

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 529

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### **AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING TITLES 18 AND 19 OF THE BURIEN MUNICIPAL CODE RELATING TO ZONING AND DESIGN STANDARDS FOR THE NORTHEAST REDEVELOPMENT AREA, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the City Council adopted Ordinance 528 on December 14, 2009 to create new zoning designations for the Northeast Redevelopment Area; and

WHEREAS, zoning and design standards are required to implement Ordinance 528 and provide for the desired orderly transition of land use in the Northeast Redevelopment Area to business park and auto mall/retail uses; and

WHEREAS, public notice was provided and the City of Burien Planning Commission held a public hearing on October 20, 2009 on the proposed amendments to the zoning and design standards; and

WHEREAS, the City Council has received a recommendations from the Planning Commission regarding the proposed zoning and design standards; and

WHEREAS, the City Council held public meetings on November 23, 2009, and December 7, 2009 to discuss the proposed amendments; and

WHEREAS, the City of Burien has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; and

WHEREAS, the City of Burien provided the proposed zoning and design standards to the Washington State Department of Commerce on October 6, 2009 and did not receive any comments by the 60-day comment deadline of December 5, 2009

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1:     Amendments to Burien Municipal Code Titles 18 and 19: The City Council of the City of Burien hereby amends Burien Municipal Code Titles 18 and 19 as shown on Exhibit A and incorporated by this reference as if fully set forth herein.

Section 2: Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3: Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14<sup>TH</sup> DAY OF DECEMBER, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 14<sup>TH</sup> DAY OF DECEMBER, 2009.**

CITY OF BURIEN  
/s/ Joan McGilton, Mayor

ATTEST/AUTHENTICATED:  
/s/ Monica Lusk, City Clerk

Approved as to form:  
/s/ Chris Bacha, Interim City Attorney  
Kenyon Disend, PLLC

Filed with the City Clerk: November 12, 2009  
Passed by the City Council: December 14, 2009  
Ordinance No. 529  
Date of Publication: December 17, 2009

# Ordinance 529

## Exhibit A

### 19.48 Special Planning Area 4 Airport Industrial Design Standards

#### 19.48.010 User Guide

This chapter establishes design standards for ~~Special Planning Area 4 (SPA-4)~~ properties zoned Airport Industrial (AI). If you are interested in developing or making changes to property ~~within SPA-4~~ with an AI zone designation, you should read this chapter. Also, ~~you should read~~ refer to BMC 19.15.070 which contains additional regulations relating to uses and other standards for AI zoned properties. ~~SPA-4, BMC 19.65.090 relating to the rezone process for SPA-4.~~ [Ord. 479 § 1, 2007, Ord. 396 § 1, 2003]

#### 19.48.020 General

1. Purpose and Intent. These standards are intended to direct the design of *buildings* and *sites* within the ~~SPA-4~~ Airport Industrial (AI) zone, in compliance with the City's Zoning Code and Comprehensive Plan. The standards will promote quality development and reinforce the opportunity for economic development in areas affected by aircraft noise from SeaTac International Airport. ~~SPA-4 is~~ Allowed uses within the AI zone are intended to develop as a coordinated, well-landscaped business park, with substantial buffers along the perimeter ~~of the area where residential uses will continue to be allowed.~~ The standards are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process.

2. Compliance ~~With~~ with Design Standards. There are two types of design standards below. Mandatory standards contain the word "shall<sup>22</sup>." All other standards must be complied with, unless the project design demonstrates a better means for achieving the standard. [Ord. 479 § 1, 2007, Ord. 396 § 1, 2003]

#### 19.48.030 Site Planning and Design.

1. Coordinate proposed *site* development with planned development on adjacent properties.
2. *Screen* activities that produce glare ~~(such as are welding)~~ from adjacent rights-of-way and residential uses.
3. Landscaping.
  - A. *Landscaping* should comply with BMC 19.25.
  - B. ~~Encourage use~~ Landscaping along the Miller Creek Corridor shall include native plants that contribute to the overall health of indigenous plant material with the creek. There shall be an emphasis on trees and shade cover for landscaping along Miller Creek.
  - C. Encourage use of drought-tolerant or indigenous plants to minimize the amount of water required for irrigation.
  - D. Encourage use of "gray water" for irrigation.

4 Mechanical equipment. *Screen* mechanical equipment with *landscaping* or attractive architectural features integrated into the *structure* itself.

