

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 599

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING TITLE 19 OF THE BURIEN MUNICIPAL CODE RELATED TO THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, MAINTENANCE OR CONTINUATION OF MARIJUANA PRODUCERS, PROCESSORS, AND RETAILERS AS REGULATED PURSUANT TO WASHINGTON STATE INITIATIVE 502; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on November 6, 2012, Initiative 502 was passed by the voters of the State of Washington, providing a framework under which marijuana producers, processors, and retailers can become licensed by the State of Washington; and

WHEREAS, Initiative 502 directed the Washington State Liquor Control Board (LCB) to develop rules and regulations to:

1. Determine the number of producers, processors and retailers of marijuana by county;
2. Develop licensing and other regulatory measures;
3. Issue licenses to producers, processors, and retailers at locations which comply with the Initiative's distancing requirements prohibiting such uses within one thousand feet of schools and other designated public facilities; and
4. Establish a process for the City to comment prior to the issuance of such licenses; and

WHEREAS, the LCB adopted final rules in mid-October 2013 and opened the application period for the issuance of marijuana producer, processor and retail licenses to qualified applicants in December, 2013; and

WHEREAS, the LCB rules prohibit marijuana-related uses within 1,000 feet of the perimeter of certain uses and buildings, such as child care centers, public parks and recreation centers or facilities; and

WHEREAS, pursuant to WAC 314-55-020(11), approval of a marijuana license application by the LCB "shall not be construed as a license for, or approval of, any violations of local rules or ordinances including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements"; and

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, Section 69.51A.140 RCW, enacted as part of Washington's medical cannabis act, delegates authority to cities and towns to adopt and enforce zoning requirements,

business licensing requirements, health and safety requirements, and business taxes related to marijuana production, processing and dispensing as exercises of the City's police powers and not necessarily limited to medical marijuana-related uses; and

WHEREAS, the Burien Municipal Code does not currently have specific provisions addressing licensing, producing, processing or retailing of recreational marijuana; and

WHEREAS, on August 19, 2013, the City adopted Ordinance 586 establishing interim zoning regulations on the establishment, location, operation, licensing, maintenance or continuation of marijuana producers, processors, and retailers as regulated pursuant to I-502 in order to investigate this issue further and obtain regulatory clarity and guidance from the LCB's rules and Burien's citizens; and

WHEREAS, the Planning Commission held a duly noticed public hearing to receive public comments on January 8, 2014 and subsequently recommended approval of the proposed amendments on January 22, 2014; and

WHEREAS, the SEPA responsible official issued a determination of non-significance on December 9, 2013; and

WHEREAS, the City provided the proposed zoning amendments to the Washington State Department of Commerce as required by chapter 36.70A RCW; and

WHEREAS, the City Council held public meetings on January 27, 2014 and February 3, 2014 to review and discuss the proposed amendments; and

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

Section 1. Amendments to BMC Title 19. The City Council of the City of Burien hereby amends Title 19 BMC by adopting new Sections 19.10.333, 19.10.333.2, 19.10.333.3, 19.10.333.4, 19.10.333.5, 19.10.467, 19.10.549, 19.15.015.11, 19.15.020.11, 19.15.025.13, 19.15.035.16, 19.15.040.17, 19.15.050.23, 19.15.055.14, 19.15.065.16, and 19.15.070.13 and also by amending Section 19.17.090.4.A, as set forth in Exhibit A and as summarized in Exhibit B, which are attached hereto and are incorporated herein by this reference.

Section 2. Findings and Criteria. In accordance with the criteria set forth in BMC 19.65.100, the City Council finds that the amendments adopted herein are consistent with the Comprehensive Plan, bear a substantial relation to the public health, safety and welfare, and are in the best interest of the community as a whole.

Section 3. No Non-conforming Uses. No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer as those terms are defined in this ordinance, shall be deemed to have been a legally established use under the provisions of the Burien Municipal Code and that use shall not be entitled to claim legal non-conforming status.

Section 4. Severability. Should any section, 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 5. Effective Date. This Ordinance shall be published by summary 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 3RD DAY OF FEBRUARY 2014, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 3RD DAY OF FEBRUARY 2014.

CITY OF BURIEN
/s/ Lucy Krakowiak, Mayor

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

Approved as to form:
/s/ Ann Marie Soto, Acting City Attorney

Filed with the City Clerk: February 3, 2014
Passed by the City Council: February 3, 2014
Ordinance No. 599
Date of Publication: February 6, 2014

Ordinance 599
Exhibit A

19.10 Definitions amended as follows:

19.10.005	User Guide.	19.10.080	Convenience retail
19.10.010	Accessory	19.10.081	Cornice
19.10.012	Accessory living quarters	19.10.083	Courtyard
19.10.015	Adjoining	19.10.084	Critical aquifer recharge areas
19.10.017	Adult entertainment facilities	19.10.085	Critical areas
19.10.018	Airplane unit load device	19.10.090	Critical facility
19.10.019	Alley	19.10.095	Cultural facility
19.10.020	Alteration	19.10.100	Day care center
19.10.025	Amusement arcade	19.10.105	Day care operation
19.10.026	Animal, small	19.10.107	Deciduous
19.10.027	Antenna	19.10.108	Deck
19.10.030	Applicant	19.10.109	Department
19.10.031	Aquifer	19.10.109.3	Development proposal
19.10.032	Architectural scale	19.10.109.5	Development proposal site
19.10.035	Arterial street	19.10.109.7	Development standards
19.10.036	Articulation	19.10.109.8	Direct traffic impact
19.10.037	Artwork	19.10.110	Director
19.10.038	Balcony	19.10.111	Ditches
19.10.038.2	Base flood	19.10.112	Domestic fowl
19.10.038.3	Base flood elevation	19.10.115	Dwelling unit
19.10.038.5	Bed and breakfast establishment	19.10.120	Dwelling unit, accessory
19.10.038.6	Beehive	19.10.123	Dwelling unit, apartment
19.10.038.7	Best available science	19.10.124	Dwelling unit, primary
19.10.038.8	Best management practices (BMPs)	19.10.125	Dwelling unit, townhouse
19.10.039	Blank walls	19.10.130	Dwelling unit, senior citizen assisted
19.10.040	Buffer	19.10.135	Dwelling unit, single detached
19.10.045	Building	19.10.140	Eating and drinking establishment
19.10.050	Building coverage	19.10.141	Endangered Species Act
19.10.051	Building Modulation	19.10.142	Enhancement
19.10.051.5	Calculated LOS	19.10.143	Equipment enclosure
19.10.052	Camouflaged	19.10.144	Equipment, heavy
19.10.053	Capital facilities plan	19.10.145	Erosion
19.10.054	Cargo container	19.10.150	Erosion hazard areas
19.10.055	Cemetery	19.10.155	Essential public facility
19.10.056	Class A pedestrian-oriented street	19.10.157	Evergreen
19.10.057	Class B pedestrian-oriented street	19.10.158	FAA
19.10.058	Collocation	19.10.159	Facade
19.10.060	Community facility	19.10.160	Family
19.10.062	Community Garden	19.10.165	Family day care home I
19.10.065	Community residential facility	19.10.170	Family day care home II
19.10.067	Compensatory mitigation	19.10.173	FCC
19.10.068	Confinement area	19.10.174	Federal Emergency Management Agency (FEMA) floodway
19.10.070	Construction code	19.10.174.2	Fee-In-Lieu
19.10.073	Continuing use	19.10.175	Fence
19.10.075	Convenience auto service	19.10.177	Fish Habitat

19.10.179.1	Flood fringe	19.10.300	Landslide
19.10.179.2	Flood hazard areas	19.10.305	Landslide hazard areas
19.10.179.3	Flood Insurance Rate Map	19.10.310	Light industry
19.10.179.4	Flood Insurance Study for King County	19.10.312	Livestock
19.10.179.5	Flood protection elevation	19.10.313	Loading space
19.10.179.6	Floodplain	19.10.315	Lodging facility
19.10.179.7	Floodproofing	19.10.320	Lot
19.10.179.8	Floodway, zero-rise	19.10.325	Lot area
19.10.180	Footprint	19.10.327	Lot Averaging
19.10.181	Forest practice	19.10.329	Lot, corner
19.10.183	Frontage	19.10.330	Repealed
19.10.184	Functions and values	19.10.331	Major new construction or modification
19.10.185	Garage, detached single-family	<u>19.10.333</u>	<u>Marijuana</u>
19.10.190	Geologically hazardous areas	<u>19.10.333.2</u>	<u>Marijuana processor</u>
19.10.195	Geologist	<u>19.10.333.3</u>	<u>Marijuana producer</u>
19.10.200	Geotechnical engineer	<u>19.10.333.4</u>	<u>Marijuana retailer</u>
19.10.205	Golf course	<u>19.10.333.5</u>	<u>Marijuana-infused products</u>
19.10.210	Government facility	19.10.335	Master plan
19.10.215	Grade	19.10.340	Repealed
19.10.217	Grade, finished	19.10.345	Mitigation
19.10.220	Grade, natural	19.10.350	Mixed use
19.10.225	Grading	19.10.355	Mobile home
19.10.227	Grazing area	19.10.360	Mobile home park
19.10.230	Gross floor area	19.10.362	Modulation
19.10.232	Groundcover	19.10.365	Monitoring
19.10.233	Groundwater	19.10.367	Monopole
19.10.235	Hatchery/fish preserve	19.10.367.5	Native vegetation
19.10.240	Hazardous household substance	19.10.368	Nonconformance
19.10.242	Hazardous materials or substances	19.10.368.3	Noxious weed
19.10.243	Hazardous materials questionnaire	19.10.368.7	Net floor area
19.10.245	Hazardous substance	19.10.369	Non-Residential Zone
19.10.250	Hazardous waste	19.10.370	Nursing home
19.10.255	Hazardous waste storage	19.10.373	Off-site commercial parking
19.10.260	Hazardous waste treatment	19.10.375	Off-site hazardous waste treatment and storage facility
19.10.265	Height	19.10.380	On-site hazardous waste treatment and storage facility
19.10.270	High technology industry	19.10.385	Office
19.10.273	Home occupation	19.10.387	Open-work fence
19.10.275	Hospital	19.10.390	Ordinary high water mark
19.10.278	Human scale	19.10.390.5	Owner Occupied
19.10.280	Impervious surface	19.10.391	Panoram device
19.10.285	Impervious surface coverage	19.10.392	Panoram premises
19.10.286	Improved public roadways	19.10.393	Parking lot aisle
19.10.287	Injection well	19.10.394	Parking space
19.10.288	In-kind	19.10.394.5	Patio
19.10.290	Interim zoning code	19.10.395	Pawn shop
19.10.295	Kennel	19.10.395.3	Peak hour
19.10.298	Landscaping	19.10.395.5	Pedestrian-oriented façade
		19.10.396	Pedestrian-oriented space

