

35.010

Chapter 35

LANDSCAPING AND SCREENING
REQUIREMENTS

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35.010 User guide.

Chapters 5 through 28 of this title contain the use zone charts which refer to a particular landscape category for each specific use. This landscape category is either A, B, C, D or E. This chapter establishes the requirements for each landscape category and the minimum landscaping requirements for all uses. It also establishes minimum buffers between certain uses, and provides a method for modification of the requirements of this chapter. (Ord. 1671-89 (part), 1989.)

35.020 Purpose.

The purpose of this chapter is to enhance compatibility between land uses and zones; screen undesirable views which have a blighting effect upon adjoining streets and properties; provide a visual buffer and physical separation between land uses of varying intensities on abutting properties; minimize the impacts of noise, light and glare; temper the extremes of microclimates; provide privacy; reduce dust; reduce the visual monotony of large expanses of paved parking lots; implement the policies of the Everett general plan; reduce storm water runoff and pollution of surface waters, reduce erosion and sedimentation; conserve energy; aid in regulating vehicle circulation; and retain existing natural vegetation and protect and preserve urban wildlife habitat to the extent feasible. (Ord. 1671-89 (part), 1989.)

35.030 Application of this chapter.

The planning department shall review and may approve, disapprove or approve with modification all site/landscape plans for all uses and developments which are required to provide landscaping in accordance with the

requirements of individual zones and the provisions of this chapter. This chapter shall apply under the following circumstances:

A. New Development. All new uses shall provide landscaping in accordance with the requirements of this chapter when the use-standards table indicates a particular landscape category applies to that use, or when a particular landscape category and/or additional specific landscaping requirements are imposed as part of a discretionary permit review process.

B. Expansions of or Alterations to Existing Uses. The requirements of this section shall apply to remodeling or expansion of existing uses when the value of the new construction or alteration occurring within a two-year period is equal to or greater than thirty-five percent of the assessed value of the existing structure. Where conformance with this section would create a nonconformity of parking standards or would conflict with the location of existing buildings on the lot, the planning director shall determine how the code is to be applied (see also Section 38.070.A). In determining how to apply the landscaping requirements in such circumstances, the planning director shall use the following criteria in deciding which of the landscaping requirements to adjust, listed in the order of highest importance:

1. Compliance with street frontage landscaping standards;
2. Compliance with perimeter landscaping standards;
3. Compliance with internal area of parking lot standards;
4. Compliance with other landscaping standards of this title.

C. Change of Use or Occupancy. When the use of a building or lot changes to another use which does not involve expansion or remodeling as provided in subsection B of this section, such use need not provide additional landscaping except under the following circumstances:

1. Additional off-street parking is required, in which case the landscaping required by Section 35.080 shall be required for all new parking spaces or parking facilities provided.

2. The use is subject to a review process in which the review authority has discretionary authority as set forth in EMC Title 15, Local Project Review Procedures, in which case the review authority shall establish the minimum landscape requirements for the specific use.

3. New uses, storage or other activities which take place outdoors are to occur, in which case the requirements of Section 41.100 shall apply.

4. The previous use did not comply with the requirements of the landscaping regulations in effect at the time it was established, in which case the new use shall comply with such requirements in effect at the time of establishment of the previous use.

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Chapter 35 is applicable to Simpson & Eclipse Parcels.
See Everett Riverfront District Zoning Standards for
landscape requirements on the landfill pad.

If the location of existing buildings prevents conformance with the requirements of this chapter, the planning director shall determine how the code is to be applied.

D. **Difference of Standards.** Where there is a difference in the standards listed in this chapter and the specific requirements listed in individual zones, the more substantial requirements shall be required. The planning director may permit alternative landscaping, as provided in Section 35.070 of this chapter, when the overall site development plan proposed provides equivalent or better results than required by this title.

