

Title 17

COMPREHENSIVE ZONING ORDINANCE¹

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Commented [BJ1]: BJ_1-10-2024_ Consistency with chapter title used elsewhere in code

¹ Prior legislation: Ords. 890, 979, 1108, 1136, 1158, 1162, 1187, 1199, 1200, 1206, 1221, 1227, 1230, 1233, 1237, 1252, 1260, 1271, 1284, 1291, 1304, 1318, 1320, 1322, 1327, 1333, 1340, 1344, 1345, 1356, 1361, 1363, 1365, 1382, 1388, 1396, 1431, 1451, 1454, 1470, 1473, 1502, 1532, 1535, 1547, 1584, 1630, 1666, 1668, 1670, 1694, 1706, 1717, 1720, 1725, 1737, 1763, 1782, 1784, 1788, 1798, 1799, 1819, 1839 and 1843.

Chapter 17.01

GENERAL PROVISIONS

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17.01.010 Title.

This title shall be called the “Comprehensive Zoning Ordinance.” This chapter shall be called “General Provisions.” (Ord. 1857 § 2 (Exh. B), 2018).

17.01.020 Application.

A. This chapter shall apply to all chapters in this title. The provisions of this title shall apply to both public and private use of all land within the corporate limits of the city of Burlington.

B. No use shall be conducted, and no development, building, structure, or appurtenance shall be initiated, erected, relocated, remodeled, reconstructed, altered, or enlarged unless in compliance with the provisions of this title and with the comprehensive plan, and then only after securing all permits and approvals required hereby. It shall be unlawful to build or use any building or structure, or to use premises in the city, for any purpose or use other than the uses listed as being permitted in the district in which such building, land, or premises is located.

C. In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Except when otherwise noted it is not intended by this title to interfere with, abrogate or annul any easements, covenants or other agreements between private parties. However, where this title imposes a greater restriction upon the use of land and/or building or in general requires higher standards than other ordinances, rules, or private agreements, the provisions of this title shall govern.

D. No division of land pursuant to BMC Title 16 shall occur unless in compliance with the provisions of this title.

E. Except as otherwise noted this title is not intended to regulate the erection, construction, or reconstruction of public streets, power poles, streetlights, utility lift stations, transmission lines, or other public uses within an existing improved, and maintained, city right-of-way necessary to serve local development and support the general public welfare and conducted, or carried out, by the city of Burlington, or agents of the city working under a contract or franchise. Private utilities, projects serving a regional, international, or state-wide need, and infrastructure improvements, and public utilities located outside an improved public right-of-way, shall be subject to this title unless explicitly preempted by state or federal law. (Ord. 1857 § 2 (Exh. B), 2018).

17.01.030 Purpose.

The provisions of this chapter shall be liberally construed to accomplish the following purposes:

A. This title is intended to address the requirements of chapter 36.70A RCW, the Growth Management Act, and shall be used to implement and enforce the provisions of city’s comprehensive plan. This title is also intended to protect the health, safety, morals, convenience, comfort, prosperity, and general welfare of the city’s population.

B. The specific zones and regulations herein are designed to facilitate adequate provisions of utilities, schools, parks and housing with essential light, air, privacy, and open space; to lessen congestion on streets and facilitate the safe movement of traffic thereon; to stabilize and enhance property values; to prevent the overcrowding of land; to facilitate adequate provisions for doing public and private business and thereby safeguard the community's economic structure upon which the prosperity and welfare of all depends and through such achievements help ensure the safety and security of home life, foster good citizenship, create and preserve a more healthful, serviceable and attractive municipality and environment in which to live.

C. To most effectively accomplish these purposes, this title divides the city into zones wherein the location, height and use of buildings, the use of land, the size of yards and other open space, and the provision of off-street parking and loading are regulated and restricted in accordance with the comprehensive plan for the city of Burlington. These zones and regulations are hereby deemed necessary and are made with reasonable consideration, among other things, as to the character of each zone and its particular suitability for specific uses, the need for such uses, the common rights and interests of all within the zone as well as those of the general public, and with the view of conserving and encouraging the most appropriate use of land throughout the city. (Ord. 1857 § 2 (Exh. B), 2018).

17.01.040 Authority.

This title is created pursuant to the authority set forth in chapters 35A.63, 36.70A, and 36.70B RCW and other applicable laws and regulations. (Ord. 1857 § 2 (Exh. B), 2018).

17.01.050 Definitions.

For the purpose of this title, the words listed in this chapter shall have the following meanings unless the context clearly indicates otherwise. Words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory, the word "may" denotes a use of discretion in making a decision; the words "used" or "occupied" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

"A"

~~"Abandoned sign" (see definition under "sign") means a sign structure that has ceased to be used, and the owner or lessor of the sign structure intends no longer to use the sign structure for the display of sign copy, or as otherwise defined by state law. It shall be a rebuttable presumption that a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found, is an abandoned sign.~~

Commented [BJ2]: Consolidated all sign definitions in one place under "sign"

"Arborist" means a person accredited by the International Society of Arboriculture (ISA).

"Accessory building" or "accessory structure" means a subordinate building or structure, the use of which is incidental to the use of the main, or primary, building on the same lot.

"Accessory dwelling unit" or "accessory dwelling" see dwelling definitions.

"Accessory use" means a use incidental and subordinate to a principal use and located on the same lot or in the same building as the principal use.

"Adult entertainment use" means an adult motion picture theater or topless club as defined below:

1. "Adult motion picture theater" means a place of public assembly in which, in an enclosed building, motion picture films, video cassettes, cable television, or any other such visual media, are presented which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities," as defined herein.
2. "Topless club" means a public or private club employing persons exposing "specified anatomical areas" as defined herein.

“Affordable housing” means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

1. For rental housing, sixty percent of the median household income adjusted for household size for Skagit County as reported by the United States department of housing and urban development; or
2. For owner-occupied housing, eighty percent of the median household income adjusted for household size for Skagit County as reported by the United States department of housing and urban development.

“Agriculture” means the production of horticultural, viticulture, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock. Agriculture does not include community gardens or residential gardening.

1. “Agriculture, rural” means agricultural uses or activities other than urban agriculture. Rural agriculture specifically includes animal husbandry, the keeping of large domestic animals such as horses, cattle, goats, and hogs, commercial activities involving livestock and poultry, the keeping of roosters or more than four hens, and the construction or use of agricultural buildings such as barns or equipment sheds associated with an activity falling within the definition of rural agriculture.
2. “Agriculture, urban” means the commercial production of plants or crops, nurseries, apiaries and beekeeping, the keeping of up to four hens in residential areas, and the construction of greenhouses, potting sheds, chicken coups, and other structures associated with an activity falling with the definition of urban agriculture.

“Alley” means a public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

“Alteration” means a change, rearrangement, expansion, or modification of an existing building, structure, use, development, or facility. Alterations also include moving buildings, structures, and uses from one location to another. In buildings used for business, commercial, industrial or other similar purposes the installation or rearrangement of interior partitions affecting more than one-third of a single floor area shall be considered an alteration.

“Animated sign” (~~see definition under “sign”~~)~~means a sign employing actual motion or the illusion of motion. Note that animation is prohibited by BMC 17.95.135(B)(2), except for temporary signs in BMC 17.95.125. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:~~

~~1. “Electrically activated” means animated signs producing the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:~~

~~a. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of nonillumination. For the purposes of this chapter, “flashing” will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four seconds.~~

~~b. Patterned Illusionary Movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.~~

~~2. “Environmentally active” means animated signs or devices motivated by wind, thermal changes or other natural environmental input, including spinners, pinwheels, pennant strings, and/or other devices or displays that respond directly to naturally occurring external motivation. Time or temperature displays shall not be construed as a direct response to the natural environment.~~

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3. ~~“Mechanically activated” means animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.~~

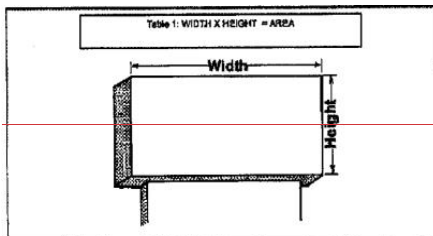
“Antenna” means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals.

1. “Omnidirectional antenna” (also known as a “whip antenna”) transmits and receives radio frequency signals in a 360-degree radial pattern. For the purpose of this title, an omnidirectional antenna is up to 15 feet in height and up to four inches in diameter.
2. “Directional antenna” (also known as a “panel antenna”) transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
3. “Parabolic antenna” (also known as a “dish antenna”) is a bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.

“Area of sign,” “surface area of sign,” or “sign area” (~~see definition under “sign”~~) ~~means the area of a sign excluding sign support structures, which do not form part of the sign proper or the display. Surface area shall be measured as follows:~~

1. ~~The surface area of the sign is determined by the height times the width of a typical rectangular sign or other appropriate mathematical computation of surface area for nonrectangular signs.~~
2. ~~Surface area includes only one face of a double-faced sign where the faces of the sign are parallel. If any face is offset from parallel by more than five degrees, such face shall be counted as a separate surface area.~~
3. ~~Surface area of a sign with more than two faces, such as a cube or pyramid, shall be calculated as the sum of the surface area of all faces, divided by two.~~
4. ~~In the event of an irregular, three-dimensional object that serves as signage, where the surface area is not readily measurable, the surface area shall be calculated by the largest area of the three-dimensional object visible from any one viewing angle.~~

Figure 1. Sign Surface Area Calculation



“Attached wireless communication facility” means a wireless communication facility that is affixed to an existing structure and is not considered a component of the attached wireless communication facility.

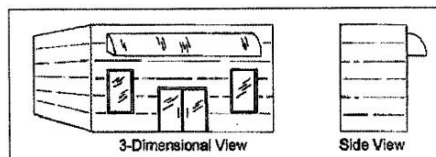
“Automobile wrecking yard”: see “wrecking yard” definition.

“Automotive parts and accessories sales” means an automotive retail sales and service use in which goods are rented or sold primarily for use in motorized vehicles, but excluding gas stations.

“Automotive retail sales and service” means a retail sales and service use in which goods are rented or sold primarily for use in motorized vehicles, but excluding gas stations.

“Awning” means a roof-like cover that projects from the wall of a building for the purpose of shielding a door or window from the elements.

Figure 2. Awning



“Awning sign” ~~(see definition under “sign”)means any sign erected upon, or against, an awning.~~

“B”

“Banner” means a flexible substrate on which copy or graphics may be displayed, including blade banners.

“Banner sign” ~~(see definition under “sign”)means a sign utilizing a banner as its display surface.~~

“Bed and breakfast” means a single-family dwelling where up to two rooms or lodging units are let as temporary accommodations for travelers or guests by the owner or occupant of the single-family dwelling. Bed and breakfast establishments may provide limited food service to guests.