19.10.397	Personal wireless service facility (<i>PW/SF</i>)	19.10.511	Species
19.10.398	Personal wireless services	19.10.512	Specified anatomical areas
19.10.399	Primary façade	19.10.513	Specified sexual activities
19.10.399.5	Primary Structure	19.10.515	Steep slope
19.10.400	Primary use	19.10.516	Storefront
19.10.403	Private	19.10.517	Stream
19.10.405	Private club	19.10.518	Stream, Intermittent
19.10.410	Property line	19.10.519	Stream, Perennial
19.10.415	Public agency training facility	19.10.520	Street
19.10.420	Public park and recreation facilities	19.10.525	Structure
19.10.425	Public agency	19.10.529	Sub-drainage basin
19.10.430	Public utility	19.10.530	Submerged land
19.10.435	Reasonable use	19.10.535	Substantial improvement
19.10.440	Recreational facility	19.10.537	Support structure
19.10.443	Recyclable material	19.10.540	Theater
19.10.445	Recycling center	19.10.543	Topographic map
19.10.446	Regional utility corridor	19.10.545	Trail
19.10.447	Regulated facility or activities	19.10.547	Ultimate roadway section
19.10.450	Religious facility	19.10.550	Use
19.10.455	Residential zone	<u>19.10.552</u>	<u>Usable marijuana</u>
19.10.460	Restoration	19.10.555	Vehicular access easement or tract
19.10.465	Retail	19.10.557	Vegetation
<u>19.10.467</u>	<u>Retail marijuana outlet</u>	19.10.560	Vendor cart
19.10.470	Right-of-way	19.10.562	Vernacular
19.10.472	Riparian habitat	19.10.565	Warehousing and wholesale trade
19.10.474	Salmonid	19.10.570	Water table
19.10.474.5	Scale (architectural)	19.10.575	Wellhead protection areas
19.10.475	School	19.10.580	Wetlands
19.10.477	Screen/screening	19.10.585	Wetlands, associated
19.10.479	Secure community transition facility	19.10.590	Wetland classes, classes of wetlands, or wetland types
19.10.480	Seismic hazard areas	19.10.595	Wetland edge
19.10.485	Setback	19.10.600	Wildlife habitat
19.10.490	Self service storage facility		
19.10.492	Shorelines of the State		
19.10.493	Significant tree		
19.10.495	Site		
19.10.500	Site improvements		
19.10.505	Slope		
19.10.510	Social card game		

6. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;
7. Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments.

19.10.310 Light industry – A *use* that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair and/or packaging of finished products, predominantly from previously prepared and/or refined materials (or from raw materials that do not need refining). *Warehousing, wholesaling* and distribution of the finished products produced at the *site* is allowed as part of this use.

19.10.312 Livestock - Grazing animals kept either in open fields or *structures* for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, riding and draft horses, hogs, sheep, goats, miniature horses, llamas, and alpacas. [Ord. 355 § 1, 2002]

19.10.313 Loading space - A space for the temporary parking of a vehicle while loading or unloading cargo or passengers. [Ord. 292 § 2, 2000]

19.10.315 Lodging facility – A *building* or portion thereof designed or used for the transient rental of rooms for sleeping. *Accessory* shops and services catering to the general public may be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

19.10.320 Lot – A physically separate and distinct parcel of property, which has been created pursuant to the City of Burien subdivision regulations, or was legally created prior to February 28, 1993.

19.10.325 Lot area – The total land area, excluding submerged land, contained within the *property lines* of a *lot*.

19.10.327 Lot Averaging - The numerical averaging of *lot areas* to determine compliance with the minimum *lot area* requirements of this title. [Ord. 428 § 3, 2005]

19.10.329 Lot, corner--A *lot* abutting upon two or more streets at their intersections, or upon two parts of the same street, such streets or parts of same street forming an interior angle of less than 135 degrees within the lines. Corner lots have two street frontages, primary and secondary. The primary street shall be the one that the building is primarily oriented to. [Ord. 545 § 1, 2010, Ord. 103 § 1, 1994; Ord. 28 § 1(40), 1993]

M

19.10.330 Major communication facility – [Repealed, Ord. 265 § 34, 1999]

19.10.331 Major new construction or modification – Construction from the bare ground or an enlargement or modification of an existing *structure* in excess of 50% of the current King County assessment value for the existing *structure* (excluding tenant improvements), as determined by BMC Title 15. [Ord. 273 § 1, 1999]

19.10.333 Marijuana – All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. [Ord. 599 § 2, 2014]

19.10.333.2 Marijuana processor – A facility licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers. [Ord. 599 § 2, 2014]

19.10.333.3 Marijuana producer – A facility licensed by the state liquor control board for the production and sale at wholesale of marijuana to marijuana processors and other marijuana producers. [Ord. 599 § 2, 2014]

19.10.333.4 Marijuana retailer – A facility licensed by the state liquor control board where useable marijuana and marijuana-infused products may be sold at retail. [Ord. 599 § 2, 2014]

19.10.333.5 Marijuana-infused products – Products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include usable marijuana. [Ord. 599 § 2, 2014]

19.10.335 Master plan – A complete development plan for the *site* showing: placement, dimensions and uses of all *structures* as well as *streets* and other areas used for vehicular circulation.

19.10.340 Minor communication facility – [Repealed, Ord. 265 § 34, 1999]

19.10.345 Mitigation -- The use of any or all of the following actions listed in descending order of preference:

1. Avoiding the impact by not taking a certain action;
2. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;
3. Rectifying the impact by repairing, rehabilitating or *restoring* the affected *critical area* or *buffer*;
4. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the *development proposal*;
5. Compensating for the impact by replacing, enhancing or providing substitute *critical areas* and environments; and
6. Monitoring the impact and taking appropriate corrective measures.

19.10.350 Mixed use – A project or *building* that combines non-residential *use* with *dwelling units*, either in the same *building*, or in different *buildings* located on the same *site*.

R

19.10.435 Reasonable use -- A legal concept articulated by federal and state courts in regulatory taking cases. Within the context of these cases and for the purposes of this title, reasonable use shall mean any *use* allowed by Chapter 19.15 BMC and shall not mean the subdivision of property.

19.10.440 Recreational facility – A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Includes, but is not limited to: health club, sports instruction, and bowling alley.

19.10.443 Recyclable material--A nontoxic, recoverable substance that can be re-processed for the manufacture of new products. [Ord. 545 § 1, 2010, Ord. 28 § 1(40), 1993]

19.10.445 Recycling center – An establishment for the processing (separation and/or recovery) or collection of *recyclable materials* from solid wastes. Recycling of oil or other liquids may also occur.

19.10.446 Regional utility corridor – A right-of-way tract or easement which contains transmission lines or pipelines for utility companies, excluding distribution lines contain within striate rights-of-way or lines serving individual *lot* or developments. [Ord. 428 § 3, 2005]

19.10.447 Regulated facility or activities -- A facility or activity that lies or occurs within the boundaries of a *critical aquifer recharge area*, and in which quantities of *hazardous materials* or substances in excess of twenty (20) gallons or two hundred (200) pounds are or will be present on the premises at any one time, unless otherwise exempted under this ordinance. [Ord. 394 § 1, 2003]

19.10.450 Religious facility – An establishment, the principal purpose of which is religious worship, and for which the principal *building* or other *structure* contains the sanctuary or principal place of worship, and which includes related *accessory uses*.

19.10.455 Residential zone – Any RS or RM zone.

19.10.460 Restoration -- Returning a *critical area* and/or its *buffer* to a state in which its stability and functions approach its unaltered state as closely as possible.

19.10.465 Retail – A commercial enterprise which: provides goods and/or services directly to the consumer; and, whose goods are available for immediate purchase and/or rental; and, whose goods are available for immediate removal from the premises by the purchaser and/or whose services are traditionally not permitted within an *office use*. The sale and consumption of food are included if: a) the seating and associated circulation area does not exceed ten percent of the *gross floor area* of the *use*, and b) it can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. Goods and services offered include, but are not limited to: *convenience retail uses*.

19.10.467 Retail marijuana outlet – A location licensed by the State Liquor Control Board for the retail sale of usable marijuana and marijuana-infused products. [Ord. 599 § 2, 2014]

19.10.470 Right-of-way – Land dedicated primarily to the movement of vehicles and providing for primary access to adjacent *lots*. The land may also provide space for pedestrian movement, utility lines and appurtenances and other publicly owned devices.

and Volume 16, page 25, book of plats; all public accesses to, from and across the Indian Trail shall be considered as part of the Indian Trail System, including public *rights-of-way* from existing or future roadway to the Trail and public *rights-of-way* from the Trail to the waterfront, which are not designated as *street*; and any future identified or developed trail included in the Comprehensive Parks Plan for the City of Burien.

