

Exhibit "A"

Chapter 17.70 General Development Standards

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17.70.010 Title.

This chapter shall be called "General Development Standards." (Ord. 1857 § 2 (Exh. B), 2018).

17.70.020 Application.

This section shall apply to the use of and development land, the construction of new buildings, and to the expansion or modification of existing uses, structures and developments. (Ord. 1857 § 2 (Exh. B), 2018).

17.70.030 Purpose.

The purpose of supplemental development standards is to achieve compatible land uses within zoning districts and surrounding areas by providing uniform regulations throughout each district, encouraging neighborhood stability and consistency, and promoting commercial viability and compatibility. (Ord. 1857 § 2 (Exh. B), 2018).

17.70.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63, 36.70A, and 36.70B RCW and other applicable laws and regulations. (Ord. 1857 § 2 (Exh. B), 2018).

17.70.045 Prohibited uses.

The following uses and developments shall be prohibited in all zones and throughout the City of Burlington. This list is not exhaustive and is only intended to highlight specific uses which are explicitly prohibited in all other zones. Other uses may also be prohibited pursuant to BMC 17.05.090.E and other applicable code provisions.

- A. Agriculture, rural;
- B. Shooting range, outdoors;
- C. Billboards and offsite advertising;
- D. Electric fences;
- E. Commercial composting;

Commented [BJ1]: BJ - 9-12-2024 _ Revised to reflect section titles in body of code.

Commented [BJ2]: BJ - 9-12-2024 _ Word "other" not necessary here. Section applies to all zones.

F. Bulk storage, manufacturing, processing, handling, or disposal of hazardous substances such as, chemicals, petroleum products, medical waste, radioactive material, and explosives. This prohibition shall not apply to minor quantities incidental to a permitted use or activity.

17.70.050 Performance standards.

The purpose of this section is to establish the following performance standards which are intended to reduce the visual, physical, and environmental impacts of new development on existing uses and developments.

A. Light and Glare. Building materials with high light-reflective qualities shall not be used in the construction of buildings in such manner that reflected sunlight will throw intense glare to surrounding areas. Artificial lighting shall be hooded or shaded so that direct light of high-intensity lamps will not result in glare when viewed from residential areas surrounding a commercial or industrial district.

B. Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference occasioned by mechanical, electrical and nuclear equipment uses or processes with electrical apparatus in nearby buildings or land uses.

C. Odorous Gases and Matter. The emission of odorous gases or matter in such quantities as to be readily detectable, without special instruments, at any point beyond the property line of the use creating the odor, is prohibited.

D. Smoke and Particulate Matter Emissions. No emissions shall exceed the allowances set forth by the Environmental Protection Agency, the Washington State Department of Ecology and/or the Northwest Sound Air Pollution Control Agency, unless local regulations are more restrictive, in which case the local regulation shall apply.

E. Dust, Dirt, Fly Ash, or Air-Borne Solids. No observable dust, dirt, fly ash or other air-borne solids shall be emitted except as related to construction activity.

F. Waste Storage. Storage of animal or vegetable wastes which attract insects or rodents or otherwise create a health hazard shall be prohibited. No waste products shall be exposed to view, from eye level, beyond the property line of the use storing the waste.

G. Toxic Gases and Matter. No emissions of toxic gases or matter shall be permitted.

H. Vibration. Vibration which is easily discernible, without special instruments at any point beyond the property line, is prohibited. This shall not apply to vibration caused by highway vehicles, trains, aircraft or construction activities.

I. Hazardous Substance and Waste. No hazardous substances or wastes shall be released into the environment so as to cause dangerous or offensive emission or contamination of any public or private water supply, sewage treatment processes, watercourse or water body, the air, or the ground, except in accordance with standards approved by provisions of federal, state and local laws and regulations, and the International Fire Code. (Ord. 1857 § 2 (Exh. B), 2018).

17.70.060 Site distances and obstructions.

Obstructions such fences, hedges, signs, buildings, walls, landscaping, trees, and overgrown vegetation shall be prohibited in the following locations:

- A. Within a distance of three feet of a fire hydrant or in any location that deters or hinders the fire department from gaining access to any fire department connection, fire protection control valve, fire hydrant, or fire department appliance or device;
- B. In any location that obscures the visibility of a fire hydrant from a distance of 150 feet, in any direction, of vehicular approach to the hydrant;

- C. In any location that interferes with access to storm or sanitary sewer manholes and other appurtenances which require access for maintenance purposes. (Ord. 1857 § 2 (Exh. B), 2018).
- D. In any location which, in the opinion of the City Engineer, constitutes a traffic safety hazard for pedestrians, drivers, or other road users. The City Engineer may order the removal of any such hazard whether or not the object otherwise complies with the provisions of this title.
- E. No object, or portion of an object, shall be permitted in the areas described below, without the express approval of the City Engineer:

- 1. **Streets.** The triangular area formed by a line 20 feet along the right-of-way lines of two intersecting streets, measured from the point of intersection of the right-of-way lines, and the line connecting the two ends of the two 20-foot lines;
- 2. **Alleys.** The triangular area formed by a line 15 feet along the street right-of-way line measured from the point of intersection of the alley right-of-way line and a line 15 feet along the alley right-of-way line measured from the point of intersection of the street and alley right-of-way lines and the line connecting the unconnected ends of the two lines.
- 3. Exceptions:
 - a. Objects with a height of three feet or less;
 - b. Posts, poles, and trees with a diameter or one foot or less;
 - c. Overhanging or cantilevered objects that are ten feet or more above the street grade.

Commented [BJ3]: BJ - 9-12-2024 - Added titles to explain what each number applies to. Makes section easier to read.

17.70.070 Fences and Retaining Walls.

The following standards shall apply to the construction, placement, and maintenance of fences, walls, and retaining walls.

A. General Standards.

- 1. Fences, walls, and retaining walls shall not obstruct a required site line or otherwise violate the site distance and obstruction requirements of this Chapter (BMC 17.9070.060);
- 2. Electric fences shall be prohibited citywide and in all zones.
- 3. **Measurement of height.**
 - a. Except for fences or walls located on top of a retaining wall, height shall be calculated by measuring from the lowest adjacent grade to the top of the fence, wall, or retaining wall;
 - b. For fences and walls located on top, and within six feet, of a retaining wall or earth berm, the total combined height of the retaining wall and fence or wall shall be subject to the applicable height restrictions in this section (BMC 17.9070.070). In such cases the total height shall be calculated by measuring from the lowest adjacent predevelopment grade to the top of the fence or wall.

Commented [BJ4]: BJ - 9-12-2024_ corrected code reference

B. Residential zones. The following standards shall apply in the RD, RA, and MUR zones.

1. Height.

- a. Front setback area: 3.5 feet;
- b. Street side setback area: 3.5 feet;

c. All other locations: 6 feet.

2. Material. Acceptable materials include wood, stone, decorative metal, and masonry blocks. Chain link or cyclone fencing is prohibited in front and street side setback areas. In all other locations chain link or cyclone fencing may only be used if it is treated with a dark, natural colored coating (such as green or black) and matching privacy slats are used. Barbed wire, razor wire, and other similar security treatments are prohibited.

3. Setbacks. The minimum setback from a sidewalk or public right-of-way shall be 12 inches.

BC. Mixed use commercial zones. The following standards shall apply in the MUC, PC, and PFT-1 zones. These standards shall also apply to residential developments located in the CI and PFT-2 zones.

1. Height.

a. Between a principal structure and a street: 42 inches;

b. All other locations: 6 feet.

2. Material. Acceptable materials include wood, stone, decorative metal, and masonry block. Chain link or cyclone fencing may only be used if it is screened with landscaping, treated with a dark, natural colored coating (such as green or black) and matching privacy slats are used. Barbed wire, razor wire, and other similar security treatments are prohibited.

3. Setbacks. Fences and walls shall not be located within a street frontage landscaping strip required by Chapter 17.81 BMC. Retaining walls may be located within a street frontage landscaping strip.

ED. Industrial zones. The following standards shall apply in the CI and PFT-2 zones. except that residential developments shall use the standards in BMC 17.70.070.C.

1. Height: 6 feet. Fences and walls with a maximum height greater than 6 feet, but less than 8 feet, may be authorized with a building permit provided:

a. Landscaping, comprised of evergreen trees and shrubs planted at intervals of 15 feet or less, is provided between the fence and adjoining property lines and public rights-of-way;

b. Barbed wire or razor wire shall not permitted on any fence or wall with a height greater than 6 feet.

2. Material: Acceptable materials include wood, stone, decorative metal, masonry block, and chain link. Barbed wire and razor wire may be added to the top of a fence or wall provided it is not visible from a street or a public right-of-way. Barbed wire and razor wire is only permitted on top of fences or walls, must be a least six feet above the ground, and may not extend more than one foot above the top of the fence.

3. Setbacks. Fences and walls shall not be located within a street frontage landscaping strip required by Chapter 17.81 BMC. Retaining walls may be located within a street frontage landscaping strip.

17.70.080 Standard setback exceptions.

The following may project into a required setback:

A. Fireplace structures, bay windows, garden windows, enclosed stair landings, closets, framed fireplace shafts or similar projections not wider than eight feet measured in the general direction of the wall of which it is a part: 18 inches into a required setback area;

B. Uncovered porches, decks, and platforms less than 30 inches in height: 18 inches into side yards and six feet into the front yard and rear yard;

C. Planting boxes or masonry planters not exceeding 42 inches in height may be placed in a required setback area;

D. Eaves may protrude into a required setback provided they do not exceed 24 inches into a required setback area.

Commented [BJ5]: BJ - 9-12-2024 - Fence standard were intended to apply to large scale residential and mixed-use developments but did not consider the rare occasions where a residential or mixed use project is authorized in a CI or PFT-2 zone. Revised to reflect previous staff code interpretations.

E. Ramps and other structures necessary to provide handicap access. (Ord. 1857 § 2 (Exh. B), 2018).

F. Covered patios and entrances may protrude up to 6 feet into a required front or street-side setback.

17.70.090 Home occupations.

A. General Requirements. Home occupations shall only be permitted when consistent with all of the following:

1. Only members of the immediate family residing on the premises may be employed;
2. No inventory is kept (other than incidental supplies necessary for and consumed in the conduct of such home occupation) or commodities sold other than those produced on the premises. Samples may be kept but not sold on the premises. Items commonly collected or traded, and occasionally sold by hobbyists such as coins, stamps, antiques, etc., may be considered to be exempt from this provision, as long as all other requirements of home occupations are met;
3. No mechanical equipment (such as fire suppression hoods or dust collectors) is used except such as is customarily used for domestic, household or personal purposes (or as deemed similar in terms of power and type);
4. Not more than one-fourth of the floor area of any building is devoted to such occupation, except accessory buildings which are used for no other purpose;
5. Such occupation shall not require internal or external alteration or involve construction features not customarily found in a dwelling;
6. Shall not involve the use of commercial vehicles for the distribution of materials from the premises;
7. The conduct of any home occupation, including but not limited to the storage of goods and equipment, shall not reduce or render unusable areas provided for the required off-street parking. Additional parking is not allowed in order to conduct a home occupation;
8. Only one sign is permitted, two square feet in area, indirect illumination only, and attached to a building or inside the home;
9. No display pertaining to the occupation, other than the one permitted sign, is visible from the street or adjacent residences;
10. No more animals are maintained on the premises than what may otherwise be permitted in the zone;
11. The home occupation is to be conducted in such a manner that the residence shall not differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emissions of sound, noises, vibrations or odors.

B. Exemptions. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses do not need to comply with the requirements of this section as long as the use is not conducted on more than four days in any given two-year period or in violation of any other provisions of the Burlington Municipal Code. To qualify for this exemption, garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale.

C. Prohibited home occupations.

1. Industrial uses that would otherwise only be permitted in the CI-1 or CI-2 zones;
2. Uses meeting the definition of minor, major, or high impact industrial;
3. Pet boarding, training, or grooming;

17.70.100 Animals.

A. Household Pets. The keeping of household pets shall be consistent with the requirements of Title 6 BMC.

B. Livestock. Rural agricultural uses are prohibited. Urban agriculture is permitted subject to the following:

1. Poultry may be kept in the rear yard of a detached dwelling subject to the following:
 - a. All feed shall be kept in a manner that prevents rodents and other animals from accessing it;
 - b. Manure shall be collected and disposed of regularly and objectionable odors shall not be readily detectable beyond the property boundaries;
 - c. Poultry shall be confined to the rear yard. The yard shall be fully enclosed by a solid site obscuring fence sufficient to prevent hens from escaping;
 - d. Coops and other similar enclosures shall be located at least five feet from adjoining property lines.

Commented [BJ6]: BJ - 9-12-2024 - correction

C. Kennels. Kennels and pet boarding shall only be permitted when specifically authorized by Burlington Municipal Code and shall be consistent with any applicable standards or requirements identified in Title 6 BMC.

17.70.105 Outdoor lighting.

A. General.

1. The requirements and standards of this section (BMC 17.90.105) shall apply to the installation, modification, maintenance, and operation of all outdoor lighting except:
 - a. Public safety lights, including any lighting required for aviation safety, emergency equipment, law enforcement, or essential public facilities;
 - b. Temporary construction lighting associated with an active on ongoing construction project;
 - c. Special event lighting when authorized by temporary use permit or special event permit;
 - d. Temporary low intensity holiday lights;
 - e. Street lights installed illuminating a public street right-of-way consistent with the requirements of Title 12 BMC;
 - f. Outdoor performance, event, or sports field lighting associated with a publicly owned or operated facility, provided such lighting shall be turned off within 30 minutes of the end of the event and the illumination level is consistent with any applicable standards published by the Illuminating Engineering Society of North America

2. Lighting plan required. A lighting plan shall be provided for all lands use permits and development proposals including, but not limited to, subdivisions, short plats, site plan reviews, and conditional use permits. The Community Director may waive the lighting plan requirement for the construction of a single detached home or duplex building on an existing lot. In all cases the City shall have the authority to request a lighting plan or lighting fixture information if necessary to demonstrate compliance with this section (BMC 17.790.105). Lighting plans shall include the following information:
 - a. The location, type, and height of all proposed outdoor lighting fixtures;
 - b. Illumination intensities and levels;
 - c. Provisions for minimizing glare and spillover onto nearby properties;
 - d. Manufacture's specifications and design details;
 - e. Any other information necessary to demonstrate compliance with this section.
3. Exterior lighting shall comply with all applicable Washington State Energy Code requirements. When a lighting plan is required, documentation shall be submitted demonstrating compliance with all applicable energy code requirements.
4. Lighting shall be provided at consistent levels with gradual transitions between maximum and minimum levels of lighting and between lit and unlit areas. Highly contrasting pools of light and dark areas shall be avoided.
5. Pedestrian scale lighting shall be provided when required. Pedestrian scale lighting may be provided using building mounted light fixtures, bollards, or other free-standing light fixtures. Pedestrian scale light fixtures shall have a maximum height of 14 feet and shall be designed to provide an average minimum illumination level of at least two foot candles.
6. All exterior light fixtures shall be full cutoff designs, dark sky rated, and permanently directed downwards so the light source is not directly visible beyond the property boundaries or from a public right-of-way. Adjustable pivot mounts that allow fixtures to be repositioned to point outwards or upwards shall not be used. All light fixtures shall be permanently fixed in position. Low intensity lights used exclusively for landscape or architectural accent illumination may be directed upwards provided such lighting has a maximum intensity of 900 lumens, is projected towards a building, fence, wall, or other similar obstruction such that the light source is blocked from projecting into the sky and is not directly visible beyond the property boundaries or from a public right-of-way.
7. Publicly accessible spaces and common areas, such as parking areas, pedestrian paths, and service areas, associated with commercial, multiunit residential, institutional uses shall be subject to the following average minimum illumination levels:
 - a. Areas with little or no pedestrian traffic, such as emergency exit paths, outdoor storage areas, and maintenance areas: 0.5 foot candles;
 - b. Areas with moderate pedestrian traffic such as common areas, internal circulation paths, parking areas, and garbage and recycling areas: 1 foot candles;
 - c. Primary building entrances, crosswalks, and high volume pedestrian routes including sidewalks along street frontages: 4 foot candles;
 - d. Maximum uniformity ratio: 15:1.

8. Prohibited lights. Lights that blink, flash, revolve, or change intensity or that constitutes a public safety hazard shall be prohibited citywide and in all zones.

B. Lighting Requirements for Residential zones. The following standards shall apply in the RD, RA, and MUR zones.

1. Maximum fixture height: 14 feet.
2. Maximum exterior lighting level: 5 foot candles
3. Light spillover limit and property boundaries:
 - a. When adjoining properties are zoned RD, RA, MUR, or PC-1: 0.1 foot candles;
 - b. When adjoining properties are zoned MUC, CI, PFT, or PC-2: 0.8 foot candles;
 - c. At the boundary of a wetland or fish and wildlife habitat buffer: 0.1 foot candles.

C. Lighting Requirements for Mixed-Use Commercial Zones. The following standards shall apply in the MUC, PC, and PFT-1 zones. These standards shall also apply to residential developments located in a CI or PFT-2 zone.

1. Maximum fixture height: 25 feet, except that fixtures within 40 feet of a residential zone shall be limited to a maximum height of 14 feet.
2. Maximum exterior light level: 5 foot candles
3. Light spillover limit at property boundaries:
 - a. When adjoining properties are zoned RD, RA, MUR, or PC-1: 0.1 foot candles;
 - b. When adjoining properties are zoned MUC, CI, PFT, or PC-2: 0.8 foot candles;
 - c. At the boundary of a wetland or fish and wildlife habitat buffer: 0.1 foot candles.

D. Lighting Requirements Industrial zones. The following standards shall apply in the CI and PFT-2 zones, except residential developments shall use the standards above in BMC 17.70.105.C.:

1. Maximum fixture height: 30 feet, except that fixtures within 40 feet of a residential zone shall be limited to a maximum height of 14 feet.
2. Maximum exterior light level: 5 foot candles, except that areas designated on the lighting plan for outdoor manufacturing or sales lots may have a maximum illumination level of 10 foot candles.
3. Light spillover limit at property boundaries:
 - a. When adjoining properties are zoned RD, RA, MUR, or PC-1: 0.1 foot candles;
 - b. When adjoining properties are zoned MUC, CI, PFT, or PC-2: 0.8 foot candles;
 - c. At the boundary of a wetland or fish and wildlife habitat buffer: 0.1 foot candles.

17.70.110 Vehicles.

The following standards shall apply to all vehicles including trailers, recreational vehicles, boats, camping trailers, fifth wheels, campers, vans, trucks, and cars.

- A. Under no circumstances shall vehicles be parked, stored, or displayed in a landscaping area required by Chapter 17.81 BMC.

Commented [BJ7]: BJ - 9-12-2024 - Similar to the fence regulations we've encountered a problem with applying lighting regulations to residential and mixed use projects located in the CI and PFT-2 zones.

B. Junk storage and the storage of wrecked vehicles shall only be permitted in the following locations and only when consistent with all other applicable code requirements:

1. In a fully enclosed building or structure;
2. In an area that is fully screened from view on all sides by buildings or fencing with a minimum height of six feet;
3. In conjunction with a lawfully established repair facility, wrecking yard, or towing service.

C. Vehicles may only be parked or stored within a right-of-way when in full compliance with all applicable parking and traffic laws, regulations, and Burlington Municipal Code provisions.

17.70.115 Transitional areas.

The following standards shall apply to all commercial, industrial, and multifamily development on properties adjacent to single-family zones.

A. Commercial, Mixed Use, and Attached Residential. The following standards shall apply to sites zoned RA-2, MUC-1, MUC-2, or PFT-1 that abut areas zoned RD or RA-1.

1. Development setback: Except for landscaping and screening, all above ground improvements such as parking areas, drive isles, trash enclosures, or light fixtures shall be setback at least ten feet from any parcel zoned RD or RA-1;
2. Building setback: Except for covered trash enclosures all buildings shall be setback at least 20 feet from any parcel zoned RD or RA-1;
3. Building height: Buildings or portions of buildings located within 40 feet of a parcel zoned RD or RA-1 shall be limited to a maximum height of 35 feet;
4. Balconies within 100 feet of, and facing, a parcel zoned RD or RA-1 shall have railings faced with an opaque site obscuring materials such as frosted glass, decorative metal, or siding material.

B. Industrial. The following standards shall apply to sites zoned CI-1, CI-2, or PFT-2 that abut areas zoned RD, MUR, or MUC.

1. Development setback: Except for landscaping and screening, all above ground improvements such as parking areas, drive isles, trash enclosures, or light fixtures shall be setback at least 10 feet from any parcel zoned RD, MUR, or MUC;
2. Activity setback: All outdoor manufacturing, assembly, and activity areas shall be setback at least 60 feet from any parcel zoned RD, MUR, or MUC;
3. Building setback: All buildings shall be setback at least 40 feet from parcels zoned RD or RA;
4. Maximum building height: For sites that abut parcels zoned RD or RA the maximum building height shall derived using a ratio of one foot of building height for every two feet of setback. For example, if a proposed building is setback 60 feet from a parcel zoned RD-1, the maximum permitted building height at the setback line would be 30 feet.

~~A.~~ C. Unincorporated Resource Lands. Except for the development of a single detached dwelling on an existing lot, all new development adjacent to unincorporated resource lands shall be subject to the following standards:

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1. Development setback: Except for landscaping and screening, all above ground improvements such as parking areas, drive isles, trash enclosures, or light fixtures shall be setback at least 25 feet from any unincorporated resources lands;
2. Activity setback: All outdoor manufacturing, assembly, storage, and activity areas shall be setback at least 25 feet from any unincorporated resources lands;
3. Building setback: All residential buildings and dwellings shall be located at least 50 feet from unincorporated resources lands;
4. Land divisions: Plats adjoining unincorporated resources lands shall identify the setback required by this section on the face of the plat.

17.70.125 Telecommunication facilities.

A. Application and Conditional Use Criteria – FCC Preemption. In any proceeding regarding the issuance of a conditional use permit under the terms of this chapter, federal law prohibits consideration of environmental effects of radio frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emission.

B. The following are exempt from the requirements of a conditional use permit, and shall be considered a permitted use in all zones where wireless and attached wireless communications facilities are permitted: minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, so long as there is little or no change in the visual appearance. Minor modifications are those modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that meet the performance standards set forth in this title.

C. A wireless communications facility or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if the facility falls into disrepair. (Ord. 1857 § 2 (Exh. B), 2018).

17.70.130 Mechanical equipment.

A. Mechanical equipment shall be equipped with a noise-baffling screen as necessary, so that there shall be no audible sound at the property line.

B. Exterior mechanical equipment shall be located and designed to blend in with the architecture of the building (Ord. 1857 § 2 (Exh. B), 2018).

C. Roof-mounted mechanical equipment, with the exception of solar panels and wind generating equipment, shall be fully screened from view using architectural devices such as parapet walls, false roofs, roof wells, or clerestories.

C. Ground mounted equipment shall be fully screened from view using a site obscuring fence or landscaping.

17.70.135 Low impact development.

The following standards and requirements shall apply to any building, development, or construction activities that result in an increase in impervious surface coverage, building coverage, or modifications to existing storm water management features or facilities. These standards and requirements shall also apply to all activities involving the modification of existing impervious surfaces or the removal of significant quantities of vegetation.

A. All development, building, construction, and grading permit applications shall be provided to the city engineer for review. No permit shall be issued or approved unless the city engineer finds the proposal complies with the surface water management regulations in BMC Title 14.

B. All development activities shall be designed and constructed in accordance with the Washington State Department of Ecology's Stormwater Manual for Western Washington.

C. Low impact development shall be the preferred and commonly used approach for all development and construction activities. Low impact development (LID) techniques shall be incorporated into all development proposals unless demonstrated to be infeasible through an engineering analysis.

D. The Department of Ecology's Stormwater Manual for Western Washington and the Puget Sound Partnership's Low Impact Development Technical Guidance Manual for Puget Sound shall be consulted to assess the feasibility of LID techniques, to select appropriate LID measures, and to aid in the design and construction of LID features. All storm water systems.

E. Clearing or the installation of impervious surfaces or paving shall be limited to the minimum amount necessary to support a permitted use or development.

**Chapter 17.81
Landscaping**

17.81.010	Title
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17.81.060	General Requirements
17.81.070	Street Frontage Landscaping
17.81.080	Perimeter Landscaping
17.81.090	Parking Lot Landscaping
17.81.100	Streetscape Landscaping
17.81.110	Buffers and Screening
17.81.120	Landscaping Maintenance and Tree Retention

17.81.010 Title

This Chapter shall be called “Landscaping”

17.81.020 Application

This Chapter shall apply to all development, including but not limited to land use and building permits, the maintenance, removal or alteration of any landscaping required under this Chapter, and the removal or alteration of significant trees.

17.81.030 Purpose

The purpose of this Chapter is to:

- A. Improve the character and appearance of the City;
- B. Manage storm-water, reduce erosion, provide areas for bio-filtration, and maintain or restore natural hydrologic processes;
- C. Protect public health by providing shade and wind protection, reducing urban heat island effects, improving air quality;
- D. Reduce localized flooding and slow the movement of floodwaters;
- E. Protect the quality of groundwater, provide opportunities for groundwater recharge, and conserve water resources;

- F. Provide buffers between incompatible uses and minimize aesthetic, noise, light, glare, and privacy impacts;
- G. Promote economic development by creating an aesthetically pleasing, safe, and comfortable environment for residents, visitors, and businesses;
- H. Provide wildlife habitat and promote biodiversity;
- I. Implement the City's comprehensive plan

17.81.040 Authority

This Chapter is adopted pursuant to the provisions of chapters 35A.63 and 36.70A RCW and other applicable laws and regulations.

