



**Planning Commission
Regularly Scheduled Meeting
Thursday, January 11, 2018
7:00 – 9:00 PM
Council Chamber
280 Madison Ave N
Bainbridge Island, WA 98110**

AGENDA

- 7:00 PM **CALL TO ORDER**
Call to Order, Agenda Review, Conflict Disclosure
- 7:05 PM **PUBLIC COMMENT**
Accept public comment on off agenda items.
- 7:15 PM **ELECTION OF PLANNING COMMISSION CHAIRPERSON**
- 7:30 PM **SHORELINE MASTER PROGRAM AMENDMENT**
Christy Carr, Senior City Planner
- 8:30 PM **BUSINESS/INDUSTRIAL REGULATION REVIEW**
Jennifer Sutton, Senior City Planner
- 8:55 PM **NEW/OLD BUSINESS**
- 9:00 PM **ADJOURN**

*****TIMES ARE ESTIMATES*****

Public comment at meeting may be limited to allow time for Commissioners to deliberate. To provide additional comment to the City outside of this meeting, e-mail us at pcd@bainbridgewa.gov or write us at Planning and Community Development, 280 Madison Avenue, Bainbridge Island, WA 98110

For special accommodations, please contact Jane Rasely, Planning & Community Development 206-780-3758 or at jrasely@bainbridgewa.gov



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: January 11, 2018
To: Planning Commission
From: Christy Carr, AICP
Senior Planner
Subject: Shoreline Master Program Amendment

Anticipated topics to review at the January 11, 2018 Planning Commission meeting include:

- Revisit the draft workplan and timeline and present major themes to guide the amendment; and
- Continue review of integration of critical areas ordinance (pending Council approval and incorporating early input from Ecology).

The draft workplan and timeline are included in the agenda packet.

SMP Amendment Proposed Work Plan

November 30, 2017

The following summary of proposed revisions was developed by staff based on topics and issues identified through implementation and permit review since July 2014. The focus of these revisions is largely housekeeping in nature: clerical (correction/consistency), implementation efficiency (clarification/simplification) and integration (of other codes/policies). Revisions are anticipated in almost every section; however, a section is not listed below if only clerical or implementation efficiency revisions are anticipated. **Although the Planning Commission and City Council may consider policy decisions as they arise throughout the process, significant policy changes are not anticipated as part of the amendment.** All revisions must demonstrate consistency with all goals, policies, and designation criteria of the SMP.

SMP Section	Topic	Summary of Proposed Topics to Consider
4.1.5	Critical Areas	Integration of BIMC 16.20 pending Council adoption
Appendix B	Critical Areas	Integration of BIMC 16.20 pending Council adoption
4.2.1	Existing Development (Nonconforming)	Nonconforming Uses, Nonconforming Lots, and Existing Development • Revisit optional approach to consider legally existing structures as conforming structures • Clarify applicability of “most restrictive” clause • Clarify difference between existing (nonconforming) structure and nonconforming use • Clarify consistency between general regulations and specific regulations (SMP 4.2.1.4) • Correct “entirely contained within the building” error (SMP 4.2.1.6.3.1.2.c) • Clarify that existing structures destroyed by natural disasters can be replaced if meeting geologically hazardous area provisions (SMP 4.2.1.6.1.2) • Revisit/clarify single family primary structures alteration/expansion (SMP 4.2.1.6.3.2) – applies only to within shoreline buffer, provide definition of landward, clarify “building configuration,” 25 percent of existing building footprint, clarify building area vs. development area, clarify what “bulk dimensions” and “lifetime” mean • Correct numbering structure of SMP 4.2.1.6.5; clarify non-essential residential accessory structures • Clarify SMP 4.2.1.7 – Encumbered and Nonconforming Lots – provide definition of redevelopment, clarify if it applies to critical areas or just critical area buffers, clarify what building area means, clarify if applicant can reduce buffers first (e.g., landslide hazard buffer) before being considered encumbered • Ensure consistency of SMP 4.2.1.7.1.e with critical areas section • Improve consistency of SMP 4.2.1.8 – Aquatic Structures – with Single Family Mitigation Manual • Clarify SMP 4.2.1.8.1 – what is included in “materials and standards”? • Clarify SMP 4.2.1.8.2 – where does it apply and to what? • Provide clarity/detail in SMP 4.2.1.8.1.a – what are thresholds for when conditional use permit required?
4.0	Table 4-1 Table 4-2 Table 4-3	Table 4-1 (Use and Modification Table) • Clarify footnotes (revisit #22 re: mixed use physical separation) • Correct inconsistencies between table and text (e.g., subdivisions)

