

Plain text	= existing code with no changes
Strikethrough	= existing code to be deleted
<u>Underlined</u>	= new code to be added
Double Strikethrough	= existing code moved to another location
<u>Double Underline</u>	= existing code moved from another location
<i>Italics</i>	= instructions to code reviser

Sections:

- 17.14.010 Purpose.**
- 17.14.020 Permitted uses.**
- 17.14.030 Accessory uses.**
- 17.14.040 Conditional uses.**
- 17.14.050 Minimum lot size.**
- 17.14.060 Setbacks.**
- 17.14.070 Building height.**
- 17.14.080 Lot width.**
- 17.14.090 Off-street parking.**
- 17.14.100 Revenue/expenditure analysis.**
- 17.14.120 Emission performance standard.**
- 17.14.130 Vibration performance standard.**
- 17.14.140 Heat, glare and steam performance standard.**
- 17.14.150 Noise performance standard.**
- 17.14.160 Fire and explosive hazard performance standard.**
- 17.14.170 Waste disposal performance standard.**
- 17.14.180 Radiation performance standard.**
- 17.14.190 Erosion performance standard.**
- 17.14.200 Electrical disturbance performance standard.**
- 17.14.210 Performance standard enforcement.**

17.14.220 Appeals.

17.14.010 Purpose.

The manufacturing (M) district is intended primarily for manufacturing and closely related uses. To avoid unnecessary regulations on manufacturing, standards for this district are intended to provide protection against effects harmful to others. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.020 Permitted uses.

A. Subzone A. In that area of the manufacturing district west of Ludwick Avenue and north of Boblett Street, the permitted uses are generally any industrial, research and development centers, warehousing, processing and shipping terminal uses; provided, that such uses do not inflict upon neighboring use districts smoke, dirt, noise, vibrations, odor, glare or other nuisances or hazards detrimental to the health, welfare and safety of persons occupying or visiting the district or adjacent districts. Restaurants, overnight accommodations and retail sales and services are permitted uses. Business and technical parks as defined at BMC [17.142.115](#) are a permitted use through the planned unit development process as prescribed at Chapter [17.68](#) BMC. All uses must meet the performance standards listed in this chapter.

1. Electric vehicle charging stations, including but not limited to EV charging station, rapid charging station, battery exchange station.

B. Subzone B. All uses permitted in Subzone A, with the exception of restaurants, overnight accommodations, retail sales and services and department store establishments, are permitted in Subzone B.

In addition, work/live units, subject to the following standards:

1. The work/live unit shall be designed as a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of the International Building Code, and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Work/Live unit is intended to accommodate a primary nonresidential activity with an accessory residential component.

2. Allowed uses within the nonresidential space of a work/live unit. Permitted uses as described in BMC 17.14.020.B, except that warehousing uses must be of a commercial nature and not for personal use.
3. Facilities to accommodate commercial or industrial activities. A work/live unit shall be designed to accommodate commercial or industrial uses as evidenced by the Certificate of Occupancy and pursuant to all applicable requirements in Title 15.
4. Changes in use. After approval, a work/live unit shall not be converted to entirely residential use. Conversion of the residential space to non-residential space shall require a permit and review for consistency with the International Building Code.
5. Each work/live unit shall be occupied by a business with a valid and active business license to operate at the unit. A unit cannot be used exclusively for residential purposes.
6. One work/live unit is allowed per business on the project site.
7. Within each work/live unit, the living area shall not exceed one-third of the total floor area of the unit.
8. The residential component of the work/live unit shall be occupied by the property owner, the business owner, or an employee of the licensed business operating at the work/live unit.
9. No portion of a work/live unit may be sold separately. Any lease or rental of the residential component is restricted to the persons identified in subsection 8 above.
10. Before obtaining a certificate of occupancy for a work/live unit, the property owner shall file with the Whatcom County Auditor a declaration of restrictions stating the following:
 - a. The work/live unit is subject to the standards contained in BMC 17.40.040.B.1 through 7.