17.81.050 Plans and Review Process

- A. Plans Required. Landscaping plans shall be required for all new development except:
 - 1. The construction or modification of a detached dwelling or duplex on an existing lot;
 - 2. The construction or modification of normal residential appurtenances and accessory uses associated with an individual detached, duplex, or horizontally attached dwelling unit;
 - 3. Normal residential landscaping and gardening associated with an individual detached, duplex, or horizontally attached dwelling unit located on an existing lot;
 - 4. The construction or modification of buildings and other improvements on a site where the existing landscaping fully complies with this chapter and where the landscaping will not be modified;
 - 5. Simple small scale projects where little or no landscaping is required and where compliance with the requirements of this Chapter can be readily assured through simple conditions of approval.
- B. Landscape Architect Required. All landscaping plans shall be prepared by a Landscape Architect licensed in the State of Washington. This requirement may be waived for simple small scale projects where little or no landscaping is required.
- C. Plan Requirements. Landscaping plans shall be drawn to scale and include the information specified below.

Commented [BJ1]: BJ - 9-12-2024 - Clarifies this exemption does not apply to subdivisions or multiunit developments.

1. The location of property boundaries, easements, and streets located on, or adjoining the development site;
 2. The location and dimensions of all existing and proposed structures and site improvements such as buildings, parking areas, utilities, storm-water improvements, trash enclosures, and low impact development features;
 3. The location and dimensions of all existing and proposed landscaping areas, buffers strips, fences, walls, and retaining walls;
 4. The location, species, and approximate size of all proposed landscape plantings and trees;
 5. Identify and describe all non-plant landscaping materials such as gravel, stones, bark, mulch, fountains, and ponds;
 6. Tables demonstrating compliance with the minimum area and planting ratios specified in this Chapter;
 7. Irrigation plans or draught tolerating planting documentation;
 8. The location of any existing significant trees and information on their protection and retention;
 9. Planting information describing the mature size of plants and trees, the size of plants or trees at installation, and information on the coverage or spread of groundcover plantings;
 10. Instructions regarding planting methods, watering, or soil amendments necessary to ensure the landscaping is adequately established and survives;
 11. Plans for the removal of any noxious weeds or invasive species;
 12. Any other information deemed necessary by the Community Development Director for purposes of demonstrating compliance with this Chapter or any other provision of the Burlington Municipal Code.
- D. Review Process. Landscaping plans shall generally be reviewed in conjunction with the associated land use permit. Where no land use permit is required the landscaping plan shall be reviewed in conjunction with the underlying building or development permit. If no permit is required the landscaping plan shall be processed as a Type I permit review in accordance with the requirements of Title 14A BMC.

17.81.060 General Requirements

A. Landscaping Materials.

1. Plants and trees shall be adapted to the local climate and soil conditions;
2. At least 50 percent of all plants and trees shall be native to the Puget Lowland region of the Pacific Northwest and at least 25 percent of all required trees shall be coniferous evergreens;
3. No artificial lawn or plants shall be permitted in landscaped areas or used to satisfy the requirements of this Chapter;
4. Bark, mulch, gravel, river-rock, and other non-vegetative material may only be used in conjunction with landscaping to assist with the health and growth of plants and trees. Non-vegetative material shall not be used as a substitute for vegetative ground cover or otherwise used to satisfy the requirements of this Chapter. Under no circumstances shall non-vegetative material appear to dominate over plant material;
5. Species identified as noxious weeds or invasive species by the Washington State Noxious Weed Control Board or other applicable authority are prohibited and shall not be planted anywhere in the City of Burlington. When landscaping is required all existing noxious weeds or invasive species shall be removed from the site and properly disposed of;
6. Species should include a variety of seasonal colors, forms, and textures that contrast or complement each other and a mixture of evergreen and deciduous trees, shrubs, groundcover, and low-maintenance perennials. Preference should be given to species that can be maintained in their natural form without significant pruning or care;
7. Species shall be selected, planted, and maintained to avoid conflicts with, or damage to, streets, sidewalks, paths, above or below ground utilities, and other similar improvements. When trees are planted within ten feet of a sidewalk, pedestrian path, or street root barriers shall be provided. Tree wells shall have sufficient depth and dimensions to promote healthy root development and avoid damage to adjacent improvements. At a minimum, trees shall be planted in a hole that measures at least three times the diameter of the tree's root-ball.

- B. Minimum Landscape Material Specifications. The following specifications shall apply to the plants, trees, fences, walls, and other landscaping materials required by this section.

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1. Deciduous trees shall have a clear truck at least five feet above the ground and a minimum caliper of at least two inches at the time of planting;
2. Evergreen trees shall have a minimum height of six feet at the time of planting;
3. Vine maples and other multi-stemmed trees shall have a minimum height of seven feet at the time of planting;
4. Small shrubs shall be have a minimum height of 12 inches with a one gallon pot or ball-and-burlap at the time of planting. Small shrubs have a mature height of 3 feet or less.
5. Medium shrubs shall be have a minimum height of two feet with a three gallon pot or ball-and-burlap at the time of planting. Medium shrubs have a mature height of more than three feet but less than six feet.
6. Large Shrubs shall have a minimum height of more than two feet with a five gallon pot or ball-and-burlap at the time of planting. Large shrubs have a mature height of six feet or more.
7. Groundcover shall be provided using grass sod, or spreading groundcover in four inch pots planted at intervals of nine inches or less, or one gallon pots planted at intervals of 18 inches or less. In all cases groundcover plantings shall be sufficient to achieve a uniform spread and 80 percent cover of the planting area within two years of installation.
8. Solid site obscuring fences shall be constructed of wood and painted or stained a dark natural color. Chain-link (cyclone) fencing may also be used provided it is treated with a dark, natural colored coating (such as black or green) and matching privacy slats are used. Other materials may be authorized provided they are consistent with the objective of creating a solid site obscuring fence that is visually inconspicuous, blends in with surrounding vegetation, and complements the architecture of surrounding buildings and developments.

C. Minimum Area Requirements. The following requirements specify the minimum percentage of the gross site area which must be landscaped.

Zoning Classification	Required Percentage of Gross Site Area
Residential (RD and RA)	15
Mixed Use Residential (MUR-1 and MUR-2)	15
Mixed Use Commercial (MUC-1 and MUC-2)	15
Public Facilities and Transportation (PFT-1)	15

Public Facilities and Transportation (PFT-2)	10
Commercial Industrial (CI-1 and CI-2)	10

1. Downtown. For sites located in the Downtown Priority Development Area with frontage on Fairhaven Avenue the minimum gross site area requirement may be reduced to five percent as minimally necessary to accommodate buildings, walkways, parking, or service areas provided all remaining portions of the site are fully landscaped.
 2. Utilities and Transportation. The minimum gross site area requirements identified above shall not apply to street rights-of-way or other similar linear transportation improvements located in the PFT zone. Utility lines, substations, and pump stations shall also be exempt from the gross site area requirements provided all other applicable requirements of this Chapter, such as screening, buffers, and perimeter landscaping are met.
- D. Irrigation. All new landscaping shall either utilize a draught tolerant landscaping plan, an automatic irrigation system, or an approved alternative irrigation system as follows:
1. Automatic Irrigation Systems. Except as explicitly authorized by this section an automatic irrigation system shall be provided. The irrigation system shall provide sufficient coverage to irrigate all of the required landscaping areas. Irrigation system plans and specifications shall be included in the landscaping plans required by this Chapter.
 2. Draught Tolerant Landscaping Plans. A draught tolerant landscaping plan may be used as an alternative to an automatic irrigation system. When a draught tolerant landscaping plan is proposed the landscape architect shall provide a written statement documenting that the landscaping can be expected to survive in the absence of regular watering. The landscape architect shall also document that suitable draught tolerant species have been prescribed and identify any planting methods, soil amendments, or temporary irrigation measures necessary to ensure the landscaping is fully established and self-sustaining. Draught tolerant landscaping plans must be prepared by a licensed landscape architect.
 3. Alternative Irrigation Methods. For simple small scale projects with minimal landscaping requirements, the Community Development Director may authorize the use of hand watering to meet the irrigation requirements of this Chapter. In such cases hose bibs shall be provided within 50 feet of all required landscaping areas.

E. Storm-Water Management.

1. Storm-water facilities and low impact development (LID) features landscaped in accordance with the requirements of this Chapter may be used to meet any applicable landscaping requirements.
2. To the greatest extent possible the planting areas required by the Chapter shall be used as storm-water infiltration areas or LID features.
3. Low impact development features and planting areas used to manage storm-water shall be designed and constructed consistent with the Washington State Department of Ecology's "Stormwater Manual for Western Washington" and the Puget Sound Partnership's "Low Impact Development Technical Guidance Manual for the Puget Sound".
4. When trees or plants will be located within, or adjacent to, an infiltration area or LID feature the landscape architect shall submit evidence that they have coordinated with the engineer responsible for the on-site storm-water management system. Based on information provided by the storm-water engineer the landscape architect shall:
 - a. Specify tree and plant species suitable for the hydrologic and soil conditions anticipated in the planning area; and
 - b. Specify tree and plant species that will not detrimentally affect the ability of the planting area to manage storm-water.
5. Landscaping plans shall identify areas of the site with suitable soils for storm-water infiltration and LID features.
6. Above ground storm-water improvements, such as swales, ponds, or ditches, shall be sloped, graded, or otherwise designed to avoid the need for protective fencing and to give the appearance of a natural landscape feature. Above ground storm-water improvements shall be landscaped with appropriate plant and tree species.
7. All storm-water management measures and LID features shall be consistent with the requirements of Title 14 BMC.

17.81.070 Street Frontage Landscaping

The following requirements shall apply to all portions of a site abutting a public or private street.

A. Minimum Width. A landscaping strip with a minimum width of ten feet shall be provided along all public and private streets.

B. Planting Requirements.

1. Street trees shall be provided at intervals of 30 feet on center except as minimally necessary to accommodate obstructions such as traffic control signs, bus stops, utilities, required site lines, and driveways. In such cases additional trees shall be provided in groups in order to achieve an overall ratio of one tree for every 30 feet of street frontage. When a dominant pattern of street trees is present along nearby street frontages the same species shall be used. Where no dominant pattern is present trees shall be selected using the City's Street Tree Selection Guide. When street trees are provided in a planting or buffer strip in a public right-of-way, trees may be selected for the frontage strip that complement or contrast with the street trees and may be grouped together provided at least one tree is provided for every 30 feet of street frontage.
2. A mixture of small, medium, and large shrubs shall be provided at a rate of one shrub for every four feet of street frontage.
3. Groundcover shall be provided in all areas not occupied by trees or shrubs consistent with the requirements of this Chapter (BMC 17.80.060.B.7).

C. Exceptions.

1. Sidewalks and pedestrian paths may cross a street frontage landscaping strip;
2. Driveways may cross a street frontage landscaping strip;
3. Signs that fully comply with City's sign code (Chapter 17.95 BMC) may be located within a street frontage landscaping strip;
4. Building awnings, balconies, bay windows and other similar architectural features located at the top of, or above, the first story of a building may extend over a street frontage landscaping strip;
5. Downtown. A street frontage landscaping strip shall not be required in areas of the Downtown Growth Area where buildings are required to be located at the edge of the right-of-way, or where a maximum setback applies that is less ten feet. In such cases street trees shall be provided in trees wells or curb bulb-outs approved by the City's Public Works Department and any remaining area between the building line and the sidewalk shall be fully landscaped.

- D. Planting Strips. When a planting or buffer strip is provided in the public right-of-way streets trees shall be provided. Street tree spacing and species selection shall be consistent with the requirements of BMC 17.81.070.B.

17.81.080 Perimeter Landscaping

- A. Minimum Width: 5 feet.
- B. Planting Requirements.
 - 1. Trees shall be planted at a ratio of one tree for every 30 feet of perimeter landscaping area. A mixture of evergreen and deciduous trees shall be used and no more than 60 percent of the required trees may be deciduous;
 - 2. Medium sized shrubs shall be planted in triangulated rows at intervals of 24 inches or less.
 - 3. Groundcover shall be provided in all areas not occupied by trees or shrubs consistent with the requirements of this Chapter (BMC 17.81.060.B.7).
- C. Exceptions.
 - 1. Areas occupied by buildings where no building setback or screening is required;
 - 2. Sidewalks and pedestrian paths may cross a perimeter landscaping strip;
 - 3. Driveways may cross a street frontage landscaping strip;

17.81.090 Parking Lot Landscaping

The purpose of this section is to mitigate the negative impacts associated with parking areas by providing shade, interrupting and infiltrating precipitation, providing trees to interrupt wind gusts, and blocking glare from headlights.

- A. Applicability. This section applies to off-street parking area that containing 20 or more parking spaces.
- B. Minimum Area. At least 15 square feet of landscaping shall be provided for each interior parking space. An interior parking space is a parking space not abutting a building or the perimeter of a site.
- C. Configuration of Parking Lot Landscaping. Parking lot landscaping shall be located at the ends of parking columns, between parking stalls, or between rows of parking. Planting islands shall have a minimum area of 65 square feet.

D. Planting Requirements.

1. Trees. One tree shall be provided for every six parking spaces.
2. Shrubs. Small or medium shrubs shall be provided. If small shrubs are used, they shall be planted at intervals of 18 inches on center or less. If large shrubs are used they shall be planted at intervals of 24 inches on center or less.
3. Groundcover. Groundcover shall be provided in all areas not occupied by trees or shrubs consistent with the requirements of this Chapter (BMC 17.80.060.B.7).
4. Landscape Protection. Curbs or wheel stops shall be used to prevent vehicles from damaging parking lot landscaping.

17.81.110 Buffers and Screening

Certain uses, such as residential developments, can be negatively impacted when located adjacent to incompatible uses, such as industrial sites due to negative environmental impacts such as noise, glare, and dust. Landscaped buffers and screening can be used to mitigate these impacts, soften the visual transition between developments located in different zoning classifications, and to prevent conflicts between incompatible uses. Landscape screening can also be used to establish visual boundaries or screen certain site improvements such as mechanical equipment, trash enclosures, storage yards, or service areas. The purpose of this section is to identify and prescribe an appropriate range of buffer and screening methods.

A. The purpose of this section is to accomplish the following:

1. Establish a buffer between incompatible developments located on adjacent sites with different zoning classifications;
2. Screen or conceal service areas, trash enclosures, mechanical equipment, storage yards, and other similar site improvements;
3. Establish a visual transition between streets and adjoining parking areas or drive aisles;
4. Minimize the environmental impacts associated with freeway and railroad corridors, including light, noise, and air quality impacts;
5. Prevent conflicts between urban development and rural resource activities such as agricultural uses;

6. Provide any screening or buffers required as mitigation through a conditional use permit process.

B. Standard Buffer and Screening Types. This section identifies the standard buffer or screening methods referenced in the Burlington Municipal Code. When a given buffer type or screening method is required by the Burlington Municipal Code it shall be consistent with the specifications identified in this section. These requirements shall be regarded as minimum standards. Additional screening or buffer requirements may apply to specific uses, developments, or site improvements.

1. Type I – General Screening. General screening is intended to obscure trash enclosures, mechanical equipment, outdoor storage and other similar features.
 - a. Minimum width. The minimum buffer width shall be five feet.
 - b. Physical screening. A solid site obscuring fence or wall with a minimum height of six feet shall be provided.
 - c. Shrubs. A combination of small and medium shrubs shall be provided. A minimum of one medium shrub and one small shrub shall be provided for every four feet of buffer.
 - d. Ground cover shall be provided for all areas not occupied by shrubs.
 - e. Exceptions. The landscaped buffer required by this section is not required in areas where a gate, driveway, or path is present.
2. Type II – Low Wall or Earth Berm. This buffer type is used for screening parking lots, drive-through lanes, drive aisles and other similar features located adjacent to streets. Type II buffers must include both physical screening and landscaping. Physical screening shall be provided using either a low wall, raised planter, or an earth berm as described below.
 - a. Minimum width. The minimum buffer width shall be ten feet.
 - b. Low wall. If a low wall is used to provide physical screening it shall be constructed of masonry or concrete, and shall have a minimum height of three feet. If the wall is adjacent to a street it shall be setback at least five feet from the right-of-way.
 - c. Raised planter. If a raised planter is used to provide physical screening it shall be constructed of masonry or concrete, shall have a minimum height of three feet, and a minimum width of four feet. If the raised

planter is adjacent to a street it shall be setback at least five feet from the right-of-way. The planter shall be completely landscaped.

- d. Earth berm. Earth berms shall have a minimum height of two feet, a maximum slope of 33 percent (one foot of vertical height for every three feet of horizontal distance) The crest of the berm shall be planted with a row of small shrubs planted at intervals of two feet or less on center to form a dense opaque buffer. The shrubs required by this provision shall be evergreen species and may be used to meet the landscaping requirement below (BMC 17.81.110.B.2.e).
 - e. Landscaping. Type II buffers shall be planted with a mixture of small and medium sized shrubs at a ratio of one shrub for every four feet of buffer area. Ground cover shall be provided for all areas not occupied by shrubs. At least 75 percent of the required shrubs shall be evergreen varieties.
3. Type III – Separation Buffer – This buffer type is intended to separate more intensive uses from less intensive uses in situations where the anticipated impacts are largely aesthetic. A type III buffer combines a solid site obscuring fence or wall with evergreen trees and shrubs to create a year-round visual screen.
 - a. Minimum width. The minimum buffer width shall be ten feet.
 - b. Physical screening. A solid site obscuring fence or wall at least six feet in height shall be provided.
 - c. Landscaping. In addition to any normally required perimeter landscaping evergreen trees shall be provided at intervals of 15 feet or less. The trees required by this provision may be used to meet normally applicable tree planting requirements for perimeter landscaping.
 4. Type IV – High Intensity Buffer – This buffer type is intended to separate high intensity uses with potentially significant light, noise, glare, and dust impacts from less intensive uses. For example, a high intensity buffer would be appropriate for separating an industrial site from a residentially zoned parcel. High intensity buffers must employ a solid site obscuring fence or wall and a dense opaque band of evergreen vegetation. In order to provide adequate acoustic separation, type IV buffers that provide physical screening with a fence, as opposed to a masonry wall, must provide an additional ten feet of landscaped area.

- a. Minimum width. If a masonry wall is used the required buffer width shall be 15 feet. If a fence is used the required buffer width shall be 25 feet.
- b. Physical screening. Type IV buffers must include a solid site obscuring fence or wall with a minimum height of six feet.
- c. Landscaping. In addition to any normally required perimeter landscaping triangulated rows of evergreen trees shall be provided at intervals of 15 feet. A minimum of one large shrub for every four feet of buffer area must be provided, 75 percent of which must be evergreen varieties. The trees required by this provision may be used to meet normally applicable tree planting requirements for perimeter landscaping.

C. Incompatible Uses.

Zone Where Development is Proposed	Adjacent Zoning Designation or Area and Required Buffer Type ¹					
	RD & RA-1	RA-2 & MUR	MUC & PFT-1	CI & PFT-2	Resource Zones	Freeway or Railroad ROW
RD & RA-1	N/A	None	None	None	Type IV	Type IV
RA-2 & MUR	Type III	N/A	None	None	Type IV	Type IV
MUC & PFT-1	Type III	Type III	None	None	Type IV	Type III
CI & PFT-2	Type IV	Type IV	Type III	None	Type IV	None
Resource Zones	N/A	N/A	N/A	N/A	N/A	N/A
Freeway or Railroad ROW	Type IV ²	Type IV ²	Type IV ²	Type IV ²	N/A	N/A

(1) An adjacent property is one that directly abuts the property on which development is occurring. Properties separated by a street or railroad right-of-way shall not be considered adjacent and no buffer shall be required.

(2) Applies only to freeway projects involving ROW acquisition, widening, or major construction.

17.81.120 Landscaping Maintenance and Tree Retention

The following requirements shall apply to all uses and developments except for landscaping or yards associated with individual residences or dwellings.

A. General Requirements.

- 1. Dead and dying vegetation shall be promptly removed and replaced. Trees and plants shall be replaced with the same species unless an alternative

replacement with similar characteristics is approved by the Community Development Director.

2. Vegetation shall be kept trimmed as necessary to avoid obstructing sidewalks, paths, streets, parking areas, or driveways.
3. Noxious weeds and invasive species shall be removed and properly disposed of.
4. Exposed soils shall be avoided. When erosion is observed corrective actions shall be taken immediately. Corrective actions may include providing additional groundcover or shrubs, mulch or other similar material. In cases of significant erosion it may be appropriate to regrade the area to reduce the steepness of the slope.
5. Landscaping areas required by this chapter shall not be used for parking, storage, or display. Under no circumstances shall vehicles be parked in landscaping areas or buffers.

B. Pruning and Tree Protection. Excessive pruning and tree topping is prohibited except as authorized by this Chapter. The following requirements shall apply to any trees planted to satisfy the requirements of this Chapter and to existing significant trees.

1. Trees should be pruned in a manner that allows them to attain their full natural height and shall not be topped except as minimally necessary to prevent damage to buildings or utilities;
2. All pruning work should comply with ANSI A300 (Part 1 – 2017), “Tree, Shrub and Other Woody Plant Management – Standard Practices, to maintain long term health” unless alternative methods are specified by an arborist;
3. When trees and shrubs are required for screening or buffering, or for the purpose of creating a visually opaque hedge, pruning shall maintain the visual opaqueness of the screen, buffer, or hedge.

C. Significant Trees.

1. This section shall apply to all significant trees except as follows:
 - a. Trees located within a public street right-of-way when the work is performed by, or at the direction of, the City consistent with Chapter 12.20 BMC;

- b. Removal, pruning or modification as minimally necessary to prevent damage to overhead or below ground utilities when the work is performed by, or at the direction of, a public or private utility;
 - c. Trees located within the boundaries of an existing landscaped yard associated with an individual dwelling, except for redevelopment projects;
 - d. The construction of a single detached dwelling, duplex, or small multiunit building and residential land divisions involving the creation of four lots or less.
2. Definition. A significant tree is any tree that is at least six inches in diameter at breast height (D.B.H). A tree growing with multiple stems shall be considered a significant tree if any one of the stems, when measured at a point six inches from the joint with the main trunk, is at least four inches in diameter. The following species shall not be considered significant trees regardless of size:
- a. Black locust (*Robinia pseudoacacia*);
 - b. Cottonwood (*Populus freemontii*);
 - c. Native alder (Native *Alnus* only);
 - d. Native willow (Native *Salix* only);
 - e. Lombardy Poplar (*Populus nigra*).
3. Retention. Significant trees shall be incorporated into the project design and site layout whenever possible and may only be removed under the following circumstances:
- a. When absolutely necessary to accommodate a proposed development and where no feasible option exists for incorporating the tree into the overall site layout;
 - b. Hazard trees and nuisance trees. Hazard and nuisance trees may be removed with City authorization. In such cases an arborist's report may be required to document the nature and extent of the hazard or nuisance and to demonstrate that no feasible alternative to removal exists;

4. Significant trees shall be protected during construction or development unless removal is authorized pursuant to this Chapter. Temporary construction fencing shall be placed around the tree and no equipment, chemicals, soil deposits or construction materials may be placed within the barrier. When a landscaping plan is required all significant trees shall be identified and a protection plan shall be included. For all projects the department may specify any measures necessary to ensure the protection of significant trees and may require that an arborist prepare the tree protection plan.
5. Approval required. Significant trees shall not be removed without prior authorization from the department. An arborist's report, site plan, or other documentation may be required in order to demonstrate compliance with the requirements of this section (BMC 17.81.120). In emergency situations where an immediate threat to human life or property exists hazard trees may be removed without City authorization provided the department is notified the next business day. In the event of a natural disaster, such as a flood or windstorm, the department shall be authorized to temporarily suspend all approval and notification requirements.
6. Replacement. When significant trees are removed replacement trees shall be provided in accordance with the following provisions:

- a. Significant trees shall be replaced at the following rates:

Table 17.81.120.C-1	
Diameter (DBH) Tree Removed	Number of Required Replacement Trees
6" - 18"	2
> 18"	4

- b. All deciduous replacement trees shall be a minimum of 2.5 inches in diameter and coniferous evergreens shall be at least eight feet in height.
- c. Replacement trees shall be planted on the same site where the tree removal occurred, provided that in unique circumstances where onsite replacement is not feasible offsite replacement may be authorized. When offsite replacement is authorized replacement trees shall be planted in a publicly owned park, open space area or conservation easement within the City of Burlington.
- d. A planting plan, prepared by an arborist or landscape architect, shall be provided specifying any requirements necessary to ensure the replacement trees become fully established and self-sustaining, such as planting instructions, staking, temporary watering, or mulching.

- e. Replacement is not required for diseased or hazardous trees except in cases where the damage or disease is due to intentional actions.
7. Except when explicitly authorized by this Chapter the excessive pruning, topping, or deliberate damage of significant trees shall be prohibited, including any action that results a loss of more than 20 percent of the tree's root system, the removal of more than 50 percent of the live crown of the tree, or any other action that significantly alters the tree's growth potential. Such actions constitute "removal" and will be considered a violation of this Chapter.
 8. Violations. In addition to any other applicable fines, penalties, or enforcement provisions, a replanting plan and replacement trees shall be provided for the unauthorized removal of a significant tree.