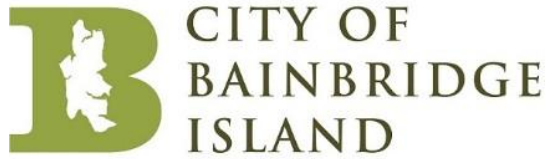
SMP Section	Topic	Summary of Proposed Topics to Consider
		• Revisit requirement for shoreline conditional use permit for all retaining walls • Clarify primary vs. accessory utilities • Clarify allowance of overwater structures when used as public trails Table 4-2 (Dimensional Standards) • Address missing footnotes (#5 and 7) • Clarify utilities setbacks Table 4-3 (Buffers) • Revise for improved readability and ease of administration • Clarify when “expands to include existing native vegetation applies” • Clarify that all shallow lots (<200 feet deep) are assigned narrower buffer • Clarify how buffer is measured for high bluff properties (i.e., what is between Zone 1 at OHWM and top of bluff) • Clarify criteria for Category A and B lots • Add figure reference and reference to Section 4.1.3 • Clarify what geomorphic classes are or where information about them is located • No change in required buffer widths is anticipated
4.1.2	Environmental Impacts	• Clarify that mitigation follows a sequence/”when mitigation is required” language – if an impact cannot be avoided, mitigation is required • Simplify and clarify applicability section, clarify “development, use, activity” • Move vegetation management regulations to Section 4.1.3 (e.g., 4.1.2.5, Revegetation Standards) • Clarify and emphasize that either use of the Single-Family Mitigation Manual or submittal of a site-specific impact analysis is required; clarify when manual can be used • Delete references that don’t exist • Revisit “in perpetuity” requirement when mitigation is required (SMP 4.1.2.7) • Clarify mitigation and monitoring requirements (SMP 4.1.2.8), consider threshold (e.g., not required for > \$1000) for performance, mitigation/monitoring • Clarify that new impervious surface area requires mitigation (only mentioned in Single-Family Mitigation Manual); better tie to manual • Consider new language that requires prioritizing where mitigation planting is located – has to go where it will have most ecological benefit
4.1.3	Vegetation Management	• Relocate and revise, if needed, vegetation management-related regulations from SMP 4.1.2.5 ○ SMP 4.1.2.5.1 – Revegetation Standards – improve clarity ○ SMP 4.1.2.5.3 – Clarify what “altered or reduced” means; when applicable? ○ SMP 4.1.2.5.4 – Revise for clarity; remove requirement for offsite mitigation to be in Zone 1