“Billboard” ~~(see definition under “sign”)means an outdoor advertising sign containing a message, commercial or otherwise, unrelated to the use or activity on the property on which the sign is located, and which is customarily leased for commercial purposes, but not including attached directional signs (not within the billboard face) as defined herein. Billboards are regulated in BMC 17.95.130(A).~~

“Boarding house” or “rooming house” means a detached dwelling unit where two or more rooms are separately rented. This term does not include hotels, bed and breakfasts, duplexes, or multiunit buildings. Boarding houses are differentiated from hotels and bed breakfasts by providing accommodations for periods of 30 days or more. A boarding house does not constitute a duplex or multiunit building because the kitchen and other housekeeping facilities are shared by the building occupants. The individual rooms within a boarding house are not equipped with kitchens or complete housekeeping facilities.

1. “Boarding house, small” means a boarding house where up to four rooms are separately rented.
2. “Boarding house, large” means a boarding house where five or more rooms are separately rented.

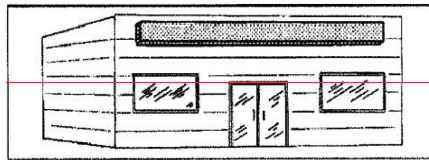
“Building” means a structure as defined in this chapter. For purposes of interpreting this title (Title 17) the term building shall mean all architecturally integrated components of the structure under a single roof or built upon a single foundation. The term building may be defined differently in other titles of the Burlington Municipal Code.

“Building area” means the total ground coverage of a building or structure which provides shelter measured from the outside of its external walls or supporting members.

“Building height” means the vertical distance measured from the finished grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. If a structure has none of the above features then the height shall be measured from the finished grade to the highest portion of the structure.

“Building-mounted sign” ~~(see definition under “sign”)means a single or multiple faced sign of a permanent nature, made of rigid material, attached to the facade of a building or the face of a marquee.~~

Figure 3. Building-Mounted (Wall) Sign



“Bulk material sales and storage” means the sale, storage, stockpiling, or blending of bulk materials including, but not limited to, sand, gravel, bark, topsoil, dirt, rock, and other similar materials. This definition does not include the following:

1. The sale of prepacked products or incidental quantities to consumers at nurseries, lumber yards, building supply stores, or similar establishments;
2. Temporary stockpiles associated with an authorized and ongoing construction project;
3. Rock crushing plants, concrete mixing and batching plants, ready-mix concrete facilities, or other similar uses.

“Burlington hill special management area” means those portions of Burlington Hill with a ground elevation 40 feet or more above sea level.

“C”

“Canopy” means a multi-sided overhead structure or architectural projection that provides protection from the elements to persons or property. The surface(s) or soffit may be illuminated by means of internal or external sources of light. This includes marquees.

~~“Canopy-mounted sign” (see definition under “sign”) means any sign or awning erected upon or against a canopy, including marquee-mounted signs.~~

“Capital improvement” or “capital facility” means major durable public investments in land, facilities or equipment such as streets, roads, sidewalks, paths, parks improvements, sanitary sewer facilities, public water systems, pedestrian safety and streetscape features, firefighting equipment, and City buildings.

“Capital improvement plan” or “CIP” means a component of the Burlington Comprehensive Plan providing a detailed list of planned capital improvements covering a six-year period and identifying the sources of money that will be used to pay for the planned improvements. The CIP serves as the six-year financing plan required by Chapter 36.70 RCW (GMA).

“Caretaker apartment” or “caretaker dwelling” mean an apartment or dwelling unit associated with, and subordinate to, a primary permitted use or development and used to provide housing for a person(s) employed to care for, or operate, the primary permitted use or development.

“Certificate of occupancy” means a written document issued by the City in accordance with the provisions of the building permit. The certificate of occupancy indicates that the project has been inspected for compliance with applicable uniform and development code requirements. The certificate of occupancy gives permission to use or occupy the premises for the approved proposed use.

~~“Changeable sign” (see definition under “sign”) means a sign with the capability of content change by means of manual or remote input without reworking, repainting, or otherwise altering the physical composition of the sign, including signs which are:~~

- ~~1. Electrically Activated. A changeable sign whose message copy or content can be changed by means of remote-electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display~~

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~~surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also “electronic message sign or center.”~~

~~2. Manually Activated. A changeable sign whose message copy or content can be changed manually.~~

“Charging station” means equipment used to charge electric vehicles.

“Craft industries” means a use where arts or crafts are manufactured in a small-scale facility using skilled labor. Craft industries include art studios, woodworking and cabinet shops, bakeries, kitchens, breweries, distilleries, wine making, and other similar activities. Craft industries are owner operated enterprises where the owner staffs, directly participates in, and manages, the day-to-day operations of the business. Craft industries may employ a small number of employees in addition to the owner and members of the owner’s immediate family. Craft industries have a total floor area of 5,000 square feet or less and primarily operate during normal business hours.

“Co-location exists” means that more than one wireless communications provider mounts equipment on a single support structure (i.e., building, monopole, lattice tower).

“Commercial child day care center” means a building, or a portion of a building, used to provide early childhood education and learning services as defined in RCW 43.215.010.

1. “Commercial child daycare center, small”, “mini commercial child day care center”, or “mini commercial day care” means a commercial child day care center that provides services to not more than 12 children at any one time.
2. “Commercial child daycare center, large” or “commercial day care, large” means a commercial child day care center that provides services to more than 12 children at a time.
3. “Commercial child daycare center, public” or “child daycare, public” means a large or small daycare center owned, operated by, or located on land owned by a government agency.

“Commercial entertainment, indoors” means a use offering equipment, space, instruction, or facilities for recreation, entertainment, or games of skill and wholly enclosed in a building. Typical uses include arcades, athletic or health clubs, gyms, pool or billiard halls, indoor swimming pools, bowling alleys, skating rinks, climbing gyms, concert venues, and dance halls. This definition excludes public facilities.

1. Indoor commercial entertainment, minor means an indoor commercial recreation facility with a ground floor area of 2,500 square feet or less and a total floor area of 5,000 square feet or more.
2. Indoor commercial entertainment, major means an indoor commercial recreation facility with a ground floor area of more than 2,500 square feet or a total floor area in excess of 5,000 square feet.

“Commission” shall mean the planning commission of the city.

“Community development director” means the official appointed and acting as the Community Development Director.

“Comprehensive Plan” means the plan adopted by the City of Burlington pursuant to the requirements of Chapter 36.70A RCW (The Washington State Growth Management Act). The City’s comprehensive plan contains maps, illustrations, and descriptive text addressing a number of elements, or subjects, including, but not limited to, land use, housing, transportation, capital facilities, utilities, parks and recreation, and economic development. The comprehensive plan also includes a number of related functional or implementation plans that are either included within the body of the comprehensive plan, incorporated by reference, or incorporated by statute. These related functional or implementation plans include, but are not limited to, the sewer plan, storm-water plan, capital improvement plan (CIP), and transportation improvement plan (TIP).

“Conditional use” means a use or development which may, through a discretionary approval process, be conditionally permitted in one or more zones. Conditional uses are those uses and developments which are either identified as conditional in a particular zone, or which are not listed as permitted or conditional in any zone. Conditional uses generally have the following characteristics:

1. The impacts associated with the use or development are difficult to predict or ascertain due to variabilities in the size, scale, and design of the use or development, or because the activities associated with, or the technological processes employed by, the use or development are untested, experimental, unproven, or poorly documented;
2. The exact location of the use or development may determine its impact on, and compatibility with, surrounding uses, public streets, improvements and facilities;
3. The use or development requires a high level of analysis to determine if it will be, or can be made to be, consistent with applicable comprehensive plan goals and policies, abutting and adjacent uses, and the character of the surrounding neighborhood;
4. The use or development requires detailed and specific conditions of approval in order to be compatible with surrounding uses, public streets, improvements, and facilities;
5. The use or development is not substantially similar in form, function, size, scale, or impact to another use listed as permitted in one or more zones.

“Contractor services” or “contractor offices” means a facility housing a business or entity engaged in a common trade or profession related to the maintenance or construction of buildings and grounds such as construction, plumbing, electrical, HVAC, or landscaping. This definition includes facilities where equipment or materials related to the contractor’s business are stored or maintained as an accessory use.

“Corner lot” ~~(see definition under “lot”): see “lot” definitions.~~

“Council” or “city council” shall mean the city council of the city of Burlington.

“Coverage,” “lot coverage,” or “building coverage” means the area of a lot which is covered by a roofed structure.

“D”

“Density” means the ratio of dwelling units to lot area.

“Detached building” means a building surrounded on all sides by open space.

“Developed land area” means those parts of a lot, site, or area of land that have been extensively improved for an existing land use including building coverage, parking and loading areas, service yards, impervious surfaces, and landscaped areas.

“Development” means any activity that results in a use or modification of land or its resources. Development activities include, but are not limited to: dredging, drilling, dumping, filling, earth movement, grading, clearing or removal of vegetation; storage of materials or equipment; building or construction; land division, boundary line adjustments, lot segregations, subdivision and short subdivisions; binding site plans; land use permit approvals; variances; shoreline development or substantial development; and activities or uses allowed through conditional use permits.

“Development complex sign” ~~(see definition under “sign”) means a free-standing sign identifying a multiple-tenant development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord.~~

“Development right” means one residential unit of credit. This is calculated for unincorporated Skagit County in the agriculture natural resource land zoning district (AgNRL) at the rate of one residential unit per 40 acres of farmland, or at the rate of one residential unit per county certified lot of record for development.

~~“Directional sign” (see definition under “sign”) means any sign that is limited to the purpose of providing direction and/or orientation for pedestrian or vehicular traffic. Directional signs typically indicate entrances, exits, one-way circulation, drive-up windows, or provide similar types of information.~~

“Director” means the community development director or designee.

“District” or “zone” means a zoning district as described in chapter 17.05 BMC or as shown on the city’s adopted zoning map.

~~“Double-faced sign” (see definition under “sign”) means a sign with two faces, back to back.~~

“Drive Aisle” means a vehicle access path abutting, and providing access to, no more than two rows of parking spaces.

“Driveway” means an area improved with an all-weather driving surface providing vehicle access to a single dwelling unit from a public or private street or alley in accordance with applicable city standards and requirements. This term does not include public or private streets.

“Driveway, shared”, or “Shared driveway” means an area improved with an all-weather driving surface providing primary vehicle access from a public or private street or alley in accordance with applicable city standards and requirements. A shared driveway may be serve up to four individual dwellings or provide access to no more than two drive aisles. This term does not include alleys or public or private streets. More information on driveways and access requirements is located in Chapter 17.85 BMC.

“Duplex”: see “dwelling” definitions.

“Dwelling” or “Dwelling unit” means a building, or a portion of a building, providing complete housekeeping facilities for one family or housekeeping unit. Dwellings are differentiated from transient accommodations by providing a permanent, non-transient, residence or place of habitation.