E. All uses subject to the requirements of this section shall also be designed in accordance with Section 39.165 for transportation compatibility, excluding the exceptions listed in Section 39.165. (Ord. 2538-01 § 38, 2001; Ord. 1849-92 §§ 24, 25, 1992; Ord. 1793-91 § 5, 1991; Ord. 1729-90 § 18, 1990; Ord. 1671-89 (part), 1989.)

35.040 Location of landscaping.

Landscaping shall be located where indicated by Table 35-1. Where required landscape width exceeds the required setback, the landscape width may be reduced to the minimum setback width if the landscape type is increased to the next higher standard (e.g., Type III to Type II), except that where Type III landscaping is required along street frontages, it need not be increased to Type II landscape standards. (Ord. 1849-92 § 28, 1992; Ord. 1671-89 (part), 1989.)

35.050 Landscaping type requirements.

A. **Type I: Visual Screen.** Type I landscaping is intended to provide a very dense sight barrier to significantly separate uses and zoning districts. It shall generally consist of a mix of predominantly evergreen plantings including living trees, shrubs and ground covers. The choice and spacing of plantings shall be such that they will form a dense hedge sufficient to obscure sight through the screen within three years after planting. Where a sight obscuring fence is required, chain-link fencing with slats shall not be considered to be sight-obscuring. Type I landscaping shall consist of the following:

1. A minimum of two staggered rows of evergreen trees planted along the entire length of the required buffer. Trees shall be chosen and spaced so as to form an effective visual screen which creates a solid sight-obscuring barrier within three years of planting. Trees shall be a minimum of six feet high at the time of planting.

2. When a nonresidential use abuts a residential use in a residential zone and Type I landscaping is required between uses, Type I landscaping shall include a solid wood fence or masonry wall, or combination of wood and masonry, six feet in height and located along the property line between the residential and nonresidential use.

3. The entire width of the required buffer shall be landscaped. The remaining area which is not planted with

the sight-obscuring barrier shall be planted with shrubs and ground cover. Shrubs shall be a minimum of twenty-four inches high at the time of planting. Shrubs and ground cover shall be planted to attain a coverage of ninety percent of the planting area within three years.

4. Lawns may be used to cover up to seventy-five percent of the landscape area which is not used for the sight-obscuring barrier.

B. **Type II: See-through Buffer.** Type II landscaping is intended to create a visual separation between uses and zones. Type II landscaping shall consist of:

1. A mix of evergreen and deciduous trees, with no more than thirty percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than twenty feet on center.

2. A mix of evergreen and deciduous shrubs, with not more than thirty percent being deciduous, a minimum of twenty-four inches high at the time of planting, planted at a density of five per one hundred square feet of planting area, together with other living ground cover planted to attain a coverage of ninety percent within three years of planting.

C. **Type III: Ornamental Effects Landscaping.** Type III landscaping is intended to provide a visual separation of uses from streets; and visual separation of compatible uses so as to soften the appearance of the development from public streets and soften the appearance of parking areas, buildings, and other improvements. Type III landscaping shall consist of:

1. Canopy-type deciduous trees or spreading evergreen trees planted in wells or strips with a mix of living evergreen and deciduous ground covers and low shrubs. Up to one hundred percent of the trees may be deciduous. Deciduous trees shall have a minimum trunk diameter of one and one-half inches and a minimum height of six feet at the time of planting. Evergreen trees shall have a minimum height of six feet at time of planting. Trees shall be spaced at intervals no greater than thirty feet on center.

2. Shrubs and living ground cover shall be chosen and planted to attain a coverage of ninety percent within three years of planting. Shrubs shall be a minimum of twenty-four inches high at the time of planting and shall be planted at a density of five shrubs per one hundred square feet of that portion of the landscape area which is not planted in lawn. Lawn may be used for up to seventy-five percent of the required ground cover.

3. Landscaping located within public rights-of-way shall be approved by the Everett parks department, prior to planting, as part of the review of landscape plans required by Section 35.100. The parks department may require specific types of street trees for planting in public rights-of-way abutting the property for which the landscaping is required. Such street trees shall be selected and planted in accordance with the parks department requirements.