Chapter 17.85
ACCESS AND PARKING

Sections:

17.85.010	Title.
17.85.020	Application.
17.85.030	Purpose.
17.85.040	Authority.
17.85.050	General.
17.85.060	Parking quantities.
17.85.070	Shared parking.
17.85.080	Cooperative parking.
17.85.090	(Reserved)
17.85.100	(Reserved)
17.85.105	Construction standards.
17.85.110	Location and screening standards.
17.85.115	Design standards.
17.85.120	Pedestrian circulation and access.
17.85.125	(Reserved).
17.85.130	(Reserved).
17.85.135	(Reserved).
17.85.140	Private streets.

[17.85.150 Alternative private street standards.](#)

17.85.010 Title.

This chapter shall be called "Access and Parking," (Ord. 1857 § 2 (Exh. B), 2018).

17.85.020 Application.

The standards of this section shall apply to all new uses, structures, and developments, and to the expansion or modification of existing uses, structures and developments. (Ord. 1857 § 2 (Exh. B), 2018).

17.85.030 Purpose.

The purpose of this chapter is to establish standards for access and parking as follows:

- A. Provide adequate, safe, and convenient access for drivers, pedestrians, cyclists, and transit users;
- B. Ensure accessibility by people of all ages and physical abilities;
- C. Promote development patterns that are accessible and convenient while minimizing traffic, parking, storm-water, and other impacts;
- D. Ensure that each new development contributes to, and functions as part of, an interconnected and coherent overall transportation system;
- E. Promote flexible development patterns that can accommodate future changes and transportation needs.

17.85.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35A.63, 36.70A, 36.70B RCW and other applicable laws. (Ord. 1857 § 2 (Exh. B), 2018).

17.85.050 General.

- A. Access and parking shall be provided in accordance with the provisions of this chapter.

1. All new or modified developments, buildings, uses, or structures shall be consistent with the provisions of this chapter.
2. All new or modified parking areas, driveways, drive aisles, pedestrian access paths, private streets, and similar improvements shall be consistent with the provisions of this chapter.

B. Exceptions.

1. **Landmark Structures.** For uses in a landmark structure the number of required parking spaces may be reduced or waived based on the following criteria:
 - a. A survey may be required of on- and off-street parking availability.
 - b. A determination that there is no feasible way to meet parking requirements on the lot.
 - c. Consideration of the types and scale of uses proposed or practical in the landmark structure and the controls imposed by the landmark designation.
2. **Existing Development.** Except in the RD and RA zones, additional parking spaces shall not be required for the expansion of existing uses, or when changing uses, unless the expansion or change would have the effect of increasing the number of required parking spaces by more than ten percent or five spaces, whichever is greater.
3. **On-Street Parking.** On-street parking spaces abutting a development site may be used to meet the requirements of this chapter except as follows:
 - a. Spaces that are not available, or will not be available, due to roadway design, right-of-way constraints, or future plans shall not be included; and
 - b. Applicants may be required to provide a parking survey prepared by a qualified professional demonstrating that adequate on-street parking is reasonably available.

C. Exceptions, Downtown Priority Development Area.

1. No parking shall be required for new uses in existing structures, or when existing structures are remodeled.
2. For new structures or when an existing structure is expanded, no parking shall be required for the first 2,500 square feet of nonresidential floor space or for the first four dwellings.
3. No parking shall be required for public facilities or commercial child daycare centers.

D. Tandem Parking. Off-street parking for dwellings may be provided as tandem parking.

E. Parking and loading areas shall have legal access to a public street or alley. When alley access is available parking areas shall be accessed from the alley.

F. "Parking area" includes parking spaces, drive aisles, and internal access streets. (Ord. 1857 § 2 (Exh. B), 2018).

G. Calculations. When calculating the number of required parking spaces fractions shall be rounded down to the nearest whole number.

H. Residential accessory uses. No parking shall be required for residential accessory uses.

17.85.060 Parking Quantities.

A. The number of required parking spaces shall be determined for each principal use of the land, building, or structure using Table 17.85.060.A-1 and by applying any applicable deductions or exemptions. For uses not specifically identified in this chapter, parking shall be provided as specified for the use which, in the opinion of the Director, is most similar to the use under consideration. When, in the opinion of the Director, no comparable use is

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listed, the number of required parking spaces shall be determined by applying the provisions of BMC 17.85.060.C (Alterations and Unlisted Uses).

B. The total number of parking spaces provided for any use or development shall not exceed 120 percent of the minimum requirements identified in this section, except:

1. This limitation shall only apply to uses and developments that require 20 or more parking spaces; and
2. This limitation shall not apply to uses and developments where an alternative maximum number is prescribed by Burlington Municipal Code; and
3. Additional spaces may be provided in excess of 120 percent of the minimum requirement; provided, that any such spaces are located under a building with usable floor space; and
4. This limitation may be waived for publicly owned parking lots; and
5. This limitation may be waived if a traffic and parking study is submitted showing the need for additional parking. Such studies shall be prepared by a licensed engineer, shall be consistent with, and integrated into, any other traffic study prepared for the project, and shall be reviewed by the city engineer.

C. Alterations and Unlisted Uses. The following criteria shall be used to determine parking requirements for unlisted uses that not substantially similar to a listed use and to evaluate requests to reduce the standard minimum parking quantity. In such cases the director may require a parking study addressing the criteria below. When required, parking studies shall be prepared by a licensed engineer and shall be consistent with, and integrated into, any other traffic study prepared for the project and shall be reviewed by the City Engineer for consistency with established transportation engineering practices.

1. Trip generation and turnover;
2. Proximity to frequent transit service or a transit center;
3. The availability of alternative transportation services such as school buses or shuttle vans;
4. The provision of onsite housing for students or employees;
5. Commute trip reduction measures implemented by the agency, business, or facility operator;
6. The extent to which the development will provide enhanced pedestrian amenities and bicycle facilities;
7. The intensity of development and mix of uses within 1,320 feet of the development site;
8. The condition and availability of sidewalks and other pedestrian amenities within 1,320 feet of the development site.

D. Standard Reductions. ~~The following parking spaces may be included in parking calculations at a rate of 1.25. The following standard reductions and bonuses shall apply:~~

~~1. Bonuses. Spaces located under a building may be included in parking calculations at a rate of 125 percent (example: four spaces under a building equals five parking spaces);~~

~~2. Standard deductions. The following development types shall have their standard parking requirements reduced by 25 percent. Only one deduction type may be applied to each development.~~

~~a. Spaces located within 1,320 feet of transit center or bus stop;~~

~~3. b. Spaces for affordable housing developments.~~

17.85.070 Shared parking.

A. Shared Parking – General Provisions.

Commented [BJ2]: BJ - 9-12-2024 - This section was originally intended to provide a 25 percent reduction for certain types of parking spaces but, as originally drafted, the math only worked for calculating bonuses (underground spaces). There was no practical way of applying the math to deductions. To address this inconsistency, staff has simply been interpreting this to mean a 25 percent reduction for affordable housing and transit accessible developments. Also clarified that deductions are not intended to be additive. Applicants have asked about this. The background materials supporting the Transportation Element support a 30 percent reduction in parking demand for EITHER transit accessible developments or affordable housing. No evidence would support a doubling of the deduction. Clarified intent for consistency with comp plan and staff interpretations.

1. Shared parking shall be allowed between two or more uses to satisfy all or a portion of the minimum off-street parking requirement of those uses as provided in subsections (B) and (C) of this section.
2. Shared parking shall be allowed between different categories of uses or between uses with different hours of operation, but not both.
3. A use for which an application is being made for shared parking shall be located within 1,320 feet of the parking.
4. No reduction to the parking requirement shall be made if the proposed uses have already received a reduction through the provisions for cooperative parking.
5. Parking reductions permitted through shared use of parking shall be determined as a percentage of the minimum parking requirement as modified by any other reductions permitted in BMC 17.85.050 and 060.
6. An agreement providing for the shared use of parking, executed by the parties involved, shall be filed with the director. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking shall be provided as otherwise required by this chapter.

B. Shared Parking for Different Categories of Use.

1. A business establishment may share parking according to only one of the following subsections: (B)(2), (3), or (4) of this section.
2. If an office use and a retail sales and service use share parking, the parking requirement for the retail sales and service use may be reduced by 20 percent; provided, that the reduction shall not exceed the minimum parking requirement for the office use.
3. If a residential use shares parking with a retail sales and service use other than lodging uses, eating and drinking establishments or entertainment uses, the parking requirement for the residential use may be reduced by 30 percent; provided, that the reduction does not exceed the minimum parking requirement for the retail sales and service use.
4. If an office and a residential use share off-street parking, the parking requirement for the residential use may be reduced by 50 percent; provided, that the reduction shall not exceed the minimum parking requirement for the office use.

C. Shared Parking for Uses with Different Hours of Operation.

1. For the purposes of this section, the following uses shall be considered daytime uses:
 - a. Customer service and administrative offices;
 - b. Retail sales and services, except eating and drinking establishments, lodging uses, and entertainment uses;
 - c. Wholesale, storage and distribution uses;
 - d. Manufacturing uses; and
 - e. Other similar primarily daytime uses, when authorized by the community development director or designee.
2. For the purposes of this section, the following uses shall be considered nighttime or Sunday uses:
 - a. Auditoriums accessory to public or private schools;

- b. Religious facilities;
- c. Entertainment uses, such as theaters, bowling alleys, and dance halls;
- d. Eating and drinking establishments;
- e. Lodging uses; and
- f. Other similar primarily nighttime or Sunday uses, when authorized by the community development director or designee.

3. Up to 90 percent of the parking required for a daytime use may be supplied by the off-street parking provided by a nighttime or Sunday use and vice-versa, when authorized by the director, except that this may be increased to 100 percent when the nighttime or Sunday use is a religious facility.

4. The applicant shall show that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed. (Ord. 1857 § 2 (Exh. B), 2018).

17.85.080 Cooperative parking.

A. Cooperative parking shall be permitted between two or more business establishments which are commercial uses according to the provisions of this section.

B. Up to a 20 percent reduction in the total number of required parking spaces for four or more separate business establishments, 15 percent reduction for three business establishments, and a 10 percent reduction for two commercial uses may be authorized by the director under the following conditions:

- 1. No reductions to the parking requirement shall be made if the proposed business establishments have already received a reduction through the provisions for shared parking.
- 2. The business establishments for which the application is being made for cooperative parking shall be located within 1,320 feet of the parking.
- 3. The reductions to parking permitted through cooperative parking shall be determined as a percentage of the minimum parking requirement as modified by any reductions permitted by BMC 17.85.050, 060 and this section.
- 4. An agreement providing for the cooperative use of parking shall be filed with the director when the facility or area is established as cooperative parking. Cooperative parking privileges shall continue in effect only as long as the agreement to use the cooperative parking remains in force. If the agreement is no longer in force, then parking shall be provided as otherwise required by this chapter. New business establishments seeking to meet parking requirements by becoming part of an existing cooperative arrangement shall provide the director with an amendment to the agreement stating their inclusion in the cooperative parking facility or area. (Ord. 1857 § 2 (Exh. B), 2018).

17.85.090 (Reserved)

17.85.100 (Reserved)

17.85.105 Construction standards.

A. All parking areas, driveways, drive aisles, private streets, and outdoor storage and sales lots, shall be paved with permeable pavement, asphalt concrete, or cement concrete pavement. All asphalt pavement sections shall have a minimum pavement section consisting of two inches of Class "B" asphalt concrete, two inches of five-eighths-inch minus crushed rock, and six inches of Class "A" bank run gravel or approved equal. All permeable paving, concrete pavement sections, or any alternative asphalt pavement sections shall be designed to support the post development traffic loads anticipated due to the intended use.

B. Parking and circulation areas, access roads, and drive aisles shall be designed and constructed with LID features such as permeable pavement, rain gardens, or bio-retention areas unless demonstrated to be infeasible through an engineering analysis.

C. In determining the feasibility of LID features, an engineering analysis shall be submitted and reviewed by the city engineer. This analysis should consider site characteristics such as soil and ground water conditions, and anticipated traffic volumes. The analysis should be consistent with the Department of Ecology's "Stormwater Manual for Western Washington" and the design and site evaluation guidance in the Puget Sound Partnership's "Low Impact Development Technical Guidance Manual for Puget Sound." The engineering analysis requirement identified above may be waived by the city engineer for simple small-scale projects when the feasibility of permeable pavement can be easily determined without the need for additional information or analysis; provided, that an engineering analysis shall be submitted for all projects involving 20 or more parking spaces.

D. All parking and circulation areas, access roads, and drive aisles shall be designed and constructed in accordance with any applicable requirements in Title 14 BMC.

E. Parking areas shall be used for automobile parking only, with no sales, unless permitted elsewhere by this title, dead storage, repair work, or dismantling of any kind.

F. Outdoor sales areas and storage yards shall be paved and landscaped in accordance with this title.

G. Lighting. See Chapter 17.70 BMC.

H. Stormwater shall be managed in accordance with Chapter 14.05 BMC and LID measures shall be provided consistent with the requirements of this Chapter and Chapter 17.70 BMC.

I. Access to public streets shall be approved by the Public Works Department consistent with the requirements of Title 12 BMC.

J. Driveways and parking stalls shall be clearly marked.

K. Landscaping. See Chapter 17.81 BMC. (Ord. 1857 § 2 (Exh. B), 2018).

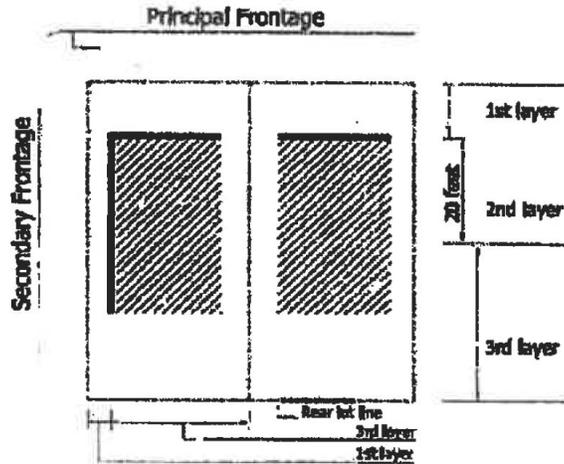
L. Driveways and parking spaces for detached, duplex, and horizontally attached dwellings shall be paved with permeable pavement, asphalt, or concrete and may utilize a two track design to minimize impervious surface coverage.

M. The installation of paving and impervious surfaces shall be limited to the minimum amount necessary to support a permitted use or development.

17.85.110 Location and screening standards.

A. Required off-street parking shall be located on the same parcel as the uses served unless off-site parking is authorized in compliance with this chapter. Parking shall be located on each site in compliance with the parking layer requirements illustrated below:

1. First Layer. The area between the frontage line and the facade line.
2. Second Layer. The area between the facade line and 20 feet from the facade. Note that the second layer is not required on the secondary frontage.
3. Third Layer. That portion of the lot that is neither the first layer nor the second layer. Generally this portion of the lot extends to an alley or an interior lot line.



B. Surface Parking Location and Screening. The following requirements shall apply in addition to any other parking, landscaping, setback, or site design requirements:

1. Parking area and service yards must be screened from adjoining residences.
2. Where alley access is available, parking shall be located off the alley and no curb cuts shall be permitted for residential uses.
3. Parking located in the setback in front of the building shall be screened and landscaped with a streetscreen as defined in BMC 17.80.105.
4. Parking area illumination shall be directed away from residential uses.
5. Downtown special planning area including surface parking shall be located in the third layer and masked by a streetscreen or building, except that driveways and aprons may be located in the first or second layer.
6. Burlington Boulevard Corridor. Surface parking may be located in the first, second or third layer and masked by a streetscreen if the street frontage is not fully occupied by buildings.

CD. Offsite Parking. Offsite parking areas may be used to meet the requirements of this Chapter provided the offsite parking area is located within 1,320 feet of the development site and is either in common ownership or encumbered by an easement or other formal agreement. Offsite parking areas shall be connected to the development site with a continuous pedestrian path in the form of a concrete sidewalk. Marked crosswalks shall be provided at all intersections.

17.85.115 Design standards.

A. Dimensions and Site Layout. The standards in this section shall apply to all outdoor parking areas. Parking areas located beneath a building shall be subject only to the requirements for minimum stall and aisle dimensions (BMC 17.85.115.D).

1. Parking stalls and drive aisles shall be consistent with the dimensions specified in Figure "A" below.
2. Except when adjacent to a building frontage or the perimeter of a site, parking rows and columns shall have a maximum length of 200 feet.

3. Drive aisles may be used to provide direct access to individual parking rows and should be connected to a public or private street.
- B. Up to 30 percent of the parking spaces required by this chapter may be compact spaces, except in the downtown special planning area where all of the required parking spaces may be compact.
- C. Off-street parking lots shall comply with the barrier-free parking space requirements of the International Building Code.
- D. The minimum parking space and aisle dimensions for the most common parking angles are shown on chart below. For parking angles other than those shown on the chart, the minimum parking space and aisle dimensions shall be determined by the community development director and shall be proportional to the dimensions shown below.

Figure A
Minimum Parking Stall and Aisle Dimensions

Parking Angle	Stall Width	Curb Length	Stall Depth	Aisle Width		Unit Depth	
				1-Way	2-Way	1-Way	2-Way
0°	8.0	20.0	8.0	10.0	20.0	NA	NA
30°	8.0* Min. 8.5	16.0* 17.0	15.0* 16.5	10.0 10.0	20.0 20.0	** 43.0	** 53.0
45°	8.0* Min. 8.5	11.5* 12.0	17.0* 19.0	12.0 12.0	20.0 20.0	** 50.0	** 58.0
60°	8.0* Min. 8.5	9.5* 10.0	18.0* 20.0	18.0 18.0	20.0 20.0	** 58.0	** 60.0
90°	8.0* Min. 8.5	8.0* 8.5	15.0* 17.0	23.0 23.0	23.0 23.0	** 63.0	** 63.0

* For use with compact stalls only.

** Variable with compact and standard combinations.

E. Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe. The parking space depth may be reduced when vehicles overhang a walkway under the following conditions:

1. Wheel stops or curbs are installed.
2. The remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.
3. The amount of space depth reduction is limited to a maximum of one and one-half feet for standard parking spaces and one and one-half feet for compact spaces including the wheel stop or curb.

F. Driveways may cross required setbacks or landscaped areas in order to provide access between the off-street parking facilities and the street, provided no more than 10 percent of the required landscaping or setback area is displaced by the driveway. Driveways may be used for parking when serving single detached dwellings but shall not be considered for purposes of calculating required parking.

G. Parking areas shall be illuminated in accordance with the City’s Outdoor Lighting Standards (Chapter 17.70 BMC). Pedestrian scale lighting shall be provided along all pedestrian paths and at all crosswalks.

17.85.120 Pedestrian circulation and access.

A. General. All uses shall provide pedestrian access to the site. Pedestrian access shall be provided at all pedestrian arrival points for the development including the property edges, adjacent lots, abutting street intersections and mid-block crosswalks, transit stops, and at least every 100 feet of consecutive street frontage. Pedestrian access shall be located as follows:

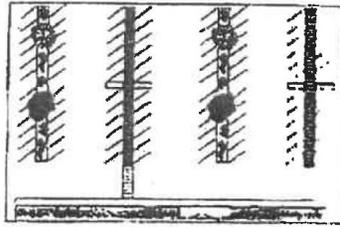
1. Adjacent Streets and Property Edges. Access at property edges and to adjacent lots shall be coordinated with existing development to provide logical circulation patterns between developments.
 - a. Pedestrian connections shall be provided along adjacent street frontages at intervals of 100 feet or less;
 - b. Connections shall be provided to existing or planned transit stops;
 - c. Pedestrian paths shall be connected to existing pedestrian paths on adjacent sites whenever feasible;

d. For development sites that abut properties that are vacant or likely to redevelop, pedestrian paths should be extended to the property or site boundaries to support future development.

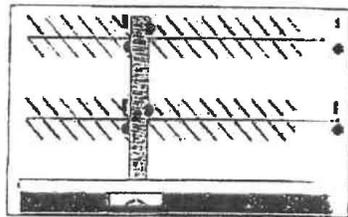
B. Residential Developments. Pedestrian access shall be provided to allow pedestrian access from within the development and from adjacent developments to activity centers, parks, common tracts, open space areas, schools or other public facilities, transit stops and public streets. When dead-end streets or cul-de-sacs are used pedestrian access paths shall be provided to allow direct links between streets and cul-de-sacs. For multi-unit residential developments pedestrian access paths shall be provided to link buildings together.

C. Parking Areas. Pedestrian circulation shall be provided within all parking areas and between parking areas and adjacent uses. The following standards are intended to create a grid of interconnecting paths, minimize the distance parking lot users must travel from a vehicle to a pedestrian path. The intent of these requirements is to create a grid of interconnected pedestrian paths located at convenient intervals. Pedestrian paths shall be provided within parking areas as follows. These requirements do not apply to parking areas located under a building.

1. Parallel to parking rows. Pedestrian paths shall be provided parallel to parking rows at intervals of every four parking rows, provided the distance between pedestrian paths shall not exceed 200 feet.



2. Perpendicular to parking rows. Pedestrian paths shall be provided perpendicular to parking rows at intervals of 200 feet or less.



D. Building Access. Pedestrian paths shall form a circulation system that minimizes conflicts between pedestrians and vehicle traffic and provides direct and convenient access to all buildings. Pedestrian access shall be provided as follows:

1. All developments contain more than one building shall provide pedestrian paths between the principal entrances of each building.
2. Commercial and mixed-use buildings shall provide pedestrian paths along all building frontages that contain an entrance or abut a parking area. Building frontages containing only service entrances, such as loading docks, that are not accessible to the general public shall be exempt from this requirement.
3. For residential and industrial all buildings, pedestrian paths shall connect the primary building entrances to adjacent streets and pedestrian access paths.

Commented [BJ3]: BJ - 9-12-2024 - Commercial was left off this list. Changed to "all buildings".

43. Emergency exits shall be connected to the pedestrian access system.

E. Design Standards:

1. Pedestrian paths shall be physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic. Unless an alternative method providing an equivalent level of pedestrian safety and physical separation is approved, this requirement shall be met by providing curbing and raised sidewalk.
2. Pedestrian paths be constructed using permeable pavement unless demonstrated to be infeasible through an engineering analysis, in which case concrete or an alternative hard surface approved by the city engineer shall be used. Pedestrian access paths shall have a minimum unobstructed width of five feet except as follows:
 - a. Pedestrian paths that directly abut parking spaces shall have a minimum unobstructed width of seven feet;
 - b. Pedestrian paths along the frontage of a building with a floor area greater than 10,000 square feet but less than 20,000 square feet shall have a minimum width of 10 feet;
 - c. Pedestrian paths along the frontage of a building with a floor area of 20,000 square feet or more shall have a minimum width of 20 feet.
3. Pedestrian access paths shall comply with all applicable ADA and accessibility requirements.
4. A crosswalk shall be required when a pedestrian path crosses a driveway, street, or a paved area accessible to vehicles. Except where driveways or streets access a major arterial the maximum crosswalk length, or distance between curbs, shall be 20 feet. Crosswalks should generally be configured to provide a direct crossing perpendicular to the direction of vehicle travel and shall be designated using paint unless an alternative method is specified by Burlington Municipal Code or approved by the City Engineer.
5. If any parking space is more than 150 feet from the building entrance or principal on-site destination, a stop sign and stop line or other pavement marking shall be required at the end of every row of parking.
6. If any parking space is more than 200 feet from the building entrance or principal on-site destination:
 - a. At least one sheltered rest area shall be provided; and
 - b. Raised crosswalks or speed bumps shall be located at all points where a walkway crosses the lane of vehicle travel.
7. Where the building entrance is more than 250 feet from the public right-of-way, a sheltered rest area may be required at the public street.
8. Sidewalks and walkways should be sloped to drain towards adjoining landscaping, planting areas, or infiltration features. (Ord. 1857 § 2 (Exh. B), 2018).
9. Pedestrian access paths should avoid indirect or circuitous routes and should generally be laid out parallel and perpendicular to the building entrances. When site grades dictate an indirect routing to accommodate an ADA ramp an additional, direct route shall be provided using stairs or steps if needed.
10. Required pedestrian paths along building frontages may be covered by awnings but shall not be located under a building or between the building and a vertical support element such as a pier, pillar, or post.
11. Lighting shall be provided consistent with the requirements of BMC 17.90.105.

17.85.125 (Reserved).

17.85.130 (Reserved).

17.85.135 (Reserved).