SMP Section	Topic	Summary of Proposed Topics to Consider
		• Clarify applicability section, non-retroactive nature of regulations • Clarify which requirements apply to new development vs. existing development • SMP 4.1.3.4 – Exceptions – clarify what is allowed without City review or approval, replace this section with tree and vegetation regulations (including exemption for yard and garden activities) from critical areas ordinance, remove requirement to leave downed hazard tree on site (if left, considered sufficient mitigation) • SMP 4.1.3.5 – Create new section that just explains establishment of shoreline buffers (2 options); revisit HMP requirement and review process; remove references to documents that don't exist or consider programmatic approach to vegetation maintenance by City or other land managers (SOP manual, also referenced in SMP 4.1.3.7) • Provide mechanism for some level of significant tree removal (e.g., develop significant tree removal criteria) • Revisit requirements for vegetation removal/replacement outside shoreline buffer (native and non-native, significant trees) • SMP 4.1.3.6 – Clarify “1/3 2/3” provision; applicable to new development only? • SMP 4.1.3.7 – Clarify applicability, provide consistency with other vegetation maintenance provisions, define “modified area,” delete minor pruning section, refer to critical areas tree and vegetation regulations, revisit requirement for clearing permit, clarify connection to SMP 4.1.4, Land Modification, as referenced, clarify utilities • SMP 4.1.3.7.2 – Consolidate with new section relating to just shoreline buffers, clarify what “dimensions altered” means, clarify requirement for when Zone 1 must be restored • SMP 4.1.3.7.3 – Clarify what “minimum necessary for public use” means, improve connection to Single-Family Mitigation Manual, clarify whether stairs need to be grated and type of mitigation required if not grated • SMP 4.1.3.8.1 and 3 – Revise entire sections for clarity; no changes to size thresholds anticipated • SMP 4.1.3.8.4 – View maintenance – clarify and simplify; reference critical areas tree and vegetation requirements?, delete requirement for Bluff Management Plan • SMP 4.1.3.11 – Shoreline Structure Setback View Requirements – Clarify applicability, relocate option to build in Zone 2 language, correct figure references, simplify language, clarify what constitutes “most waterward point”
4.1.4	Land Modification	• Eliminate requirement for clearing permit for “all clearing” to allow for nominal landscaping activities (e.g., 25 cubic yards/200 square foot thresholds) • Clarify language, better integrate with other sections
4.1.6	Water Quality and Stormwater Management	• Integrate new (2016) stormwater regulations (BIMC 15.20) • Add direct discharge criteria (i.e., when is one allowed? Considered necessary?) • Update wood treatment regulations per agency guidelines • Improve consistency with Single-Family Mitigation Manual
Appendix D	Single-Family Mitigation Manual	• Better integrate into code language – when it can be used and how it relates to vegetation management requirements

SMP Section	Topic	Summary of Proposed Topics to Consider
		• Provide alternatives to rain garden for new impervious surface area; clarify where rain garden must be located when required (inside or outside shoreline buffer) • Update per current agency guidance/requirements (e.g. Corps of Engineers, WDFW)
5.3	Boating Facilities	• Revisit liveaboard threshold (currently 10 percent) • Revisit management and operations (implementation)
6.3	Overwater Structures	• Improve consistency with Single-Family Mitigation Manual and other agency mitigation requirements • Clarify grammar in prohibitions section • Clarify length thresholds (how to determine) • Clarify buoy density
8.0	Definitions	• Add missing definitions (e.g., significant tree, alteration, redevelopment) • Clarify definitions
Appendix A	Shoreline Designation Map	• Correct inconsistencies between paper and GIS maps (one identified) • Correct error (one identified) • No changes to shoreline designations anticipated other than corrections
Appendix E	Special Area Maps	• Include corrected maps • Consider construction limit lines for Manzanita Bay and Fletcher Bay
All	Global edits	• Clerical and implementation efficiency edits anticipated in every section
--	Climate Change/Sea Level Rise	• Incorporate climate adaptation/sea level rise into goals, policies and regulations.
5.2	Aquaculture	• To be included in amendment pending outcome of current limited amendment.

		2017	2018										
SMP Section	Topic	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
	PLANNING COMMISSION REVIEW						Planning Commission Public Hearing	City Council Review			City Council Public Hearing	Ecology Review and Approval	
	Scheduled City Council Check-in												
--	Finalize work plan												
4.1.5	Critical Areas												
Appendix B	Critical Areas												
4.2.1	Existing Development (Nonconforming)												
4.0	Table 4-1 – Uses Table 4-2 – Dimensions Table 4-3 – Buffers												
4.1.2	Environmental Impacts												
4.1.3	Vegetation Management												
4.1.4	Land Modification												
4.1.6	Water Quality and Stormwater Management												
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All Sections	Global edits												

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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: January 5, 2018
To: Planning Commission
From: Jennifer Sutton, AICP
Senior Planner
Subject: Next Steps for Business Industrial Regulations

BACKGROUND

During the Comprehensive Plan update process, the City Council and the Planning Commission expressed concerns about the types of non-industrial, non-light manufacturing development that has occurred at the Sportsman Club Road Coppertop Business Park and which could otherwise be located in the Business/Industrial District (B/I), more specifically at the Day Road and SR 305 location, and the NE New Brooklyn Rd area.

