

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 532

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### **AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING TITLE 19 OF THE BURIEN MUNICIPAL CODE RELATING TO ZONING 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 Airport Industrial (AI) and Professional Residential (PR) zoning designations for the Northeast Redevelopment Area; and

WHEREAS, the City Council adopted Ordinance 529 on December 14, 2009 to adopt revised zoning and design standards to implement Ordinance 528; and

WHEREAS, the City Council has previously reviewed and discussed “use zone charts” for the new AI and PR zones, but these charts were inadvertently not included as part of Ordinance 529; and

WHEREAS, public notice was provided and the City of Burien Planning Commission held a public hearing on October 20, 2009 on the proposed use zone charts; and

WHEREAS, the City Council has received a recommendation from the Planning Commission to adopt the proposed use zone charts; and

WHEREAS, the City Council held public meetings on November 23, 2009, and December 7 and 14, 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 Title 19: The City Council of the City of Burien hereby amends Burien Municipal Code Title 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 4<sup>TH</sup> DAY OF JANUARY, 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 4<sup>TH</sup> DAY OF JANUARY, 2010.**

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: January 4, 2010  
Passed by the City Council: January 4, 2010  
Ordinance No. 532  
Date of Publication: January 7, 2010



### Section 19.15.030—PROFESSIONAL RESIDENTIAL ZONE

**PURPOSE AND INTENT:** The Professional Residential zone implements the Professional Residential Comprehensive Plan designation within the Northeast Redevelopment Area. The purpose and intent of this zone is to provide land use flexibility by allowing both single-family homes and small businesses in an area near but not directly under SeaTac International Airport's third runway.

**ONLY THOSE USES LISTED ON THE FOLLOWING USE ZONE CHARTS MAY BE ALLOWED IN THE PR ZONE, SUBJECT TO MEETING ALL APPLICABLE REQUIREMENTS OF THE ZONING CODE. THE FOLLOWING SPECIAL REGULATIONS APPLY TO ALL USES IN THE PR ZONE. BE SURE TO CHECK THE APPLICABLE USE ZONE CHART FOR ADDITIONAL REQUIREMENTS THAT PERTAIN TO SPECIFIC USES. WHERE A SPECIAL REGULATION BELOW CONFLICTS WITH A SPECIAL REGULATION IN A USE ZONE CHART FOR A SPECIFIC USE, THE USE ZONE CHART SHALL APPLY.**

#### 19.15.030.1: SPECIAL REGULATIONS:

##### A. GENERAL.

- i. Hours of trash pickup should be restricted to reduce potential disturbance from noise.
- ii. New and conversion of existing residential structures shall be architecturally consistent with the surrounding character of the neighborhood and include similarities in materials, color, roof pitch and detailing. The intent of this provision is for businesses to look like residential structures.

**B. TRANSPORTATION MITIGATION.** In addition to providing *street* improvements on adjacent *streets* pursuant to BMC 12.05, the City may require *off-site improvements* necessary to mitigate transportation impacts of the proposal as part of the Final Supplemental Environmental Impact Statement for the Northeast Redevelopment Area dated November 23, 2009, SEPA planned action or other SEPA review under BMC Title 14. Transportation impact fees may also apply pursuant to BMC 19.35.

**C. CONVERSION OF RESIDENTIAL STRUCTURES TO NON-RESIDENTIAL USES.** In order to facilitate and encourage non-residential uses to reuse existing residential structures, the *Director* may modify landscaping and parking design requirements. The intent of this provision is to maintain the residential character of properties, reduce the amount of new paving and storm runoff, and provide landscaping and screening where it is most beneficial to buffer adjacent residential uses.