U

19.10.547 Ultimate roadway section--A designation by the city of Burien that the maximum roadway or intersection capacity has been reached and further right-of-way acquisition and/or improvements are not feasible to increase *peak hour* vehicle capacity. [Ord. 545 § 1, 2010, Ord. 28 § 1(40), 1993]

19.10.549 Usable marijuana – Dried marijuana flowers. The term “useable marijuana” does not include marijuana-infused products. [Ord. 599 § 2, 2014]

19.10.550 Use – The nature of the activities taking place on public or private property. Each separate listing under the “Use” column in Chapter 19.15 of this Code is a separate use. [Ord. 523 § 1, 2009]

V

19.10.555 Vehicular access easement or tract – A privately owned *right-of-way*.

19.10.557 Vegetation--Any and all plant life growing at, below or above the soil surface. [Ord. 545 § 1, 2010, Ord. 28 § 1(40), 1993]

19.10.560 Vendor cart - An *accessory use* consisting of a portable stand and any related *accessory* appurtenances such as an awning, canopy or seating, used for the *retail* sales of goods including but not limited to beverages, food and flowers.

19.10.562 Vernacular - A *building* or complex of *buildings* that relate to, or are characteristic of a period, place or group; especially relating to or being the common *building* style of a period or place. [Ord. 273 § 1, 1999]

W

19.10.565 Warehousing and wholesale trade -- Establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public which is classified as a *retail use*.

19.10.570 Water table -- The upper limit of the *groundwater* body marking the boundary between the saturated zone, where soil and rock is completely saturated with water, and the unsaturated zone. It is defined by the levels at which water stands in wells that penetrate the *aquifer* just far enough to hold standing water. [Ord. 394 § 1, 2003]

19.10.575 Wellhead protection areas -- Wellhead protection areas may be defined by the boundaries of the ten (10) year time of *groundwater* travel, or boundaries established using alternate criteria approved by the Department of Health in those settings where *groundwater* time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135. [Ord. 394 § 1, 2003]



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; text-align: center;"> AI Zone </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)	
			<i>Lot Area</i>	SETBACKS		Lot Coverage					<i>Building Height</i>
				<i>Front Setback</i>	<i>Interior Setback</i>	<i>Building Coverage</i>	<i>Impervious Surface Coverage</i>				
19.15.070.2 Air Cargo Facility Distribution <i>Eating and Drinking Establishment</i> <i>Flex-Industrial</i> <i>Flex-Tech</i> Flight Kitchen <i>Light Industry</i> <i>Office</i> <i>Off-Site Commercial Parking</i> Plant Nursery <i>Retail</i> <i>Warehousing and Wholesale Trade</i>	None	None	10'	10'	None	See BMC 19.15.070.1.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> .	

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

<div style="border: 1px solid black; padding: 5px; display: inline-block;"> AI Zone </div> 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
19.15.070.3 New Car Auto Dealer Auto Rental	None	None	10'	10'	None	See BMC 19.15.070. 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 accessory use.	
19.15.070.4 Community Facility Government Facility Public Park and Recreation Facilities Recreational Facility Religious Facility	None	None	10'	10'	None	See BMC 19.15.070. 1.E.	45' See BMC 19.15.070.1	F	See Section 19.20.030.2		
19.15.070.5 Public Utility	Type 1	None	10'	10'	None	See BMC 19.15.070. 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 19.15.070. 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 19.15.070. 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; text-align: center;"> AI Zone </div> 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				
19.15.070.8 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</i> uses. 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 19.15.070. 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									

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
<div style="border: 2px solid black; padding: 5px; text-align: center; width: 40px; margin: 0 auto;"> AI Zone </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)	
			<i>Lot Area</i>	SETBACKS		Lot Coverage					<i>Building Height</i>
				<i>Front Setback</i>	<i>Interior Setback</i>	<i>Building Coverage</i>	<i>Impervious Surface Coverage</i>				

19.15.070.11 <i>Personal Wireless Service Facility</i>	See BMC 19.50 for specific requirements.									
19.15.070.12 <i>Community Garden</i> [Ord. 560 § 3, 2012]	None	None	10'	10'	15%	25%	12'	A	See Section 19.20.030.2	1. A land use agreement approved by the <i>Director</i> shall be executed between the landowner and those who are interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.

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

<div style="border: 1px solid black; padding: 5px; text-align: center;"> AI Zone </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				
19.15.070.13 <u>Marijuana Producers</u> <u>Marijuana Processors</u> <u>[Ord. 599 § 2, 2014]</u>	<u>Type 1</u>	None	<u>10'</u>	<u>10'</u>	None	<u>See BMC 19.15.070.1.E.</u>	<u>45'</u> <u>See BMC 19.15.070.1</u>	F	<u>See Section 19.20.030.2</u>	<ol style="list-style-type: none"> <u>1. The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, glare and traffic impacts.</u> <u>2. Must comply with all requirements of State law and Washington State Liquor Control Board's regulations.</u> <u>3. Marijuana producers and processors shall not operate as an accessory to a primary use or as a home occupation.</u> <u>4. Marijuana producers and processors may locate in the same building and all production and processing activities shall occur within an enclosed structure.</u> <u>5. Marijuana producers and processors shall not locate within one thousand feet (1,000') as measured by the shortest straight line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreational center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.</u> 	

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Section 19.15.050—INDUSTRIAL ZONE

PURPOSE AND INTENT: The Industrial (I) zone implements the Industrial Comprehensive Plan designation. The purpose of this zone is to establish a concentrated employment area for heavy commercial or industrial uses which are not likely to have adverse impacts on nearby residential or commercial properties. The intent is to provide for areas where primarily industrial activities and support services can be concentrated and where traffic congestion, visual and other impacts on the surrounding environment can be minimized. Large retail uses and office buildings that are not associated with an industrial use are inappropriate in the I zone.

ONLY THOSE USES LISTED ON THE FOLLOWING USE ZONE CHARTS MAY BE ALLOWED IN THE I ZONE, SUBJECT TO MEETING ALL APPLICABLE REQUIREMENTS OF THE ZONING CODE. THE FOLLOWING SPECIAL REGULATIONS APPLY TO ALL USES IN THE INDUSTRIAL 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.

19.15.050.1: SPECIAL REGULATIONS:

- A. Up to 25% of *gross floor area* may be used for the following *accessory uses* that are related to or support the *primary use*: *retail, office, eating & drinking establishment, recreational facility, or warehousing and wholesale trade*. For *high technology industry*, up to 75% of *gross floor area* for an *accessory office use* is allowed. A higher percentage of *accessory use* may be allowed through a Type 1 review. Required parking for *accessory uses* shall be as follows: *retail, office and recreational facility*: 1.5 stalls per 1,000 s.f. *net floor area*; *eating and drinking establishment*: 7 stalls per 1,000 s.f. *net floor area*; *warehousing and wholesale trade*: 0.5 stalls per 1,000 s.f. *net floor area*. More or less parking for *accessory uses* may be allowed through a Type 1 review process. [Ord. 313 §1, 2000]
- B. The minimum *lot area* for new *lots* is 2 acres.
- C. The outer 15 feet of the *front setback* must be landscaped with Type I landscaping (as prescribed in BMC 19.25.050.1). [Ord. 523 § 1, 2009]
- D. All *uses* must be located within *buildings* or approved outdoor *use, activity* or storage areas.
- E. Repealed, Ord. 529, 2009

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

 Zone I USE ↓	↓ REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.050.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
		Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS					
			Lot Area	SETBACKS		Lot Coverage		Building Height			
Front Setback	Interior Setback	Building Coverage		Impervious Surface Coverage							
19.15.050.2 <i>High Technology Industry</i>	None	None	25'	See Spec. Reg. 1	70%	75%	See Spec. Reg. 2	D Also see Spec. Reg. 1	3 spaces per 1,000 s.f. of net floor area. Also see Sec. 19.15.050.1.A. [Ord. 313 §1, 2000]	1. Fifty (50) feet if <i>adjoining a residential zone</i> , otherwise, none. The outer 25 feet of the <i>setback</i> must be landscaped with Type I landscaping (as prescribed in BMC 19.25.050.1). [Ord. 523 § 1, 2009]. 2. Maximum <i>building height</i> is 35 feet. If at least 50% of the required parking stalls are located under or within the <i>building</i> , maximum <i>building height</i> is increased to 60 feet.	
19.15.050.3 <i>Light Industry</i>	None	None	25'	See Spec. Reg. 1	70%	75%	See Spec. Reg. 2	D Also see Spec. Reg. 1	1 space per 1,000 s.f. of net floor area. Also see Sec. 19.15.050.1.A. [Ord. 313 §1, 2000]	1. Fifty (50) feet if <i>adjoining a residential zone</i> , otherwise, none. The outer 25 feet of the <i>setback</i> must be landscaped with Type I landscaping (as prescribed in BMC 19.25.050.1). [Ord. 523 § 1, 2009]. 2. Maximum <i>building height</i> is 35 feet. If at least 50% of the required parking stalls are located under or within the <i>building</i> , maximum <i>building height</i> is increased to 60 feet.	
19.15.050.4 <i>Family Day Care Home I and II</i>	None	See Special Regulation 1								1. Must comply with requirements of the <i>primary use</i> . 2. <i>Family Day Care Home II</i> : Must provide State certification of safe passenger loading area.	
19.15.050.5: <i>Day Care Center</i>	None	None	25'	0'	70%	75%	35'	B	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Must provide State certification of safe passenger loading area.	
19.15.050.6: Auto, boat or heavy equipment repair, services or washing	Type 1	None	25'	See Spec. Reg. 1	70%	75%	35'	C Also see Spec. Reg. 1	1 space per 1,000 s.f. of net floor area. Also see Sec. 19.15.050.1.A. [Ord. 313 §1, 2000]	1. Fifty (50) feet if <i>adjoining a residential zone</i> , otherwise, none. The outer 25 feet of the setback must be landscaped with Type I landscaping (as prescribed in BMC 19.25.050.1). [Ord. 523 § 1, 2009].	