To address such concerns, on September 27, 2016, the City Council approved interim Ordinance No. 2016-31 which imposed a limited moratorium, generally on business licenses building, and land use permits for new conditional uses, to provide an opportunity for the Council to study and consider this matter further and preserve future options. The 6-month moratorium expired on March 27, 2017. With the moratorium's expiration, the City Council concurred with City staff and the B/I business community that the mix of permitted and conditional uses could be reviewed and improved.

The moratorium was the beginning of a community conversation to allow for outreach to Business/Industrial business and property owners, and the wider business community. The City is held outreach meetings, beginning on [March 14, 2017](#). Comments from these outreach meetings can be viewed on the City's website for that meeting date (see embedded hyperlink).

The City then held a town hall like meeting at City Hall on [May 17, 2017](#), with property and business owners in the B/I zone, and prepared draft revisions to the permitted and conditional uses in the Business/Industrial district for that meeting (see attached) and reported back to the City Council on July 18, 2017. At that meeting, the City Council directed staff to continue to collaborate with the Business/Industrial community to amend the permitted/conditional uses and to add/modify use definitions for the B/I zone.

The City held a workshop on [September 20, 2017](#) that solicited participation from the Business/Industrial community, and wider food/beverage/restaurant businesses on the Island. Information about the meeting identified several questions that the City wanted to use to focus the discussion. The workshop divided participants into groups based on B/I zoned areas -- Sportsman Club, Day Road, and New Brooklyn. The three groups then reported back to the whole group. The group then discussed questions related to craft food and beverage businesses.

The following overarching themes were expressed at the workshop:

1. Let the market and business owners decide where businesses can locate. Some businesses need the foot traffic to thrive, other businesses need sewer, and the City's zoning regulations can't account for all of the analysis that a business owner has to go through to choose a location.
2. The volume of professional services and healthcare business at Coppertop are working because of its location, and the City shouldn't eliminate those uses from possibly locating at Day Road or New Brooklyn. The group was not opposed to keeping them as conditional uses.
3. The craft food and beverage industry could grow substantially, and the City should recognize the opportunity, and develop regulations that don't inhibit that growth, such as limiting on-site sales of producers.
4. Coincidentally, all 3 B/I nodes are close to schools, and the city should continue to allow those recreation uses (e.g., karate, ballet, rock climbing) in those areas to reduce overall vehicle miles traveled.

At their October 3, 2017 meeting, the City Council confirmed by consensus that the Planning Department should move forward with an ordinance to clean up and clarify Business/Industrial uses and use definitions.

NEXT STEPS

At their January 11 meeting, the Commission should familiarize themselves with the tensions or shortcomings of the existing permitted and conditional uses of the Business/Industrial zone. City staff will bring back a DRAFT ordinance modifying BIMC Chapters 18.09 and 18.36 for a study session at the January 25 or February 8 Planning Commission meetings.

**Proposal to Modify BUSINESS/INDUSTRIAL DISTRICT:
PERMITTED & CONDITIONAL USES (BIMC Chapter 18.09)**

Proposed New Uses & Uses Suggested for Deletion (would become "Not Permitted")

PERMITTED USES	CONDITIONAL USES
Small-scale Manufacturing Light Manufacturing Agricultural Processing Educational Facility (Trade, Karate, etc.) Vocational/Trade School Day Care Center (Note: Make "P" in some residential zones) Indoor Recreation (add fitness classes i.e. karate to definition) Artist Studio Equestrian Facility-(Make "P" in R-0.4, "C" in R-1 & R-2) Indoor Kennel Veterinarian Clinic/Office Food Service Establishment Mobil Retail Food Establishment Transport and Delivery Service Small Wind Energy General Primary Utility Wireless Communication Facility Research and Development Self-service Storage Facility Warehouse Auto Repair Services Craft Food and Beverage (Make "P" in MUTC/HS & NC Districts) Boat Building & Boat Repair Marijuana Related Uses	General Manufacturing Group Care Facility Educational Facility (K-12) Governmental Facility Religious Facility Indoor Recreation Outdoor Recreation Healthcare Facility Cultural Facility Outdoor Kennel Professional Service Car Wash Facility Park and Ride Lot Recycling Center Commercial Moving/Freight Terminal

NOTE: If an existing business is classified as a use that becomes "Not Permitted" then that business would become a "Nonconforming Use" as regulated by BIMC Section 18.30.020. The business would be able to continue to operate in place, but would not be allowed to expand.