EXHIBIT A

ORD. 532

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>PR Zone</b> </div> USE ↓	↓ REGULATIONS	Special Review Process (See Ch. 19.65)	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.030.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
			Lot Area	SETBACKS		Lot Coverage					Building Height
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.030.1 <i>Single Detached Dwelling Unit</i>	None	7,200 s.f.	20'	5'	35%	70%	35'	A	2 spaces per unit	1. One <i>single detached dwelling unit</i> may be built on a lot that has less than the stated minimum <i>lot area</i> .  2. No <i>lot</i> shall be created less than the minimum <i>lot area</i> except through the application of lot averaging. <i>Lot averaging</i> is permitted through a short plat, subdivision or <i>lot line adjustment</i> . However, no <i>lot</i> shall be created with an area less than 90 percent of the stated minimum <i>lot area</i> .  3. Chapter 19.17 contains regulations regarding home occupations, and other <i>accessory uses</i> , facilities and activities associated with this use.	
19.15.030.2 <i>Professional Office</i>	None	7,200 s.f.	20'	10'	70%	85%	35'	C	See Sec. 19.20.030.2		
19.15.030.3 <i>Art Studio</i>	None	7,200 s.f.	20'	10'	70%	85%	35'	C	See Sec. 19.20.030.2	1. May include artists' lofts at a maximum density of one dwelling unit per 7,200 s.f. of lot area.	
19.15.030.4 <i>Convenience Retail Eating and Drinking Establishments</i>	None	7,200 s.f.	20'	10'	70%	85%	35'	C	See Sec. 19.20.030.2	1. <i>Convenience auto service uses</i> are not permitted.  2. Outdoor activities related to <i>eating and drinking establishments</i> are only permitted between the hours of 7:00AM and 9:00PM.  3. Outdoor retail sales or storage are not permitted.	
19.15.030.5 <i>Day Care Center</i>	None	None	20'	10'	70%	85%	35'	B	See Sec. 19.20.030.2	1. <i>Day Care Center</i> : Must provide State certification of safe passenger loading area.	

<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>PR Zone</b> </div> USE ↓	↓ REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
		Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.030.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
			Lot Area	SETBACKS		Lot Coverage		Building Height			
Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage								

19.15.030.6 Family Day Care Home I and II	None	See Special Regulation 1								1. Must comply with requirements of the <i>primary use</i> . 2. Must provide State certification of safe passenger loading area.
19.15.030.7 Public Park and Recreation Facilities	None	None.	20'	10'	70%	85%	35'	A	See Sec. 19.20.030.2	1. Lighting for <i>structures</i> and fields shall be directed away from <i>dwelling units</i> .
19.15.030.8 Religious Facility	Type 2	7,200 s.f.	20'	10'	70%	85%	35'	C	See Sec. 19.20.030.2	1. <i>Accessory use</i> shall comply with the requirements for that use listed in this use zone chart (BMC 19.15.030).
19.15.030.9 Community Residential Facility	Type 2	7,200 s.f.	20'	10'	70%	85%	35'	B	1 space for every 2 bedrooms	
19.15.030.10 School	Type 2	7,200 s.f.	20'	10'	70%	85%	35'	C	See Sec. 19.20.030.2	
19.15.030.11 Senior Citizen Assisted Dwelling Unit	Type 2	7,200 s.f.	20'	10'	70%	85%	35'	B	0.5 spaces per unit	1. Minimum lot area per dwelling unit is 7,200 s.f. 1. Conversion to another use is allowed, provided that all requirements for the new use are met, including density limitations.
19.15.030.12 Essential Public Facility	Type 2	Development standards shall be determined on a case-by-case basis through the Type 2 review process.								1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts. 2. Shall comply with criteria for siting found in the Burien Comprehensive Plan.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>PR Zone</b> </div> USE ↓	REGULATIONS ↓	Special Review Process (See Ch. 19.65)	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.030.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
			Lot Area	SETBACKS		Lot Coverage					Building Height
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.030.13 <i>Community, Cultural or Government Facility</i>	Type 2	None	20'	10'	70%	85%	35'	C	See Sec. 19.20.030.2		
19.15.030.14 <i>Public Utility</i>	Type 2	None	30'	30'	35%	70%	20' See Spec. Reg. 1	D	See Sec. 19.20.030.2	1. The Hearing Examiner may approve height no greater than 35 feet if the applicant shows that no feasible alternative is available.  2. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts.	
19.15.030.15 <i>Personal Wireless Service Facility</i>	See Chapter 19.50										