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

<div style="border: 1px solid black; padding: 5px; text-align: center;"> I Zone </div> <p align="center">USE ↓</p>	REGULATIONS ↓	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.050.1 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

19.15.050.7: <i>Community or Religious Facility</i> [Ord. 479 § 1, 2007]	Type 1	None	25'	0'	70%	75%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	
19.15.050.8 <i>Government Facility</i>	Type 1	None	25'	0'	70%	75%	See Spec. Reg. 1	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Maximum <i>building height</i> is 35 feet. If at least 50% of the required parking stalls are located under or within the <i>building</i> , maximum <i>building height</i> is increased to 60 feet.
19.15.050.9 <i>On-site hazardous waste treatment and storage facility</i>	Type 1	None	25'	See Spec. Reg. 1	70%	75%	35'	D Also see Spec. Reg. 1	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Fifty (50) feet if <i>adjoining a residential zone</i> , otherwise, none. The outer 25 feet of the <i>setback</i> must be landscaped with Type I landscaping (as prescribed in BMC 19.25.050.1). [Ord. 523 § 1, 2009]. 2. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210.
19.15.050.10 <i>Public Park and Recreation Facilities</i>	None. See Spec. Reg. 2 [Ord. 560 § 3, 2012]	None.	25'	0'	70%	75%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Lighting for <i>structures</i> and fields shall be directed away from residential areas. 2. No special review process if project design is approved by the City Council through a public review process that includes posting a notice board at the site and notification to neighbors; otherwise a Type 2 review process is required. [Ord. 560 § 3, 2012]
19.15.050.11 <i>Public Utility</i>	Type 1	None	30'	30'	70%	75%	35'	D	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	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.

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

<div style="border: 1px solid black; padding: 5px; text-align: center;"> I Zone </div> USE ↓	↓ REGULATIONS	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.050.1 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
19.15.050.12 <i>Self Service Storage Facility</i>	Type 1	None	25'	See Spec. Reg. 1	70%	75%	35'	D Also see Spec. Reg. 1	1 space per 3,500 s.f. of storage area, plus 2 for any caretaker's unit. Also see Sec. 19.15.050.1.A. 1. Fifty (50) feet if <i>adjoining a residential zone</i> , otherwise, none. The outer 25 feet of the <i>setback</i> must be landscaped with Type I landscaping (as prescribed in BMC 19.25.050.1). [Ord. 523 § 1, 2009]. 2. May include one (1) <i>accessory dwelling unit</i> for resident security manager.		
19.15.050.13 <i>Indoor Shooting Range</i>	Type 2	None	30'	30'	70%	75%	35'	D	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000] 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 mitigating noise impacts and designing the facility to protect non-users outside of the <i>building</i> from bullets that may penetrate the outer walls and ceiling of the <i>use</i> .		
19.15.050.14 <i>Kennel</i>	Type 2	None	25' See Spec. Reg. 1	0' See Spec. Reg. 1	70%	75%	35'	D	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000] 1. Outside runs and other outside facilities must be <i>setback</i> at least 25 feet from each <i>property line</i> (50 feet from a <i>residential zone</i>) and must be surrounded by a <i>fence</i> or wall sufficient to enclose the animals. 2. Must provide suitable shelter and a clean, healthful environment for the animals.		

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

<div style="border: 1px solid black; padding: 5px; text-align: center;"> I Zone </div> USE ↓	↓ REGULATIONS	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.050.1 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
19.15.050.15 Recycling Center	Type 2	None	25'	See Spec. Reg. 1	70%	75%	35'	D Also see Spec. Reg. 1	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Fifty (50) feet if <i>adjoining a residential zone</i> , otherwise, none. The outer 25 feet of the <i>setback</i> must be landscaped with Type I landscaping (as prescribed in BMC 19.25.050.1). [Ord. 523 § 1, 2009]. 2. Shall mitigate all operational impacts, including noise, odor, visual and health and sanitary impacts. 3. May deal only in metal cans, glass, plastic and paper. Other materials may be recycled if the Hearing Examiner determines that the impacts are no greater than those associated with recycling metal cans, glass, plastic or paper. The applicant will have the burden of proof in demonstrating similar impacts.	
19.15.050.16 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> . 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, glare and traffic impacts. 2. <i>Social card games</i> are prohibited.		
19.15.050.17 Essential Public Facility	Type 2 [Ord. 560 § 3, 2012]	Development standards shall be determined on a case-by-case basis through the Type 2 review process. [Ord. 560 § 3, 2012]							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

 I Zone USE ↓	REGULATIONS ↓	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							Special Regulations (See also Section 19.15.050.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)		
		Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS				Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)
			Lot Area	SETBACKS		Lot Coverage		Building Height			
		Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage						
19.15.050.18 <i>Off-site hazardous waste treatment and storage facility</i>	Type 2 [Ord. 560 § 3, 2012]	None	50'	50'	70%	75%	35'	D Also see Spec. Reg. 1	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. The outer 25 feet of the <i>setback</i> must be landscaped with Type I landscaping (as prescribed in BMC 19.25.050.1). [Ord. 523 § 1, 2009]. 2. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210.	
19.15.050.19 <i>Personal Wireless Service Facility⁽¹⁾</i>	See Chapter 19.50										
19.15.050.20 <i>Adult Entertainment Facility⁽²⁾</i>	None	None	25'	0'	70%	75%	35'	C	See Sec. 19.20.030.2	1. See Sec. 19.17.030 for additional requirements.	
19.15.050.21 <i>Secure Community Transition Facility</i> [Ord. 363 § 1, 2002]	Type 2 [Ord. 560 § 3, 2012]	See Section 19.17.110									
19.15.050.22 <i>Community Garden</i> [Ord. 560 § 3, 2012]	None	None	10'	0'	15%	25%	12'	A	See Sec. 19.20.030.2	1. A land use agreement approved by the <i>Director</i> shall be executed between the landowner and those who are interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.	

(1) Amended, Ord. 265, 1999

Note: All landscape categories added by Ord. 293, 2000

(2) Amended, Ord. 291, 2000

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

<div style="border: 1px solid black; padding: 5px; text-align: center;"> I Zone </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 19.15.050.1 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				
19.15.050.23 <u>Marijuana Producers</u> <u>Marijuana Processors</u> [Ord. 599 § 2, 2014]	Type 1	None	25'	See Spec. Reg. 1	70%	75%	35'	D Also see Spec. Reg. 1	See Sec. 19.20.030.2	<ol style="list-style-type: none"> 1. <u>Fifty (50) feet if adjoining a residential zone, otherwise, none. The outer 25 feet of the setback must be landscaped with Type I landscaping (as prescribed in BMC 19.25.050.1).</u> 2. <u>The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, glare and traffic impacts.</u> 3. <u>Must comply with all requirements of State law and Washington State Liquor Control Board's regulations.</u> 4. <u>Marijuana producers and processors shall not operate as an accessory to a primary use or as a home occupation.</u> 5. <u>Marijuana producers and processors may locate in the same building and all production and processing activities shall occur within an enclosed structure.</u> 6. <u>Marijuana producers and processors shall not locate within one thousand feet (1,000') as measured by the shortest straight line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreational center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.</u> 	



Section 19.15.015--NEIGHBORHOOD CENTER ZONE

PURPOSE AND INTENT: The Neighborhood Center (CN) zone implements the Neighborhood Center Comprehensive Plan designation. The purpose of this zone is to establish relatively small areas to provide convenience goods and services to meet the everyday needs of the surrounding residential neighborhoods, while protecting neighborhood character. The intent is to provide for limited retail stores, services, offices and mixed use buildings that serve the immediate neighborhood (as well as other markets or service areas), located in neighborhood focal points which are designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods, and be consistent with road and utility capacity.

ONLY THOSE USES LISTED ON THE FOLLOWING USE ZONE CHARTS MAY BE ALLOWED IN THE CN ZONE, SUBJECT TO MEETING ALL APPLICABLE REQUIREMENTS OF THE ZONING CODE. THE FOLLOWING SPECIAL REGULATIONS APPLY TO ALL USES IN THE NEIGHBORHOOD CENTER 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.

19.15.015.1: SPECIAL REGULATIONS:

- A. Maximum *gross floor area* per *building* is 4,000 s.f. Up to 8,000 s.f. may be approved through a Type 1 review process. Greater than 8,000 s.f may be approved through a Type 2 review process.
- B. *Front setback* shall be 10 feet. Greater or lesser *setback* shall be reviewed through a Type 1 process. The area between the *building* and the *front property line* shall be used for pedestrian-oriented features, such as outdoor displays, benches, tables, gardens or similar features. The main pedestrian access shall be located in the front of the *building* with direct access onto a sidewalk. *Buildings* may be *setback* greater than 10 feet from the *front property line* if the area between the *front property line* and *building* is used for pedestrian-oriented features, or, if the area is an alcove in front of the pedestrian entrance. *Buildings* may be *setback* less than 10 feet if *building* wall design and finishes relate to the pedestrian scale (i.e., use of color, texture, windows), and pedestrian needs are otherwise accommodated.
- C. The following are not permitted: Auto repair, *convenience auto service*, auto sales, *pawn shop*, veterinarian, and drive-through facilities.
- D. *Site* design shall include at least one pedestrian amenity for each 2,000 s.f. of *gross floor area* or portion thereof. The amenity shall be approved by the *Director*, shall be located in an area accessible to pedestrians, and shall not be located on a sidewalk in the public *right-of-way*, unless approved through a Type 1 review. The following are examples of possible pedestrian amenities: awning over public sidewalk; bench; outdoor table and chairs for minimum of four people.
- E. Outdoor storage is limited to *accessory* storage of goods sold at *retail* on the premises. Outdoor storage areas shall be limited to five feet in *height* and shall not be located in any required landscape area.
- F. Parking and loading areas shall not be located between the *building* and the *right-of-way*.