4. Irrigation systems shall not be located within public right-of-way unless approved by the public works department.

D. Type IV: Soil Stabilizing Vegetation/Landscaping. Type IV landscaping is intended to provide soil stability, prevent erosion and prevent sedimentation to off-site properties and improvements. Type IV landscaping shall consist of lawn, other living ground cover, shrubs and trees with a root structure which stabilizes soil where necessary to prevent erosion and sedimentation. Type IV landscaping may include other organic and/or inorganic soil-stabilizing materials such as rockeries, retaining walls or other similar slope and soil stabilization devices.

E. Pedestrian walkways shall be permitted to cross required landscape areas. (Ord. 1849-92 §§ 26, 27, 1992; Ord. 1729-90 § 19, 1990; Ord. 1671-89 (part), 1989.)

35.060 Landscape categories—Application.

A. Perimeter Landscaping. Table 35-1 of this section establishes the type and width of landscaping required along property lines for the landscape category required for a specific use in each individual zone. This chart estab-

lishes the minimum requirements for each landscape category. However, additional standards may be required in individual zones or for uses being reviewed under review processes involving the hearing examiner, board of adjustment, planning commission or city council as set forth in EMC Title 15, Local Project Review Procedures, when necessary to enhance compatibility between zones and uses. Where a minimum width of landscaping is specified, the actual width of the planting area shall be measured. Curbs, paving or other protective or boundary marking devices shall not be included in the measurement of landscape width.

B. Application of Type IV Landscaping. Type IV landscaping shall be used in the following circumstances:

1. All uses which are indicated as requiring Landscape Category E in the use-standards tables of individual zones.

2. All interior portions of lots which are not developed with buildings, parking area and uses and which are not regulated by subsection A of this section, or Sections 35.080 or 35.090 of this chapter, or by other more specific landscape regulations contained in this title.

Table 35-1

Landscape Category	Street Frontage (1)		Abutting Zone	Interior Lot Lines (2)	
	Type	Width		Type	Width
A	III	Minimum setback depth (3)	Single-family (4)	II	15 feet or width of required setback, whichever is less
			Others	III	5 feet or distance between building and lot line, whichever is less
B	III	10 feet or distance between lot line and building, whichever is less (3)	Residential (5)	II or I	15 feet 10 feet
			Others	III	5 feet or distance between building and lot line, whichever is less
C	III	10 feet or distance between building and lot line, whichever is less (3) (8) (10)	Residential (5)	I	25 feet
			Commercial (6) (11) Industrial (7) (11)	II III	10 feet 5 feet
D	III	20 feet or distance between building and lot line (3) (8) (10)	Residential (5)	I	25 feet
			Commercial or Industrial	II	10 feet
E	IV	(9)	All Zones	IV	(9)

Footnotes for Table 35-1:

- (1) All public right-of-way behind the sidewalk shall also be landscaped to Type III standards.
- (2) Interior lot lines which do not abut an alley.
- (3) See Section 35.080 for landscaping requirements for off-street parking and outdoor display areas.
- (4) A-1, R-S, R-1, R-2, R-1(A), R-2(A) zones.
- (5) A-1, R-S, R-1, R-2, R-1(A), R-2(A), R-3(L), R-3, R-4, R-5 zones.
- (6) B-1, B-2, B-2(B), B-3, C-1, C-1R, WC zones.
- (7) C-2, M-1, M-2, M-M, M-S zones.
- (8) See Section 27.020 for additional requirements in M-1 zone.
- (9) See subsection B of this section for application of Category IV landscaping.
- (10) The minimum landscape width for off-street parking areas abutting street right-of-way shall be fifteen feet.
- (11) If lot being developed has an area of five acres or greater, width shall be twenty feet.
(Ord. 2538-01 §§ 37, 39, 2001; Ord. 1849-92 § 31, 1992; Ord. 1671-89 (part), 1989.)

