with other updated purpose statements.

~~There are several blocks zoned C-1 general commercial in old downtown Burlington located along Fairhaven, Victoria and Washington between Burlington Boulevard and Anacortes Avenue. The goal of the commercial zoning in this area is to attract new businesses and uses, and to upgrade existing businesses and uses that enhance the district as a whole, without having an adverse impact on parking or changing the character of the area. (Ord. 1857 § 2 (Exh. B), 2018).~~

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).

Commented [BJ104]: BJ – See the deleted text under 17.50.050 below. Previously even if the property was zoned C-1 it was regulated under the B-1 regulations creating a lot of confusion. This issue has been fixed by amending the zoning map so the areas in downtown are zoned MUC-1 (formerly B-1).

17.50.050 Permitted primary uses.

~~Property located in downtown Burlington as mapped in the comprehensive plan that is zoned C-1 general commercial shall comply with the B-1 business district zoning regulations, unless a conditional use permit is authorized by the city council. See also BMC 17.05.100.~~

Commented [BJ105]: BJ – see note above

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Hereafter all buildings, structures, or parcels of land zoned general commercial but located outside downtown Burlington shall only be used for the following, unless otherwise provided for in this title:

~~A. Multiunit buildings and dwellings located in a mixed use buildings; Multifamily dwellings, provided they are located in a mixed use development with commercial on the street frontage and apartments in a separate structure or on the upper floor(s)~~

Commented [BJ106]: BJ – changed terms for consistency

~~B. ;~~

Commented [BJ107]: BJ – this information moved to additional standards section

~~B. Retail;~~

~~C. Art, music and photography studios;~~

~~C. Horizontally attached dwellings;~~

~~Automotive parts and accessories sales;~~

~~D. Banking and related financial institutions, excluding drive-in facilities, and located in a building containing another permitted use Offices;~~

~~E. Bowling alleys, bingo halls, skating rinks and other commercial recreation Indoor commercial entertainment;~~

~~F. Bus Private passenger transportation terminals;~~

~~G. Civic, social, and fraternal clubs Meeting facilities;~~

~~H. Commercial child day care centers;~~

~~I. Private schools; Existing automobile service stations;~~

~~J. Funeral homes;~~

~~J.K. Health care facilities;~~

~~K.L. Hospitals and health care, to include small animal, but does not allow outside runs or kennels Veterinary clinics;~~

Commented [BJ108]: BJ_3-16-2021_Hospitals moved to conditional uses. They are typically very large institutional uses that can impose a variety of impacts and can be inconsistent with the needs of other permitted uses in the MUC-2 zone. Vet clinics are very different and are more of a traditional customer service use. Not hospitals and healthcare facilities (dental offices, physical therapy clinics, doctor's offices, etc.) are not the same as a hospital.

~~L.M. Hotels;~~

~~N. Meeting rooms and/or reception facilities;~~

~~M.O. Nursing homes;~~

~~P. Offices;~~

~~Q. Personal and household retail sales and service;~~

~~R. Printing and publishing;~~

~~S. Religious institutions;~~

~~N.T.- Utilities, small; Existing single family and duplex dwellings;~~

~~O.U. Eating and drinking establishments, provided drive through uses may only be permitted through a conditional use permit process as specified in BMC 17.50.070(D);~~

~~P.V. Schools, including art, business, barber, beauty, dancing, martial arts and music Specialized instruction;~~

~~Q.W. Theaters, except drive in;~~

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- ~~X. Trailer parks within 1,000 feet of the Skagit River Levee, subject to the following requirements:~~
- ~~1. A flood evacuation plan shall be prepared by the applicant, approved by the city and posted on the site. The plan shall include the following elements at a minimum:~~
 - ~~a. A requirement that wheels shall not be removed from units;~~
 - ~~b. A requirement that the hitch shall not be removed from units;~~
 - ~~c. A requirement that only quickly removable, knockdown skirting shall be used;~~
 - ~~d. A requirement that a plan is in place to move the units out;~~
 - ~~2. The site shall have a row of screening trees or hedge around the perimeter;~~
 - ~~3. The site shall be designed and maintained as a permanent long-term viable use, rather than an interim use and shall meet city standards for utilities and infrastructure;~~
 - ~~4. The site shall be located in an area where it is unlikely to create land use conflicts with either industrial or residential properties;~~
 - ~~5. The site shall be developed to minimize drainage impacts, with gravel and lawn and minimal asphalt;~~
 - ~~6. The site shall take advantage of FEMA recommendations for location and shall be planned for ease of evacuation in the event of flood danger;~~
 - ~~7. Park rules shall be approved by the city and posted on the site;~~
 - ~~8. Health department and other required permits shall be obtained for the use;~~
 - ~~9. A children's play area approved by the city shall be provided on the site;~~

~~Y. Other uses may be permitted by the community development director or designee if the use is determined to be consistent with the intent of the zone and substantially the same with respect to function and impacts as another use permitted in the zone; provided, that if the use is listed as permitted or conditional in another zone it shall not be permitted. (Ord. 1857 § 2 (Exh. B), 2018).~~

17.50.060 Permitted accessory uses.

- A. Automobile parking facilities and charging stations;
- B. Caretaker apartment dwellings and employee 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~~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. ~~Multifamily dwellings, either single purpose or as part of a mixed use development where the street frontage is primarily residential; provided, that an additional criterion for approval is that the site is better suited for housing than commercial development. Multifamily dwellings authorized under this provision shall comply with the plan review criteria in BMC 17.25.050(A) and 17.25.090;~~

Commented [BJ109]: BJ_3-16-2021_this entire code section appears to have been added to authorize a single project. There are probably no other remaining sites that meet the approval criteria and the use is inconsistent other city regulations.