17.85.140 Design standards for private streets and roads.

Private streets and roads created to serve new development, including subdivisions, short subdivisions, binding site plans, and commercial and industrial development, shall be subject to the following standards and requirements:

- A. For private streets that provide access to more than one lot, a road maintenance agreement and access easement approved by the City Engineer shall be recorded with Skagit County auditor's office;
- B. Street segments serving four dwellings or less units shall be at least 20 feet in width;
- C. Streets and roads serving non-residential development, more than four dwelling units, or carrying a traffic volume of up to 250 average trips per day, whichever is less, shall be at least 38 feet in width and shall include two driving lanes, one parking lane and sidewalks along both sides of the street.
- D. Streets and roads carrying a traffic volume of 250 average trips per day or more shall comply with the design standards and specifications applicable to public streets and roads in chapter 12.28 BMC;
- E. Low impact development features such as bio-retention areas, rain gardens, and permeable paving shall be incorporated into the design and construction of all private streets and roads unless demonstrated to be infeasible through an engineering analysis. In determining the feasibility of such low impact development features, an engineering analysis shall be submitted and reviewed by the city engineer. This analysis should consider site characteristics such as soil and ground water conditions, and anticipated traffic volumes. The analysis should be consistent with the Washington State Department of Ecology's "Stormwater Manual for Western Washington" and the design and site evaluation guidance in the Puget Sound Partnership's "Low Impact Development Technical Guidance Manual for Puget Sound."
- F. Streets shall be connected to streets on adjacent sites whenever possible. For development sites that abut properties that are vacant or likely to redevelop streets should be extended to the property or site boundaries to facilitate future development.
- G. Construction. Private streets shall be paved and shall be designed and constructed in accordance with any applicable construction or storm-water requirements identified in Title 14 BMC.
- H. Lighting. Pedestrian scale street lighting shall be provided and all lighting shall be consistent with the City's outdoor lighting standards (Chapter 17.70 BMC).
- I. Fire Flow and Access. All streets shall comply with the applicable fire flow and access requirements identified in Chapter 15.08 BMC.
- J. Alternative Street Design Standards. As an alternative to the private road standards listed above, the City may authorize the use of the following alternative design standards for private streets

17.85.150. Alternative Street Design Standards.

As an alternative to the design requirements listed in BMC 17.85.150, the City may authorize the use of the following alternative design standards for private streets. The alternative design standards in this section may only be used for streets serving residential developments comprised primarily of detached, horizontally attached, small lot, or cottage housing.

- A. Entrances. Entrances to a private street system shall clearly delineated using signage and other visual and tactile indicators, such as pavement markings, bollards, planters, boulders, or restricted turning radiuses.
- B. Paving and curbs. The design shall incorporate a variety of paving materials to create a varied surface that visually distinguishes the location of intersections, parking lanes, crosswalks, and pedestrian paths.
- C. Traffic calming. Traffic calming measures, such as raised intersections, chicanes, on-street parking areas, or extra street frontage landscaping shall be incorporated into the design. The overall design should create a street environment that encourages traffic to move at, or near, the speed of pedestrians.
- D. Roadway width. The standard roadway width for two way traffic shall be 20 feet. Narrower street widths may be approved consistent with applicable fire code requirements and for one way street segments.
- E. Pedestrian circulation. A pedestrian access path shall be provided along at least one side of the street. The pedestrian access path shall be at least five feet in width, physically separated form vehicle circulation areas with curbing, landscaping, or bollards, and shall be paved with conventional or porous concrete. A separate pedestrian path shall not be required for street segments less than 150 feet in length consistent with the following:
 - a. The street segment serves only the dwelling units adjoining it and does not function as part of the street system, or the street segment ~~is~~ terminates in a dead end; and
 - b. The roadway surface contains an area delineated for pedestrian travel using a contrasting paving material, such as concrete or stamped asphalt.
- F. On-Street Parking. At least one on-street parking space shall be provided for every four dwelling units in the development. On-street parking spaces may be grouped together and configured as parallel, angled or parking pocket designs. On-street parking areas shall be differentiated from adjacent travel lanes using painting, pavement ~~parkersmarkers~~, or contrasting paving materials. On-street spaces shall be located within 400 of the dwellings they are associated with.

Commented [BJ1]: BJ - 9-12-2024 - Extra word

Commented [BJ2]: BJ - 9-12-2024_ spelling error

G. Storm-water. Private streets shall be designed and constructed consistent with the requirements of Title 14 BMC and shall incorporate LID features consistent with the provisions of BMC 17.85.140.E.

H. Street maintenance agreement. A street maintenance agreement must be approved by the City Engineer and recorded with the Skagit County Auditor.

Chapter 17.90

~~PUBLIC UTILITIES AND TELECOMMUNICATIONS~~

Commented [BJ1]: BJ - 9-12-2024 - changes to this section reflect the fact that it applies to both public and private utilities. Also, the application section makes it clear that it also applies to telecommunications providers. Changed title and title and title statement to reflect this.

Sections:

17.90.010	Title.
17.90.020	Application.
17.90.030	Purpose.
17.90.040	Authority.
17.90.050	Permitted when.
17.90.060	Visual compatibility.
17.90.070	Protective fencing.
17.90.080	Setbacks.
17.90.090	Permit requirements.
17.90.100	Residential locations.

17.90.010 Title.

This chapter shall be called "~~Public Utilities and Telecommunications~~." (Ord. 1857 § 2 (Exh. B), 2018).

17.90.020 Application.

The provisions of this chapter shall apply to all ~~public~~-utility and telecommunication carriers which occupy, use, construct, or maintain utility or telecommunication facilities within the city. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.030 Purpose.

Reserved. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63, 36.70A, and 36.70B RCW and other applicable laws. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.050 Permitted when.

Public utility buildings, telephone exchanges, sewage pumping stations, electrical distribution substations, and similar developments necessary for the operation of a public utility shall be permitted subject to the requirements set forth in this chapter and any other applicable requirements. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.060 Visual compatibility.

A. If the installation is housed in a building, the building must conform architecturally with the surrounding buildings or with the type of building that will develop due to the zoning district.

B. An unhoused installation on the ground or a housed installation that does not conform to the architectural requirements of subsection (A) of this section must be sight-screened with evergreen trees, shrubs and landscaping planted in sufficient depth to form an effective sight barrier within five years. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.070 Protective fencing.

An unhoused installation of a dangerous nature such as an electrical distribution substation shall be enclosed with a fence 6 feet in height. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.080 Setbacks.

All buildings, installations and fences shall observe the setback requirements for buildings in the district in which they are located.

17.90.090 Permit requirements.

All applications to develop or construct utilities shall include a complete plot plan and elevations showing the entire development, and photographs showing the location and character of all adjoining land improvements in addition to all other applicable permit application requirements. Permits for utilities and utility development shall be subject to review and approval by the city engineer. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.100 Consistency with Comprehensive Plan.

A. In order to be considered a permitted use publicly owned utilities must be identified in the Public Facilities and Services Element of the Comprehensive Plan, listed in the City's Capital Improvement Plan (CIP), or identified in a functional or capital plan adopted by reference under the City's Comprehensive Plan.

B. All publicly owned utilities shall be fully consistent with City's Comprehensive Plan and the requirements of this section.

Chapter 17.95

SIGNS

Sections:

- 17.95.010 Title.
- 17.95.020 Application.
- 17.95.030 Purpose.
- 17.95.040 Authority.
- 17.95.050 General provisions.
- 17.95.060 Permit requirements.
- 17.95.070 Exceptions.
- 17.95.080 Review of signs/design standards.
- 17.95.090 Sign regulations, Residential zones.
- 17.95.100 Sign regulations, mixed use commercial and commercial-industrial zones.
- 17.95.105 Sign regulations, mixed use residential zones.
- 17.95.110 Sign regulations, Downtown **Growth-Priority Development Area**.
- 17.95.112 Sign regulations, public facilities and transportation zones.
- 17.95.115 On-site traffic control and directories.
- 17.95.120 Electronic changing message sign requirements.
- 17.95.125 Permitted temporary or portable signs.
- 17.95.130 Off-premises signs.
- 17.95.135 Prohibited signs.
- 17.95.140 Variances.

17.95.010 Title.

This chapter shall be called “Signs.” (Ord. 1857 § 2 (Exh. B), 2018).

17.95.020 Application.

The provisions of this chapter shall apply to the construction, erection, installation, maintenance, alteration, expansion, or development of all signs, signage, and sign structures within the city of Burlington. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.030 Purpose.

The purpose of this chapter is to establish standards for the regulation of signs, to assist businesses in contributing to the economic well-being of the community by increasing the overall effectiveness of visual communications, to provide a harmonious relationship of urban graphics and their settings, and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and the community’s appearance. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35A.63, 36.70A, and 36.70B RCW and other applicable laws. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.050 General provisions.

A. Conflicting Standards. All signs shall be subject to the provisions of this chapter, except where more specific standards for signs are specified for a special planning area, zone, or district. In such case the more specific standards shall apply.

B. Signs Subject to State Approval. All signs visible to the traveling public from state highways are subject to the regulations and permit requirements of the State Department of Transportation. Where the regulations of the state and city differ, the more restrictive regulations shall govern.

C. Building Code Compliance. All signs for which a building permit is required shall comply with the applicable provisions of the building code adopted by the city and codified in Title 15 BMC.

Commented [BJ1]: BJ - 9-12-2024 - changed to reflect change in definitions adopted during last code update cycle.

D. Address Display. The signing program for a multifamily, commercial or industrial development shall include the display of street numbers for the development on the sign, support structure, or building where it can be seen from adjacent roads, as specified in Title 15 BMC.

E. Sign Clearances. A minimum of eight feet above sidewalks and 15 feet above driveways shall be provided under freestanding or projecting signs.

F. Setbacks. Signs shall be situated in a manner so as not to adversely affect safety, corner vision, public rights-of-way, improvements or future improvements, easements, or other similar conditions.

G. Illuminated Signs.

1. Internally illuminated signs, or lights used to indirectly illuminate signs, shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures or impair the vision of the driver of any vehicle.

2. No colored lights shall be used at any location or in any manner which may be confused with or construed to be traffic signals or control devices, or lights on an emergency vehicle.

3. No person shall construct, establish, create or maintain any stationary exterior lighting or illumination system or any interior system which is intended to be viewed from a public right-of-way used for vehicular traffic which system contains or utilizes:

a. Any exposed incandescent lamp with a wattage in excess of 25 watts unless a dimmer or sun screen is attached;

b. Any exposed incandescent lamp with an internal or external metallic reflector;

c. Any continuous or sequential flashing operation.

4. All lighted signs shall have low or soft illumination or be shielded.

H. Moving Signs. No sign, sign structure, or portion thereof shall be designed to rotate, flutter, or appear to move, except as specifically provided in this code.

I. Maintenance. All signs, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and be maintained in a safe condition. All signs and the sites upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from rust, corrosion, peeling paint, or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted.

J. Nonconforming Signs. Legally established signs and sign structures which do not comply with the regulations and requirements in this chapter shall be subject to the provisions of Chapter 17.100 BMC .

17.95.060 Permit requirements.

A. A permit shall be required to erect, re-erect, construct, reface, alter, expand, or relocate any sign or sign structure unless the type of sign is specifically listed in the exceptions section of the chapter (BMC 17.95.070).

B. Applications for sign permits shall be submitted to the director upon forms provided by the city. Sign permit applications shall include:

1. Site (plot) plan drawn to scale showing the location of the affected site, lot, premises, building or buildings, and sign or signs, showing both existing signs and awnings and the proposed sign;

2. Scale drawing of the proposed sign or sign revision, including size, height, copy, structural and footing details, material specifications, methods of attachment, illumination, landscaping, front and end views of awning, sample of canvas, soil, seismic and wind calculations, photograph of site and building marked to show where sign or awning is proposed, and any other information required to ensure compliance with appropriate laws;

3. Written consent of the owner of the building, structure, or property where the sign is to be erected, if not the applicant;
4. A permit fee per current fee resolution;
5. A list identifying the size and type of each existing sign located on the building, lot, site, premises, or business establishment. (Ord. 1857 § 2 (Exh. B), 2018).
6. Any other information requested by the Director for purposes of demonstrating compliance with the Chapter or any other applicable regulatory requirements.

17.95.070 Exceptions.

The following shall not require a permit. These exceptions shall not be construed as an exemption from the other requirements of this chapter or other applicable laws and regulations.

A. Address signs are allowed without permit when the following conditions are met:

1. One sign allowed per street frontage displaying the street number and/or name of the occupant of the premises;
2. Such signs may be attached to the building or may be on a post no more than four feet high, and set back at least three feet from the public right-of-way;
3. Such signs may include identification of an on-premises professional office;
4. Such signs may not exceed two square feet in area;
5. Such signs shall be limited to a maximum letter height of eight inches.

B. Temporary signs as defined in subsection (B)(7) of this section are allowed without permit when the following conditions are met:

1. Only one sign is allowed for each street frontage of the property upon which the sign is located. Small directional signs may be placed at the end of the block where an occurrence requiring a sign is located with the property owner's permission.
2. Signs shall not exceed nine square feet in area and six feet in height; flags must not exceed 15 square feet in area.
3. Signs shall not be illuminated.
4. Signs must be set back a minimum distance of five feet from the frontage road and 10 feet from adjoining properties unless exceptions are made by the community development director or designee. Sign may not be placed on public street right-of-way or private property without an owner's permission. Directional signs may not be placed in any improved roadway. Portable signs must be placed in a way that does not unduly obstruct foot or vehicular traffic.
5. Temporary signs shall not be placed upon public utility poles.
6. Signs shall be placed or erected at the time of the occurrence requiring the use of the sign and removed within 48 hours of the end of the occurrence requiring use of the sign.
7. Temporary signs include signs intended to be or allowed to be displayed for a limited period of time. Excepted temporary signs do not include ongoing commercial signage or readerboards. Temporary signs typically include the following:
 - a. Construction signs;

- b. Real estate signs;
- c. Directional signs;
- d. Flags;
- e. Garage sale signs;
- f. Public notification signs; and
- g. Signs, banners, streamers and other similar apparatus used in conjunction with a community event. A “community event” is an event of a public nature sponsored by the city or a community club, chamber of commerce, or other community organization.

Temporary signs that do not meet the description and conditions set forth above may be allowed pursuant to a permit pursuant to the conditions and terms of BMC 17.95.125.

C. Political Signs. Political signs on private property where allowed by the property owner or upon properties that lawfully constitute a public forum. Such signs shall be removed within one week after the election for which the sign is posted. Signs shall not exceed 16 square feet in size as viewed from one direction unless placed on an approved off-site location with greater allowed size limitations. Such signs shall observe the corner vision requirements of this title, and shall not be situated in a manner which creates a hazard.

D. Incidental signs located on the premises may be displayed on any window or door. Incidental signs are permanent signs that include emblems, decals, nameplates and other similar signs indicating residence, affiliation or membership in organizations, acceptance of credit cards, brand names of items sold, and other such information which pertains to the use of the premises.

E. Temporary Window Signs. Posters and other signs of a temporary nature which advertise or inform the public of current prices or events may be displayed on the inside of any window or door of a business located in a commercial, business, or industrial district, covering a maximum of 20 percent of the window or door area.

F. Within a Building. Any sign which is located within a building and which is clearly intended to be visible primarily to people located within the building. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.080 Review of signs/design standards.

The size, design, color, lighting, location and supporting structures of nonexempt signs shall comply with the following provisions, in addition to other applicable provisions of this chapter:

A. Legibility. All forms of sign copy shall be of a size, color, style, spacing, and shape to produce a legible, concise, and uncluttered message as viewed from adjacent public roads or from an internal circulation road or walkway towards which it is oriented.

B. Design. Signs shall be designed using shapes, graphics, colors, materials, and lighting which are coordinated, integrated into, and a natural extension of the design of the building, development or business identified. On-building signs shall be incorporated into the design of the building and shall not be placed in locations which interrupt, detract from or change the architectural lines of the building.

C. Coordination. In multi-tenant developments, every effort shall be made to coordinate the size, placement, and colors of signs to promote a pleasing image and avoid a confusing, cluttered appearance, while retaining individual business identity through the use of letter style, logos or symbols. An overall sign program addressing the requirements of this section shall be required for multi-tenant developments, and it shall be the responsibility of the owner/manager of the development to inform all tenants of the requirements of the approved sign program.

D. Sign Structure. When visible, the supporting structure of the sign shall be incorporated into the overall sign design, and shall be in scale with the sign. The sign structure, and any street numbers included on the sign structure, shall not be counted for purposes of determining sign area. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.090 Sign regulations, residential zones.

Only those sign types listed below or identified as exceptions in BMC 17.95.070 shall be permitted in the RD or RA zones.

A. Residential Nameplate Signs.

1. Permitted sign types: building-mounted only.
2. Maximum sign area: two square feet.
3. Maximum number: one for each dwelling unit.
4. Location and setback requirements: may be mounted on a dwelling unit or accessory structure.
5. Permitted illumination: external illumination only.

B. Home Occupation and Non-Residential Uses. The following standards shall apply to signs identifying home occupations or permitted non-residential uses.

1. Permitted sign types: interior, building-mounted, or freestanding.
2. Maximum sign area: six square feet (24 inches by 36 inches).
3. Maximum number: one sign.
4. Location and Setback Requirements. Home occupation signs must be located on the same lot as the dwelling unit housing the home occupation and:
 - a. Interior signs shall be located within the building housing the home occupation; and
 - b. Building-mounted signs shall be affixed to the building housing the home occupation; and
 - c. Freestanding signs shall be located within 10 feet of the building housing the home occupation. Freestanding signs shall be subject to a maximum height of four feet, six inches.
5. Permitted illumination: external illumination only.

C. Signs Identifying Residential Developments.

1. Permitted sign types: freestanding signs only.
2. Maximum sign height: five feet.
3. Maximum sign area: 30 square feet.
4. Maximum Number. One sign shall be allowed for each development or complex, even when more than one tax lot or ownership is included in the development, except as follows:
 - a. When an additional sign is needed to provide identification of the development at major public access points located on two different roads; or
 - b. When two single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign.
 - c. In business park developments, additional signage may be permitted to identify the residential portions of the development, as well as the commercial or industrial portions.

5. Location and Setback Requirements. Signs shall be situated in a manner so as not to adversely affect safety, corner vision, public rights-of-way improvements or future improvements, easements, or other similar conditions.

6. Permitted Illumination. External illumination only.

D. Noncommercial Public Service Signs.

1. Permitted sign types: freestanding, building-mounted, and reader board.

2. Maximum sign height: see BMC 17.95.100(B).

3. Maximum Sign Area.

a. Freestanding signs: 24 square feet per side.

b. Building-mounted signs: see BMC 17.95.100(E).

4. Maximum Number.

a. Freestanding signs: one freestanding sign on each premises.

b. Building-Mounted Signs. Building-mounted signs shall be subject to the maximum area limits specified in BMC 17.95.100(E).

5. Permitted Illumination. External illumination only.

6. Special Standards. Reader board signs that are not electronic are allowed; provided, that the area of the reader-board shall be included within the total allowable square footage for signage. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.100 Sign regulations, mixed use commercial and commercial-industrial zones.

A. General. The following regulations and standards shall apply to all on-premises signs located in the MUC and CI zones; provided, that this section shall not apply to signs located within the Downtown Priority Development Area which shall be subject to the standards in BMC 17.95.110. Only those signs listed below shall be permitted.

B. Freestanding Signs, Individual on Premises. Individual businesses or uses that are not located in a multiple-tenant development may be identified by a single freestanding on-premises sign. The following regulations shall apply to all freestanding signs except for freestanding signs located within a multiple-tenant development which shall be subject to the requirements identified in subsections (C) and (D) of this section:

1. Maximum sign height: 25 feet, except that:

a. Freestanding on-premises signs located within 500 feet of an I-5 interchange which are associated with a use catering to freeway travelers such as a gas station, eating and drinking establishment, or hotel may have a maximum height of 50 feet; and

b. Freestanding on-premises signs located on lots with freeway frontage may be 45 feet in height.

2. Maximum sign area: 50 square feet as viewed from one direction, except that:

a. An additional 30 square feet may be permitted if the site is larger than one-half acre; and

b. An additional 30 square feet may be permitted if identification of more than one use within a development is included on the sign; and

c. An additional 30 square feet may be permitted if the sign uses natural materials (carved or sand-blasted wood, or marble or stone) and indirect illumination; and

d. An additional 30 square feet may be permitted for freestanding on-premises signs located within 500 feet of an I-5 interchange or on lots with freeway frontage when associated with a use catering to freeway travelers; and

e. Sign area may be increased by a maximum of 20 square feet for time and temperature only if a time and/or temperature display is incorporated in the design of the sign, as further regulated in BMC 17.95.120; and

f. For developments over 30 acres in size, an additional 30 square feet of sign area is allowed for each tenant larger than 10,000 square feet in size up to a maximum of 350 square feet.

3. Maximum number: one sign for each tenant or use.

4. Location and Setback Requirements.

a. All freestanding on-premises signs shall be located on the same site or premises as the tenant or use with which they are associated; and

b. All freestanding on-premises signs shall be located within a landscaped planter with protective curbs located at least three feet from all support elements; and

c. All freestanding on-premises signs shall be subject to a minimum property line setback of 10 feet. This setback shall be measured from the outer edge of the sign closest to the property line.

5. Permitted Illumination. Internal or external illumination may be permitted. Externally illuminated signs shall be subject to BMC 17.95.050(G).

C. Development Complex Signs, Primary. The following standards and regulations shall apply to all multiple-tenant developments and to freestanding signs located in a multiple-tenant development:

1. Maximum sign height: see subsection (B)(1) of this section.

2. Maximum sign area: see subsection (B)(2) of this section.

3. Maximum Number. One development complex sign shall be allowed for each multiple-tenant development, even when more than one tax lot or ownership is included in the development, except that:

a. Two additional signs may be used to identify a multiple-tenant development if the development has access points located at different major arterials; provided, that the additional signs shall be located at an arterial point; and further provided, that only one such sign shall be located at each access point; and

b. Two single-faced signs oriented in opposite directions may be used in lieu of a single double-faced identification sign.

4. Location and Setback Requirements. Development complex signs shall be located within the multiple-tenant development with which they are associated and may only be used to advertise the development and the tenants and uses located within the development. Development complex signs shall be subject to a minimum property line setback of 10 feet.

5. Permitted Illumination. Internal or external illumination may be permitted. Externally illuminated signs shall be subject to BMC 17.95.050(G).

D. Development Complex Signs, Supplemental. A monument sign may be used to identify individual tenants within a multiple-tenant development which are not otherwise identified by a primary development complex sign subject to the following:

1. Permitted sign types: freestanding only.

2. Maximum sign height: six feet.
3. Maximum sign area: 36 square feet.
4. Maximum Number. Only one monument sign shall be allowed for each tenant or business.
5. Location and Setback Requirements.
 - a. Each sign shall be located in front of the tenant or business it identifies; and
 - b. Each sign shall be located within a landscaped area surrounded by curbing located at least three feet from the base of the sign unless the sign is located next to a sidewalk.
 - c. Each sign shall be located at least 50 feet from any primary development complex sign and 100 feet from any supplemental development complex sign.
 - d. Signs shall not be located within a radius of 20 feet of the corner of any two streets or the corner of a driveway and street.
6. Material and Design Requirements. Colors and materials shall be the same, or substantially the same, as those used on the building housing the tenant or business identified by the sign.
7. Permitted Illumination. Internal or external illumination may be used subject to the general illumination standards in BMC 17.95.050(G).

E. Building-Mounted Signs. Building-mounted signs identifying the use of space within the building on which the sign is mounted may be permitted subject to the following conditions:

1. Maximum Sign Area. The total combined area of all building-mounted signs on a building frontage shall be limited to two square feet for each linear foot of building frontage, except that if a tenant is not identified by any other sign 60 square feet may be permitted regardless of frontage length.
2. Permitted Illumination. Signs may be internally or externally illuminated subject to BMC 17.95.050(G).

F. Movie Theaters. The following additional provisions shall apply to on-premises signs advertising movie theaters:

1. Movie theaters with freeway frontage or located within 500 feet of a freeway interchange may have up to two freestanding signs provided one freestanding sign is located along an arterial and one sign is located along the freeway frontage. Signs permitted by this provision shall be limited to 100 square feet per sign face.
2. Readerboards may be incorporated into freestanding signs or building-mounted signs; provided, that no moving messages shall be permitted; and further provided, that the total area of any such sign does not exceed the maximum permitted sign area.

G. Permitted Temporary and Portable Signs. The following regulations shall apply to temporary and portable signs permitted pursuant to BMC 17.95.125:

1. No more than a combination of one portable sign and two banners shall be permitted for any business.
2. In addition to permanent signage, a business may also display one movable sign during business hours up to a maximum size of six square feet per sign face.
3. Signs shall be secured, anchored, weighted or staked to handle wind loads of 50 miles per hour.
4. In the retail core, signs shall be located behind the sidewalk on private property.
5. In downtown, signs shall be located within the area for outdoor display of goods, as provided in BMC 17.45.080(B)(2) of this section, or other approved location.

6. Well-maintained banners may be used for promotions if securely anchored.

7. Up to two well-maintained blade banners per street front may be used on private property and not extend over public right-of-way, if securely anchored.

H. Walking Advertisers. 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. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.105 Sign regulations, mixed use residential zones.

A. General. The following regulations and standards shall apply to all on-premises signs located in the MUR zones. Only those signs listed below shall be permitted.

B. Permitted sign types: building-mounted or freestanding.

C. Maximum sign height: Freestanding signs shall be limited to a maximum height of five feet.

D. Maximum sign area: 20 square feet.

E. Maximum number: one sign for each building or premises.

F. Location and Setback Requirements. Freestanding signs shall be located in front of, and within 15 feet of, the building they are associated with.