35.070 Modification of landscaping requirements.

A. The planning director may, using the review process described in EMC Title 15, Local Project Review Procedures, authorize a reduced width of planting or waive some or all of the landscaping requirements in the following instances:

1. Where, with the exception of the M-1 zone, the requirement of this chapter would require more than fifteen percent of the site area (excluding parking lots) to be landscaped, the planning director may modify the requirements so that not more than fifteen percent of the site area (excluding parking lots) must be landscaped. The planning director may require more intensive landscaping if the reduction in the required planting area would reduce the effectiveness of the landscaping to a point where the intent of the landscape type cannot be satisfied.

2. When the inclusion of existing vegetation on the site would result in landscaping equivalent to or better than the requirements of this chapter in achieving the intent of the required landscape type.

3. When existing conditions on or adjacent to the site, including, but not limited to, differences in elevation, existing vegetation, location of buildings or utilities would render the requirements of this section ineffective.

4. When Type I visual screening is required, an applicant may request to use plantings that can be expected to form a healthy sight-obscuring evergreen hedge within three years in lieu of two rows of trees. In reviewing such a request for modification, the planning director shall consider the applicant's request in light of the intent of Type I landscaping and the nature of the use or development which is being screened.

5. When the applicant proposes an alternative method of landscaping that would achieve the intent and purpose of the landscaping required in this title and which the director determines to provide superior quality through the use of native vegetation existing on site, preservation of groves of trees, preservation of wetlands and/or wildlife habitat, increasing perimeter landscape width in strategic locations, providing unique focal points of interest, or through other means.

6. When development will occur in phases and development of subsequent phases will result in removal of landscaping required by this title.

7. When the subject property abuts railroad right-of-way developed with rail facilities, the planning director may modify the landscaping requirements for that portion of the property abutting the railroad right-of-way, if such modification will not reduce the compatibility between the subject property and other properties in the vicinity.

B. In approving a request for a modification of landscaping requirements, the planning director shall issue findings upon which the approval is based. The director may attach conditions to any such approval of a request for modification of landscaping requirements if necessary to assure that the intent of the landscape type and any modification thereof is maintained. Any appeal of the planning director's decision approving or disapproving a request to modify landscaping requirements is subject to the appeals provisions contained in EMC Title 15, Local Project Review Procedures. (Ord. 2538-01 § 40, 2001; Ord. 1849-92 § 28, 1992; Ord. 1671-89 (part), 1989.)

35.080 Outdoor display and off-street parking area landscape requirements.

The following requirements shall apply to landscaping of all off-street parking, outdoor automobile sales and outdoor display areas. The purpose of this section is to provide visual relief along the street frontage of outdoor display and off-street parking areas.

A. Parking areas, automobile sales lots and other outdoor display areas which front on a street right-of-way shall provide a ten foot wide landscaped area along the entire street frontage, except for driveways, planted to Type III standards.

B. The property owner may apply for permission for up to one-half of the landscaping area to be placed within public right-of-way; provided, that the minimum width of the planting area is at least ten feet. The required landscaping may be installed in public right-of-way only when approved by the public works and parks departments.

Such landscaping on city right-of-way shall be consistent with the city's street tree program when applicable.

C. Plantings used to satisfy the requirements of subsection B of this section may be placed on street right-of-way behind the sidewalk line if the property owner provides the city with a written release of liability in a form which is acceptable to the city attorney for damages which may be incurred to the landscape area by public use of the right-of-way and the landscape area is maintained by the property owner.

D. The following amounts of landscaping shall be provided in the internal area of parking lots exclusive of the landscaping required to be provided along street frontages and along other lot lines by subsection A of this section:

1. If a lot or development site contains a total of ten or fewer parking spaces, or not more than four thousand square feet of parking and maneuvering area, whichever is less, no landscaping is required in the internal area of parking lots.