## Section 19.15.070—AIRPORT INDUSTRIAL ZONES

**PURPOSE AND INTENT:** The Airport Industrial (AI) zone implements the Airport Industrial Comprehensive Plan designation within the Northeast Redevelopment Area. The purpose and intent of this designation is to facilitate economic development and provide flexibility for airport-compatible uses in a campus-like setting with internal circulation to minimize the number of access points to Des Moines Memorial Drive.

**ONLY THOSE USES LISTED ON THE FOLLOWING USE ZONE CHARTS MAY BE ALLOWED IN THE AI ZONE, SUBJECT TO MEETING ALL APPLICABLE REQUIREMENTS OF THE ZONING CODE. THE FOLLOWING SPECIAL REGULATIONS APPLY TO ALL USES IN THE AI ZONE. BE SURE TO CHECK THE APPLICABLE USE ZONE CHART FOR ADDITIONAL REQUIREMENTS THAT PERTAIN TO SPECIFIC USES. WHERE A SPECIAL REGULATION BELOW CONFLICTS WITH A SPECIAL REGULATION IN A USE ZONE CHART FOR A SPECIFIC USE, THE USE ZONE CHART SHALL APPLY.**

### 19.15.070.1: SPECIAL REGULATIONS:

#### A. GENERAL.

- i. Use and development within this zone may be affected by FAA regulations associated with SeaTac Airport operations.
- ii. Uses shall conform with the following requirements (excluding reasonable construction activity):
  - a. Does not emit significant quantities of dust, dirt, cinders, smoke, gases, fumes, odors or vapors into the atmosphere.
  - b. Does not emit any liquid or solid wastes or other matter into any stream, wetland, or other waterway.
  - c. Does not emit radiation or discharges glare or heat, or emits electromagnetic, microwave, ultrasonic, laser or other radiation levels over what is considered safe by the FCC.
  - d. Does not emit radiation or discharges glare or heat, or emits electromagnetic, microwave, ultrasonic, laser or other radiation levels that would adversely impact electronic equipment of residences or businesses outside of the boundaries of the property the business is located.
  - e. Does not use heavy trucking as a principal use, such as truck terminals or heavy truck repair.
  - f. Does not produce excessive noise or ground vibration perceptible without instruments at any point exterior to any lot.
  - g. Is not considered an aviation hazard as defined in State and Federal law.

h. Does not use high intensity lighting or make it difficult for pilots to distinguish between airport lights and others; create electrical interference with navigational signals or radio communication between the airport and aircraft; result in glare in the eyes of pilots using the airport; create reflectivity that interferes with airport radar function; create smoke, dust or other particulates that would impair visibility for aircraft; allow the storage of highly flammable or explosive materials, create bird-strike hazards; or otherwise create a hazard which may in any way endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

B. DESIGN STANDARDS. Development within the AI zone is subject to compliance with the design standards in BMC 19.48.

C. BUILDING HEIGHT. No *structure* shall be permitted to be erected, altered or maintained that would constitute a hazard to air navigation, encroach into the limits of the FAA Part 77 imaginary surfaces, or cause an increase in minimum flight or approach procedure altitudes as determined by the FAA. An additional 12 feet of *height* is allowed for under-*building* or underground parking. A written certification of *height* compliance from the FAA may be required.

D. TRANSPORTATION IMPACT MITIGATION. In addition to providing *street* improvements on adjacent *streets* pursuant to BMC 12.05, the City may require *off-site improvements* necessary to mitigate transportation impacts of the proposal as part of the Final Supplemental Environmental Impact Statement for the Northeast Redevelopment Area dated November 23, 2009, SEPA planned action or other SEPA review under BMC Title 14. Transportation impact fees also apply pursuant to BMC 19.35.