1. “Dwelling, accessory”, “accessory dwelling unit”, or “ADU” means a building, or a portion of a building, used as a self-contained dwelling that is secondary and subordinate to a primary detached or horizontally attached dwelling. Accessory dwellings may be either attached or detached. An attached accessory dwelling is located within the primary dwelling. A detached dwelling is located in a detached accessory building located on the same lot as the primary dwelling.
2. “Dwelling, attached” or “attached dwelling unit” means a dwelling unit located in a building that contains other dwelling units or any structure where multiple dwellings share common walls or are located on top of, or below, one another. This term includes duplexes, horizontally attached dwellings, and multiunit buildings.
 - a. “Duplex” means a building containing two attached dwelling units. The dwellings in a duplex may share common walls or one unit may be located above the other.
 - b. “Dwellings, horizontally attached” means a building containing three or more dwelling units where the individual dwelling units are separated by common walls and where no unit is located above or below another unit. Horizontally attached dwellings include townhomes, row houses, and other similar residential buildings. This term shall have the same meaning as, and may be used interchangeably with, the terms “townhouse”, “townhome”, and “row house”
 - c. “Multiunit building” means a building, or a portion of a building, containing three or more dwelling units. A multiunit building contains dwellings located above or below one another. Examples of multiunit buildings include apartments, condominiums, and multifamily buildings. This term shall have the same meaning as, and may be used interchangeably with, the terms “multifamily building” and “multifamily dwelling(s)” but does not include horizontally attached dwellings or duplexes as defined in this chapter.

- i. “Multiunit building, small” means a multiunit building containing up to four dwelling units.
 - ii. “Multiunit building, medium” means a multiunit building containing five to eight dwelling units.
 - iii. “Multiunit building, large” means a multiunit building containing more than eight dwelling units.
3. “Dwelling, cottage” or “cottage dwelling unit” means a small detached dwelling unit located in an approved cottage development.
4. “Dwelling, detached” or “detached dwelling unit” means a single dwelling unit occupying a single detached building. A detached dwelling may also include an attached accessory dwelling unit as defined in this chapter.
5. “Dwelling, small lot” means a small detached dwelling located in an approved small lot development.

“E”

“Eating and drinking establishment” means a retail sales and service use in which food and/or beverages are prepared and sold at retail for immediate consumption. Eating and drinking establishments may include onsite brewing, distilling, baking, and kitchen facilities.

1. “Eating and drinking establishment, small” means an eating and drinking establishment with a floor area of 1,000 square feet or less.
2. “Eating and drinking establishment, large” means an eating and drinking establishment with a floor area of more than 1,000 square feet.

“Electric sign” ~~(see definition under “sign”)means any sign activated or illuminated by means of electrical energy.~~

“Electronic message sign or center” ~~(see definition under “sign”)means an electrically activated changeable sign whose variable message capability can be electronically programmed. The electronic sign includes text and/or graphic messages that may change every few seconds. Advertising messages may contain words, phrases, sentences, symbols, trademarks and logos. See BMC 17.95.120 for requirements regarding electronic signs.~~

“Emergency housing” or “emergency shelter” means temporary housing or shelter provided by a governmental entity, or a private organization sanctioned by a governmental entity, to house those persons who would otherwise be without housing or suitable shelter due to natural disaster, personal circumstances, fire, economic calamity, disability, addiction, health issues, or other similar circumstances. Emergency housing is typically provided in a congregate setting for stays of limited duration and may include the provision of supportive services including, but not limited to, food service, counseling, and screening for benefits eligibility.

“Emergency services” means fire, police, and emergency medical service (EMS) stations and facilities.

“Enhanced pedestrian amenities” means convenience and safety improvements provided for the benefit of pedestrians that exceed the minimum requirements identified in the Burlington Municipal Code. Enhanced pedestrian amenities include plazas, raised crosswalks, benches, pedestrian lighting, street trees, pedestrian signage, wider sidewalks, and awnings or overhangs providing weather protection for pedestrians. Information on enhanced pedestrian amenities is located in Chapter 17.85 BMC.

“Essential public facility (EPF)” means any public facility or facilities owned or operated by a unit of local or state government, public or private utility, transportation company, or any other entity that provides a public service as its primary mission, and is difficult to site. EPFs include those facilities listed in RCW 36.70A.200.

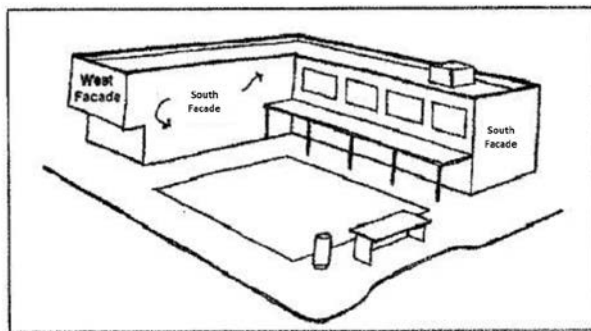
“Exterior lot” means a lot which directly abuts or adjoins at least one public or private street.

“Exterior sign” (~~see definition under “sign”~~) means any sign placed outside a building.

“F”

“Facade” means the exterior wall face of a building, extending from the ground to the top of the parapet or eaves, but not including any portion of the roof. Each side of a building (i.e., each architectural elevation) is considered one facade (see Figure 4). For buildings with more than one occupant, the facade for each occupant shall be that portion of the exterior wall face between the points where the interior walls between tenants intersect with the exterior wall.

Figure 4. Facade



“Family” means a person, or two or more persons, related by blood or marriage or law living together as a single housekeeping unit in a single dwelling. In addition, the following shall be included in the definition of family pursuant to the requirements of state and/or federal law:

1. Adult family homes licensed pursuant to RCW 70.128.150;
2. Foster homes for the placement of the disabled, or expectant mothers in a residential setting including, but not limited to, foster family homes licensed pursuant to chapter 74.15 RCW, community group care facilities licensed pursuant to chapter 74.15 RCW and crisis residential centers pursuant to chapter 13.32A RCW;
3. Consensual living arrangements of the disabled protected pursuant to the Federal Fair Housing Act amendments; and
4. A housekeeping unit as defined in this chapter.

Secure community transition facilities, as defined in chapter 71.09 RCW, are not included in the definition of “family.”

“Family day care home” means a residential dwelling used by a family day care provider to provide day care services in accordance with the provisions of RCW 36.70A.450 and 43.215.010.

“Family day care provider” means a child care provider who regularly provides early childhood education and early learning services for not more than 12 children in the provider’s home in the family living quarters.

“Flashing Sign” (~~see definition under “sign”~~)-See “~~animated sign, electrically activated.~~”

“Floor area” means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the centerline of division walls. Floor area shall include: basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet, six inches or more, penthouse floors, interior balconies and mezzanines, enclosed porches. Floor area shall not

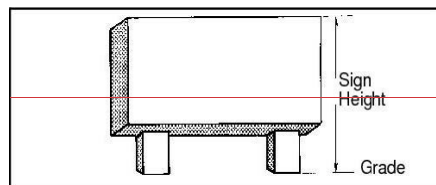
include: accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet, six inches, exterior steps or stairs, terraces, breezeways and open spaces.

“Footprint” means the area covered by a building or structure.

“Foster family home” means a dwelling unit used as a foster family home as defined in WAC 388-25-010 and chapter 74.13 RCW.

“Freestanding sign” ~~(see definition under “sign”) means a sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. Freestanding signs include those signs otherwise known as pedestal signs, pole signs, pylon signs, and monument signs.~~

Figure 5. Freestanding Sign



“Frontage (building)” means the length of an exterior building wall or structure of a single premises oriented to the public way or other properties that it faces as determined by the community development director or designee.

“Fueling station” or “Gas station” means an automotive retail sales and service use where the primary use of the property is the sale of fuel for motorized vehicles or the provision of access to electric vehicle charging stations. This definition does not include charging stations associated with a primary permitted use, the addition of charging stations to a parking area serving a primary permitted use, or charging stations associated with publicly owned on-street or off-street parking areas.

“G”

“Government agency” means any state or local governmental body, commission, department, or officer, including, but not limited to, state agencies, cities, towns, counties, political subdivisions, public utility districts, public corporations, and special purposes districts. This term shall also include the United State government, federal agencies, and tribal governments unless doing so would conflict with federal preemption or tribal sovereignty.

“Guest cottage” or “guest house” means a detached accessory building secondary and subordinate to a dwelling unit used by the family occupying the dwelling unit for the purpose of housing members of the family or guests. A guest cottage does not contain a kitchen or cooking facilities and is not used as a separate dwelling unit. This term does not include accessory dwelling units as defined in this chapter which may contain kitchens or cooking facilities and which may be used as separate dwelling units.

“Guyed tower” means a wireless communication support structure which is usually over 100 feet tall, which consists of metal crossed strips or bars and is steadied by wire guys in a radial pattern around the tower. Guyed towers are often constructed in rural areas and are used to support antennas and related equipment.

“H”

“Health care facility,” “medical service” or “outpatient clinic” means a building, or a portion of a building, containing offices for providing medical, dental, immediate care clinics, or psychiatric services not involving overnight housing of patients. This term does not include hospitals or nursing homes as defined in this chapter.

~~“Height of sign” or “sign height” (see definition under “sign”) means the vertical distance from the adjacent ground-level to the highest point of a sign or, in the case of freestanding signs, to any vertical projection thereof including its supporting columns.~~

“Heliport” means an area or facility for the landing or takeoff of rotary-wing aircraft. This term does not include runways or facilities for fixed-wing aircraft.

“Holographic display” means any display that creates a three-dimensional image through projection.

“Home occupation” means an occupation or profession which is customarily incidental to or carried on in a dwelling unit and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by a member of the family residing within the dwelling place.

“Hospital” means a building designed and used for the medical and surgical diagnosis, treatment and housing of persons under the care of doctors and nurses. Rest homes, nursing homes, convalescent homes and clinics are not included.

“Hotel” or “motel” means a building, or a portion of a building, designed or used to provide transient accommodations in exchange for compensation and consisting of three or more lodging units. An eating and drinking establishment and accessory shops and services catering to the general public may be provided as accessory uses. This definition does not include institutions housing persons under legal restraint, requiring medical attention or care, or facilities providing emergency housing.

“Housekeeping unit” means one household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses, and maintenance of the premises are shared or carried out according to a household plan or other customary method. If the dwelling unit is rented, the household members must jointly occupy the unit under a single lease in order to be considered a housekeeping unit. This term does not include boarding or rooming houses as defined in this chapter where rooms within a dwelling unit are rented or leased to individuals under separate leases.