2. If the parking area contains more than ten parking spaces or four thousand square feet of maneuvering area, and less than one hundred parking spaces, a minimum of one tree shall be planted for every eight parking spaces. Calculations resulting in a fraction larger than one-half shall be rounded up to the next whole number.

3. If the parking area contains one hundred or more parking spaces, a minimum of one tree shall be planted for every six parking spaces. Calculations resulting in a fraction larger than one-half shall be rounded up to the next whole number.

4. Outdoor storage areas and vehicle sales do not require interior landscaping; however, such sites shall still provide landscaping along street frontages and other lot lines as required by subsection A of this section and Table 35-1.

E. Landscaping of the planting areas located in the interior of parking lots as required by subsection D of this section shall conform to the following standards:

1. Trees shall be a minimum of six feet high at time of planting. Up to fifty percent of the required trees within parking areas may be deciduous.

2. Ground cover shall be provided in the required landscape areas. Ground cover shall be selected and planted so as to withstand foot traffic and provide ninety percent coverage within three years of planting.

3. No parking shall be located more than fifty feet from an internal landscape area.

4. Tree wells should be a minimum of five feet by five feet or four feet by six feet, and the size of the tree wells shall be shown on the landscape plan. If another size is proposed, the applicant shall provide documentation from a certified landscape architect concerning the viability of the size of the tree well for the growth characteristics of the subject tree.

5. Trees shall be maintained in accordance with the standards established in Section 35.130.

F. Except where a greater landscape width and more substantial landscape type is required by Table 35-1, where outdoor display areas and off-street parking facilities for office, commercial or industrial uses abut residential zones, it shall be separated therefrom by a ten-foot-wide landscape strip planted with Type I landscaping. The landscape requirement may be reduced to five feet in width and planted with Type II landscaping if a six-foot-high screening fence constructed of wood, masonry or a combination of wood and masonry are erected on the property line between the residential zone and the outdoor display area of off-street parking facility.

G. Where off-street parking facilities for multiple-family uses are located adjacent to single-family zones (R-S, R-1, R-2, R-1(A), R-2(A) and A-1), they shall be separated therefrom by a fifteen-foot-wide strip landscaped to Type II standards. The landscape strip may be reduced to ten feet if a six-foot-high solid screening fence constructed of wood, masonry or combination of wood and masonry are erected on the property line between the multiple-family use and the single-family zone and Type I landscaping is provided. Separation between parking areas for multiple-family uses and adjoining multiple-family zoned properties shall be as provided in Section 15.100 of this title.

H. All planting areas bordering driveways and parking areas shall be protected therefrom by curbing, wheelstops or other similar protective devices. Such protective devices shall be shown on landscape plans. (Ord. 2657-02 §§ 31, 32, 2002; Ord. 2538-01 § 41, 2001; Ord. 1849-92 §§ 30, 33, 34, 1992; Ord. 1729-90 §§ 20, 21, 1990; Ord. 1671-89 (part), 1989.)

35.090 Landscaping adjacent to freeways.

Where perimeter landscaping is required by this title for specific uses, and the lot upon which such use is proposed abuts the right-of-way of Interstate 5, SR 526 or SR 2, a landscape strip, a minimum of ten feet in width, shall be planted along the entire length of the lot adjacent to the highway. Said landscape strip shall be planted to Type II standards, unless the use is otherwise required to provide more substantial landscaping by other sections of this title. (Ord. 1671-89 (part), 1989.)

35.100 Landscape plan requirements.

A. The applicant shall submit three sets of landscape plans for review by the planning department. The landscape plan may be incorporated into the site development plan or provided separately. No permit for use which is subject to the requirements of this section shall be issued until the landscape plan for such use has been approved by the planning department.

B. The landscape plan shall be drawn to a scale which is appropriate to accurately depict the following information:

1. The species names of all plants proposed to be used;
2. The number, size and spacing of all proposed plants and the height of trees and shrubs at the time of planting;
3. The lot area and the total area of the lot required to be landscaped;
4. The area of the lot proposed to be landscaped;
5. Method of irrigation of required landscape areas and schematic of irrigation system;
6. Location and dimensions of planting areas;
7. Details of any required berms or fences;
8. The location of any proposed or required pedestrian walkways. (Ord. 1849-92 § 35, 1992; Ord. 1671-89 (part), 1989.)