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

<div style="border: 1px solid black; padding: 5px; display: inline-block; text-align: center;"> CN Zone </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 19.15.015.1 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				
19.15.015.2 <i>Convenience Retail</i> <i>Office</i> <i>Eating & Drinking Establishment</i>	None	None	10'	0'	70%	85%	35'	C	1.5 spaces per 1,000 s.f. of <i>net floor area</i> . May be reduced to 1 space per 1,000 s.f. of <i>net floor area</i> if on-street parking is available. <i>Eating & Drinking Establishment</i> : 7 spaces per 1,000 s.f. of <i>net floor area</i> . May be reduced to 5 spaces per 1,000 s.f. of <i>net floor area</i> if on-street parking is available. [Ord. 313 §1, 2000]		
19.15.015.3 <i>Family Day Care Home I and II</i>	None	See Special Regulation 1							1. Must comply with requirements of the <i>primary use</i> . 2. <i>Family Day Care Home II</i> : Must provide State certification of safe passenger loading area.		
19.15.015.4 <i>Day Care Center</i>	None	None	10'	0'	70%	85%	35'	B	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. <i>Day Care Center</i> : Must provide State certification of safe passenger loading area.	

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

<div style="border: 2px solid black; padding: 5px; text-align: center; width: 60px; margin: 0 auto;"> CN Zone </div> <p align="center">USE ↓</p>	REGULATIONS	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.015.1 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

<p>19.15.015.5 <i>Mixed Use</i></p> <p><i>Senior Citizen Assisted Dwelling Unit</i></p> <p><i>Community Residential Facility</i></p>	Type 1	None	10'	0'	70%	85%	35'	C	<p>See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]</p>	<ol style="list-style-type: none"> <i>Mixed use</i> not allowed in CN zone located on Maplewild Avenue SW. Shall provide <i>retail convenience, office, or eating & drinking establishment uses</i> on floor adjacent to public street, or if property does not abut a public street, on floor adjacent to parking lot. <i>Eating & drinking establishment</i> may be located on any floor. Maximum residential density is 12 <i>dwelling units</i> per acre. <i>Senior citizen assisted dwelling unit</i> or <i>community residential facility</i> only allowed as part of a <i>mixed use</i> project.
<p>19.15.015.6 <i>Public Park and Recreation Facilities</i></p>	None See Spec. Reg. 3 [Ord. 560 § 3, 2012]	None	10' See Spec. Reg. 2	0' See Spec. Reg. 2	60%	85%	35'	C	<p>See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]</p>	<ol style="list-style-type: none"> Lighting for <i>structures</i> and fields shall be directed away from <i>dwelling units</i>. <i>Structures</i> shall maintain a 50-foot <i>setback</i> from <i>adjoining lots</i> containing <i>single detached dwelling units</i>. The <i>Director</i> may allow <i>structures</i> such as playground equipment, ball field backstops and tennis court <i>fences</i> closer than 50' if compatible with the surrounding neighborhood and traffic safety considerations. No special review process if project design is approved by the City Council through a public review process that includes posting a notice board at the site and notification to neighbors; otherwise a Type 2 review process is required. [Ord. 560 § 3, 2012]

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

<div style="border: 1px solid black; padding: 5px; text-align: center; width: 60px; margin: 0 auto;"> CN Zone </div> <p align="center">USE ↓</p>	REGULATIONS ↓	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.015.1 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

19.15.015.7 <i>Community, Cultural, Religious or Government Facility</i> [Ord. 479 § 1, 2007]	Type 2 [Ord. 560 § 3, 2012]	None	10'	0'	60%	85%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	
19.15.015.8 <i>Public Utility</i>	Type 2 [Ord. 560 § 3, 2012]	None	30'	30'	60%	85%	35'	D	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	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.
19.15.015.9 <i>Personal Wireless Service Facility</i> ⁽¹⁾	See Chapter 19.50									
19.15.015.10 <i>Community Garden</i> [Ord. 560 § 3, 2012]	None	None	10'	0'	15%	25%	12'	A	See Sec. 19.20.030.2	1. A land use agreement approved by the <i>Director</i> shall be executed between the landowner and those who are interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.

(1) Amended, Ord. 265, 1999

Note: All landscape categories added by Ord. 293, 2000

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

<div style="border: 1px solid black; padding: 5px; text-align: center; width: 40px; margin: 0 auto;"> CN Zone </div> <p align="center">USE ↓</p>	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 19.15.015.1 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				
<u>19.15.015.11</u> <u>Marijuana Retailers</u> <u>[Ord. 599 § 2, 2014]</u>		Type 1	None	10'	0'	70%	85%	35'	C	<u>See Sec. 19.20.030.2</u>	<ol style="list-style-type: none"> 1. <u>The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, glare and traffic impacts.</u> 2. <u>Must comply with all requirements of State law and Washington State Liquor Control Board's regulations.</u> 3. <u>Marijuana retailers shall not locate in the Single-Family Residential (RS), Multi-Family Residential (RM), Professional Residential (PR), Office (O) or Ruth Dykeman Children's Center zones.</u> 4. <u>Marijuana retailers shall not locate in a building in which any non-conforming retail uses have been established in any residential or office zone.</u> 5. <u>Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.</u> 6. <u>Marijuana retailers shall not locate within one thousand feet (1,000') as measured by the shortest straight line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreational center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.</u>



Section 19.15.020—INTERSECTION COMMERCIAL ZONE

PURPOSE AND INTENT: The Intersection Commercial (IC) zone implements the Intersection Commercial Comprehensive Plan designation. The purpose of this zone is to establish areas (in otherwise residential areas) for low to moderate intensity convenience commercial uses to serve customers travelling to and from their nearby homes. The intent is to provide a diverse mix of uses which serve multiple residential areas, designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods, and be consistent with road and utility capacity.

ONLY THOSE USES LISTED ON THE FOLLOWING USE ZONE CHARTS MAY BE ALLOWED IN THE CI ZONE, SUBJECT TO MEETING ALL APPLICABLE REQUIREMENTS OF THE ZONING CODE. THE FOLLOWING SPECIAL REGULATIONS APPLY TO ALL USES IN THE INTERSECTION COMMERCIAL 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.

19.15.020.1: SPECIAL REGULATIONS:

- A. Primary vehicular access shall be from an *arterial street*.
- B. The property owner shall record access easements and shared parking agreements between the *site* and abutting CI-zoned properties. This regulation applies whenever there is a change in tenant or a *substantial improvement* on a *lot*. This regulation may be waived or modified through a Type 1 review, if complying with the requirement is infeasible or an alternative solution would better meet the goals of providing shared access and parking.
- C. Repealed, Ord. 529, 2009

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
<div style="border: 1px solid black; padding: 5px; text-align: center;"> CI Zone </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 19.15.020.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
			Lot Area	SETBACKS		Lot Coverage		Building Height			
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.020.2 <i>Convenience Retail</i> <i>Office</i> <i>Eating and Drinking Establishment</i> <i>Convenience Auto Service</i>	See Spec. Reg. 1	None	10'	0'	70%	85%	35'	C	3 spaces per 1,000 s.f. of <i>net floor area</i> <i>Eating and Drinking Establishment</i> -13 spaces per 1,000 s.f. of dining or lounge area. [Ord. 313 § 1, 2000]	1. Maximum <i>gross floor area</i> per <i>building</i> is 5,000 s.f. Up to 10,000 s.f. may be approved through a Type 1 review process. Greater than 10,000 s.f. may be approved through a Type 2 review process. 2. The following are not permitted: auto sales, <i>pawn shop</i> and veterinarian. 3. Outdoor <i>use</i> and storage is limited to <i>accessory</i> display and/or storage of goods sold at <i>retail</i> on the premises. Outdoor <i>use</i> and storage areas shall be limited to five feet in <i>height</i> and shall not be located in any required landscape area. 4. Auto service activities shall occur inside a building.	
19.15.020.3 <i>Family Day Care Home I and II</i>	None	See Special Regulation 1							B	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Must comply with requirements of the <i>primary use</i> . 2. <i>Family Day Care Home II</i> : Must provide State certification of safe passenger loading area.
19.15.020.4 <i>Day Care Center</i>	None	None	10'	0'	70%	85%	35'	B	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Must provide State certification of safe passenger loading area.	

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

<div style="border: 1px solid black; padding: 5px; text-align: center; width: 40px; margin: 0 auto;"> CI Zone </div> <p align="center">USE ↓</p>	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 19.15.020.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)	
			Lot Area	SETBACKS		Lot Coverage					Building Height
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.020.5 <i>Mixed Use</i> <i>Senior Citizen Assisted Dwelling Unit</i> <i>Community Residential Facility</i>	None	None	10'	0'	70%	85%	45'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Shall provide <i>convenience retail, office or eating and drinking establishment uses</i> on the floor adjacent to a <i>street</i> , or if the <i>site</i> does not abut a <i>street</i> , on floor adjacent to parking lot. <i>Eating and drinking establishment</i> is permitted on any floor. 2. Maximum residential density shall not exceed the highest density allowed by the zoning of an abutting residentially zoned <i>lot</i> . If more than one residentially zoned <i>lot</i> abuts the subject lot, the highest residential zoning density may be used to calculate the maximum residential density. In cases where there is no residentially zoned <i>lot</i> abutting the subject <i>lot</i> , the maximum allowed residential density shall be established by the zoning of the closest residentially zone lot. [Ord. 484 § 1, 2008] 3. The following are not permitted: auto repair shop, auto sales, <i>convenience auto service</i> , drive-through facilities, <i>pawn shop</i> , or veterinarian. 4. Outdoor <i>use</i> and storage is limited to <i>accessory display and/or storage of goods sold at retail</i> on the premises. Outdoor <i>use</i> and storage areas shall be limited to five feet in <i>height</i> and shall not be located in any required landscape area. 5. <i>Senior citizen assisted dwelling unit</i> or <i>community residential facility</i> only allowed as part of a <i>mixed use</i> project. 6. At least 25% of the <i>gross floor area</i> must be designed and used for <i>retail, office or eating and drinking establishment uses</i> . [Ord. 560 § 3, 2012]	