G. Permitted Illumination. Internally illuminated signs are prohibited. Externally illuminated signs shall be subject to the general standards in BMC 17.95.050(G).

H. Permitted Temporary and Portable Signs. The following regulations shall apply to temporary and portable signs:

1. No more than a combination of one portable sign and two banners shall be permitted for any business.
2. In addition to permanent signage, a business may also display one movable sign during business hours up to a maximum size of six square feet per sign face.
3. Signs shall be secured, anchored, weighted or staked to handle wind loads of 50 miles per hour.
4. In the retail core, signs shall be located behind the sidewalk on private property.
5. In the Downtown Priority Development Area, signs shall be located within the area for outdoor display of goods, as provided in BMC 17.45.080(B)(2), or other approved location.
6. Well-maintained banners may be used for promotions if securely anchored.
7. Up to two well-maintained blade banners per street front may be used on private property and not extend over public right-of-way, if securely anchored.

I. Walking Advertisers. 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. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.110 Sign regulations, Downtown Priority Development Area

A. General. In addition to any other applicable standards or requirements identified in this chapter, signs located within the Downtown Growth Area shall be subject to the following additional standards.

B. Permitted Sign Types. Each building or premises may have either a freestanding sign or a building-mounted sign. Building-mounted signs may be projected signs.

C. Maximum Sign Height. Maximum sign height shall be 25 feet.

D. Maximum Sign Area. Maximum sign area shall be 25 square feet.

E. Maximum Number. A single sign is permitted for each building or premises.

F. Special Standards. Building-mounted signs which project over a sidewalk or alley (within the right-of-way) shall have at least eight feet of vertical clearance from the sidewalk to the bottom of the sign, or 15 feet of clearance from an alley to the bottom of the sign. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.110 Sign regulations, ~~public facilities and transportation zones~~ parks and public facilities.

A. General. The following standards apply to signs located in the PFT ~~and PC~~ zones.

Commented [BJ2]: BJ - 9-12-2024 - This section was intended to apply to all publicly owned property but the PC zones were left out. Corrected.

B. Permitted Sign Types. Each building or premises may have both a freestanding sign and a building-mounted sign. Building-mounted signs may be projected signs or rooftop signs.

C. Maximum Sign Height. Maximum sign height shall be 25 feet, except for rooftop signs authorized by this section.

D. Maximum Sign Area. Maximum sign area shall be 25 square feet.

E. Maximum Number:

1. Building mounted signs: one sign for each building façade;
2. Freestanding signs: one sign for each street frontage abutting the premises;

F. Special Standards.

1. Building-mounted signs which project over a sidewalk or alley (within the right-of-way) shall have at least eight feet of vertical clearance from the sidewalk to the bottom of the sign, or 15 feet of clearance from an alley to the bottom of the sign.
2. Rooftop signs shall only be permitted on gabled roofs and shall be located as close to the eave line as possible. Under no circumstances shall a rooftop sign, or any portion of a rooftop sign, extend above the peak of the roof it is attached to.
3. Prohibited signs:
 - a. Signs located in a street right-of-way and off premises signs except for traffic control signs, temporary construction signs, signs necessary for emergency management purposes, and signs installed under the provisions of the City's wayfinding signage program (BMC 17.95.130.D);
 - b. Signs owned, erected by, managed, maintained, or paid for by a private entity. Only public signs are permitted in the PFT zones.

17.95.115 On-site traffic control and directories.

A. Traffic Control. Signs which direct the flow of traffic to, from and within the site area shall observe the corner vision requirements of the district and shall be a maximum of three square feet per side. See BMC 17.70.050 and 17.70.060.

B. Directories. An on-site sign oriented primarily towards vehicle circulation which identifies and directs traffic to a number of tenants, uses or buildings within the development, including informational signs, shall be limited in area to a maximum of two square feet per tenant, use or building specifically identified, up to a maximum of 40 square feet, and shall not exceed 12 feet in height. Directories oriented toward pedestrian circulation areas, including those attached to buildings, shall be a maximum of 24 square feet in area and eight feet in height.

C. Menu Boards. On-site menus oriented toward internal circulation drives shall not exceed a combined area of 40 square feet. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.120 Electronic changing message sign requirements.

A. A time and temperature sign is permitted up to a maximum of 20 square feet in area for time and temperature only, in locations specified in BMC 17.95.100.

B. An LED gas price sign is permitted with digit heights of six, eight, 12, 15, 22 and 30 inches for gas prices only, in locations specified in BMC 17.95.100, to be included in maximum sign area.

C. Electronic message center signs and other changeable copy signs shall be incorporated into a permanent identification sign which is otherwise permitted by this chapter. Approval for electronic message center signs shall not be granted unless the following conditions are satisfied:

1. Only one electronic message center sign shall be used in a development;
2. The changeable copy sign or electronic message center shall be integrated into a non-electronic sign and the electronic portion of the sign shall not exceed:
 - a. Eighty square feet in sign area for signs 40 feet or less in height;
 - b. One hundred fifty square feet in sign area for signs over 40 and less than 50 feet in height;
 - c. Two hundred fifty square feet in sign area for signs 50 feet in height;
 - d. Sign pole width shall be a maximum of one-fourth of the sign width;
3. Electronic message centers and changeable copy signs may be used only to advertise activities conducted or goods and services available on the property on which the sign is located, or to present public service information;
4. Electronic message center signs are only permitted for a multiple-tenant development complex;
5. Location shall be in the Westside Special Development Area, within 100 feet of the Interstate 5 right-of-way and the sign shall be oriented to Interstate 5, separated along each side of I-5 by 1,500 feet;
6. The display shall comply with WAC 468-66-050 as summarized and amended here: Electronic signs may be used only as on-premises signs and/or to present public service information as follows:
 - a. Advertising messages on electronic signboards may contain words, phrases, sentences, symbols, trademarks, and logos. A single message or a message segment must have a static display time of at least two seconds after moving onto the signboard, with all segments of the total message to be displayed within 10 seconds. A one-segment message may remain static on the signboard with no duration limit.
 - b. Displays must appear as a picture that holds in a static position for a minimum of four seconds.
 - c. Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the signboard.
 - d. No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed 8,000 nits or equivalent candelas during daylight hours, or 1,000 nits or equivalent candelas between dusk and dawn. Signs shall be programmed to automatically adjust illumination for all times of day and night.

D. No other signs or illuminating devices shall have blinking, flashing, or fluttering lights. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.125 Permitted temporary or portable signs.

The following regulations shall apply to all temporary or portable signs not exempt under BMC 17.95.070:

A. Special Events Sign Permit. Temporary signs, banners, lights, streamers, inflatables, balloons, and other similar apparatus used in conjunction with a special event may be used after obtaining a special event permit subject to the following conditions:

1. Time Period and Duration. The display of apparatus specified shall not exceed a total time period of four weeks in any calendar year; provided, that temporary displays for outdoor sales of vehicles that are maintained in good repair may be used as desired except in the retail core.
2. Hazards. No sign, light, electric cord, streamer, banner, or other apparatus shall be situated or used in a manner which creates a hazard.

B. Temporary Portable Identification Signs. One portable identification sign may be used to temporarily identify a new business until permanent identification signs are installed, or to identify an existing business while permanent signs are being repaired or replaced, under the following conditions and limitations:

1. Maximum Size. No portable identification sign shall exceed 24 square feet in area.
2. Setbacks. Portable signs shall observe corner vision requirements, and shall in no case be placed in the public right-of-way.
3. Anchoring. All signs shall be physically anchored to the premises in a manner which both prevents the sign from being moved or blown from its approved location, and allows the prompt removal of the sign.
4. Illuminated Signs. No portable identification sign shall have flashing lights or arrows or any other apparatus which may be construed to be a traffic control device. All illuminated signs requiring an outside power source shall use a state-approved power outlet.
5. Hazards. No portable sign or associated apparatus shall be situated or used in a manner which creates a hazard. The city retains the right to remove a portable sign that, in the judgment of the city officials, may create a hazardous situation.

C. Walking Advertisers. 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. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.130 Off-premises signs.

Off-premises signs shall not be allowed except as herein provided:

A. Billboards (Outdoor Advertising Structures). New billboards shall not be allowed in any zoning district.

B. Political Signs. Signs which support or oppose ballot measures, persons running for political office, and other issues subject to a vote by the public may be allowed subject to the following conditions:

1. Approval of the owner of the property on which the sign is to be placed;
2. Location. Such signs shall not be posted in state, county or city rights-of-way, on telephone poles, traffic signs, or other public apparatus. Such signs shall observe the corner vision requirements of this title, and shall not be situated in a manner which creates a hazard;
3. Size. Signs shall not exceed 16 square feet in size as viewed from one direction;
4. Time Limit. Such signs shall not be posted more than four months before the affected election, and shall be removed within one week after the election for which the sign is posted.

C. Temporary Directional Signs. The intent of this provision is to allow the infrequent, and not the regular, use of signs of a temporary nature. Off-premises directional signs of a temporary nature such as those used to direct persons to open houses, garage sales, or special events of short (two days') duration may be allowed subject to the following conditions:

1. Any such sign which is visible from a state highway shall be subject to approval by the State Department of Transportation.
2. All such signs shall comply with subsections (B)(1) through (3) of this section.
3. Time Limit. All such signs shall be removed at the end of the day on which the event, open house or garage sale is conducted and shall not be used repeatedly, contrary to the stated intent.
4. The city shall have the authority to immediately remove and dispose of any such sign found to be in violation of this subsection.

D. Wayfinding Signage Program. The intent of this provision is to establish a city managed wayfinding sign program that provides directional and locational information to the general public about places of general interest, such as tourist information services, school or public recreational facilities, shopping malls, restaurants, lodging, business directories designed to be compatible with the city's urban wayfinding program, central business or other special districts, historic sites, and regional developments; or to provide information of a general community nature, such as those found at city entrance locations identifying the city and historic dates, or listing local service clubs and organizations or to provide business identification for sites located on a dead-end street. Such signs may be allowed, subject to the following:

1. Only signs located in a public right-of-way and installed and maintained by the City of Burlington shall be permitted under this section (BMC 17.95.130.D).
2. In order to reduce visual clutter and maximize the benefits of the wayfinding program, signs identifying individual points of interest shall be consolidated whenever possible and all signs shall be consistent with the City's adopted wayfinding signage program.
3. Signs visible from, or located in the right-of-way of, a state highway shall be subject to approval by the Washington State Department of Transportation.
4. Location. The location of wayfinding signs shall be approved by the City Engineer. Signs shall not be placed where they may cause a hazard, or obstruct the vision of any driver.

~~54.~~ Size. Signs identifying individual points of interest shall be no larger than necessary to clearly inform or direct the public and shall be consistent with the city's urban wayfinding signage program.

~~65.~~ Illumination. May be indirectly illuminated.

~~76.~~ Design. All such signs shall be designed using materials, colors, lettering and other graphics consistent with the City's adopted wayfinding signage program. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.135 Prohibited signs.

A. Prohibited signs are subject to removal by the city at the owner's or user's expense. Prohibited signs on public property may be summarily removed by the city. Prohibited signs on private property shall be subject to code enforcement action for removal pursuant to this section.

B. The following signs or displays are prohibited in all zones within the city, whether located on public or private property, except those expressly permitted as temporary signs in BMC 17.95.125:

1. Abandoned or obsolete signs;
2. Animated or moving signs;
3. Dilapidated, nonmaintained signs;
4. Flashing signs and strobe lights, holographic displays;
5. Inflatable advertising devices;

6. Mylar balloons;

7. Obstructing signs which obstruct or interfere with free access to or egress from a required exit from a building or structure, or do not meet corner vision requirements;

8. Off-premises signs except those expressly allowed in this chapter;

9. Pennants, streamers, ribbons, spinners, whirlers, propellers, festoons, blinking lights, or similar items that attract attention through movement, reflection or illumination;

10. Portable signs include any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Examples of portable signs include but are not limited to wire stake signs, A-frame, sandwich board signs and portable readerboard signs. See BMC 17.95.125(B) for exceptions;

11. Persons carrying or wearing portable advertising signs or costumes designed to advertise a business. See BMC 17.95.125(C) for exceptions;

12. Signs mounted on the tops of roofs, projecting above parapet walls, are prohibited, except those explicitly authorized by this Chapter. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.140 Variances.

Relief from or modifications of the size limits of signs regulated by this chapter require a zoning variance as provided in BMC 14A.05.150. (Ord. 1857

**Chapter 17.81
Landscaping**

17.81.010	Title
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17.81.010 Title

This Chapter shall be called "Landscaping"

17.81.020 Application

This Chapter shall apply to all development, including but not limited to land use and building permits, the maintenance, removal or alteration of any landscaping required under this Chapter, and the removal or alteration of significant trees.

17.81.030 Purpose

The purpose of this Chapter is to:

- A. Improve the character and appearance of the City;
- B. Manage storm-water, reduce erosion, provide areas for bio-filtration, and maintain or restore natural hydrologic processes;
- C. Protect public health by providing shade and wind protection, reducing urban heat island effects, improving air quality;
- D. Reduce localized flooding and slow the movement of floodwaters;
- E. Protect the quality of groundwater, provide opportunities for groundwater recharge, and conserve water resources;

- F. Provide buffers between incompatible uses and minimize aesthetic, noise, light, glare, and privacy impacts;
- G. Promote economic development by creating an aesthetically pleasing, safe, and comfortable environment for residents, visitors, and businesses;
- H. Provide wildlife habitat and promote biodiversity;
- I. Implement the City's comprehensive plan

17.81.040 Authority

This Chapter is adopted pursuant to the provisions of chapters 35A.63 and 36.70A RCW and other applicable laws and regulations.

17.81.050 Plans and Review Process

- A. Plans Required. Landscaping plans shall be required for all new development except:
 - 1. The construction or modification of a detached dwelling or duplex on an existing lot;
 - 2. The construction or modification of normal residential appurtenances and accessory uses associated with an individual detached, duplex, or horizontally attached dwelling unit;
 - 3. Normal residential landscaping and gardening associated with an individual detached, duplex, or horizontally attached dwelling unit located on an existing lot;
 - 4. The construction or modification of buildings and other improvements on a site where the existing landscaping fully complies with this chapter and where the landscaping will not be modified;
 - 5. Simple small scale projects where little or no landscaping is required and where compliance with the requirements of this Chapter can be readily assured through simple conditions of approval.
- B. Landscape Architect Required. All landscaping plans shall be prepared by a Landscape Architect licensed in the State of Washington. This requirement may be waived for simple small scale projects where little or no landscaping is required.
- C. Plan Requirements. Landscaping plans shall be drawn to scale and include the information specified below.

Commented [BJ1]: BJ - 9-12-2024 - Clarifies this exemption does not apply to subdivisions or multiunit developments.

1. The location of property boundaries, easements, and streets located on, or adjoining the development site;
 2. The location and dimensions of all existing and proposed structures and site improvements such as buildings, parking areas, utilities, storm-water improvements, trash enclosures, and low impact development features;
 3. The location and dimensions of all existing and proposed landscaping areas, buffers strips, fences, walls, and retaining walls;
 4. The location, species, and approximate size of all proposed landscape plantings and trees;
 5. Identify and describe all non-plant landscaping materials such as gravel, stones, bark, mulch, fountains, and ponds;
 6. Tables demonstrating compliance with the minimum area and planting ratios specified in this Chapter;
 7. Irrigation plans or draught tolerating planting documentation;
 8. The location of any existing significant trees and information on their protection and retention;
 9. Planting information describing the mature size of plants and trees, the size of plants or trees at installation, and information on the coverage or spread of groundcover plantings;
 10. Instructions regarding planting methods, watering, or soil amendments necessary to ensure the landscaping is adequately established and survives;
 11. Plans for the removal of any noxious weeds or invasive species;
 12. Any other information deemed necessary by the Community Development Director for purposes of demonstrating compliance with this Chapter or any other provision of the Burlington Municipal Code.
- D. Review Process. Landscaping plans shall generally be reviewed in conjunction with the associated land use permit. Where no land use permit is required the landscaping plan shall be reviewed in conjunction with the underlying building or development permit. If no permit is required the landscaping plan shall be processed as a Type I permit review in accordance with the requirements of Title 14A BMC.

17.81.060 General Requirements

A. Landscaping Materials.

1. Plants and trees shall be adapted to the local climate and soil conditions;
2. At least 50 percent of all plants and trees shall be native to the Puget Lowland region of the Pacific Northwest and at least 25 percent of all required trees shall be coniferous evergreens;
3. No artificial lawn or plants shall be permitted in landscaped areas or used to satisfy the requirements of this Chapter;
4. Bark, mulch, gravel, river-rock, and other non-vegetative material may only be used in conjunction with landscaping to assist with the health and growth of plants and trees. Non-vegetative material shall not be used as a substitute for vegetative ground cover or otherwise used to satisfy the requirements of this Chapter. Under no circumstances shall non-vegetative material appear to dominate over plant material;
5. Species identified as noxious weeds or invasive species by the Washington State Noxious Weed Control Board or other applicable authority are prohibited and shall not be planted anywhere in the City of Burlington. When landscaping is required all existing noxious weeds or invasive species shall be removed from the site and properly disposed of;
6. Species should include a variety of seasonal colors, forms, and textures that contrast or complement each other and a mixture of evergreen and deciduous trees, shrubs, groundcover, and low-maintenance perennials. Preference should be given to species that can be maintained in their natural form without significant pruning or care;
7. Species shall be selected, planted, and maintained to avoid conflicts with, or damage to, streets, sidewalks, paths, above or below ground utilities, and other similar improvements. When trees are planted within ten feet of a sidewalk, pedestrian path, or street root barriers shall be provided. Tree wells shall have sufficient depth and dimensions to promote healthy root development and avoid damage to adjacent improvements. At a minimum, trees shall be planted in a hole that measures at least three times the diameter of the tree's root-ball.

- B. Minimum Landscape Material Specifications. The following specifications shall apply to the plants, trees, fences, walls, and other landscaping materials required by this section.

Commented [BJ2]: BJ - 9-12-2024 - missing word

1. Deciduous trees shall have a clear truck at least five feet above the ground and a minimum caliper of at least two inches at the time of planting;
2. Evergreen trees shall have a minimum height of six feet at the time of planting;
3. Vine maples and other multi-stemmed trees shall have a minimum height of seven feet at the time of planting;
4. Small shrubs shall be have a minimum height of 12 inches with a one gallon pot or ball-and-burlap at the time of planting. Small shrubs have a mature height of 3 feet or less.
5. Medium shrubs shall be have a minimum height of two feet with a three gallon pot or ball-and-burlap at the time of planting. Medium shrubs have a mature height of more than three feet but less than six feet.
6. Large Shrubs shall have a minimum height of more than two feet with a five gallon pot or ball-and-burlap at the time of planting. Large shrubs have a mature height of six feet or more.
7. Groundcover shall be provided using grass sod, or spreading groundcover in four inch pots planted at intervals of nine inches or less, or one gallon pots planted at intervals of 18 inches or less. In all cases groundcover plantings shall be sufficient to achieve a uniform spread and 80 percent cover of the planting area within two years of installation.
8. Solid site obscuring fences shall be constructed of wood and painted or stained a dark natural color. Chain-link (cyclone) fencing may also be used provided it is treated with a dark, natural colored coating (such as black or green) and matching privacy slats are used. Other materials may be authorized provided they are consistent with the objective of creating a solid site obscuring fence that is visually inconspicuous, blends in with surrounding vegetation, and complements the architecture of surrounding buildings and developments.

C. Minimum Area Requirements. The following requirements specify the minimum percentage of the gross site area which must be landscaped.

Zoning Classification	Required Percentage of Gross Site Area
Residential (RD and RA)	15
Mixed Use Residential (MUR-1 and MUR-2)	15
Mixed Use Commercial (MUC-1 and MUC-2)	15
Public Facilities and Transportation (PFT-1)	15

Public Facilities and Transportation (PFT-2)	10
Commercial Industrial (CI-1 and CI-2)	10

1. Downtown. For sites located in the Downtown Priority Development Area with frontage on Fairhaven Avenue the minimum gross site area requirement may be reduced to five percent as minimally necessary to accommodate buildings, walkways, parking, or service areas provided all remaining portions of the site are fully landscaped.
 2. Utilities and Transportation. The minimum gross site area requirements identified above shall not apply to street rights-of-way or other similar linear transportation improvements located in the PFT zone. Utility lines, substations, and pump stations shall also be exempt from the gross site area requirements provided all other applicable requirements of this Chapter, such as screening, buffers, and perimeter landscaping are met.
- D. Irrigation. All new landscaping shall either utilize a draught tolerant landscaping plan, an automatic irrigation system, or an approved alternative irrigation system as follows:
1. Automatic Irrigation Systems. Except as explicitly authorized by this section an automatic irrigation system shall be provided. The irrigation system shall provide sufficient coverage to irrigate all of the required landscaping areas. Irrigation system plans and specifications shall be included in the landscaping plans required by this Chapter.
 2. Draught Tolerant Landscaping Plans. A draught tolerant landscaping plan may be used as an alternative to an automatic irrigation system. When a draught tolerant landscaping plan is proposed the landscape architect shall provide a written statement documenting that the landscaping can be expected to survive in the absence of regular watering. The landscape architect shall also document that suitable draught tolerant species have been prescribed and identify any planting methods, soil amendments, or temporary irrigation measures necessary to ensure the landscaping is fully established and self-sustaining. Draught tolerant landscaping plans must be prepared by a licensed landscape architect.
 3. Alternative Irrigation Methods. For simple small scale projects with minimal landscaping requirements, the Community Development Director may authorize the use of hand watering to meet the irrigation requirements of this Chapter. In such cases hose bibs shall be provided within 50 feet of all required landscaping areas.

E. Storm-Water Management.

1. Storm-water facilities and low impact development (LID) features landscaped in accordance with the requirements of this Chapter may be used to meet any applicable landscaping requirements.
2. To the greatest extent possible the planting areas required by the Chapter shall be used as storm-water infiltration areas or LID features.
3. Low impact development features and planting areas used to manage storm-water shall be designed and constructed consistent with the Washington State Department of Ecology's "Stormwater Manual for Western Washington" and the Puget Sound Partnership's "Low Impact Development Technical Guidance Manual for the Puget Sound".
4. When trees or plants will be located within, or adjacent to, an infiltration area or LID feature the landscape architect shall submit evidence that they have coordinated with the engineer responsible for the on-site storm-water management system. Based on information provided by the storm-water engineer the landscape architect shall:
 - a. Specify tree and plant species suitable for the hydrologic and soil conditions anticipated in the planning area; and
 - b. Specify tree and plant species that will not detrimentally affect the ability of the planting area to manage storm-water.
5. Landscaping plans shall identify areas of the site with suitable soils for storm-water infiltration and LID features.
6. Above ground storm-water improvements, such as swales, ponds, or ditches, shall be sloped, graded, or otherwise designed to avoid the need for protective fencing and to give the appearance of a natural landscape feature. Above ground storm-water improvements shall be landscaped with appropriate plant and tree species.
7. All storm-water management measures and LID features shall be consistent with the requirements of Title 14 BMC.

17.81.070 Street Frontage Landscaping

The following requirements shall apply to all portions of a site abutting a public or private street.

A. Minimum Width. A landscaping strip with a minimum width of ten feet shall be provided along all public and private streets.

B. Planting Requirements.

1. Street trees shall be provided at intervals of 30 feet on center except as minimally necessary to accommodate obstructions such as traffic control signs, bus stops, utilities, required site lines, and driveways. In such cases additional trees shall be provided in groups in order to achieve an overall ratio of one tree for every 30 feet of street frontage. When a dominant pattern of street trees is present along nearby street frontages the same species shall be used. Where no dominant pattern is present trees shall be selected using the City's Street Tree Selection Guide. When street trees are provided in a planting or buffer strip in a public right-of-way, trees may be selected for the frontage strip that complement or contrast with the street trees and may be grouped together provided at least one tree is provided for every 30 feet of street frontage.
2. A mixture of small, medium, and large shrubs shall be provided at a rate of one shrub for every four feet of street frontage.
3. Groundcover shall be provided in all areas not occupied by trees or shrubs consistent with the requirements of this Chapter (BMC 17.80.060.B.7).

C. Exceptions.

1. Sidewalks and pedestrian paths may cross a street frontage landscaping strip;
2. Driveways may cross a street frontage landscaping strip;
3. Signs that fully comply with City's sign code (Chapter 17.95 BMC) may be located within a street frontage landscaping strip;
4. Building awnings, balconies, bay windows and other similar architectural features located at the top of, or above, the first story of a building may extend over a street frontage landscaping strip;
5. Downtown. A street frontage landscaping strip shall not be required in areas of the Downtown Growth Area where buildings are required to be located at the edge of the right-of-way, or where a maximum setback applies that is less ten feet. In such cases street trees shall be provided in trees wells or curb bulb-outs approved by the City's Public Works Department and any remaining area between the building line and the sidewalk shall be fully landscaped.

- D. Planting Strips. When a planting or buffer strip is provided in the public right-of-way streets trees shall be provided. Street tree spacing and species selection shall be consistent with the requirements of BMC 17.81.070.B.