“I”

~~“Illegal sign” (see definition under “sign”) means a sign that does not meet the requirements of this chapter and has not received legal nonconforming status.~~

~~“Illuminated sign” (see definition under “sign”) means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).~~

“Impervious surface” means a hard surface which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops and eaves, walkways, patios, decks (both covered and open slat construction shall both be considered impervious), driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, rockeries and oiled macadam or other surfaces which similarly impede the natural infiltration of surface and storm water runoff. Open, uncovered storm water retention and detention facilities shall not be considered impervious surfaces for purposes of this definition. For purposes of calculating impervious surface coverage and demonstrating compliance with this title, the following impervious surfaces shall be included at a ratio of 50 percent:

1. “Permeable paving” means pervious concrete, porous asphalt, permeable pavers, grass grid, or other forms of pervious or porous paving material intended to allow the passage of water through the pavement section. Permeable paving often includes an aggregate base that provides structural support and acts as a storm water reservoir.
2. “Open slatted decking” means a deck surface constructed of boards with intermittent gaps that allow water to pass through to the surface below. Only open, uncovered decks installed over a permeable surface shall be included in impervious surface calculations at a 50 percent ratio. Covered decks, or decks installed over an

impermeable surface, shall be considered an impervious surface and included in all coverage calculations accordingly.

3. “Green roof” or “vegetated roof” means a roof, or a portion of a roof, consisting of waterproofing material, growing medium or soil, and vegetation used in place of or over the top of a conventional roof. Green roofs provide storm water management by capturing, filtering, and evaporating rainfall.

“Industrial, minor” or “light industrial” means a use or activity involving the assembly of goods or products from pre-manufactured materials or components, the repair, servicing, or sale of goods or products, and the processing or preparation of food and beverage products for offsite consumption. Minor industrial activities can be performed with minimal adverse impact on, and pose no special hazard to, the environment or community. Minor industrial uses and activities are differentiated from major industrial activities by taking place entirely within an enclosed building and by not generating external emissions such as smoke, objectionable odors, noise, vibrations, or nuisances outside the building where the use or activity takes place. Minor industrial uses and activities may involve outdoor sales or storage but do not involve outdoor manufacturing, assembly, or material processing. Examples of minor industrial uses and activities include, but are not limited to:

1. Assembly, repair, and servicing of mechanical, automotive, marine, contractor’s or builder’s equipment and supplies (other than heavy vehicle and equipment repair);
2. Assembly, repair, and servicing of electrical and electronic equipment and products.
3. Commercial bakeries and kitchens not associated with an eating and drinking establishment;
4. Breweries and distilleries not associated with an eating and drinking establishment;
5. Commercial printers and publishing companies (not including retail photocopying and printing services);
6. Assembly, repair, and servicing of scientific, medical, and precision instruments and equipment;
7. Repair and servicing of bulky items including, but not limited to, small engines, lawn and garden equipment, appliances, commercial and industrial electronics and controls, pumps and hydraulic equipment, marine equipment and engines, passenger vehicles, boats, HVAC equipment, and tools;
8. Precision machine and mechanical work including rebuilding and servicing engines, transmissions, and similar mechanical components;
9. Cold storage plants.

“Industrial, major” or “heavy industrial” means a use or activity involving the transformation of materials and substances into new products including additive or subtractive processes, construction, testing, and assembly of component parts and the blending of materials such as lubricating oils, plastics, or resins. Major industrial uses and activities may generate external emissions such as smoke, objectionable odors, noise, vibrations, or nuisances which may be perceptible beyond the site boundaries but which can be mitigated to a level of non-significance through the application of appropriate permit conditions. Major industrial uses and activities may involve the use of large outdoor areas for manufacturing, assembly, or material processing. Such uses and activities include, but are not limited to:

1. Manufacturing, processing, blending, and packaging of lime, gypsum, abrasives, chalk, pumice, clay and cement products such as tile, pipe, brick etc.;
2. Manufacturing and assembly of automotive and aerospace vehicles;
3. Manufacturing paints, printing ink, and leather goods;

4. Basic wood processing including sawmills, planing mills, veneering and laminating woods, processing, or production of firewood, and the production of engineered wood products such as trusses, beams, and panels;
5. Commercial laundries;
6. Enameling, galvanizing, and electroplating;
7. Bulk material sales and storage;
8. Repair and servicing of heavy equipment and trucks;
9. Manufacturing, processing, blending and packaging of the following:
 - a. Drugs, pharmaceuticals, toiletries, and cosmetics;
 - b. Food and kindred products, such as confectionery products, chocolate, cereal breakfast food, bakery products, paste products, fruits and vegetables, beverages, prepared food specialties (such as coffee, dehydrated and instant food, extracts, spices and dressings) and similar products;
 - c. Dairy products and byproducts such as milk, cream, cheese and butter, including the processing and bottling of fluid milk, and cream and wholesale distribution;
 - d. Soaps, detergents, and other basic cleaning and cleansing materials;
 - e. Mineral products,

“Industrial, high impact” means a use or activity that may generate significant emissions or impacts perceptible beyond the site boundaries that cannot be mitigated or are difficult or impractical to mitigate. High impact industrial uses and activities may also involve the production, processing, handling, storage, or disposal of hazardous or dangerous substances or materials. Such uses and activities include, but are not limited to:

1. Animal and food processing including slaughterhouses, the tanning and dressing of hides, curing, canning, and processing meat and seafood, or pickling and brining;
2. Bulk storage, processing, production, or refining of oil, gas, petroleum and petroleum products, butane, chemicals, shellac, varnish, turpentine, paper, pulp, rubber from crude material;
3. Rock crushing plants;
4. Concrete mixing and batching plants, including ready-mix concrete facilities;
5. Production, processing, or recycling of metal;
6. Disposal, processing, or storage of solid waste including transfer and recycling facilities;
7. Commercial composting and production of mulch, bark, or wood chips;
8. Truck stops.

“Informational sign” ~~(see definition under “sign”) means a single or double-faced sign intended primarily for the safety and convenience of the public or to ensure the orderly operation of the site, including but not limited to signs designating restrooms, address numbers, hours of operation, business directories, help wanted, public telephones, and instructions regarding parking.~~

“Inoperable vehicle” means a vehicle such as a car, truck, RV, or van that cannot be started and moved under its own power. A vehicle that is not currently licensed, including a recreational vehicle or trailer that is designed for travel on the public roads, is also considered an inoperable vehicle.

“Internal access street” means a street providing vehicle and pedestrian access within a development or parking area. Internal access streets provide access to three or more drive aisles.

“Interior lot” ~~(see definition under “lot”)-see “lot” definitions.~~

“Interior sign” ~~(see definition under “sign”)means any sign placed within a building, but not including window signs as defined by this chapter. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.~~

“J”

“Junk storage” means the temporary or permanent storage outdoors of junk, waste, discarded, salvaged or used materials, wrecked or inoperable vehicles, or vehicle parts. This definition shall include, but not be limited to, the storage of used lumber, scrap, metal, tires, household garbage, furniture, and inoperable machinery, and as further defined in the current edition of the International Fire Code. See also chapter 8.12 BMC, Nuisances.

“Junk yard” means a lot, land or structure, or part thereof, used for junk storage, the collection, storage and sale of waste-paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging or sale of parts of machinery or vehicles not in running condition.

“K”

“Kennel”: see “pet boarding” definition.

“L”

“Land use” means the type of use activity occurring on a land parcel or within a building situated upon a land parcel.

“Land use permit” means a document issued by the city which documents or authorizes a particular use or development. A land use permit formally documents the city’s land use decision and may establish, or document, the conditions and restrictions applicable to the use or development.

“Lattice tower” means a wireless communication support structure which consists of metal crossed strips or bars to support antennas and related equipment.

“Lodging unit” means a room, or a group of interconnected rooms, intended for sleeping, that is rented on a short-term basis to guest(s) to provide transient accommodation and is individually designated by number, letter, or other means of identification. Lodging units may contain cooking facilities; however, this definition does not include long-term, non-transient accommodations such as dwellings or boarding houses.

“Lot” means a single unit of land having fixed boundaries, no matter how legally described.

1. ~~“Lot area” means the area of a lot contained within the lot lines. Lot area includes areas within easements, submerged lands, and wetland areas. For purposes of determining compliance with this title the city may require that lot area(s) be calculated by a licensed land surveyor.~~

2. “Lot, corner” means a lot at the junction of, and fronting on, two or more intersecting streets. A corner lot has a front lot line and a street side lot line.

1-3. ~~“Lot depth” means the mean dimension of the lot from the front lot line to the rear lot line.~~

2-4. “Lot, illegal” means a lot, tract, parcel, or site created in violation of applicable zoning and platting regulations.

3-5. “Lot, interior” means a lot other than a corner lot or a through lot.

6. “Lot, legal” means a lot, tract, parcel, or site created in compliance with the zoning and platting regulations in effect at the time of its establishment or creation. This term also includes illegally created lots that are

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subsequently recognized by the city as separate lots consistent with the requirements of Title 16 BMC and Chapter 57.17 RCW.

7. “Lot line” means a line or boundary which separates a lot, tract, parcel, or site from another lot, tract, parcel or site, or from an adjoining public street or right-of-way. For purposes of compliance with this title the city may require that the location of lot lines be determined by a licensed land surveyor.

a. “Front lot line” means the lot line parallel to and abutting a public or private street. For interior lots, or lots with more than one street frontage, the front lot line shall be side which provides the primary means of access to the lot. If a lot has frontage on a street and an alley, the property line adjoining the alley shall not be considered a front lot line regardless of the point of access.

b. “Rear lot line” means the lot line which is opposite from and generally parallel to the front property line.

c. “Side lot line” means any lot line other than the front line or rear lot line. Generally a side property line is perpendicular to and connects the front and rear property lines.

d. “Street side lot line” means a lot line, other than a front lot line, which adjoins a public or private street.

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4-8. “Lot width” means the dimension across the lot between the side lot lines at the front setback line.

“Lot area” means the area of a lot contained within the lot lines. Lot area includes areas within easements, submerged lands, and wetland areas. For purposes of determining compliance with this title the city may require that lot area(s) be calculated by a licensed land surveyor.

“Lot depth” means the mean dimension of the lot from the front lot line to the rear lot line.

“Lot line” means a line or boundary which separates a lot, tract, parcel, or site from another lot, tract, parcel or site, or from an adjoining public street or right-of-way. For purposes of compliance with this title the city may require that the location of lot lines be determined by a licensed land surveyor.

1. “Front lot line” means the lot line parallel to and abutting a public or private street. For interior lots, or lots with more than one street frontage, the front lot line shall be side which provides the primary means of access to the lot. If a lot has frontage on a street and an alley, the property line adjoining the alley shall not be considered a front lot line regardless of the point of access.

2. “Rear lot line” means the lot line which is opposite from and generally parallel to the front property line.

3. “Side lot line” means any lot line other than the front line or rear lot line. Generally a side property line is perpendicular to and connects the front and rear property lines.

4. “Street side lot line” means a lot line, other than a front lot line, which adjoins a public or private street.

“Lot width” means the dimension across the lot between the side lot lines at the front setback line.

“Low impact development” or “LID” means a storm water and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed storm water management practices that are integrated into a project design. Low impact development features, practices, and techniques include bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated or green roofs, minimum excavation foundations, and water reuse.

“M”

“Macro facility” means an attached wireless communication facility which consists of antennas equal to or less than 15 feet in height or a parabolic antenna up to one meter (39.37 inches) in diameter and with an area not more than 100 square feet in the aggregate as viewed from any one point.