5. Fencing. *Screen* chain link *fences* by a Type I landscape “full screen” as described in BMC 19.25, or a dark colored coating approved by the *Director*.

6. Outdoor service, storage and loading areas.

A. Loading areas shall not be oriented towards or be visible from *rights-of-way*.

B. Locate service areas, incidental outside storage, construction storage and other areas which tend to be unsightly away from residential uses, rights-of-way and vehicular tracts and easements.

C. *Screen* such areas from view by either:

i. Use of *building* design and layout to provide the required *screening*, or

ii. Installation of a minimum six foot high solid *fence* or enclosure using materials (such as wood or concrete) in the same architectural style of the *building* on the property, or

iii. Installation of a minimum ten foot wide Type I landscape buffer.

7. Biofiltration swales. Integrate bio-filtration swales into the *site* landscape concept. The *Director* may waive or modify required *landscaping* widths, types or materials to accommodate an integrated bio-filtration swale.

8. Site lighting.

A. Provide adequate lighting levels in all areas used by pedestrians and vehicles, especially at *building* entrances and walkways.

B. Use light sources, lighting levels and fixture designs that minimize spillage of light off-*site*.

C. Direct lighting toward the interior of the project and away from rights-of-way and existing or planned residential uses. [Ord. 396 § 1, 2003]

#### **19.48.040 Pedestrian and Non-Motorized Circulation.**

1. Pedestrian and non-motorized access should comply with BMC 19.20.090.

2. Provide facilities for pedestrian and non-motorized access in accordance with the Comprehensive Plan and when adopted, the non-motorized pedestrian and bicycle facilities plan. Special consideration shall be given to developing a complete non-motorized network, including development of a trail system along Miller Creek and connections to such system.

3. Provide a ~~minimum 6' wide pedestrian and non-motorized~~ trail along Miller Creek. The exact location, ~~width and design~~ of the trail should ~~be determined through a master trails plan for SPA-4. The trail should be located within a minimum 25-foot wide easement/tract~~ comply with the Burien Pedestrian and Bicycle Facilities Plan.

4. Develop an internal circulation plan to facilitate pedestrian and non-motorized access between major project phases and adjacent developments. The City may require recording of cross-easements and/or *right-of-way* dedication to achieve the objective of a coordinated, internal access system within ~~SPA-4~~ the AI zone. [Ord. 396 § 1, 2003]

#### **19.48.050 Vehicular Access and Parking.**

1. Vehicular access and parking should comply with BMC 19.20 and the City of Burien's adopted road standards (BMC 12.05).

2. Street system. Developments shall be designed to accommodate the planned internal *street* system shown conceptually on Figure 19.48-1.

