

Chapter 17.56
C-L COMMERCIAL/LIMITED INDUSTRIAL DISTRICT

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17.56.010 Intent.

The intent of this chapter is to implement the goals and objectives of the city's overall economic development plan (OEDP) by promoting the development of retail, limited industrial/manufacturing, and business office park developments concurrent with the expansion of urban public facilities and services and in consideration of the community's development standards, objectives, and environmental requirements. (Ord. 3315, 2006; Ord. 2864 § 1, 1998).

17.56.020 Permitted uses.

Permitted primary uses in the C-L district include:

A. Commercial Uses.

1. Retail stores;
2. Personal services;

3. Offices, banks, and financial institutions;
4. Hotels, motels and lodging houses;
5. Eating and drinking establishments;
6. Theaters, bowling alleys, skating rinks, and other entertainment uses;
7. Laundry and dry-cleaning pickup stations;
8. Commercial or public parking garages and/or commercial or public surface parking;
9. Park and ride;
10. Outside sales of operable vehicles, boats, and mobile homes or equipment;
11. Drive-in banks and eating establishments;
12. Gasoline service stations, automobile repair garages conducted inside a building and car washes;
13. Day nurseries;
14. Public utility installations, excluding repair and storage facilities;
15. Private vocational and technical schools;
16. Plumbing, electric, and carpenter shops;
17. Printing and newspaper offices;
18. Publishing plants;
19. Pet stores and veterinary clinics;
20. Upholstery and furniture repair shops;
21. Farm implement sales;
22. Other commercial uses which have similar environmental influences and impacts;
23. Contractor's offices.

B. Public and Quasi-Public Uses. Governmental buildings, including fire and police stations, administrative offices, and public recreational facilities and uses.

C. Industrial Uses.

1. Administrative, insurance, and research facilities;
2. Experimental or testing laboratories;
3. Manufacturing of electric or electronic instruments and devices;
4. Manufacturing, assembly or packaging of products from previously prepared materials;

5. Warehouses and distribution and wholesale uses;

6. Manufacturing and assembly;

7. Other industrial uses which have similar environmental influences and impacts.

D. Public works facilities.

E. Residential uses that received required permits from Skagit County and/or the city of Mount Vernon existing as of February 15, 2005 (the date of annexation), may expand their existing residential uses without having to obtain an expansion of a nonconforming use permit or a variance. However, all residential building and/or site expansions/improvements shall be limited to the lot of record on which the residential use was originally permitted, and they shall also comply with the development standards outlined within Chapter [17.15](#) MVMC and all other applicable sections of the municipal code, such as the critical areas ordinance, stormwater requirements, etc.

F. State-licensed recreational marijuana producers, processors, transporters and retailers, including those with a medical marijuana endorsement, exclusively located south of Blackburn Road and east of the existing Burlington Northern Santa Fe Railroad subject to all of the following restrictions, development, and performance standards:

1. Compliance with the state regulations for recreational marijuana producers, processors or retailers found in Chapter [69.50](#) RCW and Chapter [314-55](#) WAC, as they are currently written or as they may be amended in the future, shall be demonstrated, except as specifically described in subsection (F)(1)(a) of this section. In the case of a conflict between state and city regulations, the regulation that imposes the greater restriction shall prevail.

a. Recreational marijuana producers, processors or retailers and transporters who store, no matter how temporarily, any marijuana, usable marijuana, marijuana concentrates, or marijuana infused products on premises, including inside vehicles stored on their premises, or who in any manner possess marijuana, usable marijuana, marijuana concentrates, or marijuana infused products intended for commercial transportation, except when engaged in travel directly from the shipping licensee to the receiving licensee, may not be located within 500 feet of a public transit center.

2. Recreational marijuana producers, processors or retailers and transporters who store, no matter how temporarily, any marijuana, usable marijuana, marijuana concentrates, or marijuana infused products on premises, including inside vehicles stored on their premises, or who in any manner possess marijuana, usable marijuana, marijuana concentrates, or marijuana infused products intended for commercial transportation, except when engaged in travel directly from the shipping licensee to the receiving licensee, may not be located within 1,000 feet of any of the following listed areas or uses. The measurement of this separation shall be taken in a straight line from the closest property line of the marijuana-related use to the closest property line of the following listed uses:

a. Residentially zoned areas including the R-1, R-2, R-3, R-4, R-O, and residentially zoned districts within the city's urban growth areas (UGAs).

b. Properties owned or under contract by a public entity such as a school district or the city where a future primary or secondary school or park is planned when such plans have been approved or adopted by the public entity's governing authority. Any recreational marijuana producer, processor,

retailer, or transporter in existence prior to a property acquired or under contract by a public entity such as a school district or the city where a future primary or secondary school or park is planned shall constitute a preexisting legal nonconforming use subject to Chapter [17.102](#) MVMC.

c. Elementary or secondary school, playground, recreation center or facility, child care center, public park, or library, or any game arcade admission to which is not restricted to persons aged 21 years or older.

3. All marijuana uses shall be located in their entirety within a building that: (a) is enclosed on all sides with walls, (b) has a roof, and (c) is constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Greenhouses, temporary structures, or other structures serving a similar purpose shall not be permitted.