“Manufactured home” means a single-family dwelling unit built in accordance with regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and (RCW 43.22.335). This term includes modular homes as defined in this chapter but does not include mobile homes. This term also does not include recreational vehicles, park models, trailers, and other similar vehicles which are licensed for use on public roads, capable of being licensed for use on public roads, or designed and constructed to be licensed for use on public roads. Only structures which are certified by the state of Washington or federal government for use as a permanent habitable dwelling are included in this definition.

“Manufactured home park” means an area of land occupied or designed for the occupancy of two or more manufactured homes.

“Marijuana processor” means a person licensed by the State Liquor and Cannabis Board to process marijuana into usable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products at wholesale to marijuana retailers.

“Marijuana producer” means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana retailer” means a person licensed by the State Liquor and Cannabis Board to sell usable marijuana and marijuana-infused products in a retail outlet.

“Mean depth” of a lot is the depth of such lot measured on a line approximately perpendicular to the fronting street and midway between the side lines of such lot.

“Medical service” means a retail sales and service use in which health care for humans is provided on an outpatient basis including, but not limited to, offices for doctors, dentists, chiropractors, and other health care practitioners.

“Meeting facility” means an assembly use such as a church, community building, or fraternal organization where people gather for meetings, lectures, religious services, instruction, debates, ceremonies, or other similar events. Meeting facilities do not include “commercial entertainment” as defined in this chapter. Meeting facilities are differentiated from commercial entertainment by primarily providing meeting space for a membership group or association on a private, not for profit, basis.

1. “Meeting facility small” means a meeting facility with a ground floor area of 2,500 square feet or less and a total floor area of 5,000 square feet or less.
2. “Meeting facility large” means a meeting facility with a ground floor area of more than 2,500 square feet or a total floor area in excess of 5,000.
3. “Meeting facility, public” means a public facility intended to accommodate public meetings, events, and gatherings such as a city hall, court, hearing rooms, auditoriums, community center, or theatre.

“Mini commercial child day care center” or “mini commercial day care” (~~see definition under “commercial child day care center”~~) means a commercial child day care center that provides services to not more than 12 children at any one time.

“Mobile home” means a factory built dwelling unit that does not meet current state or federal standards for factory built dwellings, modular homes, or manufactured homes. This definition does not include manufactured or modular homes as defined in this chapter or site built homes constructed in accordance with city building code requirements. Mobile homes may not be placed within the city of Burlington; however, existing legally established mobile homes shall be considered a nonconforming use and shall be subject to the nonconforming standards set forth in chapter 17.100 BMC.

“Modular home” means factory built housing as defined by RCW 43.22.450(3) which has been approved by the Department of Labor and Industries in accordance with RCW 43.22.455.

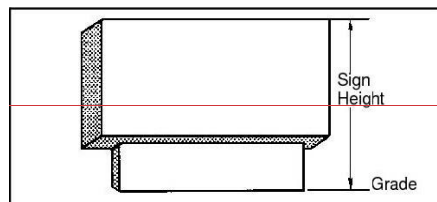
“Modulation” means an architectural technique for breaking up the apparent bulk of a structure’s continuous exterior walls or façade. Modulation involves stepping back or projecting forward portions of the façade within specified intervals of width and depth.

“Monopole I” is a wireless communication facility which consists of a support structure, the height of which shall not exceed 60 feet.

“Monopole II” is a wireless communication facility which consists of a wireless communications support structure greater than 60 feet in height erected to support wireless communication antennas and connecting appurtenances.

“Monument sign” ~~(see definition under “sign”) means a ground-mounted, fixed sign. The base (not included in the sign surface area calculation) is attached to the ground as a wide base of solid construction.~~

Figure 6. Monument Sign



“Multiunit building” or “Multifamily dwelling” ~~(see definition under “dwelling”); see definition under “dwelling”.~~

“Multiple-tenant development” means a group of structures housing at least one retail business, office, commercial venture, or independent or separate part of a business or a single structure containing more than one business with separating walls and at least one outside access for each business which shares a common lot, access, and/or parking facility.

“N”

“Noncommercial public service sign” ~~(see definition under “sign”) means a noncommercial sign devoted to religious, charitable, cultural, governmental, or educational messages including, but not limited to, the advertising of events sponsored by a governmental agency, a school, church, civic or fraternal organization or other organizations.~~

“Nonconforming lot” means a lot which was legally established but which does not conform to current zoning or development regulations including any applicable standards for width, depth, or area. For purposes of interpreting this definition, “legally established” means the lot was created in compliance with the zoning and platting regulations, if any, in effect at the time the lot was created. A lot may also be considered a legal nonconforming lot if it is subsequently recognized by the city as a separate lot consistent with applicable municipal code requirements and Washington State law.

“Nonconforming structure” means a structure which was lawfully established but which does not conform to current zoning or development regulations. A structure shall be considered lawfully established if it conformed to the applicable zoning and development regulations in effect at the time it was built or established. This includes the requirement to obtain city approvals or permits. A structure shall also be considered lawfully established if a permit for the structure has been granted and has not expired. Subsequent expansions or modifications of a legally established structure shall conform to all applicable zoning and development regulations in effect at the time of the modification or expansion. Specific regulations governing nonconforming structures can be found in chapter 17.100 BMC.

“Nonconforming use” means the use of land or a structure for a purpose which was lawful at the time the use was established or initiated but which does not now conform to currently applicable zoning or development regulations. A use shall be considered lawfully established if it was consistent with all of the applicable zoning and development regulations in effect at the time it was established or initiated. This includes the requirement to obtain city approvals or permits. A use shall also be considered lawfully established if a permit authorizing the use has been granted and has not expired. Subsequent expansions or modifications of a legally established use shall conform to all applicable zoning and development regulations in effect at the time of the modification or expansion. Specific regulations governing nonconforming uses can be found in chapter 17.100 BMC.

“Nuisance tree” means any tree which, in the opinion of an arborist, is causing or is likely to cause significant damage to a street, sidewalk, above or below ground utilities, or building, that cannot be mitigated without removal of the tree.

“Nursing home” or “convalescent home” means a facility licensed by the state of Washington providing 24-hour supervised nursing care, personal care, therapy, nutrition management, organized activities, social services, room, board, and laundry for persons requiring regular medical attention by reason of chronic illness or infirmity, but excluding surgical or emergency medical services. This definition excludes hospitals, multifamily dwellings, boarding houses, and hotels as defined in this chapter.

1. “Nursing home, small” means a nursing home with 8 beds or less.
2. “Nursing home, large” means a nursing home with more than 8 beds.

“O”

“Off-premises sign” ~~(see definition under “sign”) means a sign which displays a message relating to a use of property or sale of goods or services at a location other than that on which the sign is located.~~

“Office” means a commercial use which provides administrative, contractors, professional or customer services to individuals, businesses, institutions and/or government agencies in an office setting.

1. “Administrative office” means an office use in which services are provided to customers primarily by phone or mail, by going to the customer’s home or place of business, or on the premises by appointment; or in which customers are limited to holders of business licenses. Examples of services provided include, but are not limited to, general contracting, janitorial and housecleaning, legal, architectural, data processing, broadcasting companies, administrative offices or businesses, unions or charitable organizations, and wholesalers and manufacturer’s representatives’ office. Administrative offices may include accessory storage, but not the storage of building materials, contractor’s equipment or items, other than samples, for wholesale sale.
2. “Customer service office” means an office use in which on-site customer services are provided in a manner which encourages walk-in clientele and in which generally an appointment is not needed to conduct business. Examples include branch banks, travel agencies, airline ticket offices, brokerage firms, real estate offices, and government agencies which provide direct services to clients.
3. “Professional office” means a small-scale office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodity. This term includes office space for lawyers, accountants, engineers, architects, consultants, and other similar professions.

“On-premises sign” ~~(see definition under “sign”) means a sign which displays a message which is directly related to the use of the property on which it is located.~~

“Outdoor storage” means the keeping of materials, supplies, equipment, machinery, or the long term storage of vehicles outdoors or in a building without walls.

“Outdoor vending machine” shall mean a mechanical device located on the outside of a building that provides a product or service to the public for compensation, including but not limited to drink dispensers, food dispensers, movie rental or other product vending machines. The definition shall also include freestanding automated teller machines that are not on the same property as the financial institution. For purposes of this chapter, news boxes, pay phones, youth amusement rides, and bottled soda, juice or water machines shall not be deemed to be outdoor vending machines.

“P”

“Parking column” means two parking rows abutting one another and arranged back-to-back.

“Parking lot” or “parking area” means an area, or a portion of a development site, established for the purpose of accommodating parking spaces. Parking lots include both individual parking spaces and any associated drive aisles and circulation areas.

“Parking row” means a row of abutting parking spaces arranged alongside one another.

“Parking space” means a space used to temporarily park an operable motor vehicle and having access to a public street or alley. This term does not include a space used for the storage of a junk, wrecked, or inoperable vehicle.

“Pedestrian scale lighting” means outdoor lighting fixtures used to illuminate sidewalks and pedestrian paths with a scale an intensity suitable for pedestrians. Pedestrian scale lighting is mounted no higher than 14 feet above the surrounding grade and includes freestanding fixtures (pole lights), lighted bollards, and building mounted lights.

“Pet boarding” means any use or property where seven or more pets or more than four dogs are kept and any use where daytime or overnight care or boarding services are provided for household pets.

1. “Pet boarding, daycare” means a type of pet boarding where care is provided to household pets during the day and where pet training or grooming services may also be provided but does not include breeding or overnight boarding.
2. “Pet boarding, overnight” or “kennel” means a type of pet boarding where overnight care is provided to household pets and where pet training or grooming services may also be provided. This term also includes the breeding of household pets and the keeping of more than one litter of un-weaned pups.

“Parking space” means a space used to temporarily park a motor vehicle and having access to a public street or alley.

“Permitted use” means any use authorized or permitted alone or in conjunction with another use in a specific district and subject to the limitations of the regulations of such use district.

“Personal and household retail sales and service” (~~see definition under “retail”~~)~~see “retail” definition.~~

“Personal services” means a use where personal services are provided and goods accessory to the provision of such services may be sold. This term includes beauty salons, barber shops, consumer dry cleaning services and laundromats, jewelry and watch repair, tailors, tattoo shops, small electronic device repair, pet grooming, and other similar businesses.

“Personal and household storage” means a building, group of buildings or other facility having compartments, rooms, spaces, containers or other type of units that are individually leased, rented, sold or otherwise contracted for by customers for the storage of personal or [household](#) goods or property, and where the facility [owner](#)/operator has

limited access to the units. For purposes of this title, “self-service storage facility” shall be considered synonymous with self-storage [warehouse](#), self-storage facility, mini-[warehouse](#) or mini-storage. This term does not include warehouses and freight distribution facilities.

“Placement of a recreational vehicle” means to store a wrecked, inoperable, or unlicensed recreational vehicle on a lot for a period of more than 30 days, or to store a wrecked, inoperable, or unlicensed recreational vehicle outdoors or on an unpaved surface.