35.110 General landscape requirements.

The following standards shall apply to all areas which are required to be landscaped by this chapter:

A. Trees.

1. Deciduous trees shall have a trunk diameter of at least one and one-half inches measured at six inches above the ground, and shall be a minimum of six feet in height at the time of planting.
2. Evergreen trees shall be at least six feet high at the time of planting.

B. Shrubs. Nonflowering shrubs shall be at least two gallon size and at least twenty-four inches high at the time of planting.

C. Ground Covers.

1. Ground cover includes low-growing, living plant materials such as perennials, grass, and similar plants. For purposes of this title, chipped wood, bark, similar mulching materials or nonliving artificial plant materials are not acceptable substitutes for required ground cover.

2. In order to accomplish ninety percent coverage of bare soil by ground cover within three years, spacing for ground cover shall be as follows:

- a. Two and a half-inch pots — twelve inches on center;
- b. Four-inch pots — eighteen inches on center;
- c. One-gallon pots — twenty-four inches on center;
- d. Alternative spacing of particular species may be approved by the city if documentation concerning the effectiveness of the ground cover is submitted with the landscape plan.

D. Plant Materials, Size, Characteristics. All plant materials, sizes and characteristics shall be in accordance with the current American Association of Nurserymen Standards. (Ord. 2657-02 § 33, 2002; Ord. 1671-89 (part), 1989.)

35.120 Installation and security requirements.

A. Landscaping required pursuant to this title shall be installed in accordance with the approved landscape plan prior to the issuance of a certificate of occupancy. An applicant may request a temporary certificate of occupancy for an exception to this requirement. If a temporary certificate is issued, all required landscaping shall be installed within six months after issuance of the temporary certificate of occupancy. The planning department shall require a performance assurance device, as described in Chapter 40, prior to issuing a temporary certificate of occupancy.

B. Prior to issuance of a final certificate of occupancy, the planning department shall verify that the landscaping is installed in accordance with the approved landscape plan.

C. If the installation of the required landscaping or screening is not completed within the period specified, the security may be used by the city to contract for completion of the installation. Upon completion of the installation, any portion of the remaining security shall be returned.

D. The planning department shall perform the final landscape and screening inspection prior to any security being returned. Any portion of the landscaping not installed properly shall cause the certificate of occupancy to be withheld or revoked until the project is completed or cause the security to be used by the city. (Ord. 1671-89 (part), 1989.)

35.130 Maintenance and enforcement.

A. All landscape areas required by this title shall be maintained in accordance with the following standards:

1. All landscape areas shall be provided with an irrigation system, except for self-sustaining natural growth occurring in the vicinity of the development. The planning director may waive the requirement for an irrigation system when existing mature vegetation would be harmed by installation of an irrigation system for that portion of the required landscape area where the mature vegetation is located.

2. All landscaping shall be maintained with respect to pruning, trimming, mowing, watering, insect control, fertilizing, or other requirements to create a healthy growing condition, attractive appearance, and to maintain the purpose of the landscape type.

3. Dead, diseased, stolen, vandalized or damaged plants shall be replaced within three months, with the plants indicated on the approved landscape plan.

4. All landscaped areas shall be maintained reasonably free of weeds and trash.

5. All required landscaping which is located within public right-of-way shall be maintained by the abutting property owner.

6. All corner lots shall maintain a vision clearance triangle. See Section 39.070.C for additional standards.

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B. A maintenance assurance device, as described in Chapter 40, shall be required by the planning department to ensure that landscaping will be installed and maintained for two years, according to the approved plans and specifications. (Ord. 2657-02 § 34, 2002; Ord. 1849-92 § 36, 1992; Ord. 1671-89 (part), 1989.)