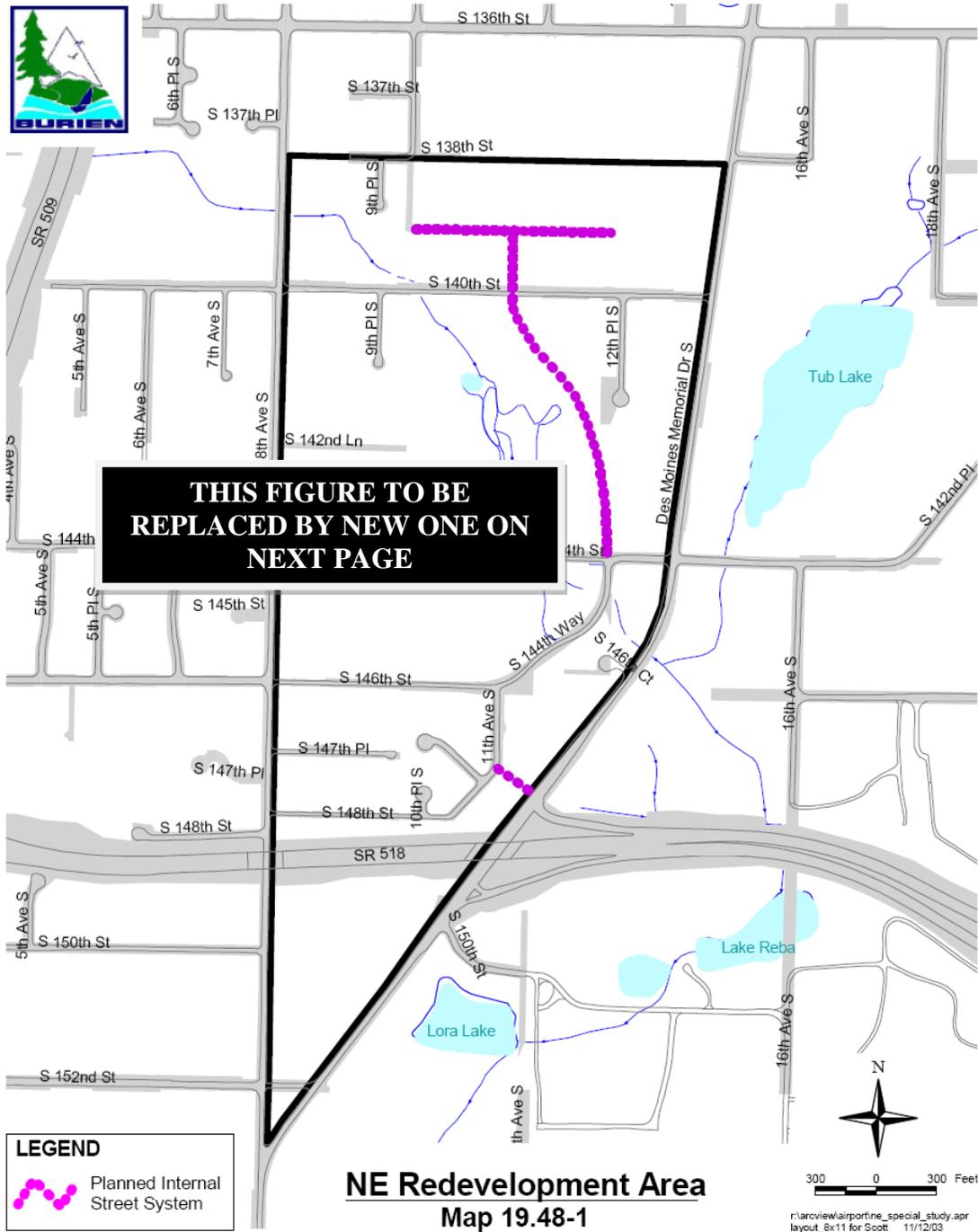
3. Vehicle entrances and driveways.

A. Encourage shared vehicular access to reduce *impervious surfaces* and minimize the number of access points.

B. Limit vehicular access from the *right-of-way* to each property to no more than two locations. The City may allow additional access points upon review of *site* and traffic conditions, and on-*site* traffic patterns.

C. Design access points to direct traffic ~~within SPA-4~~ to a limited number of access points onto Des Moines Memorial Drive, So. 140<sup>th</sup> St. or So. 144<sup>th</sup>/So. 146<sup>th</sup> St., as shown conceptually on Figure 19.48-1.

D. Prohibit truck access onto 8<sup>th</sup> Avenue So. except for deliveries to properties accessed solely from 8<sup>th</sup> Avenue So. The City may allow truck access where necessary due to natural constraints (such as topography), or for required emergency access. [Ord. 396 § 1, 2003]



