

Plain text = existing code with no changes

~~Strikethrough~~ = existing code to be deleted

Underlined = new code to be added

~~Double Strikethrough~~ = existing code moved to another location

Double Underline = existing code moved from another location

*Italics* = instructions to code reviser

## Chapter 17.24

### HIGHWAY COMMERCIAL ZONING DISTRICT

#### Sections:

17.24.010 Purpose.

17.24.020 Permitted uses.

17.24.030 Accessory uses.

17.24.040 Conditional uses.

17.24.050 Lot size.

17.24.060 Setbacks, land coverage, building height and lot width.

17.24.070 Off-street parking.

17.24.080 Signs.

17.24.090 Access.

17.24.100 Screening.

17.24.110 Landscaping.

17.24.115 Design Standards – Highway Commercial Subzone c

17.24.120 Appeals.

17.24.010 Purpose.

Highway commercial (HC) districts are designed to provide for establishments offering accommodations or services to motorists, and to provide for non-pedestrian-oriented retail, wholesale, service and repair activities which do not contribute to the creation of unattractive, congested and unsafe highway conditions.

Certain of the highway commercial districts have use restrictions not applicable to all districts. These subzones are noted in BMC [17.24.020](#) and include:

Subzone A. Purpose is to provide for establishments offering accommodations or services to motorists, and to provide for non-pedestrian-oriented retail, wholesale, service and repair activities.

Subzone B. Purpose is to provide for businesses that depend upon a border location.

Subzone C. Purpose is to provide for businesses and services that support the Central Business District. This district is intended to service highway motorists, the auto-oriented demand from the central business (CB) district and adjacent residential neighbors, including those in this district. The height, density and minimum setbacks are intended to encourage accessible and affordable housing in an urban environment. As such, this district should include pedestrian amenities and routes that facilitate safe passage to adjacent residential neighborhoods, the Peace Arch Park, and the CB – Market and Wharf districts. While not a part of the CB district, its character and function should be complementary to the CB district with little impact on the low-density neighbors to the south and east.

Subzone D. Purpose is to provide for business and services in a residential traditional area. (Ord. 2673 §§ 2, 3, 2007; Ord. 2554 § 3, 2003)

#### **17.24.020 Permitted uses.**

Uses allowable in the highway commercial district vary within each of the four subzones, and therefore permitted uses are defined in general terms:

A. Subzone A. Uses allowable in this subzone are too extensive to enumerate; therefore, permitted uses are defined in general terms:

1. Overnight accommodations, eating and drinking and entertainment establishments;
2. Other commercial services, including auto-oriented services such as car washes, truck and auto repair, recreational vehicle support and services, machinery, and gas stations;
3. Retail and wholesale goods, sales and service
4. Offices and related business activity;
5. Day care centers and nursing or convalescent homes;

6. Other commercial and service uses of similar or less impact upon the district than uses defined above in this section, such as car washes, veterinary clinics, laundromats, produce sales, plant nurseries, etc.

B. Subzone B.

1. Retail and wholesale goods, sales and service such as duty-free stores;
2. Offices such as brokerage houses;
3. Warehouses such as bonded warehouses;
4. Governmental facilities;
5. Other uses approved by the review authority demonstrated to be directly dependent on a border location.

C. Subzone C.

1. Overnight accommodations, [including ancillary meeting and convention facilities](#);
- [2. Eating and drinking establishments](#);
- [3. Entertainment, cultural and/or recreational facility](#);
- [4. Other commercial services, including auto-oriented services such as car washes and gas stations](#);
- [3. Bus terminals](#);
- [5. Governmental facilities](#);
- [6. Day care centers, assisted living facility, nursing or convalescent homes and health care facilities](#);
- [7. Retail sales and service such as duty free stores; including ancillary assembly and manufacture of goods on the premises if:](#)
  - a. [The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.](#)
  - b. [The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.](#)
- [8. Offices and related business activity](#);
- [9. Live/work spaces](#);

10.8. Residential units above the first floor. Residential development (e.g. attached, stacked, or detached dwelling units) up to 24 units per acre, subject to the following provisions:

Along D Street, minimum 50 percent of the total gross floor area located on the street level floor of all structures on the subject property must contain retail sales and service, eating and drinking establishments, entertainment, cultural and/or recreational facility, offices and related business activity, or overnight accommodations oriented toward D street. Lobbies for residential uses and parking garage entries shall qualify as ground floor commercial; however, dwelling units and structured parking shall not qualify.