17.81.080 Perimeter Landscaping

- A. Minimum Width: 5 feet.
- B. Planting Requirements.
 - 1. Trees shall be planted at a ratio of one tree for every 30 feet of perimeter landscaping area. A mixture of evergreen and deciduous trees shall be used and no more than 60 percent of the required trees may be deciduous;
 - 2. Medium sized shrubs shall be planted in triangulated rows at intervals of 24 inches or less.
 - 3. Groundcover shall be provided in all areas not occupied by trees or shrubs consistent with the requirements of this Chapter (BMC 17.81.060.B.7).
- C. Exceptions.
 - 1. Areas occupied by buildings where no building setback or screening is required;
 - 2. Sidewalks and pedestrian paths may cross a perimeter landscaping strip;
 - 3. Driveways may cross a street frontage landscaping strip;

17.81.090 Parking Lot Landscaping

The purpose of this section is to mitigate the negative impacts associated with parking areas by providing shade, interrupting and infiltrating precipitation, providing trees to interrupt wind gusts, and blocking glare from headlights.

- A. Applicability. This section applies to off-street parking area that containing 20 or more parking spaces.
- B. Minimum Area. At least 15 square feet of landscaping shall be provided for each interior parking space. An interior parking space is a parking space not abutting a building or the perimeter of a site.
- C. Configuration of Parking Lot Landscaping. Parking lot landscaping shall be located at the ends of parking columns, between parking stalls, or between rows of parking. Planting islands shall have a minimum area of 65 square feet.

D. Planting Requirements.

1. Trees. One tree shall be provided for every six parking spaces.
2. Shrubs. Small or medium shrubs shall be provided. If small shrubs are used, they shall be planted at intervals of 18 inches on center or less. If large shrubs are used they shall be planted at intervals of 24 inches on center or less.
3. Groundcover. Groundcover shall be provided in all areas not occupied by trees or shrubs consistent with the requirements of this Chapter (BMC 17.80.060.B.7).
4. Landscape Protection. Curbs or wheel stops shall be used to prevent vehicles from damaging parking lot landscaping.

17.81.110 Buffers and Screening

Certain uses, such as residential developments, can be negatively impacted when located adjacent to incompatible uses, such as industrial sites due to negative environmental impacts such as noise, glare, and dust. Landscaped buffers and screening can be used to mitigate these impacts, soften the visual transition between developments located in different zoning classifications, and to prevent conflicts between incompatible uses. Landscape screening can also be used to establish visual boundaries or screen certain site improvements such as mechanical equipment, trash enclosures, storage yards, or service areas. The purpose of this section is to identify and prescribe an appropriate range of buffer and screening methods.

A. The purpose of this section is to accomplish the following:

1. Establish a buffer between incompatible developments located on adjacent sites with different zoning classifications;
2. Screen or conceal service areas, trash enclosures, mechanical equipment, storage yards, and other similar site improvements;
3. Establish a visual transition between streets and adjoining parking areas or drive aisles;
4. Minimize the environmental impacts associated with freeway and railroad corridors, including light, noise, and air quality impacts;
5. Prevent conflicts between urban development and rural resource activities such as agricultural uses;

6. Provide any screening or buffers required as mitigation through a conditional use permit process.

B. Standard Buffer and Screening Types. This section identifies the standard buffer or screening methods referenced in the Burlington Municipal Code. When a given buffer type or screening method is required by the Burlington Municipal Code it shall be consistent with the specifications identified in this section. These requirements shall be regarded as minimum standards. Additional screening or buffer requirements may apply to specific uses, developments, or site improvements.

1. Type I – General Screening. General screening is intended to obscure trash enclosures, mechanical equipment, outdoor storage and other similar features.
 - a. Minimum width. The minimum buffer width shall be five feet.
 - b. Physical screening. A solid site obscuring fence or wall with a minimum height of six feet shall be provided.
 - c. Shrubs. A combination of small and medium shrubs shall be provided. A minimum of one medium shrub and one small shrub shall be provided for every four feet of buffer.
 - d. Ground cover shall be provided for all areas not occupied by shrubs.
 - e. Exceptions. The landscaped buffer required by this section is not required in areas where a gate, driveway, or path is present.
2. Type II – Low Wall or Earth Berm. This buffer type is used for screening parking lots, drive-through lanes, drive aisles and other similar features located adjacent to streets. Type II buffers must include both physical screening and landscaping. Physical screening shall be provided using either a low wall, raised planter, or an earth berm as described below.
 - a. Minimum width. The minimum buffer width shall be ten feet.
 - b. Low wall. If a low wall is used to provide physical screening it shall be constructed of masonry or concrete, and shall have a minimum height of three feet. If the wall is adjacent to a street it shall be setback at least five feet from the right-of-way.
 - c. Raised planter. If a raised planter is used to provide physical screening it shall be constructed of masonry or concrete, shall have a minimum height of three feet, and a minimum width of four feet. If the raised

planter is adjacent to a street it shall be setback at least five feet from the right-of-way. The planter shall be completely landscaped.

- d. Earth berm. Earth berms shall have a minimum height of two feet, a maximum slope of 33 percent (one foot of vertical height for every three feet of horizontal distance) The crest of the berm shall be planted with a row of small shrubs planted at intervals of two feet or less on center to form a dense opaque buffer. The shrubs required by this provision shall be evergreen species and may be used to meet the landscaping requirement below (BMC 17.81.110.B.2.e).
 - e. Landscaping. Type II buffers shall be planted with a mixture of small and medium sized shrubs at a ratio of one shrub for every four feet of buffer area. Ground cover shall be provided for all areas not occupied by shrubs. At least 75 percent of the required shrubs shall be evergreen varieties.
3. Type III – Separation Buffer – This buffer type is intended to separate more intensive uses from less intensive uses in situations where the anticipated impacts are largely aesthetic. A type III buffer combines a solid site obscuring fence or wall with evergreen trees and shrubs to create a year-round visual screen.
- a. Minimum width. The minimum buffer width shall be ten feet.
 - b. Physical screening. A solid site obscuring fence or wall at least six feet in height shall be provided.
 - c. Landscaping. In addition to any normally required perimeter landscaping evergreen trees shall be provided at intervals of 15 feet or less. The trees required by this provision may be used to meet normally applicable tree planting requirements for perimeter landscaping.
4. Type IV – High Intensity Buffer – This buffer type is intended to separate high intensity uses with potentially significant light, noise, glare, and dust impacts from less intensive uses. For example, a high intensity buffer would be appropriate for separating an industrial site from a residentially zoned parcel. High intensity buffers must employ a solid site obscuring fence or wall and a dense opaque band of evergreen vegetation. In order to provide adequate acoustic separation, type IV buffers that provide physical screening with a fence, as opposed to a masonry wall, must provide an additional ten feet of landscaped area.

- a. Minimum width. If a masonry wall is used the required buffer width shall be 15 feet. If a fence is used the required buffer width shall be 25 feet.
- b. Physical screening. Type IV buffers must include a solid site obscuring fence or wall with a minimum height of six feet.
- c. Landscaping. In addition to any normally required perimeter landscaping triangulated rows of evergreen trees shall be provided at intervals of 15 feet. A minimum of one large shrub for every four feet of buffer area must be provided, 75 percent of which must be evergreen varieties. The trees required by this provision may be used to meet normally applicable tree planting requirements for perimeter landscaping.

C. Incompatible Uses.

Table 17.81.110.C-1

Zone Where Development is Proposed	Adjacent Zoning Designation or Area and Required Buffer Type ¹					
	RD & RA-1	RA-2 & MUR	MUC & PFT-1	CI & PFT-2	Resource Zones	Freeway or Railroad ROW
RD & RA-1	N/A	None	None	None	Type IV	Type IV
RA-2 & MUR	Type III	N/A	None	None	Type IV	Type IV
MUC & PFT-1	Type III	Type III	None	None	Type IV	Type III
CI & PFT-2	Type IV	Type IV	Type III	None	Type IV	None
Resource Zones	N/A	N/A	N/A	N/A	N/A	N/A
Freeway or Railroad ROW	Type IV ²	Type IV ²	Type IV ²	Type IV ²	N/A	N/A

(1) An adjacent property is one that directly abuts the property on which development is occurring. Properties separated by a street or railroad right-of-way shall not be considered adjacent and no buffer shall be required.

(2) Applies only to freeway projects involving ROW acquisition, widening, or major construction.

17.81.120 Landscaping Maintenance and Tree Retention

The following requirements shall apply to all uses and developments except for landscaping or yards associated with individual residences or dwellings.

A. General Requirements.

- 1. Dead and dying vegetation shall be promptly removed and replaced. Trees and plants shall be replaced with the same species unless an alternative

replacement with similar characteristics is approved by the Community Development Director.

2. Vegetation shall be kept trimmed as necessary to avoid obstructing sidewalks, paths, streets, parking areas, or driveways.
3. Noxious weeds and invasive species shall be removed and properly disposed of.
4. Exposed soils shall be avoided. When erosion is observed corrective actions shall be taken immediately. Corrective actions may include providing additional groundcover or shrubs, mulch or other similar material. In cases of significant erosion it may be appropriate to regrade the area to reduce the steepness of the slope.
5. Landscaping areas required by this chapter shall not be used for parking, storage, or display. Under no circumstances shall vehicles be parked in landscaping areas or buffers.

B. Pruning and Tree Protection. Excessive pruning and tree topping is prohibited except as authorized by this Chapter. The following requirements shall apply to any trees planted to satisfy the requirements of this Chapter and to existing significant trees.

1. Trees should be pruned in a manner that allows them to attain their full natural height and shall not be topped except as minimally necessary to prevent damage to buildings or utilities;
2. All pruning work should comply with ANSI A300 (Part 1 – 2017), “Tree, Shrub and Other Woody Plant Management – Standard Practices, to maintain long term health” unless alternative methods are specified by an arborist;
3. When trees and shrubs are required for screening or buffering, or for the purpose of creating a visually opaque hedge, pruning shall maintain the visual opaqueness of the screen, buffer, or hedge.

C. Significant Trees.

1. This section shall apply to all significant trees except as follows:
 - a. Trees located within a public street right-of-way when the work is performed by, or at the direction of, the City consistent with Chapter 12.20 BMC;

- b. Removal, pruning or modification as minimally necessary to prevent damage to overhead or below ground utilities when the work is performed by, or at the direction of, a public or private utility;
 - c. Trees located within the boundaries of an existing landscaped yard associated with an individual dwelling, except for redevelopment projects;
 - d. The construction of a single detached dwelling, duplex, or small multiunit building and residential land divisions involving the creation of four lots or less.
2. Definition. A significant tree is any tree that is at least six inches in diameter at breast height (D.B.H). A tree growing with multiple stems shall be considered a significant tree if any one of the stems, when measured at a point six inches from the joint with the main trunk, is at least four inches in diameter. The following species shall not be considered significant trees regardless of size:
- a. Black locust (*Robinia pseudoacacia*);
 - b. Cottonwood (*Populus freemontii*);
 - c. Native alder (Native *Alnus* only);
 - d. Native willow (Native *Salix* only);
 - e. Lombardy Poplar (*Populus nigra*).
3. Retention. Significant trees shall be incorporated into the project design and site layout whenever possible and may only be removed under the following circumstances:
- a. When absolutely necessary to accommodate a proposed development and where no feasible option exists for incorporating the tree into the overall site layout;
 - b. Hazard trees and nuisance trees. Hazard and nuisance trees may be removed with City authorization. In such cases an arborist's report may be required to document the nature and extent of the hazard or nuisance and to demonstrate that no feasible alternative to removal exists;

4. Significant trees shall be protected during construction or development unless removal is authorized pursuant to this Chapter. Temporary construction fencing shall be placed around the tree and no equipment, chemicals, soil deposits or construction materials may be placed within the barrier. When a landscaping plan is required all significant trees shall be identified and a protection plan shall be included. For all projects the department may specify any measures necessary to ensure the protection of significant trees and may require that an arborist prepare the tree protection plan.
5. Approval required. Significant trees shall not be removed without prior authorization from the department. An arborist's report, site plan, or other documentation may be required in order to demonstrate compliance with the requirements of this section (BMC 17.81.120). In emergency situations where an immediate threat to human life or property exists hazard trees may be removed without City authorization provided the department is notified the next business day. In the event of a natural disaster, such as a flood or windstorm, the department shall be authorized to temporarily suspend all approval and notification requirements.
6. Replacement. When significant trees are removed replacement trees shall be provided in accordance with the following provisions:

- a. Significant trees shall be replaced at the following rates:

Table 17.81.120.C-1	
Diameter (DBH) Tree Removed	Number of Required Replacement Trees
6" - 18"	2
> 18"	4

- b. All deciduous replacement trees shall be a minimum of 2.5 inches in diameter and coniferous evergreens shall be at least eight feet in height.
- c. Replacement trees shall be planted on the same site where the tree removal occurred, provided that in unique circumstances where onsite replacement is not feasible offsite replacement may be authorized. When offsite replacement is authorized replacement trees shall be planted in a publicly owned park, open space area or conservation easement within the City of Burlington.
- d. A planting plan, prepared by an arborist or landscape architect, shall be provided specifying any requirements necessary to ensure the replacement trees become fully established and self-sustaining, such as planting instructions, staking, temporary watering, or mulching.

- e. Replacement is not required for diseased or hazardous trees except in cases where the damage or disease is due to intentional actions.
7. Except when explicitly authorized by this Chapter the excessive pruning, topping, or deliberate damage of significant trees shall be prohibited, including any action that results a loss of more than 20 percent of the tree's root system, the removal of more than 50 percent of the live crown of the tree, or any other action that significantly alters the tree's growth potential. Such actions constitute "removal" and will be considered a violation of this Chapter.
 8. Violations. In addition to any other applicable fines, penalties, or enforcement provisions, a replanting plan and replacement trees shall be provided for the unauthorized removal of a significant tree.

Chapter 17.85
ACCESS AND PARKING

Sections:

17.85.010	Title.
17.85.020	Application.
17.85.030	Purpose.
17.85.040	Authority.
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17.85.090	(Reserved)
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17.85.130	(Reserved).
17.85.135	(Reserved).
17.85.140	Private streets.

[17.85.150 Alternative private street standards.](#)

17.85.010 Title.

This chapter shall be called "Access and Parking," (Ord. 1857 § 2 (Exh. B), 2018).

17.85.020 Application.

The standards of this section shall apply to all new uses, structures, and developments, and to the expansion or modification of existing uses, structures and developments. (Ord. 1857 § 2 (Exh. B), 2018).

17.85.030 Purpose.

The purpose of this chapter is to establish standards for access and parking as follows:

- A. Provide adequate, safe, and convenient access for drivers, pedestrians, cyclists, and transit users;
- B. Ensure accessibility by people of all ages and physical abilities;
- C. Promote development patterns that are accessible and convenient while minimizing traffic, parking, storm-water, and other impacts;
- D. Ensure that each new development contributes to, and functions as part of, an interconnected and coherent overall transportation system;
- E. Promote flexible development patterns that can accommodate future changes and transportation needs.

17.85.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35A.63, 36.70A, 36.70B RCW and other applicable laws. (Ord. 1857 § 2 (Exh. B), 2018).

17.85.050 General.

- A. Access and parking shall be provided in accordance with the provisions of this chapter.

1. All new or modified developments, buildings, uses, or structures shall be consistent with the provisions of this chapter.
2. All new or modified parking areas, driveways, drive aisles, pedestrian access paths, private streets, and similar improvements shall be consistent with the provisions of this chapter.

B. Exceptions.

1. **Landmark Structures.** For uses in a landmark structure the number of required parking spaces may be reduced or waived based on the following criteria:
 - a. A survey may be required of on- and off-street parking availability.
 - b. A determination that there is no feasible way to meet parking requirements on the lot.
 - c. Consideration of the types and scale of uses proposed or practical in the landmark structure and the controls imposed by the landmark designation.
2. **Existing Development.** Except in the RD and RA zones, additional parking spaces shall not be required for the expansion of existing uses, or when changing uses, unless the expansion or change would have the effect of increasing the number of required parking spaces by more than ten percent or five spaces, whichever is greater.
3. **On-Street Parking.** On-street parking spaces abutting a development site may be used to meet the requirements of this chapter except as follows:
 - a. Spaces that are not available, or will not be available, due to roadway design, right-of-way constraints, or future plans shall not be included; and
 - b. Applicants may be required to provide a parking survey prepared by a qualified professional demonstrating that adequate on-street parking is reasonably available.

C. Exceptions, Downtown Priority Development Area.

1. No parking shall be required for new uses in existing structures, or when existing structures are remodeled.
2. For new structures or when an existing structure is expanded, no parking shall be required for the first 2,500 square feet of nonresidential floor space or for the first four dwellings.
3. No parking shall be required for public facilities or commercial child daycare centers.

D. Tandem Parking. Off-street parking for dwellings may be provided as tandem parking.

E. Parking and loading areas shall have legal access to a public street or alley. When alley access is available parking areas shall be accessed from the alley.

F. "Parking area" includes parking spaces, drive aisles, and internal access streets. (Ord. 1857 § 2 (Exh. B), 2018).

G. Calculations. When calculating the number of required parking spaces fractions shall be rounded down to the nearest whole number.

H. Residential accessory uses. No parking shall be required for residential accessory uses.

17.85.060 Parking Quantities.

A. The number of required parking spaces shall be determined for each principal use of the land, building, or structure using Table 17.85.060.A-1 and by applying any applicable deductions or exemptions. For uses not specifically identified in this chapter, parking shall be provided as specified for the use which, in the opinion of the Director, is most similar to the use under consideration. When, in the opinion of the Director, no comparable use is

Commented [BJ1]: BJ - 9-12-2024 - This is already the case but we sometimes get questions so it's worth clarifying.

listed, the number of required parking spaces shall be determined by applying the provisions of BMC 17.85.060.C (Alterations and Unlisted Uses).

B. The total number of parking spaces provided for any use or development shall not exceed 120 percent of the minimum requirements identified in this section, except:

1. This limitation shall only apply to uses and developments that require 20 or more parking spaces; and
2. This limitation shall not apply to uses and developments where an alternative maximum number is prescribed by Burlington Municipal Code; and
3. Additional spaces may be provided in excess of 120 percent of the minimum requirement; provided, that any such spaces are located under a building with usable floor space; and
4. This limitation may be waived for publicly owned parking lots; and
5. This limitation may be waived if a traffic and parking study is submitted showing the need for additional parking. Such studies shall be prepared by a licensed engineer, shall be consistent with, and integrated into, any other traffic study prepared for the project, and shall be reviewed by the city engineer.

C. Alterations and Unlisted Uses. The following criteria shall be used to determine parking requirements for unlisted uses that not substantially similar to a listed use and to evaluate requests to reduce the standard minimum parking quantity. In such cases the director may require a parking study addressing the criteria below. When required, parking studies shall be prepared by a licensed engineer and shall be consistent with, and integrated into, any other traffic study prepared for the project and shall be reviewed by the City Engineer for consistency with established transportation engineering practices.

1. Trip generation and turnover;
2. Proximity to frequent transit service or a transit center;
3. The availability of alternative transportation services such as school buses or shuttle vans;
4. The provision of onsite housing for students or employees;
5. Commute trip reduction measures implemented by the agency, business, or facility operator;
6. The extent to which the development will provide enhanced pedestrian amenities and bicycle facilities;
7. The intensity of development and mix of uses within 1,320 feet of the development site;
8. The condition and availability of sidewalks and other pedestrian amenities within 1,320 feet of the development site.

D. Standard Reductions. ~~The following parking spaces may be included in parking calculations at a rate of 1.25. The following standard reductions and bonuses shall apply:~~

~~1. Bonuses. Spaces located under a building may be included in parking calculations at a rate of 125 percent (example: four spaces under a building equals five parking spaces);~~

~~2. Standard deductions. The following development types shall have their standard parking requirements reduced by 25 percent. Only one deduction type may be applied to each development.~~

~~a. Spaces located within 1,320 feet of transit center or bus stop;~~

~~3. b. Spaces for affordable housing developments.~~

17.85.070 Shared parking.

A. Shared Parking – General Provisions.

Commented [BJ2]: BJ - 9-12-2024 - This section was originally intended to provide a 25 percent reduction for certain types of parking spaces but, as originally drafted, the math only worked for calculating bonuses (underground spaces). There was no practical way of applying the math to deductions. To address this inconsistency, staff has simply been interpreting this to mean a 25 percent reduction for affordable housing and transit accessible developments. Also clarified that deductions are not intended to be additive. Applicants have asked about this. The background materials supporting the Transportation Element support a 30 percent reduction in parking demand for EITHER transit accessible developments or affordable housing. No evidence would support a doubling of the deduction. Clarified intent for consistency with comp plan and staff interpretations.

1. Shared parking shall be allowed between two or more uses to satisfy all or a portion of the minimum off-street parking requirement of those uses as provided in subsections (B) and (C) of this section.
2. Shared parking shall be allowed between different categories of uses or between uses with different hours of operation, but not both.
3. A use for which an application is being made for shared parking shall be located within 1,320 feet of the parking.
4. No reduction to the parking requirement shall be made if the proposed uses have already received a reduction through the provisions for cooperative parking.
5. Parking reductions permitted through shared use of parking shall be determined as a percentage of the minimum parking requirement as modified by any other reductions permitted in BMC 17.85.050 and 060.
6. An agreement providing for the shared use of parking, executed by the parties involved, shall be filed with the director. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking shall be provided as otherwise required by this chapter.

B. Shared Parking for Different Categories of Use.

1. A business establishment may share parking according to only one of the following subsections: (B)(2), (3), or (4) of this section.
2. If an office use and a retail sales and service use share parking, the parking requirement for the retail sales and service use may be reduced by 20 percent; provided, that the reduction shall not exceed the minimum parking requirement for the office use.
3. If a residential use shares parking with a retail sales and service use other than lodging uses, eating and drinking establishments or entertainment uses, the parking requirement for the residential use may be reduced by 30 percent; provided, that the reduction does not exceed the minimum parking requirement for the retail sales and service use.
4. If an office and a residential use share off-street parking, the parking requirement for the residential use may be reduced by 50 percent; provided, that the reduction shall not exceed the minimum parking requirement for the office use.

C. Shared Parking for Uses with Different Hours of Operation.

1. For the purposes of this section, the following uses shall be considered daytime uses:
 - a. Customer service and administrative offices;
 - b. Retail sales and services, except eating and drinking establishments, lodging uses, and entertainment uses;
 - c. Wholesale, storage and distribution uses;
 - d. Manufacturing uses; and
 - e. Other similar primarily daytime uses, when authorized by the community development director or designee.
2. For the purposes of this section, the following uses shall be considered nighttime or Sunday uses:
 - a. Auditoriums accessory to public or private schools;

- b. Religious facilities;
- c. Entertainment uses, such as theaters, bowling alleys, and dance halls;
- d. Eating and drinking establishments;
- e. Lodging uses; and
- f. Other similar primarily nighttime or Sunday uses, when authorized by the community development director or designee.

3. Up to 90 percent of the parking required for a daytime use may be supplied by the off-street parking provided by a nighttime or Sunday use and vice-versa, when authorized by the director, except that this may be increased to 100 percent when the nighttime or Sunday use is a religious facility.

4. The applicant shall show that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed. (Ord. 1857 § 2 (Exh. B), 2018).

17.85.080 Cooperative parking.

A. Cooperative parking shall be permitted between two or more business establishments which are commercial uses according to the provisions of this section.

B. Up to a 20 percent reduction in the total number of required parking spaces for four or more separate business establishments, 15 percent reduction for three business establishments, and a 10 percent reduction for two commercial uses may be authorized by the director under the following conditions:

- 1. No reductions to the parking requirement shall be made if the proposed business establishments have already received a reduction through the provisions for shared parking.
- 2. The business establishments for which the application is being made for cooperative parking shall be located within 1,320 feet of the parking.
- 3. The reductions to parking permitted through cooperative parking shall be determined as a percentage of the minimum parking requirement as modified by any reductions permitted by BMC 17.85.050, 060 and this section.
- 4. An agreement providing for the cooperative use of parking shall be filed with the director when the facility or area is established as cooperative parking. Cooperative parking privileges shall continue in effect only as long as the agreement to use the cooperative parking remains in force. If the agreement is no longer in force, then parking shall be provided as otherwise required by this chapter. New business establishments seeking to meet parking requirements by becoming part of an existing cooperative arrangement shall provide the director with an amendment to the agreement stating their inclusion in the cooperative parking facility or area. (Ord. 1857 § 2 (Exh. B), 2018).

17.85.090 (Reserved)

17.85.100 (Reserved)

17.85.105 Construction standards.

A. All parking areas, driveways, drive aisles, private streets, and outdoor storage and sales lots, shall be paved with permeable pavement, asphalt concrete, or cement concrete pavement. All asphalt pavement sections shall have a minimum pavement section consisting of two inches of Class "B" asphalt concrete, two inches of five-eighths-inch minus crushed rock, and six inches of Class "A" bank run gravel or approved equal. All permeable paving, concrete pavement sections, or any alternative asphalt pavement sections shall be designed to support the post development traffic loads anticipated due to the intended use.

B. Parking and circulation areas, access roads, and drive aisles shall be designed and constructed with LID features such as permeable pavement, rain gardens, or bio-retention areas unless demonstrated to be infeasible through an engineering analysis.