[“Portable sign” \(see definition under “sign”\)](#)

“Primary residential building” or “principal residential building” means a building containing one or more dwelling units. This term does not include accessory dwelling units as defined in this chapter.

“Primary use (or principal use)” means the use for which a lot, structure or building, or the major portion thereof is designed or actually employed.

“Private passenger transportation services” means a use where transportation services are provided to paying customers. Private transportation services include bus and train terminals, taxi dispatch centers, and other similar uses. This term does not include publicly operated transportation services such as transit stops.

“Private school” means a privately operated school.

1. “Private school, small” means a privately operated school with a ground floor area no greater than 2,500 square feet and a total floor area of 5,000 square feet or less.
2. “Private school, large” means a privately operated school with a ground floor area greater than 2,500 square feet or a total floor area greater than 5,000 square feet.

[“Professional office” \(see definition under “office”\)](#)

[“Projecting sign” \(see definition under “sign”\)](#)

“Public hearing” means a duly advertised public meeting called by the hearing examiner, council, or commission of the city for the purpose of taking formal public comment, both in favor and opposition to a proposed action.

“Public services” or “public facilities” means services, facilities, and uses owned, operated by, or operated on land owned by a government agency.

1. Public services, administrative and customer service means public offices, buildings and facilities that provide administrative or institutional services or involve direct customer interactions, such as an office, library, school, or city hall.
2. Public services, industrial means a use or facility used for minor industrial purposes or having characteristics similar to private uses categorized as industrial. Examples of such uses include storage buildings, equipment repair shops, maintenance facilities, storage and service yards, and sewage treatment plants.

“R”

[“Reader-board” \(see definition under “sign”\)](#)

“Recreation facility, active” means areas, improvements, or structures dedicated to the enjoyment of physical activities and recreational activities, including but not limited to organized athletic events such as tennis, soccer, running, basketball and baseball; scheduled spectator sports requiring large improved land areas, fields, courts, or facilities; and bicycle tracks or courses. Active recreation facilities are differentiated from passive recreation facilities by the level of site alterations and improvements required to support the activity. Active recreation uses

may require large parking areas, cleared and improved fields, large areas of impervious surfaces, outdoor lighting, sound systems, spectator seating, large buildings, and other related improvements.

“Recreation facility, passive” means areas or improvements dedicated to protecting or enhancing critical area functions and values; providing opportunities for the public to enjoy the natural environment or scenic landscapes; educational or research activities primarily related to the natural environment; recreational activities that require no significant site alterations or physical improvements such as trails, paths, viewing platforms, and interpretive signs. Passive recreation facilities may include minor accessory improvements such as benches, picnic tables, ornamental landscaping, community gardens, signage, and small parking areas.

“Receiving site” means the site in the recipient zoning district that will receive the increased density by purchasing Burlington heritage credits at a set fee or transferring development rights from the sending site. Receiving sites in the city of Burlington are further described in the MR-NB, B-1, C-1 and R-3 zoning districts.

“Recreational vehicle” or “RV” means a structure or vehicle containing living space intended to provide short-term transient accommodations for recreational purposes or travel and licensed for use on public roads, designed to be licensed for use on public roads, or capable of being licensed for use on public roads. This term includes trailers, campers, motor homes, park models, and other similar vehicles but does not include manufactured homes as defined in this chapter. A recreational vehicle shall not be considered, or used as, a permanent place of habitation, or as sleeping quarters for periods of 30 days or more.

“Residential small lot”, “residential small lot development”, or “small lot development” means a process by which lots, smaller than would normally be permitted, may be created through a short subdivision or subdivision process.

“Related equipment” is all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.

“Retail”, retail sales and service”, or “personal household retail sales and service” means a commercial use in which goods are rented or sold at retail to the general public for direct consumption and not for resale, or in which services are provided to individuals and/or households. Merchandise may be bought as well as sold and may be processed as long as the items processed are sold on the premises, and production is incidental or subordinate to the selling, rental or repair of goods. This term does not include marijuana retailers.

1. “Retail sales and service, small scale” means a retail sales and service establishment with a floor area of 1,000 square feet or less.
2. “Retail sales and service, medium scale” means a retail sales and service establishment with a floor area greater than 1,000 square feet but less than 5,000 square feet.
3. “Retail sales and service, large scale” means a retail sales and service establishment with a floor area of 5,000 square feet or more.

“Residential zone”, means an area zoned RD or RA.

“Rezone” means an amendment to the official land use map to change the zone classification of an area.

“Roof sign” or “roof-mounted sign” (see definition under “sign”)

“S”

“Sales and rental of motorized vehicles” means an automotive retail sales and service use in which motorized vehicles, such as cars, trucks, buses, recreational vehicles or motorcycles, or related nonmotorized vehicles, such as trailers, are rented or sold.

“School” means an institution of learning, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards required by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, and also includes higher education institutions and vocational schools, but does not include health and fitness clubs or facilities that solely provide artistic or musical instruction.

“Secure community transition facilities (SCTF)” means, under RCW 71.09.020, a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250 and any community-based facilities established under this chapter and operated by the Washington State Secretary of Social and Health Services or under contract with the Secretary.

“Sending site” means the site that is to be preserved as agricultural resource land by selling or transferring its residential development rights to the Skagit farmland legacy program or other entity approved by the Skagit farmland legacy program. Sending sites shall be maintained permanently as agricultural lands and no structures may be built on the land. Sending sites may not be in public ownership. If the sending site consists of more than one tax lot, the lots must be contiguous. For purposes of this section, lots divided by a street are considered contiguous if the lots would share a common lot line if the street was removed. See Map Exhibit A, attached to the ordinance codified in this chapter, for land generally eligible as sending sites for the purpose of this chapter.

“Service yard” or “storage yard” means an accessory yard or outdoor area used to store functional equipment, operable vehicles, materials, or used for outdoor fabrication or processing of materials. This term does not include junk storage, junk yards, or wrecking yards.

“Setback” means the space or distance required between a lot line and a building, structure, or development. Required setback areas are intended to remain free of buildings and structures and open to the sky as specified in this title. Setbacks may also be required between different and incompatible uses.

1. “Front setback” means an open unoccupied space parallel and adjacent to the front property line and extending from one side property line to the opposite side property line. No building or structure shall be placed within or extend into a required front setback unless explicitly authorized by this title.
2. “Rear setback” means an open, unoccupied space parallel and adjacent to the rear property line and extending from one side property line to the opposite side property line. No building or structure shall be placed within or extend into a required rear setback except as explicitly authorized by this title.
3. “Side setback” means an open unoccupied space parallel and adjacent to a side property line and extending from the front property line to the rear property line. Buildings and structures shall not be placed within or extend into a required side setback except as explicitly authorized by this title.
4. “Street setback” means an open unoccupied space parallel and adjacent to a public or private street and extending from one side property line to the opposite side property line. No building or structure shall be placed within or extend into a required street setback unless explicitly authorized by this title. This definition does not include the front setback area as defined in this title and is intended to be applied to property lines which adjoin or abut streets when a lot has more than one street frontage.

“Shared driveway” (see definition under “driveway”):

“Sign” means all surfaces/structures (permitted, exempt, or prohibited) regulated by this chapter that have letters, figures, designs, symbols, trademarks or devices intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever.

1. “Sign, abandoned” means a sign structure that has ceased to be used, and the owner or lessor of the sign structure intends no longer to use the sign structure for the display of sign copy, or as otherwise defined by state law. It shall be a rebuttable presumption that a sign which no longer identifies or advertises a bona

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fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found, is an abandoned sign.

2. “Sign, animated” means a sign employing actual motion or the illusion of motion. Note that animation is prohibited by BMC 17.95.135(B)(2), except for temporary signs in BMC 17.95.125. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

a. “Electrically activated” means animated signs producing the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

i. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this chapter, “flashing” will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four seconds.

ii. Patterned Illusory Movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

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b. “Environmentally active” means animated signs or devices motivated by wind, thermal changes or other natural environmental input, including spinners, pinwheels, pennant strings, and/or other devices or displays that respond directly to naturally occurring external motivation. Time or temperature displays shall not be construed as a direct response to the natural environment.

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c. “Mechanically activated” means animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

3. “Sign, area”, “surface area of sign”, or “area of sign” means the area of a sign excluding sign support structures, which do not form part of the sign proper or the display. Surface area shall be measured as follows:

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a. The surface area of the sign is determined by the height times the width of a typical rectangular sign or other appropriate mathematical computation of surface area for nonrectangular signs.

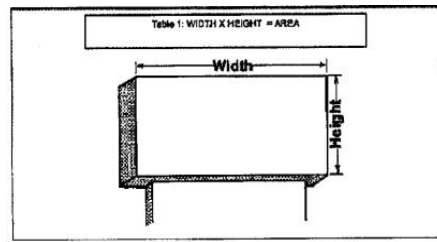
b. Surface area includes only one face of a double-faced sign where the faces of the sign are parallel. If any face is offset from parallel by more than five degrees, such face shall be counted as a separate surface area.

c. Surface area of a sign with more than two faces, such as a cube or pyramid, shall be calculated as the sum of the surface area of all faces, divided by two.

d. In the event of an irregular, three-dimensional object that serves as signage, where the surface area is not readily measurable, the surface area shall be calculated by the largest area of the three-dimensional object visible from any one viewing angle.

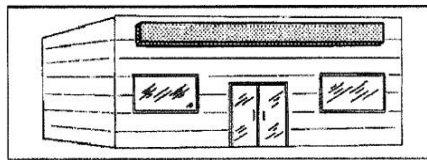
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Figure 1. Sign Surface Area Calculation



4. “Sign, awning” means any sign erected upon, or against, an awning.
5. “Sign, banner” means a sign utilizing a banner as its display surface.
6. “Sign, billboard” or “billboard” means an outdoor advertising sign containing a message, commercial or otherwise, unrelated to the use or activity on the property on which the sign is located, and which is customarily leased for commercial purposes, but not including attached directional signs (not within the billboard face) as defined herein. Billboards are regulated in BMC 17.95.130(A).
7. “Sign, building-mounted” means a single- or multiple-faced sign of a permanent nature, made of rigid material, attached to the facade of a building or the face of a marquee.

Figure 3. Building-Mounted (Wall) Sign



8. “Sign, canopy-mounted” means any sign or awning erected upon or against a canopy, including marquee-mounted signs.
9. “Sign, changeable” means a sign with the capability of content change by means of manual or remote input without reworking, repainting, or otherwise altering the physical composition of the sign, including signs which are:
 - a. Electrically Activated. A changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also “electronic message sign or center.”
 - b. Manually Activated. A changeable sign whose message copy or content can be changed manually.
10. “Sign, development complex” means a free-standing sign identifying a multiple-tenant development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord.