D. Subzone D.

1. Offices and related business activity;
2. Restaurants;
3. Residential development (e.g. attached, stacked, or detached dwelling units) up to 24 units per acre High-density residential development when consistent with Chapter 17.28 BMC, Residential High-Density Zoning District, and related provisions;
4. Day care centers, nursing or convalescent homes and health care facilities;
5. Overnight accommodations. (Ord. 2673 §§ 2, 3, 2007; Ord. 2557 § 1, 2003; Ord. 2554 § 3, 2003)

**17.24.030 Accessory uses.**

Accessory uses in the highway commercial district are as follows:

A. Subzone A – Peace Portal.

1. Dwelling units in conjunction with and accessory to the permitted use;
2. Uses customarily incidental to the permitted use;

B. Subzone B – Border.

1. Uses customarily incidental to the permitted use;

C. Subzone C – Central Business Support.

- ~~1. Dwelling units in conjunction with and accessory to the permitted use;~~
- 2~~1~~. Uses customarily incidental to the permitted use;

32. Family day care homes, adult day cares and adult family care facilities. (Ord. 2673 §§ 2, 3, 2007; Ord. 2554 § 3, 2003. Formerly 17.24.040)

**17.24.040 Conditional uses.**

Conditional uses in the highway commercial district are as follows:

A. Subzone A – Peace Portal.

1. Manufacturing or assembly operations of small scale, not to exceed 5,000 square feet of floor space;
2. High-density residential development when consistent with Chapter [17.28](#) BMC, Residential High-Density Zoning District, and related provisions.

B. Subzone B – Border.

1. Manufacturing or assembly operations of small scale, not to exceed 5,000 square feet of floor space.

C. Subzone C – Central Business Support.

1. ~~Up to a 50 percent reduction in right-of-way setbacks and/or increases in land coverage up to 90 percent, provided it can be demonstrated that adjacent property owners are not adversely impacted, and the lot is not located adjacent to permanent residential dwelling units.~~

**17.24.050 Lot size.**

No minimum lot size is required in the highway commercial district. (Ord. 2673 §§ 2, 3, 2007; Ord. 2554 § 3, 2003. Formerly 17.24.060)

**17.24.060 Setbacks, land coverage, building height and lot width.**

	A	B	C	D
Front yard setbacks – R.O.W. (Alleys not included)				
Buildings	15'	15'	<del>15'</del> <u>15'0" – 10'<sup>1</sup></u>	20'
Parking	20'	15'	<del>15'</del> <u>0'<sup>2</sup></u>	20'
Merchandise display	20'	15'	<del>15'</del> <u>0'</u>	20'

Side and rear yard setbacks				
Adjacent residential	10'	10'	<del>10'</del> <sup>5'</sup>	10'
Adjacent nonresidential	10'	0'	<del>5'</del> <sup>5'</sup>	10'
Lot coverage	100%	100%	100%	100%
Building height	35'	35'	45' <sup>55'</sup> , <u>except that within 15 feet of a property line abutting or across an alley from a low-density residential land use designation, building height shall be limited to 35 feet.</u>	35'
Lot width	50'	50'	50'	50'

<sup>1</sup> Buildings may be located at the property line if they contain a pedestrian-oriented facade along that street frontage meeting the following standards:

- a. The building's primary entrance must be located on this facade and facing the street.
- b. Transparent windows and/or doors must occupy at least 35 percent of the facade area between 30" and 8' above grade
- c. Weather protection feature(s) at least five (5) feet deep must be provided over the width of building entry. This could include awnings, canopies, marquees, or other permitted treatments that provide functional weather protection.

These requirements would not apply to building facades located along alleys.

Buildings not featuring a pedestrian-oriented facade consistent with a through c above must provide a building setback of at least 10 feet. The area between the sidewalk the building must be landscaped per the requirements of BMC 17.126.060 – F1 and F2 (except for required pedestrian access) or designed as a pedestrian-oriented space.

<sup>2</sup>See BMC 17.24.070 for further standards on parking location.

(Ord. 2673 § 3, 2007; Ord. 2628 § 2, 2006; Ord. 2554 § 3, 2003; Ord. 2841§ 10,2013. Formerly 17.24.070)

#### **17.24.070 Off-street parking.**

Parking shall be required in the highway commercial district in accordance with specifications outlined in Chapter [17.124](#) BMC. (Ord. 2673 §§ 2, 3, 2007; Ord. 2554 § 3, 2003. Formerly 17.24.080)

Surface parking areas may be located to the side or rear of buildings provided no more than 62' of street frontage is occupied by parking and vehicle access areas. Surface parking areas located between a building facade and the street are prohibited.