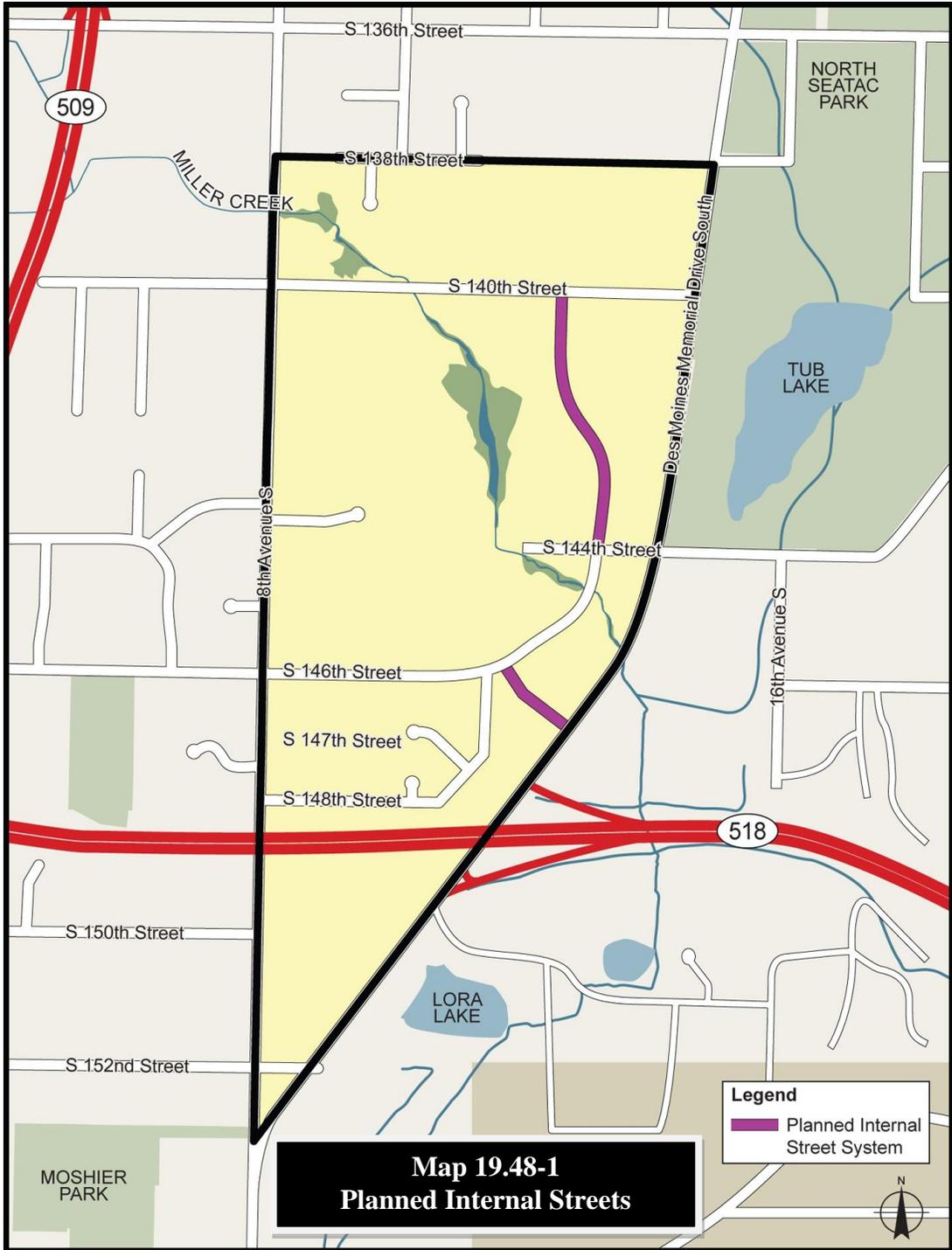
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NEXT PAGE**

**LEGEND**

 Planned Internal Street System

**NE Redevelopment Area  
Map 19.48-1**

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**ADDITIONAL NERA-RELATED ZONING AMENDMENTS (ALTERNATIVES 1 AND 2)**  
**(proposed changes highlighted)**

- Property Acquisition by Public Entities--BMC 18.130: **Repeal entire section**
- User Guide--BMC 19.01.005.1. Find your property on the Zoning Map. This map is not included with this Code, but is available for review at the City of Burien Department of Community Development during regular business hours. The property will have one of the following zoning designations:

RS-A	RM-24	CR	SPA-2	<b>PR</b>
RS-12,000	CN	O	SPA-3	
RS-7,200	CI	I	<b>SPA-4</b>	
RM-12	CC1	DC	<b>AI-1</b>	
RM-18	CC2	SPA-1	<b>AI-2</b>	

- General provisions—BMC 19.05.120-Zones and map designations established.

In order to accomplish the purposes of this Code the following zoning designations and zoning map symbols are established:

ZONING DESIGNATION	MAP SYMBOL	ZONING DESIGNATION	MAP SYMBOL
Residential, Single-Family	RS (followed by a designation indicating minimum <i>lot area</i> in square feet)	Regional Commercial	CR
Residential, Multi-Family	RM (followed by a designation indicating base density in <i>dwelling units</i> per acres)	Office	O
<b>Professional Residential</b>	<b>PR</b>	Downtown Commercial	DC
Neighborhood Center	CN	<b>Airport Industrial</b>	<b>AI (followed by a designation indicating which sub-zone within the Airport Industrial Zone)</b>
Community Commercial	CC (followed by a designation indicating which sub-zone within the Community Commercial Zone)	Industrial	I
Intersection Commercial	CI	Special Planning Area	SPA (followed by a designation indicating which Special Planning Area)

4. Definitions.

19.10.369 Non-Residential Zone – The following zones: CN, CI, CC-1, CC-2, DC, CR, PR, O, AI-1, AI-2, I, SPA-1, SPA-2, and SPA-3. ~~and SPA-4.~~

5. Use Zone Charts.

Repeal the following sections that require a rezone to SPA-4 for any new use or development:

- BMC 19.15.005.1.A
- BMC 19.15.010.1.A
- BMC 19.15.020.1.C
- BMC 19.15.050.1.E

6. Adult entertainment facilities.

BMC 19.17.030.4. Location and separation requirements.