Commented [BJ110]: BJ_3-16-2021_this simply repeats what is already stated in the general provisions section.

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AB. Areades~~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.

BC. Dance halls~~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.

Commented [BJ111]: BJ_3-16-2021_to ensure this is still customer service oriented rather than an industrial use.

CD. Drive-through~~in facilities~~, subject to the following:, including banks and restaurants, when located on a tenant pad on an existing development site or at a signalized intersection;

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 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;

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.

Commented [BJ112]: BJ_3-16-2021_to prevent interference with primary permitted uses which have lots of customer traffic. This is more of light industry use and may be appropriate in peripheral locations.

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DE. Government facilities, other than those listed as a permitted use ~~Laboratories and research facilities~~

EF. Household goods storage, provided the following requirements are met ~~Personal storage~~, subject to the following:

Revised drive-through regulations

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Revised regulations for car washes and gas stations

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1. ~~No more than two main entrances and/or exits to the building and access to the individual storage area. Each building shall have no more than two primary entrances and access to individual storage units shall be from the inside of the building;~~
2. ~~Landscaping and architectural improvements required shall be provided to ensure compatibility with present and potential C-1 uses in the vicinity visual compatibility with those uses and development types typically found in mixed commercial and residential environments;~~
3. ~~The site does not front 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.~~

~~FG. Utilities, medium; y substations. (Ord. 1857 § 2 (Exh. B), 2018).~~

~~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 drive-through uses during the land division approval process; or
- c. Through lots or lots with alley access; or
- d. Other locations with two or more points of vehicle 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;

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

I. Recreational marijuana retailers, subject to the following:

1. The definitions set forth in BMC 17.01.050 shall apply.
2. Only recreational marijuana retail stores licensed by the state of Washington shall be permitted.
3. Location:

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Commented [BJ113]: BJ_3-16-2021_Per Planning Commission direction in response to public comments gas stations were added to the list of conditional uses. These design criteria are similar to those that apply to drive-through uses. Also, regulations would have the effect of only allowing gas stations between Burlington Boulevard and I-5 and along on of the intersecting arterial streets that serve an interchange.

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

Marijuana regulations will be revised based on the option selected by the Planning Commission

Exhibit "D" - Proposed Changes to MUC Zones

Burlington Municipal Code
Chapter 17.50 MUC-2 – Mixed Use Commercial ZoneC+
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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.

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

5. All requirements of state laws must be met.

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Commented [BJ114]: BJ_3-16-2021_Per Planning Commission direction in response to public comments recreational marijuana uses have been added to the list of conditional uses. At the next meeting this will be included in a separate recommendation document so the planning commission can take action on it separate from the other zoning changes.

17.50.080 Additional regulations.

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

1. Automobile parking lots, facilities and vehicle charging stations accessory to a permitted use;
2. Existing automobile sales and leasing areas;
3. 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;
4. Outdoor seating accessory to a permitted use;
5. Play areas accessory to a child day care center or school;
6. 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;
7. Temporary uses as permitted by the fire marshal, building official, community development director or designee or city engineer pursuant to the applicable ordinances;
8. Unloading and loading areas accessory to a permitted use;
9. Utility substations.

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.

marijuana regulations will be revised based on the options selected by the Planning Commission

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

G. Commercial land abutting 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; 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.

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 lot coverage: none required.

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, provided that in all cases new buildings and additions shall be constructed as close as possible to adjoining streets. Exceptions to the maximum setbacks identified above may be authorized in the following instances:

a. To accommodate a wider sidewalk; or

b. To comply with the façade modulation requirements of this chapter; or

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

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

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Commented [BJ115]: BJ_3-16-2021_moved from permitted uses section. Carved out exception for northern gateway area consistent with previous planning commission direction on special planning areas and the land use element of the comp plan.

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Commented [BJ116]: 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.

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~~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; or~~

d. Drive-through uses subject to compliance with **BMC 17.50.060.C**; or

~~e. Fueling stations and car washes subject to compliance with **BMC 17.50.060.H**. a. A greater setback for drive-through uses may be authorized through the conditional use permit for the drive-in use; provided, that the building shall be located as close as possible to adjoining streets and shall be set back only the distance necessary to accommodate the drive-through and any associated queuing lanes.~~

~~b. The presence of a utility easement makes compliance with the maximum setback impossible; provided, that the building shall still be located as close as possible to adjoining streets.~~

~~e. The building entrance may be set back a greater amount to accommodate a wider sidewalk or additional landscaping.~~

~~d. A greater setback is necessary to accommodate an architectural design feature, such as: a unique building entrance, outside seating area, pocket park, or similar element.~~

~~e. Deviations from the maximum setback requirements may be granted for 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.~~

~~f. The expansion or modification of existing buildings, when a greater setback is needed to preserve existing visual and physical access.~~

~~g. Other similar exceptions may be granted when consistent with the intent of providing a well-defined street edge and pedestrian-oriented streetscape.~~

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).

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Commented [BJ117]: BJ_3-16-2021_The intent of the his exception has always seemed clear but the references to visual and physical access where difficult to interpret.

Commented [BJ118]: BJ_3-16-2021_Too vague to enforce

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