C. In determining the feasibility of LID features, an engineering analysis shall be submitted and reviewed by the city engineer. This analysis should consider site characteristics such as soil and ground water conditions, and anticipated traffic volumes. The analysis should be consistent with the Department of Ecology's "Stormwater Manual for Western Washington" and the design and site evaluation guidance in the Puget Sound Partnership's "Low Impact Development Technical Guidance Manual for Puget Sound." The engineering analysis requirement identified above may be waived by the city engineer for simple small-scale projects when the feasibility of permeable pavement can be easily determined without the need for additional information or analysis; provided, that an engineering analysis shall be submitted for all projects involving 20 or more parking spaces.

D. All parking and circulation areas, access roads, and drive aisles shall be designed and constructed in accordance with any applicable requirements in Title 14 BMC.

E. Parking areas shall be used for automobile parking only, with no sales, unless permitted elsewhere by this title, dead storage, repair work, or dismantling of any kind.

F. Outdoor sales areas and storage yards shall be paved and landscaped in accordance with this title.

G. Lighting. See Chapter 17.70 BMC.

H. Stormwater shall be managed in accordance with Chapter 14.05 BMC and LID measures shall be provided consistent with the requirements of this Chapter and Chapter 17.70 BMC.

I. Access to public streets shall be approved by the Public Works Department consistent with the requirements of Title 12 BMC.

J. Driveways and parking stalls shall be clearly marked.

K. Landscaping. See Chapter 17.81 BMC. (Ord. 1857 § 2 (Exh. B), 2018).

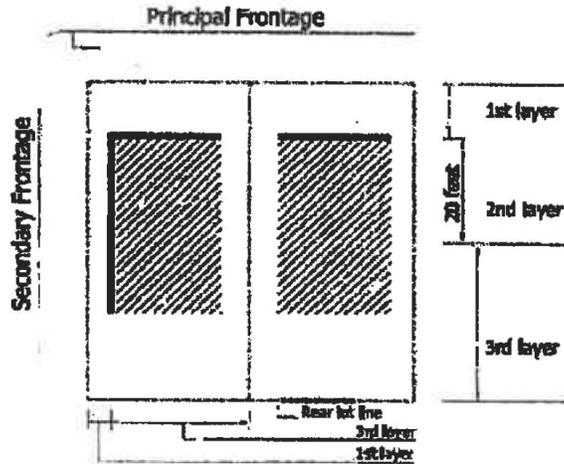
L. Driveways and parking spaces for detached, duplex, and horizontally attached dwellings shall be paved with permeable pavement, asphalt, or concrete and may utilize a two track design to minimize impervious surface coverage.

M. The installation of paving and impervious surfaces shall be limited to the minimum amount necessary to support a permitted use or development.

17.85.110 Location and screening standards.

A. Required off-street parking shall be located on the same parcel as the uses served unless off-site parking is authorized in compliance with this chapter. Parking shall be located on each site in compliance with the parking layer requirements illustrated below:

1. First Layer. The area between the frontage line and the facade line.
2. Second Layer. The area between the facade line and 20 feet from the facade. Note that the second layer is not required on the secondary frontage.
3. Third Layer. That portion of the lot that is neither the first layer nor the second layer. Generally this portion of the lot extends to an alley or an interior lot line.



B. Surface Parking Location and Screening. The following requirements shall apply in addition to any other parking, landscaping, setback, or site design requirements:

1. Parking area and service yards must be screened from adjoining residences.
2. Where alley access is available, parking shall be located off the alley and no curb cuts shall be permitted for residential uses.
3. Parking located in the setback in front of the building shall be screened and landscaped with a streetscreen as defined in BMC 17.80.105.
4. Parking area illumination shall be directed away from residential uses.
5. Downtown special planning area including surface parking shall be located in the third layer and masked by a streetscreen or building, except that driveways and aprons may be located in the first or second layer.
6. Burlington Boulevard Corridor. Surface parking may be located in the first, second or third layer and masked by a streetscreen if the street frontage is not fully occupied by buildings.

CD. Offsite Parking. Offsite parking areas may be used to meet the requirements of this Chapter provided the offsite parking area is located within 1,320 feet of the development site and is either in common ownership or encumbered by an easement or other formal agreement. Offsite parking areas shall be connected to the development site with a continuous pedestrian path in the form of a concrete sidewalk. Marked crosswalks shall be provided at all intersections.

17.85.115 Design standards.

A. Dimensions and Site Layout. The standards in this section shall apply to all outdoor parking areas. Parking areas located beneath a building shall be subject only to the requirements for minimum stall and aisle dimensions (BMC 17.85.115.D).

1. Parking stalls and drive aisles shall be consistent with the dimensions specified in Figure "A" below.
2. Except when adjacent to a building frontage or the perimeter of a site, parking rows and columns shall have a maximum length of 200 feet.

3. Drive aisles may be used to provide direct access to individual parking rows and should be connected to a public or private street.
- B. Up to 30 percent of the parking spaces required by this chapter may be compact spaces, except in the downtown special planning area where all of the required parking spaces may be compact.
- C. Off-street parking lots shall comply with the barrier-free parking space requirements of the International Building Code.
- D. The minimum parking space and aisle dimensions for the most common parking angles are shown on chart below. For parking angles other than those shown on the chart, the minimum parking space and aisle dimensions shall be determined by the community development director and shall be proportional to the dimensions shown below.

Figure A
Minimum Parking Stall and Aisle Dimensions

Parking Angle	Stall Width	Curb Length	Stall Depth	Aisle Width		Unit Depth	
				1-Way	2-Way	1-Way	2-Way
0°	8.0	20.0	8.0	10.0	20.0	NA	NA
30°	8.0* Min. 8.5	16.0* 17.0	15.0* 16.5	10.0 10.0	20.0 20.0	** 43.0	** 53.0
45°	8.0* Min. 8.5	11.5* 12.0	17.0* 19.0	12.0 12.0	20.0 20.0	** 50.0	** 58.0
60°	8.0* Min. 8.5	9.5* 10.0	18.0* 20.0	18.0 18.0	20.0 20.0	** 58.0	** 60.0
90°	8.0* Min. 8.5	8.0* 8.5	15.0* 17.0	23.0 23.0	23.0 23.0	** 63.0	** 63.0

* For use with compact stalls only.

** Variable with compact and standard combinations.

E. Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe. The parking space depth may be reduced when vehicles overhang a walkway under the following conditions:

1. Wheel stops or curbs are installed.
2. The remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.
3. The amount of space depth reduction is limited to a maximum of one and one-half feet for standard parking spaces and one and one-half feet for compact spaces including the wheel stop or curb.

F. Driveways may cross required setbacks or landscaped areas in order to provide access between the off-street parking facilities and the street, provided no more than 10 percent of the required landscaping or setback area is displaced by the driveway. Driveways may be used for parking when serving single detached dwellings but shall not be considered for purposes of calculating required parking.

G. Parking areas shall be illuminated in accordance with the City’s Outdoor Lighting Standards (Chapter 17.70 BMC). Pedestrian scale lighting shall be provided along all pedestrian paths and at all crosswalks.

17.85.120 Pedestrian circulation and access.

A. General. All uses shall provide pedestrian access to the site. Pedestrian access shall be provided at all pedestrian arrival points for the development including the property edges, adjacent lots, abutting street intersections and mid-block crosswalks, transit stops, and at least every 100 feet of consecutive street frontage. Pedestrian access shall be located as follows:

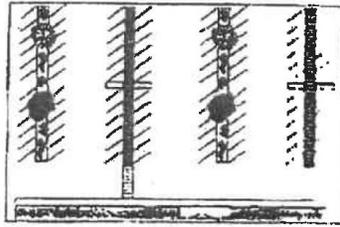
1. Adjacent Streets and Property Edges. Access at property edges and to adjacent lots shall be coordinated with existing development to provide logical circulation patterns between developments.
 - a. Pedestrian connections shall be provided along adjacent street frontages at intervals of 100 feet or less;
 - b. Connections shall be provided to existing or planned transit stops;
 - c. Pedestrian paths shall be connected to existing pedestrian paths on adjacent sites whenever feasible;

d. For development sites that abut properties that are vacant or likely to redevelop, pedestrian paths should be extended to the property or site boundaries to support future development.

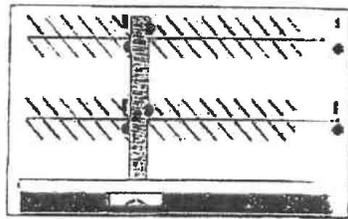
B. Residential Developments. Pedestrian access shall be provided to allow pedestrian access from within the development and from adjacent developments to activity centers, parks, common tracts, open space areas, schools or other public facilities, transit stops and public streets. When dead-end streets or cul-de-sacs are used pedestrian access paths shall be provided to allow direct links between streets and cul-de-sacs. For multi-unit residential developments pedestrian access paths shall be provided to link buildings together.

C. Parking Areas. Pedestrian circulation shall be provided within all parking areas and between parking areas and adjacent uses. The following standards are intended to create a grid of interconnecting paths, minimize the distance parking lot users must travel from a vehicle to a pedestrian path. The intent of these requirements is to create a grid of interconnected pedestrian paths located at convenient intervals. Pedestrian paths shall be provided within parking areas as follows. These requirements do not apply to parking areas located under a building.

1. Parallel to parking rows. Pedestrian paths shall be provided parallel to parking rows at intervals of every four parking rows, provided the distance between pedestrian paths shall not exceed 200 feet.



2. Perpendicular to parking rows. Pedestrian paths shall be provided perpendicular to parking rows at intervals of 200 feet or less.



D. Building Access. Pedestrian paths shall form a circulation system that minimizes conflicts between pedestrians and vehicle traffic and provides direct and convenient access to all buildings. Pedestrian access shall be provided as follows:

1. All developments contain more than one building shall provide pedestrian paths between the principal entrances of each building.
2. Commercial and mixed-use buildings shall provide pedestrian paths along all building frontages that contain an entrance or abut a parking area. Building frontages containing only service entrances, such as loading docks, that are not accessible to the general public shall be exempt from this requirement.
3. For residential and industrial all buildings, pedestrian paths shall connect the primary building entrances to adjacent streets and pedestrian access paths.

Commented [BJ3]: BJ - 9-12-2024 - Commercial was left off this list. Changed to "all buildings".

43. Emergency exits shall be connected to the pedestrian access system.

E. Design Standards:

1. Pedestrian paths shall be physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic. Unless an alternative method providing an equivalent level of pedestrian safety and physical separation is approved, this requirement shall be met by providing curbing and raised sidewalk.
2. Pedestrian paths be constructed using permeable pavement unless demonstrated to be infeasible through an engineering analysis, in which case concrete or an alternative hard surface approved by the city engineer shall be used. Pedestrian access paths shall have a minimum unobstructed width of five feet except as follows:
 - a. Pedestrian paths that directly abut parking spaces shall have a minimum unobstructed width of seven feet;
 - b. Pedestrian paths along the frontage of a building with a floor area greater than 10,000 square feet but less than 20,000 square feet shall have a minimum width of 10 feet;
 - c. Pedestrian paths along the frontage of a building with a floor area of 20,000 square feet or more shall have a minimum width of 20 feet.
3. Pedestrian access paths shall comply with all applicable ADA and accessibility requirements.
4. A crosswalk shall be required when a pedestrian path crosses a driveway, street, or a paved area accessible to vehicles. Except where driveways or streets access a major arterial the maximum crosswalk length, or distance between curbs, shall be 20 feet. Crosswalks should generally be configured to provide a direct crossing perpendicular to the direction of vehicle travel and shall be designated using paint unless an alternative method is specified by Burlington Municipal Code or approved by the City Engineer.
5. If any parking space is more than 150 feet from the building entrance or principal on-site destination, a stop sign and stop line or other pavement marking shall be required at the end of every row of parking.
6. If any parking space is more than 200 feet from the building entrance or principal on-site destination:
 - a. At least one sheltered rest area shall be provided; and
 - b. Raised crosswalks or speed bumps shall be located at all points where a walkway crosses the lane of vehicle travel.
7. Where the building entrance is more than 250 feet from the public right-of-way, a sheltered rest area may be required at the public street.
8. Sidewalks and walkways should be sloped to drain towards adjoining landscaping, planting areas, or infiltration features. (Ord. 1857 § 2 (Exh. B), 2018).
9. Pedestrian access paths should avoid indirect or circuitous routes and should generally be laid out parallel and perpendicular to the building entrances. When site grades dictate an indirect routing to accommodate an ADA ramp an additional, direct route shall be provided using stairs or steps if needed.
10. Required pedestrian paths along building frontages may be covered by awnings but shall not be located under a building or between the building and a vertical support element such as a pier, pillar, or post.
11. Lighting shall be provided consistent with the requirements of BMC 17.90.105.

17.85.125 (Reserved).

17.85.130 (Reserved).

17.85.135 (Reserved).

17.85.140 Design standards for private streets and roads.

Private streets and roads created to serve new development, including subdivisions, short subdivisions, binding site plans, and commercial and industrial development, shall be subject to the following standards and requirements:

- A. For private streets that provide access to more than one lot, a road maintenance agreement and access easement approved by the City Engineer shall be recorded with Skagit County auditor's office;
- B. Street segments serving four dwellings or less units shall be at least 20 feet in width;
- C. Streets and roads serving non-residential development, more than four dwelling units, or carrying a traffic volume of up to 250 average trips per day, whichever is less, shall be at least 38 feet in width and shall include two driving lanes, one parking lane and sidewalks along both sides of the street.
- D. Streets and roads carrying a traffic volume of 250 average trips per day or more shall comply with the design standards and specifications applicable to public streets and roads in chapter 12.28 BMC;
- E. Low impact development features such as bio-retention areas, rain gardens, and permeable paving shall be incorporated into the design and construction of all private streets and roads unless demonstrated to be infeasible through an engineering analysis. In determining the feasibility of such low impact development features, an engineering analysis shall be submitted and reviewed by the city engineer. This analysis should consider site characteristics such as soil and ground water conditions, and anticipated traffic volumes. The analysis should be consistent with the Washington State Department of Ecology's "Stormwater Manual for Western Washington" and the design and site evaluation guidance in the Puget Sound Partnership's "Low Impact Development Technical Guidance Manual for Puget Sound."
- F. Streets shall be connected to streets on adjacent sites whenever possible. For development sites that abut properties that are vacant or likely to redevelop streets should be extended to the property or site boundaries to facilitate future development.
- G. Construction. Private streets shall be paved and shall be designed and constructed in accordance with any applicable construction or storm-water requirements identified in Title 14 BMC.
- H. Lighting. Pedestrian scale street lighting shall be provided and all lighting shall be consistent with the City's outdoor lighting standards (Chapter 17.70 BMC).
- I. Fire Flow and Access. All streets shall comply with the applicable fire flow and access requirements identified in Chapter 15.08 BMC.
- J. Alternative Street Design Standards. As an alternative to the private road standards listed above, the City may authorize the use of the following alternative design standards for private streets

17.85.150. Alternative Street Design Standards.

As an alternative to the design requirements listed in BMC 17.85.150, the City may authorize the use of the following alternative design standards for private streets. The alternative design standards in this section may only be used for streets serving residential developments comprised primarily of detached, horizontally attached, small lot, or cottage housing.

- A. Entrances. Entrances to a private street system shall clearly delineated using signage and other visual and tactile indicators, such as pavement markings, bollards, planters, boulders, or restricted turning radiuses.
- B. Paving and curbs. The design shall incorporate a variety of paving materials to create a varied surface that visually distinguishes the location of intersections, parking lanes, crosswalks, and pedestrian paths.
- C. Traffic calming. Traffic calming measures, such as raised intersections, chicanes, on-street parking areas, or extra street frontage landscaping shall be incorporated into the design. The overall design should create a street environment that encourages traffic to move at, or near, the speed of pedestrians.
- D. Roadway width. The standard roadway width for two way traffic shall be 20 feet. Narrower street widths may be approved consistent with applicable fire code requirements and for one way street segments.
- E. Pedestrian circulation. A pedestrian access path shall be provided along at least one side of the street. The pedestrian access path shall be at least five feet in width, physically separated form vehicle circulation areas with curbing, landscaping, or bollards, and shall be paved with conventional or porous concrete. A separate pedestrian path shall not be required for street segments less than 150 feet in length consistent with the following:
 - a. The street segment serves only the dwelling units adjoining it and does not function as part of the street system, or the street segment ~~is~~ terminates in a dead end; and
 - b. The roadway surface contains an area delineated for pedestrian travel using a contrasting paving material, such as concrete or stamped asphalt.
- F. On-Street Parking. At least one on-street parking space shall be provided for every four dwelling units in the development. On-street parking spaces may be grouped together and configured as parallel, angled or parking pocket designs. On-street parking areas shall be differentiated from adjacent travel lanes using painting, pavement ~~parkersmarkers~~, or contrasting paving materials. On-street spaces shall be located within 400 of the dwellings they are associated with.

Commented [BJ1]: BJ - 9-12-2024 - Extra word

Commented [BJ2]: BJ - 9-12-2024_ spelling error

G. Storm-water. Private streets shall be designed and constructed consistent with the requirements of Title 14 BMC and shall incorporate LID features consistent with the provisions of BMC 17.85.140.E.

H. Street maintenance agreement. A street maintenance agreement must be approved by the City Engineer and recorded with the Skagit County Auditor.

Chapter 17.90

~~PUBLIC UTILITIES AND TELECOMMUNICATIONS~~

Commented [BJ1]: BJ - 9-12-2024 - changes to this section reflect the fact that it applies to both public and private utilities. Also, the application section makes it clear that it also applies to telecommunications providers. Changed title and title and title statement to reflect this.

Sections:

17.90.010	Title.
17.90.020	Application.
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17.90.100	Residential locations.

17.90.010 Title.

This chapter shall be called "~~Public Utilities and Telecommunications~~." (Ord. 1857 § 2 (Exh. B), 2018).

17.90.020 Application.

The provisions of this chapter shall apply to all ~~public~~-utility and telecommunication carriers which occupy, use, construct, or maintain utility or telecommunication facilities within the city. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.030 Purpose.

Reserved. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63, 36.70A, and 36.70B RCW and other applicable laws. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.050 Permitted when.

Public utility buildings, telephone exchanges, sewage pumping stations, electrical distribution substations, and similar developments necessary for the operation of a public utility shall be permitted subject to the requirements set forth in this chapter and any other applicable requirements. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.060 Visual compatibility.

A. If the installation is housed in a building, the building must conform architecturally with the surrounding buildings or with the type of building that will develop due to the zoning district.

B. An unhoused installation on the ground or a housed installation that does not conform to the architectural requirements of subsection (A) of this section must be sight-screened with evergreen trees, shrubs and landscaping planted in sufficient depth to form an effective sight barrier within five years. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.070 Protective fencing.

An unhoused installation of a dangerous nature such as an electrical distribution substation shall be enclosed with a fence 6 feet in height. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.080 Setbacks.

All buildings, installations and fences shall observe the setback requirements for buildings in the district in which they are located.

17.90.090 Permit requirements.

All applications to develop or construct utilities shall include a complete plot plan and elevations showing the entire development, and photographs showing the location and character of all adjoining land improvements in addition to all other applicable permit application requirements. Permits for utilities and utility development shall be subject to review and approval by the city engineer. (Ord. 1857 § 2 (Exh. B), 2018).

17.90.100 Consistency with Comprehensive Plan.

A. In order to be considered a permitted use publicly owned utilities must be identified in the Public Facilities and Services Element of the Comprehensive Plan, listed in the City's Capital Improvement Plan (CIP), or identified in a functional or capital plan adopted by reference under the City's Comprehensive Plan.

B. All publicly owned utilities shall be fully consistent with City's Comprehensive Plan and the requirements of this section.

Draft Code Changes PC - 9-8-2024

Chapter 17.95

SIGNS

Sections:

- 17.95.010 Title.
- 17.95.020 Application.
- 17.95.030 Purpose.
- 17.95.040 Authority.
- 17.95.050 General provisions.
- 17.95.060 Permit requirements.
- 17.95.070 Exceptions.
- 17.95.080 Review of signs/design standards.
- 17.95.090 Sign regulations, Residential zones.
- 17.95.100 Sign regulations, mixed use commercial and commercial-industrial zones.
- 17.95.105 Sign regulations, mixed use residential zones.
- 17.95.110 Sign regulations, Downtown **Growth-Priority Development Area**.
- 17.95.112 Sign regulations, public facilities and transportation zones.
- 17.95.115 On-site traffic control and directories.
- 17.95.120 Electronic changing message sign requirements.
- 17.95.125 Permitted temporary or portable signs.
- 17.95.130 Off-premises signs.
- 17.95.135 Prohibited signs.
- 17.95.140 Variances.

Commented [BJ1]: BJ - 9-12-2024 - changed to reflect change in definitions adopted during last code update cycle.

17.95.010 Title.

This chapter shall be called “Signs.” (Ord. 1857 § 2 (Exh. B), 2018).

17.95.020 Application.

The provisions of this chapter shall apply to the construction, erection, installation, maintenance, alteration, expansion, or development of all signs, signage, and sign structures within the city of Burlington. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.030 Purpose.

The purpose of this chapter is to establish standards for the regulation of signs, to assist businesses in contributing to the economic well-being of the community by increasing the overall effectiveness of visual communications, to provide a harmonious relationship of urban graphics and their settings, and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and the community’s appearance. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.040 Authority.

This chapter is adopted pursuant to the provisions of chapters 35A.63, 36.70A, and 36.70B RCW and other applicable laws. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.050 General provisions.

A. Conflicting Standards. All signs shall be subject to the provisions of this chapter, except where more specific standards for signs are specified for a special planning area, zone, or district. In such case the more specific standards shall apply.

B. Signs Subject to State Approval. All signs visible to the traveling public from state highways are subject to the regulations and permit requirements of the State Department of Transportation. Where the regulations of the state and city differ, the more restrictive regulations shall govern.

C. Building Code Compliance. All signs for which a building permit is required shall comply with the applicable provisions of the building code adopted by the city and codified in Title 15 BMC.

D. Address Display. The signing program for a multifamily, commercial or industrial development shall include the display of street numbers for the development on the sign, support structure, or building where it can be seen from adjacent roads, as specified in Title 15 BMC.

E. Sign Clearances. A minimum of eight feet above sidewalks and 15 feet above driveways shall be provided under freestanding or projecting signs.

F. Setbacks. Signs shall be situated in a manner so as not to adversely affect safety, corner vision, public rights-of-way, improvements or future improvements, easements, or other similar conditions.

G. Illuminated Signs.

1. Internally illuminated signs, or lights used to indirectly illuminate signs, shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures or impair the vision of the driver of any vehicle.
2. No colored lights shall be used at any location or in any manner which may be confused with or construed to be traffic signals or control devices, or lights on an emergency vehicle.
3. No person shall construct, establish, create or maintain any stationary exterior lighting or illumination system or any interior system which is intended to be viewed from a public right-of-way used for vehicular traffic which system contains or utilizes:
 - a. Any exposed incandescent lamp with a wattage in excess of 25 watts unless a dimmer or sun screen is attached;
 - b. Any exposed incandescent lamp with an internal or external metallic reflector;
 - c. Any continuous or sequential flashing operation.
4. All lighted signs shall have low or soft illumination or be shielded.

H. Moving Signs. No sign, sign structure, or portion thereof shall be designed to rotate, flutter, or appear to move, except as specifically provided in this code.

I. Maintenance. All signs, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and be maintained in a safe condition. All signs and the sites upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from rust, corrosion, peeling paint, or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted.

J. Nonconforming Signs. Legally established signs and sign structures which do not comply with the regulations and requirements in this chapter shall be subject to the provisions of Chapter 17.100 BMC .

17.95.060 Permit requirements.

A. A permit shall be required to erect, re-erect, construct, reface, alter, expand, or relocate any sign or sign structure unless the type of sign is specifically listed in the exceptions section of the chapter (BMC 17.95.070).

B. Applications for sign permits shall be submitted to the director upon forms provided by the city. Sign permit applications shall include:

1. Site (plot) plan drawn to scale showing the location of the affected site, lot, premises, building or buildings, and sign or signs, showing both existing signs and awnings and the proposed sign;
2. Scale drawing of the proposed sign or sign revision, including size, height, copy, structural and footing details, material specifications, methods of attachment, illumination, landscaping, front and end views of awning, sample of canvas, soil, seismic and wind calculations, photograph of site and building marked to show where sign or awning is proposed, and any other information required to ensure compliance with appropriate laws;

3. Written consent of the owner of the building, structure, or property where the sign is to be erected, if not the applicant;
4. A permit fee per current fee resolution;
5. A list identifying the size and type of each existing sign located on the building, lot, site, premises, or business establishment. (Ord. 1857 § 2 (Exh. B), 2018).
6. Any other information requested by the Director for purposes of demonstrating compliance with the Chapter or any other applicable regulatory requirements.

17.95.070 Exceptions.

The following shall not require a permit. These exceptions shall not be construed as an exemption from the other requirements of this chapter or other applicable laws and regulations.

A. Address signs are allowed without permit when the following conditions are met:

1. One sign allowed per street frontage displaying the street number and/or name of the occupant of the premises;
2. Such signs may be attached to the building or may be on a post no more than four feet high, and set back at least three feet from the public right-of-way;
3. Such signs may include identification of an on-premises professional office;
4. Such signs may not exceed two square feet in area;
5. Such signs shall be limited to a maximum letter height of eight inches.