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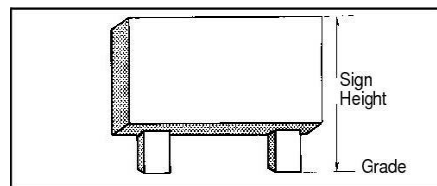
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11. “Sign, directional” means any sign that is limited to the purpose of providing direction and/or orientation for pedestrian or vehicular traffic. Directional signs typically indicate entrances, exits, one-way circulation, drive-up windows, or provide similar types of information.
12. “Sign, double-faced” means a sign with two faces, back-to-back.
13. “Sign, electronic” means any sign activated or illuminated by means of electrical energy.
14. “Sign, electronic message” or “electronic message center” means an electrically activated changeable sign whose variable message capability can be electronically programmed. The electronic sign includes text and/or graphic messages that may change every few seconds. Advertising messages may contain words, phrases, sentences, symbols, trademarks and logos. See BMC 17.95.120 for requirements regarding electronic signs.
15. “Sign, exterior” means any sign placed outside a building.
16. “Sign, flashing” means a type of animated sign.
17. “Sign, freestanding” means a sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. Freestanding signs include those signs otherwise known as pedestal signs, pole signs, pylon signs, and monument signs.

Figure 5. Freestanding Sign

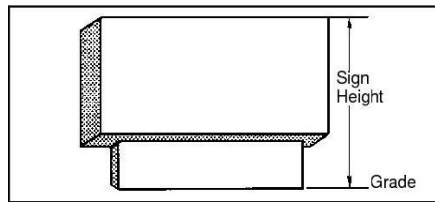


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18. “Sign, height” or “height of sign” means the vertical distance from the adjacent ground level to the highest point of a sign or, in the case of freestanding signs, to any vertical projection thereof including its supporting columns.
19. “Sign, illegal” means a sign that does not meet the requirements of this chapter and has not received legal nonconforming status.
20. “Sign, illuminated” means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).
21. “Sign, informational” means a single or double-faced sign intended primarily for the safety and convenience of the public or to ensure the orderly operation of the site, including but not limited to signs designating restrooms, address numbers, hours of operation, business directories, help wanted, public telephones, and instructions regarding parking.
22. “Sign, interior” means any sign placed within a building, but not including window signs as defined by this chapter. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.
23. “Sign, monument” means a ground-mounted, fixed sign. The base (not included in the sign surface area calculation) is attached to the ground as a wide base of solid construction.

Figure 6. Monument Sign



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24. "Sign, non-commercial public service" means a noncommercial sign devoted to religious, charitable, cultural, governmental, or educational messages including, but not limited to, the advertising of events sponsored by a governmental agency, a school, church, civic or fraternal organization or other organizations.

4-25. "Sign, off-premises" means a sign which displays a message relating to a use of property or sale of goods or services at a location other than that on which the sign is located.

2-26. "Sign, on-premises" means a sign which displays a message which is directly related to the use of the property on which it is located.

3-27. "Sign, single-faced" means a sign with only one face, displaying content on only one side and in only one direction.

4-28. "Sign, portable" means a movable sign that is not permanently attached to a structure or the ground. Portable signs include A-frame signs and signs mounted on a portable base, but not portable reader-boards.

5-29. "Sign, projecting" means a building mounted sign which projects past the face of a building for the purpose of displaying the sign content in a direction other than parallel to the building facade.

6-30. "Sign, reader-board" or "reader-board" means a sign or part of a sign on which the letters are replaceable by manual means, such as changing magnetic letters on a sign board.

7-31. "Sign, roof" or "roof-mounted sign" means a sign or sign structure erected above a roof, parapet, canopy, or porte-cochere of a building or structure.

8-32. "Sign, traffic control" means a sign located in a public or private street right-of-way for the purposes of traffic safety and control. Common traffic control signs include stop signs, speed limits, and parking restrictions. Traffic control signs are not used for advertising or commercial purposes.

9-33. "Sign, wayfinding" means a sign consistent with, and approved under, the City's adopted wayfinding signage program.

"Single-family dwelling" or "detached dwelling" see definition for "dwelling, detached" (see definition under "dwelling")

"Site area" means the total horizontal area within the property lines excluding external streets.

"Small lot development" or "residential small lot" see definition under "residential, small lot".

"Specified anatomical areas" means:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

“Specified sexual activities” means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

“Story” means the part of a building lying between two floors or between the floor and ceiling of the highest usable level in the building.

“Street” means a public or private thoroughfare which is consistent with the classification scheme identified in chapter 12.28 BMC and which affords the principal means of access to abutting properties, dwelling units, or commercial premises. This term does not include “driveway” or “shared driveway” as defined in this chapter.

“Structure” means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences, retaining walls less than three feet in height, rockeries and similar improvements of a minor character.

“T”

“Telecommunication micro facility” means an attached wireless communication facility which consists of antennas equal to or less than four feet in height (except omnidirectional antennas which may be up to six feet in height) and with an area of not more than 580 square inches in the aggregate (e.g., one-foot diameter parabola or two-foot by one-and-one-half-foot panel) as viewed from any one point. The permitted antenna height includes the wireless communication facility support structure.

“Telecommunication mini facility” means an attached wireless communication facility which consists of antennas equal to or less than 10 feet in height or a parabolic antenna up to one meter (39.37 inches) in diameter and with an area of not more than 50 square feet in the aggregate as viewed from any one point.

“Topless club” see definition under “adult entertainment use”.

“Towing service” means the place of business of a tow truck operator as defined in Chapter 46.55 RCW where vehicles may be impounded, stored or sold, but not disassembled or junked. This term does not include wrecking yards, or hulk haulers.

“Tract” means a lot, created through a land division process that is designated and reserved for a particular use or function such as open space, park land, storm-water management, utilities, streets, access, or community buildings.

“Traffic control devices” means signs, signals, directional symbols, and similar devices specifically intended to direct traffic to, from, and within a site.

“Trailer park” or “RV park” means a facility designed to accommodate recreational vehicles on a temporary, transient, and recreational basis for periods of less than 30 days. This term does not include manufactured home parks or emergency housing as defined in this chapter.

“Transient accommodations” means the provision of lodging units, room, board, or sleeping space to guests on a short-term basis for periods of less than 30 days. This term does not include multifamily dwellings or boarding houses as defined in this chapter.

“Transmission tower” is a freestanding structure, other than a building, on which communication devices are mounted. Transmission towers may serve either as a major or minor communication facility. Examples include, but are not limited to:

1. Monopoles;

2. Lattice towers;
3. Guyed towers.

“Two-family dwelling” or “duplex” see definition under “dwelling”.

“Utilities” means utility lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, and telephone cable, and includes facilities for the generation of electricity. This definition does not include wireless communication facilities, or solid waste disposal/recycling facilities.

1. “Utilities, small” means small scale facilities serving local areas within the City, including street lights, underground power lines, water, sewer, and storm water facilities, fiber optic cable, pump stations and hydrants, switching boxes, and other structures normally found in a street right-of-way and necessary to serve abutting properties. Small utilities are distinguished from medium and large utilities by being limited in scale and capacity sufficient only to serve abutting properties and immediately surrounding areas. Small scale utilities are not significantly larger than necessary to serve the forms and intensities of development permitted in the zones in which they are located.
2. “Utilities, medium” Moderate scale facilities with the capacity to serve the entire City or significant portions of the City, including sub-regional switching stations (115 kv and smaller), and municipal sewer, water, and storm water facilities that do not otherwise qualify as minor or major utilities.
3. “Utilities, large” Large scale facilities with either major above-ground visual impacts, or serving a regional need such as two hundred thirty (230) kv power transmission lines, natural gas transmission lines, regional water storage tanks and reservoirs, regional water transmission lines, sewer collectors and interceptors, and sewage and water treatment facilities.

“V”

“Variance” means a process for granting relief from certain provisions of this title. Variance approval criteria and procedures are more fully described in Title 14A BMC..

“Vehicle repair” means a use where motor vehicles are repaired or serviced.

1. “Vehicle repair, major” means an automotive retail sales and service use in which one or more of the following activities are carried out:
 - a. Reconditioning of any type of motorized vehicle including any repairs made to vehicles over 10,000 pounds gross vehicle weight;
 - b. Collision services, including body, frame, or fender straightening or repair;
 - c. Overall painting of vehicles in a paint shop or major paint work;
 - d. Dismantling of motorized vehicles in an enclosed structure.
2. “Vehicle repair, minor” means an automotive retail sales and service use in which general motor repair work is done as well as the replacement of new or reconditioned parts in motorized vehicles of 10,000 pounds or less gross vehicle weight, but not including any operation included in the definition of “major vehicle repair.” Minor vehicle repair uses typically include service stations, detail shops, mechanics, oil change establishments, or business specializing in replacement of specific vehicle components such as batteries, breaks, and exhaust systems.

“Vehicle charging station” see definition under “charging station”.

“W”

“Walking advertisers” means persons carrying or wearing portable advertising signs or costumes designed to advertise a business, event, sale or season/holiday with a permit describing location, supervision and public safety.

“Warehouse” means a [structure](#), room, or rooms for the storage of merchandise or commodities. This term include freight terminals and distribution facilities but does not include to “personal storage” facilities.

“Wireless communication facility” is 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., omnidirectional, panel/directional or parabolic) and related equipment.

“Wireless communication support structure” is the structure erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers.

“Wrecking yard” or “junk yard” means the buying, selling, or dealing in vehicles for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of a vehicle, or the buying or selling of integral secondhand parts of component material thereof, in whole or in part, or the dealing in secondhand vehicle parts. This term also includes hulk haulers, as defined in Chapter 46.79 RCW, and the storage of inoperable, wrecked, or junk vehicles except where explicitly authorized in conjunction with a lawfully established vehicle repair facility.

“Wrecked vehicle” or “junk vehicle” means a vehicle which is disassembled or dismantled or a vehicle which is acquired with the intent to dismantle or disassemble and never again to operate as a vehicle, or a vehicle which has sustained such damage that its cost to repair exceeds the fair market value of a like vehicle which has not sustained such damage, or a damaged vehicle whose salvage value plus cost to repair equals or exceeds its fair market value, if repaired, or a vehicle which has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state for which the salvage value plus cost to repair exceeds its fair market value, if repaired; further, it is presumed that a vehicle is a wreck if it has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state. This term also includes any vehicle meeting the definition of a junk vehicle under RCW 46.79.010.

“Y”

“Yard” or “setback”- (See [definition under](#) “setback.”)

“Z”

“Zone” or “zoning district” means a zoning district as described in chapter 17.05 BMC or as shown on the city’s adopted zoning map. (Ord. 1857 § 2 (Exh. B), 2018).

17.01.060 Land use permit required.

A land use permit issued pursuant to BMC Title 14A shall be required to establish or change [a](#) use as provided by this title. Compliance with the procedural requirements set forth in BMC Title 14A shall be required. (Ord. 1857 § 2 (Exh. B), 2018).

17.01.070 Condition of ministerial errors.

The director may at any time amend an administrative decision to correct ministerial errors clearly identifiable from the public record. Such a correction does not affect any time limit provided for in this chapter. (Ord. 1857 § 2 (Exh. B), 2018).