Bainbridge Island Municipal Code, Current Definitions, BIMC 18.36.030

21. "Agricultural processing" means the commercial preparation and manufacturing of commodities such as wine or jam using crops or livestock raised primarily from island farms.

29. "Artist's studio" means the workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for portraits. An artist's studio does not include a residence or living unit.

33. "Auto repair services" means the servicing of automobiles, including mechanical servicing and body work.

42. "Car wash, manual or automatic" means a facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities. A car wash may be: a single-unit type that has a single bay or a group of single bays with each bay to accommodate one vehicle only; or a tunnel type that allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

54. "Commercial moving and freight terminal" means a facility in which freight or goods are assembled for loading onto a vehicle for transfer to another location in return for a fee.

(NEW) Craft Food and Beverage: Small-scale, locally-produced food and beverage products.

64. "Cultural facility" means a library, museum, art gallery, cultural center, community center (such as a community kitchen), convention center, exhibition hall, or meditation facility. "Cultural facility" does not include an artist studio.

66. "Day care center" means a building or structure in which an agency, person, or persons regularly provide care for 13 or more people in any 24-hour period and could include a public or private school.

78. "Educational facilities" means a public or private school or educational or training institution that offers a program of college, professional, environmental, preparatory, high school, middle school, junior high school, elementary, or kindergarten instruction, or any combination of those facilities, or any other program of trade, technical or artistic instruction (excluding single-day programs of instruction), together with associated staff housing and/or conference facilities and other typical educational accessory uses.

85. "Equestrian facility" means a facility designed and intended for the display of equestrian skills and the hosting of events including, but not limited to, show jumping, dressage, and similar events of other equestrian disciplines.

95. "Food service establishment" means a building, or portion thereof, containing tables and/or booths, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, for employees of businesses within the development. The term "food service establishment" shall not include "restaurant," "formula take-out food restaurant," or "drive-through business."

101. "Governmental facility" means an institution operated by a federal, state, county, or city government, or special purpose districts.

105. “Group care facility” means a facility licensed by the state, that provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering from the effects of drugs or alcohol; provided group care facilities shall not include day care centers, family day care homes, foster homes, schools, hospitals, jails, prisons, or health care facilities. This use also includes facilities that would meet the definition of a small group living facility except that they house more than six residents (not including caregivers).

113. “Health care facility” means a building or buildings used for human health care.

132. “Kennel” means a place where three or more adult domestic animals are kept commercially, generally overnight. A commercial kennel is considered a professional service under this title and is maintained to board, breed or treat the animals for profit and shall exclude pet shops and agriculture. This use includes a boarding kennel/cattery, animal shelter, or animal foster home.

155. “Manufacturing, light” means businesses located within a building and involving assembling, distributing, fabricating, manufacturing, packaging, printing, processing, publishing, recycling, repairing, servicing, storing, or wholesaling of goods or products.

156. “Manufacturing, general” means any principally permitted use whose operations are predominantly out of doors rather than completely enclosed within a building. These uses include, but are not limited to, outdoor assembly businesses, equipment and vehicle yards, and outdoor recycling facilities.

157. “Manufacturing, small-scale” means a business that includes small-scale assembly, small-scale processing or other activities such as food processing, machine shops, wood shops, and electronic parts assembly; provided, that the use does not adversely impact the neighborhood through noise, odor, lighting, fire safety and transportation.

163. “Mobile retail food establishment” means a retail food establishment that is operated from a movable vehicle or other portable structure, and that routinely changes location, except that if the establishment operates from any one location for more than 30 consecutive days, the establishment is no longer a mobile retail food establishment. A mobile retail establishment shall not be considered a personal service.