A. An *adult entertainment facility* shall only be located in the I (Industrial) and Special Planning Area 4C Airport Industrial (AI) zones.

7. Cargo containers.

BMC 19.17.040.3. *Cargo containers* are not allowed in the Downtown Commercial (DC), Office (O), Neighborhood Center (CN), Professional Residential (PR) and Special Planning Area 1 (SPA-1) zones, except as permitted in BMC 19.17.040.2.

BMC 19.17.040.5. *Cargo containers* are permitted as *accessory uses* in the Industrial (I), Intersection Commercial (CI), Community Commercial (CC-1 and CC-2), Regional Commercial (CR), Special Planning Area 3 (SPA-3), Special Planning Area 4 (SPA-4) Airport Industrial (AI) zones and in the SPA-2 zone as part of the master plan review (pursuant to BMC 19.15.060.1). *Cargo containers* in these zones are subject to the requirements below. *Airplane unit load devices* located in the I and SPA-4 AI zones are not regulated as *cargo containers*.

8. Bed and Breakfast establishments.

BMC 19.17.080.2 Applicability. The regulations of section 19.17.080 apply to *bed and breakfast establishments* in residential zones (RS and RM), Professional Residential (PR) and the Neighborhood Center (CN) zone. *Bed and breakfast establishments* in zones that allow *lodging facilities* are subject to those regulations.

BMC 19.17.080.3.I Signs. *Signs for bed and breakfasts* are subject to the standards in BMC Chapter 18.50 Signs 19.30, as now in affect, and as may be subsequently ~~be~~ amended.

9. Secure Community Transition Facilities.

BMC 19.17.110.4. Siting Criteria:

A. *SCTFs* shall locate in ~~an~~ the Industrial zone, Special Planning Area 4A (SPA-4A) zone, or the portion of the Special Planning Area 4B (SPA-4B) zone north of South 140<sup>th</sup> St. or Airport Industrial (AI) zone.

10. Lot area – Minimum lot area for construction.

BMC 19.17.170 Except as provided for *nonconformances* by Chapter 19.55 BMC:

In the R **or PR** zones construction may be permitted on:

1. Any legally subdivided *lot* of record created by the City of Burien; or
2. Any legally subdivided *lot* of record created prior to February 28, 1993, or created prior to any annexation into the City; or
3. Any *lot* created prior to the enactment of any applicable state subdivision statute, provided the size of the lot was not reduced by more than 50 percent through acquisition for public purposes. On such lots new homes may be built and existing houses may be expanded and remodeled. {Applicable setbacks, lot coverage, critical area restrictions, design review requirements (if any), height limits and other applicable regulations in the zoning code shall be met.}

11. Landscaping.

BMC 19.25.010.1 User Guide: Chapter 19.15 of this Code containing the use zone charts assign a *landscaping* category to each *use* in each zone. This category is either “A”, “B”, “C”, “D” ~~or~~ “E” **or “F”**. This Chapter contains the specific requirements that pertain to each category. This Chapter also establishes certain minimum requirements for all *uses*, and minimum requirements for *landscaping* of parking lots and retention of existing trees.

Table 19.25.040-1

<b>Landscape Category</b>	<b>Along Property Line Abutting a Public Right-of-Way (Except a Freeway or Alley)</b>	<b>Along Property Line Abutting a Freeway*</b>	<b>Along All Other Property Lines (Except Along an Alley)</b>	<b>Along Building Façade Greater Than 35’ High or 50’ Wide</b>	<b>Surface Parking Area Landscaping Required? (see BMC 19.25.070)</b>
A	None	None	None	None	No
B	10’ wide Type III	10’ wide Type II	None, except in a transition area (see BMC 19.17.015)	5’ wide Type IV	Yes
C	10’ wide Type III	10’ wide Type II	None, except in a transition area (see BMC 19.17.015)	5’ wide Type IV	Yes
D	15’ wide Type I	10’ wide Type I	10’ wide Type II, except when abutting an I zone, then	5’ wide Type IV	Yes