#### **17.24.080 Signs.**

See Chapter [17.122](#) BMC et seq. (Ord. 2673 § 3, 2007; Ord. 2554 § 3, 2003. Formerly 17.24.090)

#### **17.24.090 Access.**

When an alley exists, parking shall be accessed via the alley except when the Public Works Director determines that alley access is impractical or environmentally constrained. This standard shall not apply to sites that adjoin a low-density residential land use designation.

~~A. Where feasible, access to uses is to be limited and common driveways delineated through use of rolled-on vertical curbs. Traffic shall not be allowed to back into highways or collector streets. For those use areas projected to generate high volumes of traffic, acceleration, deceleration and left-turn lanes may be required. New construction and remodeling of existing structures exceeding 50 percent of assessed value shall install street improvements including curbs, gutters (with related drainage), sidewalks, landscaping and street widening, turning movements or intersection improvements required by the city engineer.~~

#### **17.24.100 Screening.**

At those locations where a commercial use is proposed on a lot or lots which abut or are across an alley from a residential low-density, medium-density, high-density, or residential/office district, a screening buffer is required. A landscape plan shall be prepared and approved by the city with the building permit drawings.

Landscaping shall be provided as per the standards defined in Chapter 17.126 BMC. (Ord. 2673 §§ 2, 3, 2007; Ord. 2554 § 3, 2003. Formerly 17.24.110)

### **17.24.110 Landscaping.**

A. Subzones HCa, HCb, HCd. Landscaping shall be installed pursuant to Chapter 17.126 BMC. Buildings that meet the pedestrian oriented standards and are allowed to be located at the property line do not need to meet the requirements of BMC 17.126.060 – F1 and F2.

#### B. Subzone HCC.

Intent: The streetscape in this district should be planned and coordinated to enhance and define the aesthetic character of the district, provide for safe pedestrian circulation, and reduce the concentration of lighting and noise that will be generated in this auto-oriented district. To this end, careful site planning should be applied and reviewed prior to final building permit approval.

1. In addition to achieving compliance with Chapter 17.126 BMC, all development in the highway commercial subzone c (HCC) district shall include street trees on all property boundaries abutting street rights-of-way. Red Maple varieties shall be the preferred species unless a compatible tree species is determined to more effectively enhance and integrate the aesthetic character of the district.

2. A visual relief buffer consistent with BMC 17.126.060 shall be planted between each street tree. The buffer may take many configurations but should help intercept lighting, reduce off-site impacts and visually enhance and integrate the district's appearance. (Ord. 2673 § 3, 2007)

### **17.24.115 Design Standards – Highway Commercial Subzone C**

2. Purpose. The purpose of this section is to ensure that new development in the Highway Commercial Subzone C visually is complementary to the Central Business District and acts as a gateway to the downtown, visually enhancing this route and providing a safe and welcoming pedestrian environment.



3. Applicability and Compliance. The provisions herein apply to all new development. Building additions must meet applicable building design standards. For remodels, improvements may not increase any existing nonconforming material or design elements.
4. Blank Wall Treatment. Each blank wall located along a street façade (not including alleys) must be screened or treated in at least one (1) of the ways listed in subsection (b) of this section if it meets the criteria for a blank wall under subsection (a) of this section.
  - a. A blank wall is any wall or portion of a wall that meets either of the following criteria:
    - i. A wall or portion of a wall with a surface area of at least 400 square feet having both a length and a width of at least 10 feet without a window, door, building modulation at least one (1) foot in depth, or other architectural feature.
    - ii. Any wall or portion of a wall between four (4) feet and 13 feet above ground level with a horizontal dimension longer than 15 feet without a window, door, building modulation at least one (1) foot in depth or other architectural feature.
  - b. At least one (1) of the following techniques must be used to treat or screen blank walls:
    - i. By the installation of a vertical trellis with climbing vines or plant material in front of the blank wall.
    - ii. By providing a landscaped planting bed at least five (5) feet wide or a raised planter bed at least two (2) feet high and three (3) feet wide in front of the blank wall and planted with plant materials that will obscure or screen at least 50 percent of the blank wall within two (2) years.
    - iii. By providing artwork, such as mosaics; sculptures or bas-relief; or murals consistent with BMC 17.122.160.

- iv. By proposing alternative techniques approved by the Community Development Services Director.

5. Building Materials and Colors.

a. Purpose.