4. Signage shall comply with Chapter [314-55](#) WAC and Chapter [17.87](#) MVMC, Signs, as they are currently written or as amended for recreational marijuana uses. Should these regulations conflict with each other the most restrictive regulation shall apply.

5. Ventilation Required. All marijuana uses shall be ventilated so that the odor of marijuana shall not be detectable from a public place, including, but not limited to: sidewalks, roads, parking lots; or from a property owned or leased by another person.

a. Marijuana uses located in buildings that have, or have the potential to have, other tenants shall have separate heating, cooling, and ventilation systems.

6. Recreational marijuana producers and processors shall have a six-foot-tall chain link fence installed around the perimeter of such uses. This fence shall be set back at least 10 feet from the front yard and may need to be set back in other areas to ensure vision triangles are not obstructed. Along the front yard, on the street side of the fence, street trees shall be installed 30 feet on center with low-growing (less than one foot in height at maturity) shrubs and ground cover installed around the street trees. The fencing shall have slats installed.

7. Marijuana plants, products and paraphernalia shall not be grown or on display in any location where the plants, products or paraphernalia are visible from the public right-of-way or a public place.

8. In no case shall a customer or patient pick up or drop off marijuana or marijuana-related products through a drive-through opening in a structure. This regulation is not intended to apply to the transport of marijuana products from a producer to a processor, or a processor to a retail outlet.

9. To determine that the requirements of this chapter will be met, site plan review shall be conducted by the community and economic development department. The submittal requirements outlined for site plan review found in MVMC [14.05.210](#)(A) shall be submitted along with the following:

a. A plan for ventilation of the marijuana use that illustrates and describes the ventilation systems that will be used to prevent any odor of marijuana off the premises. Such plan shall include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. In addition, this plan shall also

include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

b. A description of all toxic, flammable, or other materials regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana use, that will be used or kept at the location, the location of such materials, and how such materials will be stored.

10. Inspection. An inspection of the proposed marijuana-related use by the city shall be required prior to opening such a use. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any marijuana, and prior to the opening of the business to any patients or the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule or regulation.

11. The CEDD director may adopt rules and regulations that he/she determines are reasonably necessary to implement the requirements of this chapter.

12. Existing Residential Neighborhoods. Recreational marijuana producers, processors, retailers and transporters who store, no matter how temporarily, any marijuana, usable marijuana, marijuana concentrates, or marijuana infused products on premises, including inside vehicles stored on their premises, or who in any manner possess marijuana, usable marijuana, marijuana concentrates, or marijuana infused products intended for commercial transportation, except when engaged in travel directly from the shipping licensee to the receiving licensee, shall not be located within the boundaries of existing residential neighborhoods located in the C-L district determined and defined by the adoption of the city's zoning map attached to Ordinance 3642, labeled as Exhibit A, and will be on file at the office of the city clerk, covering such neighborhoods showing the geographical area and location of said neighborhoods. Such zoning map shall be, upon adoption of the ordinance codified in this section, made a part of this section, and said map, and all notations, references and other information shown thereon thereafter shall be as much a part of this section as though all matters and information set forth on said map were fully described in this section. Below is a general description of existing residential neighborhoods:

a. Skagit County assessor's parcel numbers P66113, P66115, P66117, P66118, P66120, P66121, P66122, P29528, P29532, P29534, and P29536, all abutting Hollydale Acres Lane and commonly known as the Hollydale Acres neighborhood.

b. Skagit County assessor's parcel numbers P28106, P28168, and P28169, commonly known as Evergreen Mobile Park.

c. Skagit County assessor's parcel numbers P28647, P28648, P28649, and P28653, commonly known as Mountain View Mobile Park.

If any conflict or inconsistency exists between the adopted zoning map attached to the ordinance codified in this section and the above text, the adopted map shall govern. Rules on interpretation over map boundary lines shall be governed by MVMC [17.09.040](#).

13. Notwithstanding any provisions in the Mount Vernon Municipal Code to the contrary, recreational marijuana producers, processors, retailers, and transporters who store, no matter how

temporarily, any marijuana, usable marijuana, marijuana concentrates, or marijuana infused products on premises, including inside vehicles stored on their premises, or who in any manner possess marijuana, usable marijuana, marijuana concentrates, or marijuana infused products intended for commercial transportation, except when engaged in travel directly from the shipping licensee to the receiving licensee, shall be a permitted use only in the city's C-L district, further subject to the regulations and controls set forth in this chapter. In the event a conflict exists with other provisions of the Mount Vernon Municipal Code that could be interpreted to allow such uses elsewhere, it is the legislative intent of the city that this section shall control. (Ord. 3855 § 4, 2022).

17.56.030 Accessory uses.

Permitted accessory uses in the C-L district include:

- A. Residences for watchmen, custodians, manager or property owner;
- B. Employees' cafeterias and auditoriums;
- C. Parking lots for employees' cars or equipment used in the business;
- D. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (200 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five-foot setback from any other building or property line;
- E. Sales of any used or secondhand equipment, materials, or products;
- F. Mini-storage facilities; and
- G. Card room. (Ord. 3429 § 109, 2008).