- b. The property is situated on lands designated for manufacturing use and located in a nonresidential facility that allows commercial and/or industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing. These nonresidential activities, when performed in accordance with local, state and federal law, shall not be subject to legal action as a public nuisance unless the activity has a substantial adverse effect on the public health and safety.
 - c. The restrictions shall be provided to prospective tenants before a work/live unit or property is rented or leased.
 - d. The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement and/or revoking the occupancy or use permit.
 - e. The deed restrictions shall lapse upon removal of the work/live unit.
11. To avoid impacts that result from adjacent dissimilar land uses, work/live units located adjacent to a property in the Manufacturing Zoning District shall provide a 15-foot-wide landscaping screen along the common property line, which shall be planted as follows:
- a. Six-foot-tall evergreen trees planted six-foot on-center on the interior side of the landscaping area;
 - b. Five-gallon evergreen shrubs planted six-foot on-center on the exterior side of the landscaping area;
 - c. Four inches of uniform bark mulch.

The Director may grant a modification to this screening standard only if the Director finds that the following requirements are met:

- a. The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or

- b. [The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer; or](#)
- c. [The modification will provide a visual screen that is comparable or superior to the buffer required for the work/live unit.](#)

[12. Work/live units are subject to parking provisions of BMC 17.126.](#)

C. Subzone C. All uses permitted in Subzone B, with the exception of warehousing/storage and processing and shipping terminals, are permitted in Subzone C. (Ord. 2879 § 1 (Exh. A § 3), 2016; Ord. 2793 § 2 (Exh. A(2)), 2011; Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.030 Accessory uses.

A. Subzone A. In that area of the manufacturing district north of Boblett Street and west of Ludwick Avenue, permitted accessory uses are cafeterias, offices which are not part of a business park development, and caretaker or security residences.

B. Subzone B. In areas of the manufacturing district not included in Subzone A or Subzone C, permitted accessory uses are cafeterias, overnight accommodations, restaurants, offices which are not part of a business park, and caretaker or security residences.

C. Subzone C. In that area of the manufacturing district, all accessory uses permitted in Subzone B are permitted accessory uses in Subzone C, except the following regulations shall apply. Warehousing/storage shall be a permitted accessory use only as incidental and in conjunction with a permitted use, subject to review and approval of the city. Processing and shipping terminals shall be a permitted accessory use only in conjunction with manufactured goods produced at the same site. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.040 Conditional uses.

A. Overnight accommodations and restaurants.

B. Recreational vehicle parks as described in BMC [17.108.060](#). (Ord. 2879 § 1 (Exh. A § 7), 2016; Ord. 2628 § 2, 2006; Ord. 2577 § 5, 2004; Ord. 2554 § 3, 2003)

17.14.050 Minimum lot size.

There is no minimum lot size in the manufacturing district. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.060 Setbacks.

The minimum setback requirements in the manufacturing district are:

- A. Property Lines Abutting Rights-of-Way. No building or structure shall be located closer than 20 feet from the street right-of-way;
- B. Property Lines Abutting Odell Street Right-of-Way. No building or structure shall be located closer than 25 feet from the Odell Street right-of-way;
- C. Property lines abutting adjacent properties. Unless otherwise allowed in this chapter, no building or other structure shall be closer than 10 feet from adjacent property lines. Heavy impact industrial uses and buildings shall be set back 25 feet from adjacent property lines;
- D. For buildings in excess of 35 feet tall, an additional one foot of setback shall be required for each foot of height in excess of 35 feet;
- E. When abutting a residential, commercial, or public district, setbacks shall be 25 feet or one foot for each foot of height of the structure nearest the side lot line, whichever is greater;
- F. The administrator may average or reduce setbacks up to 50 percent of their standard requirements if it can be demonstrated that site-specific conditions preclude utilization of the parcel in a manner typical of a standard parcel in this district; provided, it can be demonstrated that there will be no impact to adjacent properties. (Ord. 2745 § 2 (Exh. A), 2009; Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.070 Building height.

Maximum building height in the manufacturing district is 50 feet. Requirements for structures in excess of 50 feet shall be considered on an individual basis. Applications for exceeding the height limit shall be reviewed by the review authority, with a recommendation to the city council for approval or disapproval. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.080 Lot width.

The minimum lot width in the manufacturing district is 60 feet. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.090 Off-street parking.

Parking requirements are defined in Chapter [17.124](#) BMC, Parking and Loading. (Ord. 2728 § 2 (Exh. A), 2009; Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.100 Revenue/expenditure analysis.