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

<div style="border: 1px solid black; padding: 5px; text-align: center; width: 40px; margin: 0 auto;"> CI Zone </div> <p align="center">USE ↓</p>	REGULATIONS	MINIMUMS						MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.020.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
		Special Review Process (See Ch. 19.65)	Lot Area	SETBACKS		Lot Coverage		Building Height					
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage						
19.15.020.6 <i>Public Park and Recreation Facilities</i>	None See Spec. Reg. 3 [Ord. 560 § 3, 2012]	None	10' See Spec. Reg. 2	0' See Spec Reg. 2	60%	85%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	<ol style="list-style-type: none"> 1. Lighting for structures and fields shall be directed away from residential areas. 2. Structures shall maintain a 50-foot <i>setback</i> from <i>adjoining lots</i> zoned RS. The <i>Director</i> may allow structures such as playground equipment, ball field backstops and tennis court <i>fences</i> closer than 50' if compatible with the surrounding neighborhood and traffic safety considerations. 3. No special review process if project design is approved by the City Council through a public review process that includes posting a notice board at the site and notification to neighbors; otherwise a Type 2 review process is required. [Ord. 560 § 3, 2012] 			
19.15.020.7 <i>Community, Cultural, Religious or Government Facility</i> [Ord. 479 § 1, 2007]	Type 2 [Ord. 560 § 3, 2012]	None	10'	0'	60%	85%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]				

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
<div style="border: 1px solid black; padding: 5px; text-align: center;"> CI Zone </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 19.15.020.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
			Lot Area	SETBACKS		Lot Coverage		Building Height			
				<i>Front Setback</i>	<i>Interior Setback</i>	<i>Building Coverage</i>	<i>Impervious Surface Coverage</i>				

19.15.020.8 <i>Public Utility</i>	Type 2 [Ord. 560 § 3, 2012]	None	30'	30'	60%	85%	35'	D	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	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.
19.15.020.9 <i>Personal Wireless Service Facility⁽¹⁾</i>	See Chapter 19.50									
19.15.020.10 <i>Community Garden</i> [Ord. 560 § 3, 2012]	None	None	10'	0'	15%	25%	12'	A	See Sec. 19.20.030.2	1. A land use agreement approved by the <i>Director</i> shall be executed between the landowner and those who are interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.

(1) Amended, Ord. 265, 1999

Note: All landscape categories added by Ord. 293, 2000

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

<div style="border: 1px solid black; padding: 5px; text-align: center; width: 40px; margin: 0 auto;"> CI Zone </div> <p align="center">USE ↓</p>	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 19.15.020.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)	
			Lot Area	SETBACKS		Lot Coverage					Building Height
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
<u>19.15.020.11</u> <u>Marijuana Retailers</u> <u>[Ord. 599 § 2, 2014]</u>	Type 1	None	10'	0'	70%	85%	35'	C	See Sec. 19.20.030.2	<ol style="list-style-type: none"> 1. <u>The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, glare and traffic impacts.</u> 2. <u>Must comply with all requirements of State law and Washington State Liquor Control Board's regulations.</u> 3. <u>Marijuana retailers shall not locate in the Single-Family Residential (RS), Multi-Family Residential (RM), Professional Residential (PR), Office (O) or Ruth Dykeman Children's Center zones.</u> 4. <u>Marijuana retailers shall not locate in a building in which any non-conforming retail uses have been established in any residential or office zone.</u> 5. <u>Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.</u> 6. <u>Marijuana retailers shall not locate within one thousand feet (1,000') as measured by the shortest straight line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreational center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.</u> 	

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Section 19.15.025—DOWNTOWN COMMERCIAL ZONE

PURPOSE AND INTENT: The Downtown Commercial (DC) zone implements the Downtown Commercial Comprehensive Plan designation. The purpose of the DC zone is to foster a vibrant, compact, pedestrian oriented area by allowing high density residential development in combination with office, retail and commercial uses, government activities, and restaurants, entertainment and cultural uses. Mixed use developments are encouraged, including well-designed townhouses and condominiums, providing a convenient living environment and making downtown a community focal point and center, as well as a lively place in the evening and on the weekends. Residential densities re limited only by physical constraints such as height, bulk, parking and infrastructure capacities. Moderate to high rise buildings, pedestrian amenities and facilities that help define downtown Burien’s distinctive qualities are encouraged.

The community’s vision for downtown is an attractive, clean, safe and vibrant place that is welcoming to people of all ages. A friendly place where you can walk between the good mix of shops. Downtown will have a special look, created by a cohesive physical theme and design guidelines that emphasize quality, permanence, individuality and uniqueness within the overall urban fabric. Overall, downtown Burien will be a destination—the comfortable and welcoming, fun and lively heart of a great small town.

To help achieve these goals, desired uses and public amenities are achieved through a public benefit incentive program. This program allows increased building height and bulk in exchange for the provision of streetscape improvements, design elements, civic contributions and provision of land uses that are highly desired by the community.

ONLY THOSE USES LISTED ON THE FOLLOWING USE ZONE CHARTS MAY BE ALLOWED IN THE DC ZONE, SUBJECT TO MEETING ALL APPLICABLE REQUIREMENTS OF THE ZONING CODE. THE FOLLOWING SPECIAL REGULATIONS APPLY TO ALL USES IN THE DOWNTOWN COMMERCIAL 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.

19.15.025.1: SPECIAL REGULATIONS:

- A. Outdoor use and storage is limited to *accessory* storage of goods sold at *retail* on the premises. All outdoor storage must be located to the side or the rear of buildings, and may not exceed 200 square feet in size.
- B. Distribution, wholesaling, or manufacturing that support the primary use are allowed as an accessory use. [Ord. 484 § 1, 2008]
- C. Drive-through facilities are prohibited adjacent to *Class A Pedestrian-Oriented Streets*. This prohibition does not apply to drive-through banks.
- D. Temporary seasonal uses (such as Christmas tree lots or farmers markets) and community festivals may be approved by the City Manager or his/her designee.
- E. All utilities on-*site* shall be located underground. Undergrounding of utilities in public *rights-of-way* or *alleys* is encouraged through the Public Benefit Incentive System (BMC 19.15.025.1.J).
- F. **MAXIMUM BUILDING HEIGHT:** Maximum *building heights* in the DC zone shown on Figure 19.15.025-1. The first number listed is the base *building height*. The second number listed is the maximum allowable *building height* that can only be achieved by using the Public Benefit Incentive System in Section 19.15.025.1.J below. In the 5-8 story height area, the City Council may increase the height limit on a case-by-case basis to 12 stories through a Type 3 review. The maximum allowable *building height* may be increased by no more than 10 percent or 15 feet, whichever is greater, if the applicant demonstrates that the increase is necessary for reasonable development of the *building* and will be used to provide interesting roof forms such as pitched or sloped elements, pyramidal, spire or dome shapes, cupolas, or other such decorative architectural features.

- G. MAXIMUM GROSS FLOOR AREA: The maximum *gross floor area* allowed on a *site* is determined by multiplying the *lot area* of the *site* (prior to any required *right-of-way* dedication) by the first number in the floor area ratio (FAR). The base FAR is 3.5:1. Using the Public Benefit Incentive System in Section 19.15.025.1.J below, the maximum *gross floor area* allowed on a *site* can be increased up to an FAR of 7:1. For the purposes of this section, *gross floor area* does not include any area designed and used for parking.
- H. DESIGN GUIDELINES: See BMC 19.47 for downtown design standards and BMC 19.65.105 for information on the Administrative Design Review process.
- I. On-site pedestrian pathways and amenities and *pedestrian-oriented space* do not count toward the maximum allowable *impervious surface coverage*.
- J. PUBLIC BENEFIT INCENTIVE SYSTEM: A *building* may exceed the *gross floor area* and/or *building height* limits as allowed in Sections 19.15.025.1.F and G above, only if the requirements of this section are met.
- i. After a project uses the maximum area of public benefit feature eligible for bonus, additional bonus floor area for that public benefit will not be awarded.
 - ii. The applicant shall dedicate *right-of-way* to the City (if additional *right-of-way* is needed, based on an adopted City street or *right-of-way* plan) in order to participate in the Public Benefit Incentive System. Dedication of *right-of-way* is eligible for bonus floor area as described in Table 19.15.025.1.

The *Director* may approve any public benefit feature not listed in Table 19.15.025.1 if a public benefit will be derived from development of the proposed public benefit feature in the proposed location.

Table 19.15.025.1

PUBLIC BENEFIT FEATURE	BONUS GROSS FLOOR AREA PER UNIT OF PUBLIC BENEFIT FEATURE	MAXIMUM BONUS GROSS FLOOR AREA ALLOWED PER PUBLIC BENEFIT FEATURE
1. Streetscape		
1 sq.ft. of right-of-way dedication	5 square feet	No limit
1 linear foot to underground utilities within <i>public right-of-way</i> or alley	5 square feet	No limit
2. Design Elements		
1 sq.ft. of underground parking	5 square feet	No limit
1 sq. ft. of well-designed above-ground parking structure ¹	2.5 square foot	No limit
1 sq.ft. of shared parking (for other <i>sites</i>)	0.5 square feet	No limit
Unique Architectural Design ¹	10% of site area	10% of site area
1 sq.ft. of Rooftop Garden	2 square feet	No limit
1 sq. ft. of rooftop beautification	2 square feet	No limit
3. Civic Contributions		
1 sq.ft. of public parking area	0.5 square feet	15,000 square feet
1 sq. ft. of public meeting/conference facilities	1 square foot	No limit
Each \$1,000 spent on public art	100 square feet	No limit
4. Uses		
1 sq.ft. restaurant (not fast-food or take-out)	1 square foot	No limit
1 sq.ft. rooftop or top floor restaurant (not fast-food or take-out)	4 square feet	No limit
1 sq.ft. market rate or higher dwelling unit ²	2 square feet	No limit
1 sq.ft. condominium dwelling unit ⁴	2 square feet	No limit
1 sq.ft. of day-care facilities	6 square feet	2,000 square feet
1 sq.ft. of public restroom	4 square feet	1,000 square feet
1 sq.ft. of public open space	4 square feet	No limit
1 sq. ft. of retail use on ground floor	2 square feet	No limit
1 sq.ft. of theater or performing arts venue	5 square feet	No limit
Transfer of development rights	To be determined	To be determined

¹ Director determination.