E. IMPERVIOUS SURFACE COVERAGE.

- i. The maximum allowable impervious surface coverage is 95%.
- ii. Public pedestrian and non-motorized facilities are excluded from *impervious surface* coverage.
- iii. The City will give credit for low impact development techniques such as but not limited to pervious pavement and green roofs. The amount of credit shall be determined by the Public Works Director.

F. RESIDENTIAL USES. Existing residential uses may continue to exist pursuant to the standards located in BMC 19.55. New residential uses are prohibited.

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>AI Zone</b> </div> USE ↓	↓ REGULATIONS	Special Review Process (See Ch. 19.65)	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.070.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
			Lot Area	SETBACKS		Lot Coverage					Building Height
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.070.2 Air Cargo Facility Distribution Eating and Drinking Establishment Flex-Industrial Flex-Tech Flight Kitchen Light Industry Office Off-Site Commercial Parking Plant Nursery Retail Warehousing and Wholesale Trade	None	None	10'	10'	None	See BMC 19.15.07 0.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	1. In the AI-1 zone, <i>retail</i> uses are allowed as <i>primary</i> or <i>accessory</i> uses. In the AI-2 zone, <i>retail</i> uses are allowed only as <i>accessory</i> uses related to or supporting the <i>primary</i> use of the <i>site</i> .	
19.15.070.3 New Car Auto Dealer Auto Rental	None	None	10'	10'	None	See BMC 19.15.07 0.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	1 This use is only allowed in the AI-1 zone. Sales of used vehicles and service facilities are only allowed as an <i>accessory</i> use.	

**DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS**

 USE ↓	↓ REGULATIONS	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.070.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)		
		Special Review Process (See Ch. 19.65)	Lot Area	SETBACKS		Lot Coverage				Building Height	
				Front Setback	Interior Setback	Building Coverage					Impervious Surface Coverage

19.15.070.4 <i>Community Facility</i> <i>Government Facility</i> <i>Public Park and Recreation Facilities</i> <i>Recreational Facility</i> <i>Religious Facility</i>	None	None	10'	10'	None	See BMC 19.15.07 0.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	
19.15.070.5 <i>Public Utility</i>	Type 1	None	10'	10'	None	See BMC 19.15.07 0.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts.
19.15.070.6 On-site hazardous waste treatment and storage facility  Off-site hazardous waste treatment and storage facility	Type 2	None	10'	10'	None	See BMC 19.15.07 0.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	1. These uses are required to conduct an environmental review and mitigate all impacts.  2. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210.
19.15.070.7 Essential Public Facility	Type 1	None	10'	10'	None	See BMC 19.15.07 0.1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2.	1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts.  2. Shall comply with criteria for siting found in the Burien Comprehensive Plan.

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>AI Zone</b> </div> USE ↓	↓ REGULATIONS	Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.070.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
			Lot Area	SETBACKS		Lot Coverage		Building Height			
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.070.8 Any use not listed in the use column of any use zone chart	Type 2	Development standards shall be determined on a case-by-case basis through the Type 2 review process.									1. The proposed use shall be compatible with <i>adjoining uses</i> . 2. The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate all adverse impacts on <i>adjoining</i> properties and the community. Special attention shall be given to minimizing noise, light, and glare impacts.
19.15.070.9 Adult Entertainment Facility	Type 2	None	10'	10'	None	See BMC 19.15.07 0.1.E.	45' See BMC 19.15.070. 1	F	See Section 19.20.030.2.	1. See Sec. 19.17.030 for additional requirements.	
19.15.070.10 Secure Community Transition Facility	Type 2	See Section 19.17.110									
19.15.070.11 Personal Wireless Service Facility		See BMC 19.50 for specific requirements.									