- i. To encourage the use of durable, high quality building materials that minimize maintenance cost and provide visual interest from all observable vantage points.
- ii. To place the highest priority on the first floor in the quality and detailing of materials at the pedestrian scale.

b. High Quality, Compatible Building Materials. Applicants must use high quality durable materials. This is most important for the base of buildings, particularly for commercial and mixed-use buildings where the facade is sited close to sidewalks. At a minimum, stone, brick or tile masonry, or architectural concrete (first two feet only) must be used (excluding window and door areas) for the first floor of cladding on nonresidential or mixed-use buildings and the first two feet of residential buildings.

c. Metal siding. Corner and edge trim must be used to cover exposed edges of metal siding. If metal siding covers more than 25 percent of a building's facade, the following regulations apply:

- i. The siding must have a matted finish.
- ii. The siding must be in a neutral or earth tone color.
- iii. The facade must have visible window and door trim painted or finished in a color which is complementary to the siding color.
- iv. Metal siding is not allowed on the ground floor of nonresidential and mixed-use buildings. Masonry, concrete, or other durable material must be incorporated between the metal siding and the ground plane on residential buildings.

- d. Concrete block. Any concrete block, masonry unit or cinder block wall which is visible from a street (not including alleys) must contain one (1) or more of the following features or elements:
  - i. Use of textured blocks with surfaces such as split-faced or grooved.
  - ii. Use of colored mortar complementary to the color of the blocks.
  - iii. Use of other surface material such as bricks, glass blocks, or tile as a significant feature of the wall.
- e. Special Conditions and Limitations for the Use of Cementitious Wall Board Paneling/Siding.
  - i. Cement board paneling/siding is not allowed on the ground floor of nonresidential and mixed-use buildings where adjacent to a sidewalk.
  - ii. Where cement board paneling/siding is the dominant siding material, the design must integrate a mix of colors and/or textures that are articulated consistent with windows, balconies, and modulated building surfaces and are balanced with facade details that add visual interest from the ground level and adjacent buildings.
- f. Special Conditions and Limitations for the Use of Exterior Insulation and Finish System (EIFS). Such material/finishes may be used as a decorative accent cladding material if incorporated with other permitted materials and compliant with the following:
  - i. On buildings of three or more stories, EIFS is limited to no more than 15 percent of the total facade area and may not be the primary cladding material. On buildings two stories or less, EIFS is limited to 40 percent of the total facade area.
  - ii. EIFS must feature a smooth or sand finish only.

- iii. EIFS must be trimmed in wood, masonry, or other material and must be sheltered from weather by roof overhangs or other methods.
        - iv. EIFS is not allowed on the ground floor of nonresidential and mixed-use buildings. Concrete, masonry, or other durable material must be used between the EIFS and the ground plane on residential buildings.
  - g. Special Conditions and Limitations for the Use of Vinyl Siding, Asphalt Siding, Aluminum Lap Siding, Stucco Pebble Siding, Siding Grade Plywood, and Unembellished Concrete.
    - i. The subject materials are not allowed on nonresidential and mixed-use buildings.
    - ii. Where the subject materials are the dominant siding material (residential buildings only), the design must integrate a mix of colors and/or textures that are articulated consistent with windows, balconies, and modulated building surfaces and are balanced with facade details that add visual interest from the ground level and adjacent buildings.
  - h. Prohibited Materials. The following materials may not be used on any exterior surface which is visible from any area beyond the subject property:
    - i. Mirrored glass and other highly reflective materials.
- 6. Lighting.
  - a. General.
    - i. Lighting trespass that spills over onto neighboring residential properties or causes glare on adjacent streets is prohibited. The maximum illumination level at the property line abutting residential properties shall not exceed 0.1 foot-candles.

- ii. Lighting design should include the installation of timers, photo sensors, and other energy-saving devices.
- b. Facade Lighting. Facade-mounted lighting fixtures that wash the face of the building are encouraged. Shielded, full cut-off fixtures shall be used with illumination not exceeding 5.0 foot-candles. Up lights should be avoided but can be used discretely if necessary.
- c. Yard Lighting. Low-level (bollards or recessed) lighting fixtures shall be installed for interior walkways. Pole-mounted lights may provide additional lighting as necessary.
- d. Parking Lighting. Parking area and walkways must be lit. Commercial properties that are adjacent to residential areas shall reduce the lighting in their parking lots to an average of 0.2 foot-candles one hour after closing. Light trespass standards also apply.

**17.24.120 Appeals.**

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