² Areas devoted to service cores and community facilities may be used to obtain bonus floor area. No area devoted to parking or circulation may be used for this purpose.

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

<div style="border: 1px solid black; padding: 5px; text-align: center;"> DC Zone </div> USE ↓	↓ REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							Special Regulations (See also Section 19.15.030.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
		Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS				Landscape Category (See Ch. 19.25)
			Lot Area	SETBACKS		Lot Coverage		Building Height		
		Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage					
19.15.025.2 <i>Mixed Use</i>	None	None	0'	0'	85%	95%	See Sec. 19.15.025.1.F	E	See Sec. 19.20.040.3.B [Ord. 531 § 1, 2010]	1. Must have at least two <i>uses</i> listed in Sec. 19.15.025. 2. At least 75% of the <i>gross floor area</i> located at <i>street level</i> must be devoted to non-residential <i>uses</i> . 3. The following are not permitted: motor vehicle sales and rental; boat sales and rental; <i>recycling center</i> ; pawn shops and <i>self-service storage facility</i> .
19.15.025.3 <i>Retail</i>	None	None	0'	0'	85%	95%	See Sec. 19.15.025.1.F	E	See Sec. 19.20.040.3.B [Ord. 531 § 1, 2010]	1. The following are not permitted: motor vehicle sales and rental; boat sales and rental; <i>recycling center</i> ; pawn shops and <i>self-service storage facility</i> . 2. Repair uses are permitted subject to the following conditions: <ul style="list-style-type: none"> a. All activities shall be conducted indoors; and b. Patrons wishing services must be able to carry item(s) in by hand (examples include watch, shoe, jewelry and small hand tool repair); and c. The Director has the final determination on what constitutes small-scale repair uses consistent with the purpose and intent of the zone and all applicable comprehensive plan policies. [Ord. 484 § 1, 2008]

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

<div style="border: 1px solid black; padding: 5px; text-align: center;"> DC Zone </div> USE ↓	↓ REGULATIONS	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.030.1 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
19.15.025.4 <i>Dwelling Units</i>	None	None	0'	0'	85%	95%	See Sec. 19.15.025.1.F	E	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Not permitted at <i>street</i> level abutting a <i>Class A Pedestrian-Oriented Street</i> . 2. All resident parking must be in structured parking (such as garages or under- <i>building</i> or underground parking). Carports are not considered structured parking. 3. Exterior hallways and corridors are not allowed.	
19.15.025.5 <i>Community Facility</i> <i>Cultural Facility</i> <i>Eating and Drinking Establishment</i> <i>Government Facility</i> <i>Lodging Facility</i> <i>Office</i> <i>Private Club</i> <i>Public Park and Recreation Facilities</i> <i>Recreational Facility</i> <i>School</i> <i>Theater</i>	None	None	0'	0'	85%	95%	See Sec. 19.15.025.1.F	E	See Sec. 19.20.040.3.B [Ord. 531 § 1, 2010]	1. Auto rental is permitted as an <i>accessory use</i> to a <i>lodging facility</i> . The maximum number of cars allowed is the lesser of 30 cars or 5% of the total number of parking spaces on the <i>site</i> . The rental desk must be inside the <i>lodging facility building</i> . 2. Repair uses are permitted subject to the following conditions: a. All activities shall be conducted indoors; and b. Patrons wishing services must be able to carry item(s) in by hand (examples include watch, shoe, jewelry and small hand tool repair); and c. The Director has the final determination on what constitutes small-scale repair uses consistent with the purpose and intent of the zone and all applicable comprehensive plan policies. [Ord. 484 § 1, 2008]	

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

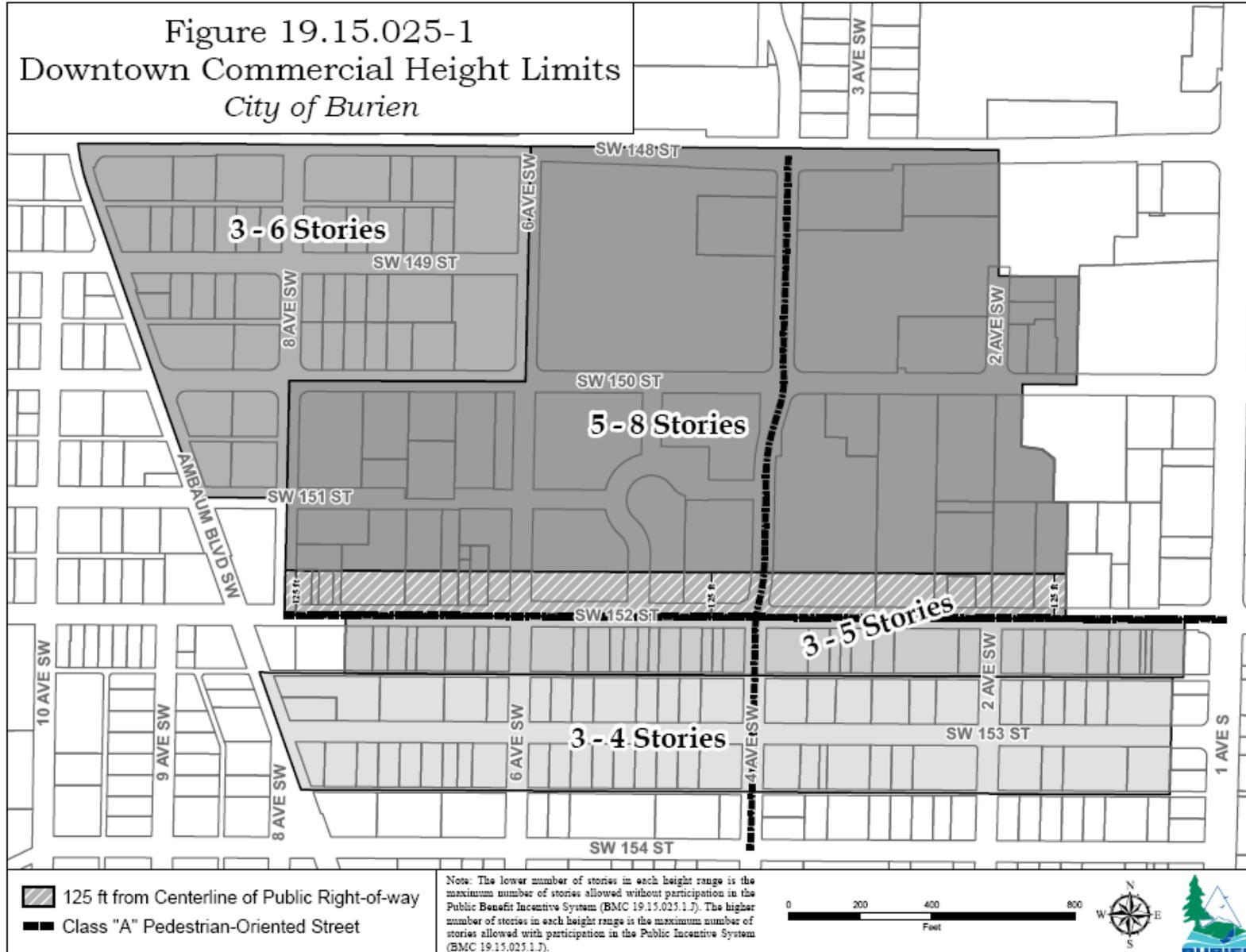
<div style="border: 1px solid black; padding: 5px; text-align: center; width: 40px; margin: 0 auto;"> DC Zone </div> USE ↓	↓ REGULATIONS	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.030.1 and Miscellaneous 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
19.15.025.6 <i>Family Day Care Home I and II</i>	None	See Special Regulation 1						E		1. Must comply with requirements of the <i>primary use</i> . 2. <i>Family Day Care Home II</i> : Must provide State certification of safe passenger loading area. 3. Use of the <i>Fee-In-Lieu</i> of Parking Program in BMC 19.20.040.3.B is an option for this use.	
19.15.025.7 <i>Day Care Center</i>	None	None	0'	0'	85%	95%	See Sec. 19.15.025.1.F	E	See Sec. 19.20.040.3.B [Ord. 531 § 1, 2010]	1. Must provide State certification of safe passenger loading area.	
19.15.025.8 <i>Religious Facility</i> [Ord. 479 § 1, 2007]	None	None	0'	0'	85%	95%	See Sec. 19.15.025.1.F	E	See Sec. 19.20.040.3.B [Ord. 531 § 1, 2010]		
19.15.025.9 <i>Public Utility</i>	Type 1	None	0'	0'	85%	95%	35'	E	See Sec. 19.20.040.3.B [Ord. 531 § 1, 2010]	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.	
19.15.025.10 <i>Essential Public Facility</i>	Type 2 [Ord. 560 § 3, 2012]	See Chapter 19.50									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.
19.15.025.11 <i>Personal Wireless Service Facility</i>		See Chapter 19.50									
19.15.025.12 <i>Community Garden</i> [Ord. 560 § 3, 2012]	None	None	0'	0'	15%	25%	12'	A	See Sec. 19.20.040.3.B	1. A land use agreement approved by the <i>Director</i> shall be executed between the landowner and those who are interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.	