17.01.080 Administrative interpretations.

A. The director shall be authorized to interpret the meaning of words, phrases and sentences which relate to the determining of uses permitted in the various districts, approval or disapproval of development plans, or other related zoning actions.

B. The director may permit a use in a zone that is not listed as permitted or conditional in the zone, if the director determines the use is consistent with the intent of the zone, the applicable goals and policies of the comprehensive plan, and has similar characteristics and impacts to the other uses listed as permitted or conditional in the zone; provided, that the use is not prohibited or listed as permitted or conditional in another zone.

C. An administrative interpretation may be appealed using the process set forth in BMC Title 14A.

D. Should a conflict occur between the provisions of this title or between this title and the laws, regulations, codes or rules promulgated by another authority having jurisdiction within the city, the most restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this code.

E. In all cases this title shall be interpreted and applied in a manner which is consistent with, and best implements the comprehensive plan. (Ord. 1857 § 2 (Exh. B), 2018).

17.01.090 Zoning for annexed land.

A. General At the time of any parcel of land being annexed to the city, the property shall be zoned consistent with the Burlington zoning districts and the comprehensive plan amended if necessary. Application for the rezone and necessary amendment may be done simultaneously with the request for annexation. (Ord. 1857 § 2 (Exh. B), 2018).

B. Urban Holding Overlay. If a specific zoning designation has not been assigned to an annexation area at the time of annexation the Urban Holding overlay zone shall apply to the annexation area.

C. Urban Holding Regulations. The following standards shall apply to all areas subject to an Urban Holding overlay.

1. Permitted uses.
 - a. Detached dwellings on existing lots;
 - b. Agriculture, all types.
2. Accessory uses. Any accessory use permitted in the RD-1 zone (BMC 17.15.070)
3. Development standards. The development standards applicable to the RD-1 zone shall apply (BMC 17.15.100) except that land divisions shall be prohibited.

17.01.100 Relationship to other titles, chapters and codes.

The administrative provisions of BMC Title 14A shall apply to requests for project permits under this title. (Ord. 1857 § 2 (Exh. B), 2018).

17.01.110 Violation and penalties.

A. All acts or omissions in violation of any provision contained within this title, or acts or omissions that cause or contribute to a violation of any provision contained within this title, are hereby determined to be detrimental to the public health, safety and general welfare and shall constitute a public nuisance. Further, as specified in chapter 1.24 BMC, such acts or omissions shall be subject to enforcement fines and abatement under chapter 8.12 BMC, criminal penalties as set forth in chapter 1.24 BMC, penalties for civil infractions as set forth in chapter 1.34 BMC, or civil violations as set forth in chapter 1.44 BMC.

B. It is a violation of this title for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the city without first obtaining the permits or authorization required for the use by this title.

C. It is a violation of this title for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the city in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this title; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

D. It is a violation of this title to remove or deface any sign, notice, complaint or order required by or posted in accordance with BMC Title 15 or this title.

E. It is a violation of this title to misrepresent any material fact in any application, plans or other information submitted to obtain any land use authorization.

F. It is a violation of this title for anyone to fail to comply with the requirements of this title. (Ord. 1857 § 2 (Exh. B), 2018).

17.01.115 Duty to enforce.

A. It shall be the duty of the director to enforce this title. The director may call upon the police, fire, health or other appropriate city departments to assist in enforcement.

B. Upon presentation of proper credentials, the director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued warrant, enter any building or premises subject to the consent or warrant to perform the duties imposed by the zoning code.

C. This title shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. It is the intent of this title to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this code.

E. No provision of or term used in this code is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action. (Ord. 1857 § 2 (Exh. B), 2018).

17.01.120 Appeal.

Appeals of decisions made pursuant to this title shall be subject to the procedures and regulations set forth in BMC Title 14A. (Ord. 1857 § 2 (Exh. B), 2018).

17.01.125 Severability.

If any portion of this title is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this title. (Ord. 1857 § 2 (Exh. B), 2018).

Chapter 17.05

LAND USE ZONES, MAPS AND BOUNDARIES

Sections:

17.05.010	Title.
17.05.020	Application.
17.05.030	Purpose.
17.05.040	Authority.
17.05.050	Land use zones established.
17.05.060	Land use zone boundaries – Established.
17.05.070	Land use zone boundaries – Shown on zoning map.
17.05.080	Land use zone boundaries – Rules for interpretation.
17.05.090	Conformity with zoning regulations required.
17.05.100	Adoption of overlay and supplemental maps.

17.05.010 Title.

This chapter shall be called “District Establishment, Maps and Boundaries.” (Ord. 1857 § 2 (Exh. B), 2018).

17.05.020 Application.

This chapter shall apply to all zoning in the city and all zoning actions as specified in this title. (Ord. 1857 § 2 (Exh. B), 2018).

17.05.030 Purpose.

This chapter sets forth the zoning classifications for the city and general provisions applicable to such classifications. This chapter is also intended to describe how zoning boundaries and designations are identified and interpreted and describes the relationship between the City’s comprehensive plan and zoning maps. (Ord. 1857 § 2 (Exh. B), 2018).

17.05.040 Authority.

This chapter is created pursuant to the authority set forth in BMC 17.01.040, chapters 35A.63, 36.70A, and 36.70B RCW and other applicable laws. (Ord. 1857 § 2 (Exh. B), 2018).

17.05.050 Land use zones established.

The city is divided into a number of land use zones. Land use zones are used to implement the comprehensive plan and to classify, segregate, and regulate the uses of land, buildings, and structures. Each zone, and its corresponding comprehensive plan designation, is shown below.

Comprehensive Plan Designation	Zoning Designation
RD (Residential Detached)	RD-1 RD-2
RA (Residential Attached)	RA-1 RA-2
MUR (Mixed Use Residential)	MUR-1 MUR-2
MUC (Mixed Use Commercial)	MUC-1 MUC-2
CI (Commercial & Industrial)	CI-1 CI-2
PC (Parks & Conservation)	PC-1 PC-2
PFT (Public Facilities & Transportation)	PFT-1 PFT-2

Comprehensive Plan Designation	Zoning Designation
UH (Urban Holding)	UH

(Ord. 1857 § 2 (Exh. B), 2018).

17.05.060 Land use zone boundaries – Established.

Land use zone boundaries are shown on the zoning maps adopted by this title, or amendments thereto, are adopted and approved and the regulations of this title governing the uses of land, buildings and structures, the height of buildings and structures, setbacks, and other matters as set forth in this title are hereby established and declared to be in effect upon all land included within the boundaries of each and every land use zone shown upon each zoning map. (Ord. 1857 § 2 (Exh. B), 2018).

17.05.070 Land use zone boundaries – Shown on zoning map.

Land use zone boundaries shall be determined and defined or redefined from time to time, by the adoption of zoning maps covering the city and showing the geographical area and location of said land use zones. Each zoning map shall be, upon its final adoption, a part of the zoning ordinance codified in this title, and said map, and all notations, references and other information shown thereon, thereafter shall be as much a part of this title as though all matters and information set forth on said map were fully described in this title. (Ord. 1857 § 2 (Exh. B), 2018).

17.05.080 Land use zone boundaries – Rules for interpretation.

When uncertainty exists as to the boundaries of any zone shown on zoning maps, the following rules of construction shall apply:

A. Where zone boundaries are indicated as approximately following the centerline of a street, alley, highway, public right-of-way, or railroad the actual centerline shall be construed to be the boundary.

B. Where zone boundaries are indicated as running approximately parallel to the centerline of a street, alley, highway, public right-of-way, or railroad the boundary line shall be construed to be parallel to the centerline.

C. Where zones, or zone boundaries, appear to follow both sides of, and thereby exclude from designation, a street, alley, highway, public right-of-way, or railroad the boundaries of the adjoining districts shall be construed to extend to the centerline. Where the same zoning designation is present on both sides of such a feature, that zoning designation shall be construed to extend across the feature. These provisions shall not apply in cases where the right-of-way has been designated as a public facilities and transportation zone on the zoning map.

D. Where zone boundaries are indicated on such map as approximately following the lot or tract lines, the actual lot or tract lines shall be construed to be the boundary of such use district.

E. Where a zone boundary on such zoning map divides a tract in unsubdivided property, the location of such use district boundary, unless the same is indicated by dimensions thereon, shall be determined by use of the scale appearing on such zoning map.

F. Where a public street or alley is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion shall revert shall apply to such vacated or abandoned street or alley.

G. In case uncertainty exists which cannot be determined by application of the foregoing rules, the hearing examiner upon application by the city or affected property owner shall recommend, and the city council shall determine, the location of such use district boundaries. (Ord. 1857 § 2 (Exh. B), 2018).

17.05.090 Conformity with zoning regulations required.

Except as otherwise provided in this title:

A. All development within the city of Burlington shall be consistent with the requirements of this title. An exemption from a requirement to obtain a permit shall not be construed as an exemption from compliance with other applicable requirements.

B. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, or modified to be used for any purpose or in any manner other than a use listed in this title or amendments thereto or permitted in the zone in which such land, building, structure or premises is located.

C. No building or structure shall be erected, nor shall any building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site requirements and the area, setback and height regulations established by this title or amendments thereto for the zone in which such building or structure is located.

D. No setback or other open spaces provided about any building or structure for the purpose of complying with the regulations of this title or amendments thereto shall be considered as providing a setback or open space for any other building or structure.

E. If a use is not listed as permitted or conditional in a district, but is listed as permitted or conditional in one or more other districts, it shall be considered a prohibited use in the district in which it is unlisted. If a use is not listed as permitted or conditional in any district it shall be considered a conditional use unless the director determines the use is substantially similar to and has the same characteristics, functions, and impacts as a use listed as permitted in the district in which it is being considered. (Ord. 1857 § 2 (Exh. B), 2018).

17.05.100 Adoption of overlay and supplemental maps.

A series of overlay maps, adopted as part of the Burlington comprehensive plan, are hereby adopted as part of the zoning code for the purpose of identifying the location and boundaries of areas where additional or alternative regulations apply:

A. Subareas.

1. Commercial Core.
2. Downtown.
3. Northern Gateway.
4. North and South Burlington Industrial.
5. Urban Holding.
6. Western Gateway.
7. Westside Freeway Sales.

B. Special Management Areas.

1. Burlington Hill. Includes those portions of Burlington Hill with a ground elevation 40 feet or more above sea level as shown on the most current USGS 7.5 minute topographic quadrangle map.
2. Gages Slough. Includes the open water areas of Gages Slough together with all associated wetlands, deep-water habitat, wetland buffers, and special flood risk areas.
3. Skagit River. Includes the Skagit River and its associated floodway areas, all dikes, levees, flood control improvements, and a strip of land extending inland 300 feet from the landward toe of all dikes, levees, and flood control improvements. The Skagit River Special Management Areas also includes any properties owned or controlled by the dike district that are used for, or are planned to be used for, dikes, levees, or flood control improvements.