17.56.040 Prohibited uses.

Uses specifically prohibited in the C-L district are:

- A. Sales of inoperable vehicles or used parts;
- B. Vehicle or vehicle parts recycling sites;
- C. Recreational vehicle parks. (Ord. 3315, 2006; Ord. 3144 § 3, 2003; Ord. 2864 § 4, 1998).

17.56.050 Conditional uses.

Uses permitted by conditional use permit in the C-L district shall include:

- A. Transportation depots;
- B. Heliports;
- C. Towing businesses and their associated temporary impound lots. Wrecking yards or junk vehicle storage shall not be allowed;
- D. On-site hazardous waste treatment and storage facilities. (Ord. 3315, 2006; Ord. 3144 § 4, 2003; Ord. 2864 § 5, 1998).

17.56.060 Public facility requirement.

All land uses developed or expanded within this district shall meet the city's development standards and requirements for water, sewer, drainage and transportation facilities. (Ord. 3315, 2006; Ord. 2864 § 6, 1998).

17.56.070 Performance standards – Violation deemed nuisance.

All commercial and industrial business uses are permitted in this district, provided their performance is of such nature that they do not inflict upon the surrounding permitted land uses smoke, dirt, glare, odors, vibration, noise, excessive hazards or water pollution detrimental to the health, welfare, or safety of the public occupying or visiting such areas. The maximum permissible limits of these detrimental effects shall be defined in this section, and upon exceeding these limits shall be considered a nuisance and declared in violation of the regulations of this zoning title and shall be ordered abated. It shall be the responsibility of the operator and/or proprietor of any permitted use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the performance standards of this chapter.

A. Air pollution shall be controlled by the operator and/or proprietor of any land use or activity permitted by this chapter. The ambient air quality standards specified by the Northwest Air Pollution Authority shall apply to all air contaminants listed therein.

B. Liquid wastes shall be disposed of through local sanitary sewer systems only upon approval of the city engineer.

C. Liquid or solid wastes unacceptable to the city engineer shall be disposed of on a regular basis in keeping with the best operating characteristics of the industry, and in compliance with the regulations and requirements of local, regional, state or federal agencies having jurisdiction in waste disposal and environmental health and safety.

D. Any operation producing intense heat or glare shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line.

E. The use, storage, transportation and disposal of all radioactive materials and radiation machines shall be subject to the regulatory jurisdiction and control of the Radiation Control Agency of the Washington State Department of Social and Health Services as amended.

F. No use shall cause earth vibrations or concussions detectable without the aid of instruments beyond its lot lines, with the exception of the temporary vibration produced as a result of construction activity.

G. Materials used or produced in any manufacturing process shall be handled in such a manner as to prevent ground or soil pollution which destroys or endangers the support of natural vegetation or which may contaminate underground aquifers of other natural drainage systems. (Ord. 3349 § 2, 2007).

17.56.080 Storage yard requirements.

A. Trash Areas and Outside Storage. Trash areas and outside storage that are not items displayed for sale shall be enclosed and concealed by a solid fence which shall be at least six feet but no more than eight feet in height but shall be sight-obscuring. Outside storage areas that are not items displayed for sale shall not be located in the front yard setback or along a street.

B. Trash and outside storage areas shall be associated with a permitted or conditional use. (Ord. 3429 § 110, 2008).

17.56.090 Lot area and width.

There are no limitations on lot area and width. (Ord. 3315, 2006; Ord. 2864 § 9, 1998).

17.56.091 Buildable area calculation – Transfer of floor area.

Repealed by Ord. 3315. (Ord. 3014 § 24, 2000).

17.56.100 Setbacks.

Minimum setback requirements in the C-L district are as follows:

A. Front yard: 10 feet. Buildings on corner lots and through lots shall observe the minimum setback on both streets. For properties that front on an arterial, the minimum setback from the right-of-way shall be 25 feet. The community and economic development and public works directors can through a Type I decision process administratively reduce, for good cause shown, this setback.

B. Side yard and rear yard: none, except along any property line adjoining a residentially zoned district, with no intervening street or alley, there shall be a setback of at least five feet. (Ord. 3429 § 111, 2008).

17.56.110 Building height.

Building height in the C-L district is unrestricted except for fire safety considerations, and building code considerations. (Ord. 3315, 2006; Ord. 3072 § 11, 2001).

17.56.120 Landscaping.

Landscaping shall be required pursuant to the terms of Chapter [17.93](#) MVMC. (Ord. 3315, 2006; Ord. 2864 § 12, 1998).

17.56.130 Parking.

Parking shall be provided pursuant to the terms of Chapter [17.84](#) MVMC. (Ord. 3315, 2006; Ord. 2864 § 13, 1998).

17.56.140 Signs.

Signs shall meet the requirements as provided in Chapter [17.87](#) MVMC. (Ord. 3315, 2006; Ord. 2864 § 14, 1998).

17.56.150 Site plan review.

All developments in this district shall be subject to site plan review as provided in Chapter [17.90](#) MVMC. (Ord. 3315, 2006; Ord. 2864 § 15, 1998).