191. “Park and ride facility/lot” means an area or structure intended to accommodate parked vehicles during normal commuting hours, usually 5:00 a.m. to 8:00 p.m., Monday through Friday, where commuters park their vehicles and continue travel to another destination via public transit, carpool, vanpool, or bicycle. Park and ride facilities shall be developed in accordance with BMC [18.15.010](#), Landscaping and screening, and BMC [18.15.020](#), Parking and loading.

192. Park and Ride Lot, Shared-Use. “Shared-use park and ride lot” means a parking lot or structure that was originally developed for a limited, nonresidential use, such as a church or theater, and serves the same function as a park and ride facility, subsection 191 of this section, but is restricted for use by commuters Monday through Friday only, usually from 5:00 a.m. to 8:00 p.m. A shared-use park and ride facility requires no expansion of existing parking area or number of stalls or any other development beyond maintenance, signage and striping normally conducted by Kitsap Transit for this purpose.

200. "Professional service" means a business or agency that provides services in an office environment and includes, but is not limited to, legal services, counseling services, real estate offices, financial services, insurance services, and government offices. Professional service does not include a health care clinic.

207. Recreation Activities, Indoor. "Indoor recreation activities" means gymnasiums not accessory to an education institution, racket clubs, sports arenas, and similar uses.

208. Recreation Activities, Outdoor. "Outdoor recreation activities" means golf courses, marinas, tennis courts, yacht clubs, athletic fields, swimming beaches, outdoor pools, and similar uses.

217. "Recycling center" means a neighborhood or city-wide collection point for small refuse items, such as bottles and newspapers, located either in a container or a small structure.

221. "Religious facility" means a facility that operates for the advancement of a theological philosophy and the practices and rituals associated with the beliefs, faith, or creed of a church, religious society, congregation, or religious denomination, when such practices or rituals are legal.

222. "Research and development" means businesses that include, but are not limited to, laboratories for scientific research testing and experimental development that can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community.

237. "Small wind energy generator" means a wind energy generator designed to generate no more than 10 kilowatts of energy.

257. "Transport and delivery services" means a use for the transport and delivery of goods, people, and services. These uses include, but are not limited to, taxi services, Meals-on-Wheels-type food delivery services, cleaning services, visiting health care services, and similar uses that involve frequent trips by motor vehicles to provide services. This use does not include uses where the delivery is secondary and incidental to a primary service delivered on site, such as restaurant delivery services.

262.a. "Utility, primary" means facilities that produce, transmit, carry, store, distribute, or process electric power, gas, water, sewage, or information and do not meet the definition of an accessory utility. Primary utilities include solid waste handling and disposal facilities, wastewater treatment facilities, utility lines, electrical power generating or transfer facilities, radio cellular telephone and microwave towers, and gas distribution and storage facilities.

265. "Veterinarian clinic" means a building or buildings used for animal or pet health care, including animal or pet boarding as part of that animal or pet health care. A veterinary clinic may include the incidental boarding of animals or pets undergoing treatment.

268. "Warehouse" means an establishment involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pick-ups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

270. “Wireless communication facility” means an unstaffed facility for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas (e.g., omni-directional, panel/directional or parabolic) and related equipment.

Bainbridge Island Municipal Code, Use Regulations, BMIC 18.09.030

C. Public and Institutional. Applications to locate uses categorized as educational facilities, governmental facilities, religious facilities, health care facilities, cultural facilities, or clubs in Table 18.09.020 in residential zones shall be processed as major conditional use permits pursuant to BIMC [2.16.110](#).

1. Educational Facilities.

a. In the B/I district, educational facilities, including vocational schools, preschools (including kindergarten classes), martial arts academies, and other facilities not classified as public or private schools offering primary and secondary education through the high school level are permitted (“P”) uses.

b. In the B/I district, educational facilities meeting the definition of common schools referred to in Article IX of the state constitution and established by law and maintained at public expense and private learning institutions established by law and maintained at private expense, offering primary and secondary education through the high school level, are conditional (“C”) uses.