B. Temporary signs as defined in subsection (B)(7) of this section are allowed without permit when the following conditions are met:

1. Only one sign is allowed for each street frontage of the property upon which the sign is located. Small directional signs may be placed at the end of the block where an occurrence requiring a sign is located with the property owner's permission.
2. Signs shall not exceed nine square feet in area and six feet in height; flags must not exceed 15 square feet in area.
3. Signs shall not be illuminated.
4. Signs must be set back a minimum distance of five feet from the frontage road and 10 feet from adjoining properties unless exceptions are made by the community development director or designee. Sign may not be placed on public street right-of-way or private property without an owner's permission. Directional signs may not be placed in any improved roadway. Portable signs must be placed in a way that does not unduly obstruct foot or vehicular traffic.
5. Temporary signs shall not be placed upon public utility poles.
6. Signs shall be placed or erected at the time of the occurrence requiring the use of the sign and removed within 48 hours of the end of the occurrence requiring use of the sign.
7. Temporary signs include signs intended to be or allowed to be displayed for a limited period of time. Excepted temporary signs do not include ongoing commercial signage or readerboards. Temporary signs typically include the following:
 - a. Construction signs;

- b. Real estate signs;
- c. Directional signs;
- d. Flags;
- e. Garage sale signs;
- f. Public notification signs; and
- g. Signs, banners, streamers and other similar apparatus used in conjunction with a community event. A “community event” is an event of a public nature sponsored by the city or a community club, chamber of commerce, or other community organization.

Temporary signs that do not meet the description and conditions set forth above may be allowed pursuant to a permit pursuant to the conditions and terms of BMC 17.95.125.

C. Political Signs. Political signs on private property where allowed by the property owner or upon properties that lawfully constitute a public forum. Such signs shall be removed within one week after the election for which the sign is posted. Signs shall not exceed 16 square feet in size as viewed from one direction unless placed on an approved off-site location with greater allowed size limitations. Such signs shall observe the corner vision requirements of this title, and shall not be situated in a manner which creates a hazard.

D. Incidental signs located on the premises may be displayed on any window or door. Incidental signs are permanent signs that include emblems, decals, nameplates and other similar signs indicating residence, affiliation or membership in organizations, acceptance of credit cards, brand names of items sold, and other such information which pertains to the use of the premises.

E. Temporary Window Signs. Posters and other signs of a temporary nature which advertise or inform the public of current prices or events may be displayed on the inside of any window or door of a business located in a commercial, business, or industrial district, covering a maximum of 20 percent of the window or door area.

F. Within a Building. Any sign which is located within a building and which is clearly intended to be visible primarily to people located within the building. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.080 Review of signs/design standards.

The size, design, color, lighting, location and supporting structures of nonexempt signs shall comply with the following provisions, in addition to other applicable provisions of this chapter:

A. Legibility. All forms of sign copy shall be of a size, color, style, spacing, and shape to produce a legible, concise, and uncluttered message as viewed from adjacent public roads or from an internal circulation road or walkway towards which it is oriented.

B. Design. Signs shall be designed using shapes, graphics, colors, materials, and lighting which are coordinated, integrated into, and a natural extension of the design of the building, development or business identified. On-building signs shall be incorporated into the design of the building and shall not be placed in locations which interrupt, detract from or change the architectural lines of the building.

C. Coordination. In multi-tenant developments, every effort shall be made to coordinate the size, placement, and colors of signs to promote a pleasing image and avoid a confusing, cluttered appearance, while retaining individual business identity through the use of letter style, logos or symbols. An overall sign program addressing the requirements of this section shall be required for multi-tenant developments, and it shall be the responsibility of the owner/manager of the development to inform all tenants of the requirements of the approved sign program.

D. Sign Structure. When visible, the supporting structure of the sign shall be incorporated into the overall sign design, and shall be in scale with the sign. The sign structure, and any street numbers included on the sign structure, shall not be counted for purposes of determining sign area. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.090 Sign regulations, residential zones.

Only those sign types listed below or identified as exceptions in BMC 17.95.070 shall be permitted in the RD or RA zones.

A. Residential Nameplate Signs.

1. Permitted sign types: building-mounted only.
2. Maximum sign area: two square feet.
3. Maximum number: one for each dwelling unit.
4. Location and setback requirements: may be mounted on a dwelling unit or accessory structure.
5. Permitted illumination: external illumination only.

B. Home Occupation and Non-Residential Uses. The following standards shall apply to signs identifying home occupations or permitted non-residential uses.

1. Permitted sign types: interior, building-mounted, or freestanding.
2. Maximum sign area: six square feet (24 inches by 36 inches).
3. Maximum number: one sign.
4. Location and Setback Requirements. Home occupation signs must be located on the same lot as the dwelling unit housing the home occupation and:
 - a. Interior signs shall be located within the building housing the home occupation; and
 - b. Building-mounted signs shall be affixed to the building housing the home occupation; and
 - c. Freestanding signs shall be located within 10 feet of the building housing the home occupation. Freestanding signs shall be subject to a maximum height of four feet, six inches.
5. Permitted illumination: external illumination only.

C. Signs Identifying Residential Developments.

1. Permitted sign types: freestanding signs only.
2. Maximum sign height: five feet.
3. Maximum sign area: 30 square feet.
4. Maximum Number. One sign shall be allowed for each development or complex, even when more than one tax lot or ownership is included in the development, except as follows:
 - a. When an additional sign is needed to provide identification of the development at major public access points located on two different roads; or
 - b. When two single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign.
 - c. In business park developments, additional signage may be permitted to identify the residential portions of the development, as well as the commercial or industrial portions.

5. Location and Setback Requirements. Signs shall be situated in a manner so as not to adversely affect safety, corner vision, public rights-of-way improvements or future improvements, easements, or other similar conditions.

6. Permitted Illumination. External illumination only.

D. Noncommercial Public Service Signs.

1. Permitted sign types: freestanding, building-mounted, and reader board.

2. Maximum sign height: see BMC 17.95.100(B).

3. Maximum Sign Area.

a. Freestanding signs: 24 square feet per side.

b. Building-mounted signs: see BMC 17.95.100(E).

4. Maximum Number.

a. Freestanding signs: one freestanding sign on each premises.

b. Building-Mounted Signs. Building-mounted signs shall be subject to the maximum area limits specified in BMC 17.95.100(E).

5. Permitted Illumination. External illumination only.

6. Special Standards. Reader board signs that are not electronic are allowed; provided, that the area of the reader-board shall be included within the total allowable square footage for signage. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.100 Sign regulations, mixed use commercial and commercial-industrial zones.

A. General. The following regulations and standards shall apply to all on-premises signs located in the MUC and CI zones; provided, that this section shall not apply to signs located within the Downtown Priority Development Area which shall be subject to the standards in BMC 17.95.110. Only those signs listed below shall be permitted.

B. Freestanding Signs, Individual on Premises. Individual businesses or uses that are not located in a multiple-tenant development may be identified by a single freestanding on-premises sign. The following regulations shall apply to all freestanding signs except for freestanding signs located within a multiple-tenant development which shall be subject to the requirements identified in subsections (C) and (D) of this section:

1. Maximum sign height: 25 feet, except that:

a. Freestanding on-premises signs located within 500 feet of an I-5 interchange which are associated with a use catering to freeway travelers such as a gas station, eating and drinking establishment, or hotel may have a maximum height of 50 feet; and

b. Freestanding on-premises signs located on lots with freeway frontage may be 45 feet in height.

2. Maximum sign area: 50 square feet as viewed from one direction, except that:

a. An additional 30 square feet may be permitted if the site is larger than one-half acre; and

b. An additional 30 square feet may be permitted if identification of more than one use within a development is included on the sign; and

c. An additional 30 square feet may be permitted if the sign uses natural materials (carved or sand-blasted wood, or marble or stone) and indirect illumination; and

d. An additional 30 square feet may be permitted for freestanding on-premises signs located within 500 feet of an I-5 interchange or on lots with freeway frontage when associated with a use catering to freeway travelers; and

e. Sign area may be increased by a maximum of 20 square feet for time and temperature only if a time and/or temperature display is incorporated in the design of the sign, as further regulated in BMC 17.95.120; and

f. For developments over 30 acres in size, an additional 30 square feet of sign area is allowed for each tenant larger than 10,000 square feet in size up to a maximum of 350 square feet.

3. Maximum number: one sign for each tenant or use.

4. Location and Setback Requirements.

a. All freestanding on-premises signs shall be located on the same site or premises as the tenant or use with which they are associated; and

b. All freestanding on-premises signs shall be located within a landscaped planter with protective curbs located at least three feet from all support elements; and

c. All freestanding on-premises signs shall be subject to a minimum property line setback of 10 feet. This setback shall be measured from the outer edge of the sign closest to the property line.

5. Permitted Illumination. Internal or external illumination may be permitted. Externally illuminated signs shall be subject to BMC 17.95.050(G).

C. Development Complex Signs, Primary. The following standards and regulations shall apply to all multiple-tenant developments and to freestanding signs located in a multiple-tenant development:

1. Maximum sign height: see subsection (B)(1) of this section.

2. Maximum sign area: see subsection (B)(2) of this section.

3. Maximum Number. One development complex sign shall be allowed for each multiple-tenant development, even when more than one tax lot or ownership is included in the development, except that:

a. Two additional signs may be used to identify a multiple-tenant development if the development has access points located at different major arterials; provided, that the additional signs shall be located at an arterial point; and further provided, that only one such sign shall be located at each access point; and

b. Two single-faced signs oriented in opposite directions may be used in lieu of a single double-faced identification sign.

4. Location and Setback Requirements. Development complex signs shall be located within the multiple-tenant development with which they are associated and may only be used to advertise the development and the tenants and uses located within the development. Development complex signs shall be subject to a minimum property line setback of 10 feet.

5. Permitted Illumination. Internal or external illumination may be permitted. Externally illuminated signs shall be subject to BMC 17.95.050(G).

D. Development Complex Signs, Supplemental. A monument sign may be used to identify individual tenants within a multiple-tenant development which are not otherwise identified by a primary development complex sign subject to the following:

1. Permitted sign types: freestanding only.

2. Maximum sign height: six feet.
3. Maximum sign area: 36 square feet.
4. Maximum Number. Only one monument sign shall be allowed for each tenant or business.
5. Location and Setback Requirements.
 - a. Each sign shall be located in front of the tenant or business it identifies; and
 - b. Each sign shall be located within a landscaped area surrounded by curbing located at least three feet from the base of the sign unless the sign is located next to a sidewalk.
 - c. Each sign shall be located at least 50 feet from any primary development complex sign and 100 feet from any supplemental development complex sign.
 - d. Signs shall not be located within a radius of 20 feet of the corner of any two streets or the corner of a driveway and street.
6. Material and Design Requirements. Colors and materials shall be the same, or substantially the same, as those used on the building housing the tenant or business identified by the sign.
7. Permitted Illumination. Internal or external illumination may be used subject to the general illumination standards in BMC 17.95.050(G).

E. Building-Mounted Signs. Building-mounted signs identifying the use of space within the building on which the sign is mounted may be permitted subject to the following conditions:

1. Maximum Sign Area. The total combined area of all building-mounted signs on a building frontage shall be limited to two square feet for each linear foot of building frontage, except that if a tenant is not identified by any other sign 60 square feet may be permitted regardless of frontage length.
2. Permitted Illumination. Signs may be internally or externally illuminated subject to BMC 17.95.050(G).

F. Movie Theaters. The following additional provisions shall apply to on-premises signs advertising movie theaters:

1. Movie theaters with freeway frontage or located within 500 feet of a freeway interchange may have up to two freestanding signs provided one freestanding sign is located along an arterial and one sign is located along the freeway frontage. Signs permitted by this provision shall be limited to 100 square feet per sign face.
2. Readerboards may be incorporated into freestanding signs or building-mounted signs; provided, that no moving messages shall be permitted; and further provided, that the total area of any such sign does not exceed the maximum permitted sign area.

G. Permitted Temporary and Portable Signs. The following regulations shall apply to temporary and portable signs permitted pursuant to BMC 17.95.125:

1. No more than a combination of one portable sign and two banners shall be permitted for any business.
2. In addition to permanent signage, a business may also display one movable sign during business hours up to a maximum size of six square feet per sign face.
3. Signs shall be secured, anchored, weighted or staked to handle wind loads of 50 miles per hour.
4. In the retail core, signs shall be located behind the sidewalk on private property.
5. In downtown, signs shall be located within the area for outdoor display of goods, as provided in BMC 17.45.080(B)(2) of this section, or other approved location.

6. Well-maintained banners may be used for promotions if securely anchored.

7. Up to two well-maintained blade banners per street front may be used on private property and not extend over public right-of-way, if securely anchored.

H. Walking Advertisers. 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. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.105 Sign regulations, mixed use residential zones.

A. General. The following regulations and standards shall apply to all on-premises signs located in the MUR zones. Only those signs listed below shall be permitted.

B. Permitted sign types: building-mounted or freestanding.

C. Maximum sign height: Freestanding signs shall be limited to a maximum height of five feet.

D. Maximum sign area: 20 square feet.

E. Maximum number: one sign for each building or premises.

F. Location and Setback Requirements. Freestanding signs shall be located in front of, and within 15 feet of, the building they are associated with.

G. Permitted Illumination. Internally illuminated signs are prohibited. Externally illuminated signs shall be subject to the general standards in BMC 17.95.050(G).

H. Permitted Temporary and Portable Signs. The following regulations shall apply to temporary and portable signs:

1. No more than a combination of one portable sign and two banners shall be permitted for any business.
2. In addition to permanent signage, a business may also display one movable sign during business hours up to a maximum size of six square feet per sign face.
3. Signs shall be secured, anchored, weighted or staked to handle wind loads of 50 miles per hour.
4. In the retail core, signs shall be located behind the sidewalk on private property.
5. In the Downtown Priority Development Area, signs shall be located within the area for outdoor display of goods, as provided in BMC 17.45.080(B)(2), or other approved location.
6. Well-maintained banners may be used for promotions if securely anchored.
7. Up to two well-maintained blade banners per street front may be used on private property and not extend over public right-of-way, if securely anchored.

I. Walking Advertisers. 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. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.110 Sign regulations, Downtown Priority Development Area

A. General. In addition to any other applicable standards or requirements identified in this chapter, signs located within the Downtown Growth Area shall be subject to the following additional standards.

B. Permitted Sign Types. Each building or premises may have either a freestanding sign or a building-mounted sign. Building-mounted signs may be projected signs.

C. Maximum Sign Height. Maximum sign height shall be 25 feet.

D. Maximum Sign Area. Maximum sign area shall be 25 square feet.

E. Maximum Number. A single sign is permitted for each building or premises.

F. Special Standards. Building-mounted signs which project over a sidewalk or alley (within the right-of-way) shall have at least eight feet of vertical clearance from the sidewalk to the bottom of the sign, or 15 feet of clearance from an alley to the bottom of the sign. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.110 Sign regulations, ~~public facilities and transportation zones~~ parks and public facilities.

A. General. The following standards apply to signs located in the PFT ~~and PC~~ zones.

Commented [BJ2]: BJ - 9-12-2024 - This section was intended to apply to all publicly owned property but the PC zones were left out. Corrected.

B. Permitted Sign Types. Each building or premises may have both a freestanding sign and a building-mounted sign. Building-mounted signs may be projected signs or rooftop signs.

C. Maximum Sign Height. Maximum sign height shall be 25 feet, except for rooftop signs authorized by this section.

D. Maximum Sign Area. Maximum sign area shall be 25 square feet.

E. Maximum Number:

1. Building mounted signs: one sign for each building façade;
2. Freestanding signs: one sign for each street frontage abutting the premises;

F. Special Standards.

1. Building-mounted signs which project over a sidewalk or alley (within the right-of-way) shall have at least eight feet of vertical clearance from the sidewalk to the bottom of the sign, or 15 feet of clearance from an alley to the bottom of the sign.
2. Rooftop signs shall only be permitted on gabled roofs and shall be located as close to the eave line as possible. Under no circumstances shall a rooftop sign, or any portion of a rooftop sign, extend above the peak of the roof it is attached to.
3. Prohibited signs:
 - a. Signs located in a street right-of-way and off premises signs except for traffic control signs, temporary construction signs, signs necessary for emergency management purposes, and signs installed under the provisions of the City's wayfinding signage program (BMC 17.95.130.D);
 - b. Signs owned, erected by, managed, maintained, or paid for by a private entity. Only public signs are permitted in the PFT zones.

17.95.115 On-site traffic control and directories.

A. Traffic Control. Signs which direct the flow of traffic to, from and within the site area shall observe the corner vision requirements of the district and shall be a maximum of three square feet per side. See BMC 17.70.050 and 17.70.060.

B. Directories. An on-site sign oriented primarily towards vehicle circulation which identifies and directs traffic to a number of tenants, uses or buildings within the development, including informational signs, shall be limited in area to a maximum of two square feet per tenant, use or building specifically identified, up to a maximum of 40 square feet, and shall not exceed 12 feet in height. Directories oriented toward pedestrian circulation areas, including those attached to buildings, shall be a maximum of 24 square feet in area and eight feet in height.

C. Menu Boards. On-site menus oriented toward internal circulation drives shall not exceed a combined area of 40 square feet. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.120 Electronic changing message sign requirements.

A. A time and temperature sign is permitted up to a maximum of 20 square feet in area for time and temperature only, in locations specified in BMC 17.95.100.

B. An LED gas price sign is permitted with digit heights of six, eight, 12, 15, 22 and 30 inches for gas prices only, in locations specified in BMC 17.95.100, to be included in maximum sign area.

C. Electronic message center signs and other changeable copy signs shall be incorporated into a permanent identification sign which is otherwise permitted by this chapter. Approval for electronic message center signs shall not be granted unless the following conditions are satisfied:

1. Only one electronic message center sign shall be used in a development;
2. The changeable copy sign or electronic message center shall be integrated into a non-electronic sign and the electronic portion of the sign shall not exceed:
 - a. Eighty square feet in sign area for signs 40 feet or less in height;
 - b. One hundred fifty square feet in sign area for signs over 40 and less than 50 feet in height;
 - c. Two hundred fifty square feet in sign area for signs 50 feet in height;
 - d. Sign pole width shall be a maximum of one-fourth of the sign width;
3. Electronic message centers and changeable copy signs may be used only to advertise activities conducted or goods and services available on the property on which the sign is located, or to present public service information;
4. Electronic message center signs are only permitted for a multiple-tenant development complex;
5. Location shall be in the Westside Special Development Area, within 100 feet of the Interstate 5 right-of-way and the sign shall be oriented to Interstate 5, separated along each side of I-5 by 1,500 feet;
6. The display shall comply with WAC 468-66-050 as summarized and amended here: Electronic signs may be used only as on-premises signs and/or to present public service information as follows:
 - a. Advertising messages on electronic signboards may contain words, phrases, sentences, symbols, trademarks, and logos. A single message or a message segment must have a static display time of at least two seconds after moving onto the signboard, with all segments of the total message to be displayed within 10 seconds. A one-segment message may remain static on the signboard with no duration limit.
 - b. Displays must appear as a picture that holds in a static position for a minimum of four seconds.
 - c. Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the signboard.
 - d. No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed 8,000 nits or equivalent candelas during daylight hours, or 1,000 nits or equivalent candelas between dusk and dawn. Signs shall be programmed to automatically adjust illumination for all times of day and night.

D. No other signs or illuminating devices shall have blinking, flashing, or fluttering lights. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.125 Permitted temporary or portable signs.

The following regulations shall apply to all temporary or portable signs not exempt under BMC 17.95.070:

A. Special Events Sign Permit. Temporary signs, banners, lights, streamers, inflatables, balloons, and other similar apparatus used in conjunction with a special event may be used after obtaining a special event permit subject to the following conditions:

1. Time Period and Duration. The display of apparatus specified shall not exceed a total time period of four weeks in any calendar year; provided, that temporary displays for outdoor sales of vehicles that are maintained in good repair may be used as desired except in the retail core.
2. Hazards. No sign, light, electric cord, streamer, banner, or other apparatus shall be situated or used in a manner which creates a hazard.

B. Temporary Portable Identification Signs. One portable identification sign may be used to temporarily identify a new business until permanent identification signs are installed, or to identify an existing business while permanent signs are being repaired or replaced, under the following conditions and limitations:

1. Maximum Size. No portable identification sign shall exceed 24 square feet in area.
2. Setbacks. Portable signs shall observe corner vision requirements, and shall in no case be placed in the public right-of-way.
3. Anchoring. All signs shall be physically anchored to the premises in a manner which both prevents the sign from being moved or blown from its approved location, and allows the prompt removal of the sign.
4. Illuminated Signs. No portable identification sign shall have flashing lights or arrows or any other apparatus which may be construed to be a traffic control device. All illuminated signs requiring an outside power source shall use a state-approved power outlet.
5. Hazards. No portable sign or associated apparatus shall be situated or used in a manner which creates a hazard. The city retains the right to remove a portable sign that, in the judgment of the city officials, may create a hazardous situation.

C. Walking Advertisers. 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. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.130 Off-premises signs.

Off-premises signs shall not be allowed except as herein provided:

A. Billboards (Outdoor Advertising Structures). New billboards shall not be allowed in any zoning district.

B. Political Signs. Signs which support or oppose ballot measures, persons running for political office, and other issues subject to a vote by the public may be allowed subject to the following conditions:

1. Approval of the owner of the property on which the sign is to be placed;
2. Location. Such signs shall not be posted in state, county or city rights-of-way, on telephone poles, traffic signs, or other public apparatus. Such signs shall observe the corner vision requirements of this title, and shall not be situated in a manner which creates a hazard;
3. Size. Signs shall not exceed 16 square feet in size as viewed from one direction;
4. Time Limit. Such signs shall not be posted more than four months before the affected election, and shall be removed within one week after the election for which the sign is posted.

C. Temporary Directional Signs. The intent of this provision is to allow the infrequent, and not the regular, use of signs of a temporary nature. Off-premises directional signs of a temporary nature such as those used to direct persons to open houses, garage sales, or special events of short (two days') duration may be allowed subject to the following conditions:

1. Any such sign which is visible from a state highway shall be subject to approval by the State Department of Transportation.
2. All such signs shall comply with subsections (B)(1) through (3) of this section.
3. Time Limit. All such signs shall be removed at the end of the day on which the event, open house or garage sale is conducted and shall not be used repeatedly, contrary to the stated intent.
4. The city shall have the authority to immediately remove and dispose of any such sign found to be in violation of this subsection.

D. Wayfinding Signage Program. The intent of this provision is to establish a city managed wayfinding sign program that provides directional and locational information to the general public about places of general interest, such as tourist information services, school or public recreational facilities, shopping malls, restaurants, lodging, business directories designed to be compatible with the city's urban wayfinding program, central business or other special districts, historic sites, and regional developments; or to provide information of a general community nature, such as those found at city entrance locations identifying the city and historic dates, or listing local service clubs and organizations or to provide business identification for sites located on a dead-end street. Such signs may be allowed, subject to the following:

1. Only signs located in a public right-of-way and installed and maintained by the City of Burlington shall be permitted under this section (BMC 17.95.130.D).
2. In order to reduce visual clutter and maximize the benefits of the wayfinding program, signs identifying individual points of interest shall be consolidated whenever possible and all signs shall be consistent with the City's adopted wayfinding signage program.
3. Signs visible from, or located in the right-of-way of, a state highway shall be subject to approval by the Washington State Department of Transportation.
4. Location. The location of wayfinding signs shall be approved by the City Engineer. Signs shall not be placed where they may cause a hazard, or obstruct the vision of any driver.

~~54.~~ Size. Signs identifying individual points of interest shall be no larger than necessary to clearly inform or direct the public and shall be consistent with the city's urban wayfinding signage program.

~~65.~~ Illumination. May be indirectly illuminated.

~~76.~~ Design. All such signs shall be designed using materials, colors, lettering and other graphics consistent with the City's adopted wayfinding signage program. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.135 Prohibited signs.

A. Prohibited signs are subject to removal by the city at the owner's or user's expense. Prohibited signs on public property may be summarily removed by the city. Prohibited signs on private property shall be subject to code enforcement action for removal pursuant to this section.

B. The following signs or displays are prohibited in all zones within the city, whether located on public or private property, except those expressly permitted as temporary signs in BMC 17.95.125:

1. Abandoned or obsolete signs;
2. Animated or moving signs;
3. Dilapidated, nonmaintained signs;
4. Flashing signs and strobe lights, holographic displays;
5. Inflatable advertising devices;

6. Mylar balloons;

7. Obstructing signs which obstruct or interfere with free access to or egress from a required exit from a building or structure, or do not meet corner vision requirements;

8. Off-premises signs except those expressly allowed in this chapter;

9. Pennants, streamers, ribbons, spinners, whirlers, propellers, festoons, blinking lights, or similar items that attract attention through movement, reflection or illumination;

10. Portable signs include any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Examples of portable signs include but are not limited to wire stake signs, A-frame, sandwich board signs and portable readerboard signs. See BMC 17.95.125(B) for exceptions;

11. Persons carrying or wearing portable advertising signs or costumes designed to advertise a business. See BMC 17.95.125(C) for exceptions;

12. Signs mounted on the tops of roofs, projecting above parapet walls, are prohibited, except those explicitly authorized by this Chapter. (Ord. 1857 § 2 (Exh. B), 2018).

17.95.140 Variances.

Relief from or modifications of the size limits of signs regulated by this chapter require a zoning variance as provided in BMC 14A.05.150. (Ord. 1857