			none		
E	See BMC 19.47 and 19.49 for <i>landscaping</i> requirements in the DC and SPA-1 zones. The only sections of BMC 19.25 that apply to the DC and SPA-1 zones are: BMC 19.25.080, 19.25.100, 19.25.110, 19.25.170 and 19.25.180.				
F**	25' wide, Type II (along 8 <sup>th</sup> Ave. So. or Des Moines Memorial Dr.); otherwise, 15' wide, Type III	None	50' wide Type I (along northern perimeter of the SPA-4 Comp. Plan designation AI zone); otherwise, 10' wide Type III	5' wide Type IV	Yes

12. Freestanding Signs.

BMC 19.30.060.4 Freestanding signs: Certain permitted *signs* in Table 19.30-1 are included in total *sign area* allowed for a *freestanding sign*. The following standards apply to *freestanding signs*:

A. Freestanding sign area allowed: The maximum *freestanding sign area* allowed is 1 s.f. of *sign area* for each linear foot of *street frontage* per *site*, subject to the limitations below. The property owner shall allocate the amount of *sign area* allowed in this section to his or her tenants. This allocation shall be made in writing as part of the tenant's sign permit application. Minimum letter height for signs identifying more than one business or tenant shall be 10 inches.

- i. DC, CN, PR and SPA-1 zones: Maximum 32 s.f.
- ii. CI, CC-1, O and I zones: Maximum 48 s.f.
- iii. AI, CC-2, CR and SPA-3 zones: 50 s.f. plus 1 additional square foot of signage for each three (3) linear feet of *street frontage* (or portion thereof) up to a maximum total of 200 s.f.

B. Maximum height allowed: The maximum allowable *height* for a *freestanding sign* is as follows:

- i. DC, CN, PR and SPA-1 zones: 5 feet.
- ii. CI, CC-1, O and I zones: 8 feet.
- iii. AI, CC-2, CR and SPA-3 zones: 20 feet plus 1 additional foot of *height* for each 25 linear feet (or portion thereof) of *street frontage*, up to a maximum total *height* of 35 feet.

C. Number of freestanding signs allowed: One (1) *freestanding sign* per *site* per *street frontage*. An additional *monument sign* is allowed on a *site's street frontage* of 400 feet or greater. On a *site* with multiple *street frontages*, each *street frontage* shall be considered independent of the other *street frontages*. Multiple *freestanding signs* shall be separated by at least 150 feet, drawn in a straight line between the closest edges of the *signs*. The additional *monument sign* shall comply with the following standards:

- i. DC, CN, **PR** and SPA-1 zones: Maximum 32 s.f. and 5 foot height.
- ii. CI, CC-1, O and I zones: Maximum 48 s.f. and 8 foot height.
- iii. **AI**, CC-2, CR and SPA-3 zones: Maximum 64 s.f. and 12 foot height.

13. Personal Wireless Service Facilities.

BMC 19.50.020.1 Personal Wireless Service Facility Locations and Permit Process. The following table indicates the hierarchy of locations to be used in reviewing an application for a *PWSF*. The *applicant* bears the burden to show that location in a higher priority is not technically feasible. Pursuant to WAC 197-11-800(27), some *PWSF* may require a SEPA Review as part of the review processes outlined below.

Priority (highest to lowest)	Special Review Process (See Chapter 19.65)	Type of PWSF and Location
1	None	A. <i>Collocation of antennas on an existing support structure in a non-residential zone.</i> B. Attachment of <i>antennas</i> to existing <i>structures</i> in the I, CR, CC-1, CC-2, and <b>SPA-4 AI</b> zones. C. <i>Antennas</i> attached to existing or replacement ball field light standards, electrical transmission towers, water tanks or existing utility poles in any zone.
2	Type 1	Attachment of <i>antennas</i> to existing <i>structures</i> (except <i>single detached dwelling units</i> and their <i>accessory structures</i> ) in the O, SPA-1, SPA-2, SPA-3, DC, CI, <b>PR</b> , RM and RS zones.
3	Type 2	Any <i>PWSF</i> not listed above, except for the following which are prohibited: lattice towers in all zones, new <i>monopoles</i> in the DC zone and new <i>monopoles</i> in <i>residential zones</i> .