The city council may, upon recommendation from the review authority, require applicants for significant manufacturing proposals to prepare a revenue/expenditure analysis which would show costs to the city versus benefits of the project. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.120 Emission performance standard.

Levels of emissions of smoke, dust and other particulate matter, toxic and noxious gases in the manufacturing district are not to exceed standards set by the Northwest Air Pollution Authority and all state and federal standards. The standards mentioned in this section are to be current and copies are to be on file at City Hall. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.130 Vibration performance standard.

Every use in the manufacturing district shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any district boundary in which the use is located. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.140 Heat, glare and steam performance standard.

Any activity in the manufacturing district producing steam, heat or glare shall be carried on in such a manner that the steam, heat or glare does not create a nuisance beyond the boundary lines of the district within which the use is located. Building materials with light-reflective qualities shall not be used in construction of buildings where reflected sunlight would throw intense glare on adjacent areas. Artificial lighting shall be hooded or shaded so that direct light from high-intensity lamps will not result in glare upon surrounding areas or cast light upon any residential use or street area. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.150 Noise performance standard.

Sound levels in the manufacturing district are not to exceed levels established by noise control regulations of the Department of Labor and Industries. Maximum permissible environmental noise levels to be emitted to adjacent properties are not to exceed levels of the environmental designations for noise abatement (EDNA) as established by the Department of Ecology. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.160 Fire and explosive hazard performance standard.

The manufacture, use or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in the manufacturing district only in accordance with state and local regulations for fire prevention and protection. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.170 Waste disposal performance standard.

Disposal of wastes in the manufacturing district shall be subject to regulations of the State Health Department and local, state and federal pollution controls. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.180 Radiation performance standard.

Emissions of ionizing radiation in the manufacturing district must comply with all standards established by the U.S. Nuclear Regulatory Commission and the State Department of Social and Health Services. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.190 Erosion performance standard.

No erosion, by either wind or water, shall be permitted in the manufacturing district which will carry increased volumes of sediments or objectionable substances into or through neighboring properties. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.200 Electrical disturbance performance standard.

No activity except for electrical transmission lines or facilities shall emit electrical disturbance in the manufacturing district adversely affecting the operation of equipment or appliances at any point beyond the boundaries of the location or site of the use creating such disturbance. (Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.210 Performance standard enforcement.

A. If, in the opinion of the director, a violation of performance standards (BMC [17.14.120](#) through [17.14.200](#)) has occurred, the director shall send written notice of the violation by certified mail to the owners of the property and the manager of the operation involved. The manager or responsible person shall have 30 days to correct the violation, unless in the opinion of the director there is imminent peril to the life and/or property of persons adjacent to the alleged violation, in which case the violation shall be corrected immediately.

B. Where determinations of violation can be made by the director, using equipment normally available to the city or obtainable without additional expenditure to the city, such determination shall be made before notice of violation is issued.

C. When technical complexity or expense makes it prohibitive for the city to maintain the personnel or equipment necessary to make the determination of violation, then the city shall retain appropriately qualified specialists to make the determination. If these findings indicate a violation of the performance standards, the cost of the determination shall be assessed against the properties or persons responsible for the violation, in addition to other penalties prescribed by this division. If no violation is found, the cost of determination shall be paid by the city.

D. Prior to approval of zoning, subdivision or building permits for potentially hazardous uses, the approval authority shall require submission of statements and plans indicating the manner in which potentially dangerous and/or objectionable elements are to be eliminated or reduced to acceptable limits and tolerances.

E. For those nuisances which are subjectively perceived beyond the district, and not readily susceptible to technical or quantitative measure (glare, odor, other), the planning commission chairperson, upon receipt of a formal written complaint defining the nuisance and identifying the source and signed by three registered voters, shall appoint a committee to inspect the site of the alleged nuisance and report their recommendations to the director. The committee shall total five persons and consist of one person representing the complaint side, one representing the side being complained against, and three persons from the city council and planning commission membership. The planning commission chairperson shall appoint one of the latter three members to chair the committee and submit a written report to the director. (Ord. 2900 § 1 (Exh. A), 2017; Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

17.14.220 Appeals.

Appeals of a final decision shall be submitted pursuant to BMC [17.06.180](#), Appeals. (Ord. 2673 § 2, 2007)

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