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

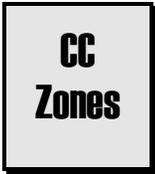
<u>19.15.025.13</u> <u>Marijuana Retailers</u> <u>[Ord. 599 § 2, 2014]</u>	<u>Type 1</u>	<u>None</u>	<u>0'</u>	<u>0'</u>	<u>85%</u>	<u>95%</u>	<u>See Sec. 19.15.025.1.F</u>	<u>E</u>	<u>See Sec. 19.20.040.3.B</u>	<ol style="list-style-type: none"> 1. <u>The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, glare and traffic impacts.</u> 2. <u>Must comply with all requirements of State law and Washington State Liquor Control Board's regulations.</u> 3. <u>Marijuana retailers shall not locate in the Single-Family Residential (RS), Multi-Family Residential (RM), Professional Residential (PR), Office (O) or Ruth Dykeman Children's Center zones.</u> 4. <u>Marijuana retailers shall not locate in a building in which any non-conforming retail uses have been established in any residential or office zone.</u> 5. <u>Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.</u> 6. <u>Marijuana retailers shall not locate within one thousand feet (1,000') as measured by the shortest straight line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreational center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.</u>
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Note: All landscape categories added by Ord. 293, 2000

Figure 19.15.025-1
 Downtown Commercial Height Limits
 City of Burien



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Section 19.15.035—COMMUNITY COMMERCIAL ZONES

PURPOSE AND INTENT: The Community Commercial (CC) zones implement the Community Commercial Comprehensive Plan designation. To recognize the differences in surrounding neighborhood character and intensity between the designated Community Commercial areas, two CC zones have been established: CC-1 and CC-2. The purpose of these zones are to establish areas for moderate intensity commercial uses that serve the community. The intent is to provide for a variety of goods and services in areas which are designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods, and be consistent with road and utility capacity. The CC-1 zone allows for lower-intensity uses in the Community Commercial-designated areas that are near downtown Burien and along 1st Avenue So. near S. 176th St., that could be compatible with the adjacent single-family and low density multi-family areas. The CC-2 zone allows for higher-intensity uses in the Community Commercial-designated area at Five Corners that could be compatible with the adjacent regional commercial, office, high density multi-family, and single-family areas.

ONLY THOSE USES LISTED ON THE FOLLOWING USE ZONE CHARTS MAY BE ALLOWED IN THE CC ZONE, SUBJECT TO MEETING ALL APPLICABLE REQUIREMENTS OF THE ZONING CODE. THE FOLLOWING SPECIAL REGULATIONS APPLY TO ALL USES IN THE COMMUNITY COMMERCIAL 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.

19.15.035.1: SPECIAL REGULATIONS:

- A. Outdoor storage is limited to *accessory* storage of goods sold at retail on the premises. Outdoor storage areas shall be limited to five feet in *height* and shall not be located in any required landscape area.

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

<div style="border: 1px solid black; padding: 5px; text-align: center; width: 40px; margin: 0 auto;"> CC Zones </div> <p align="center">USE ↓</p>	<p align="center">↓REGULATIONS</p>	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 19.15.035.1 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				
19.15.035.2 <i>Retail</i> <i>Office</i> <i>Recreational Facility</i>	None	None	10'	0'	80%	85%	35'	C	3 spaces per 1,000 s.f. of net floor area. [Ord. 313 §1, 2000]	<ol style="list-style-type: none"> The following are not permitted: motor vehicle sales and rental; boat sales and rental; <i>theater, recycling center, and self-service storage facility.</i> Vehicle repair activities must occur inside a building. [Ord. 560 § 3, 2012] For <i>retail use</i> in the CC-1 zone, maximum <i>gross floor area</i> per <i>building</i> is 25,000 s.f. Up to 30,000 s.f. may be approved through a Type 1 review process. A <i>kennel</i> is allowed as an indoor <i>accessory use</i> to a veterinarian, provided that noise and odor impacts are adequately mitigated. Distribution, wholesaling, repair or manufacturing that support the <i>primary use</i> are allowed as an <i>accessory use</i>. An <i>amusement arcade</i> is allowed as an <i>accessory use</i>. Development of <i>retail use</i> on parcel numbers 302304-9037, 302304-9089, 302304-9117, 302304-9271 and 302304-9376 (located east of Sylvester Middle School) must be part of a master site plan that includes property to the east of these lots. The master site plan shall include at least the following elements: coordinated access, site and building design, and signing. Through a Type 1 review the <i>Director</i> may approve a master site plan involving two or more parcels that does not include property to the east of these parcels, if the elements above are included in the plan. 	
19.15.035.3 Eating and Drinking Establishment	None	None	10'	0'	80%	85%	35'	C	13 spaces per 1,000 s.f. of dining or lounge area	<ol style="list-style-type: none"> Distribution, wholesaling or manufacturing that support the <i>primary use</i> are allowed as an <i>accessory use</i>. An <i>amusement arcade</i> is allowed as an <i>accessory use</i>. 	

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

<div style="border: 1px solid black; padding: 5px; text-align: center;"> CC Zones </div> <p align="center">USE ↓</p>	↓REGULATIONS	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.035.1 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

19.15.035.4 <i>Lodging Facility</i> <i>Cultural Facility</i> <i>Community Facility</i> <i>School</i>	None	None	10'	0'	80%	85%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	
19.15.035.5 <i>Family Day Care Home I and II</i>	None	See Special Regulation 1								1. Must comply with requirements of the <i>primary use</i> . 2. <i>Family Day Care Home II</i> : Must provide State certification of safe passenger loading area.
19.15.035.6 <i>Day Care Center</i>	None	None	10'	0'	80%	85%	35'	B	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Must provide State certification of safe passenger loading area.

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

<div style="border: 1px solid black; padding: 5px; text-align: center;"> CC Zones </div> USE ↓	↓REGULATIONS	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.035.1 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
19.15.035.7 <i>Mixed Use</i> <i>Senior Citizen Assisted Dwelling Unit</i> <i>Community Residential Facility</i>	None	None	10'	0'	80%	85%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Maximum residential density in the CC-1 zone is: 18 <i>dwelling units</i> per acre in the CC-1 areas north of SW 152 nd St. and around So. 176 th St; and, 24 <i>dwelling units</i> per acre in the area south of SW 153 rd St. 2. Maximum residential density in the CC-2 zone is 24 <i>dwelling units</i> per acre. 3. Shall provide <i>retail, office or eating and drinking establishment uses</i> on the floor adjacent to a <i>street</i> , or if the <i>site</i> does not abut a <i>street</i> , on floor adjacent to parking lot. <i>Eating and drinking establishment</i> is permitted on any floor. 4. At least 25% of the <i>gross floor area</i> must be designed and used for <i>retail, office or eating and drinking establishment uses</i> . 5. <i>Senior citizen assisted dwelling unit or community residential facility</i> only allowed as part of a <i>mixed use</i> project.	
19.15.035.8 <i>Public Park and Recreation Facilities</i>	None	None.	10'	0'	80%	85%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Lighting for structures and fields shall be directed away from residential areas.	
19.15.035.9 Nursing Home	None	None	10'	0'	80%	85%	35'	B	1 space for every 4 beds		
19.15.035.10 Government Facility Private Club Religious Facility Funeral Home	Type 1	None	10'	0'	80%	85%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]		

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

<div style="border: 1px solid black; padding: 5px; text-align: center;"> CC Zones </div> <p align="center">USE ↓</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">REGULATIONS ↓</p>	MINIMUMS		MAXIMUMS			<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Landscape Category (See Ch. 19.25)</p>	<p>Minimum Required Parking Spaces (See Ch. 19.20)</p>	<p align="center">Special Regulations (See also Section 19.15.035.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)</p>		
		<p>Special Review Process (See Ch. 19.65)</p>	<p>Lot Area</p>	SETBACKS		Lot Coverage				<p>Building Height</p>	
				<p>Front Setback</p>	<p>Interior Setback</p>	<p>Building Coverage</p>					<p>Impervious Surface Coverage</p>
19.15.035.11 <i>Public Utility</i>	Type 1	None	30'	30'	80%	85%	35'	D	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	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.	
19.15.035.12 <i>Essential Public Facility</i>	Type 2 [Ord. 560 § 3, 2012]	Development standards shall be determined on a case-by-case basis through the Type 2 review process. [Ord. 560 § 3, 2012]								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.	
19.15.035.13 <i>Personal Wireless Service Facility</i> ⁽¹⁾	See Chapter 19.50										
19.15.035.14 Uses permitted in King County Code (KCC) 21A.38.100 Special Overlay District – Commercial/Industrial, In Effect on 4/1/2010 with exception of Adult Entertainment [Ord. 533 § 1, 2010]	None	None	10'	0'	80%	85%	35'	C	See Sec. 19.20.030.2	1. Uses are only permitted in the CC-2 zoned area located on both sides of 16 th Avenue SW between SW 112 th Street and SW 116 th Street.	
19.15.035.15 <i>Community Garden</i> [Ord. 560 § 3, 2012]	None	None	10'	0'	15%	25%	12'	A	See Sec. 19.20.030.2	1. A land use agreement approved by the <i>Director</i> shall be executed between the landowner and those who are interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.	

(1) Amended, Ord. 265, 1999

Note: All landscape categories added by Ord. 293, 2000

<p>19.15.035.16 <u>Marijuana Retailers</u> <u>[Ord. 599 § 2, 2014]</u></p>	<p><u>Type 1</u></p>	<p><u>None</u></p>	<p><u>10'</u></p>	<p><u>0'</u></p>	<p><u>80%</u></p>	<p><u>85%</u></p>	<p><u>35'</u></p>	<p><u>C</u></p>	<p><u>See Sec. 19.20.030.2</u></p>	<p><u>1. The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, glare and traffic impacts.</u></p> <p><u>2. Must comply with all requirements of State law and Washington State Liquor Control Board's regulations.</u></p> <p><u>3. Marijuana retailers shall not locate in the Single-Family Residential (RS), Multi-Family Residential (RM), Professional Residential (PR), Office (O) or Ruth Dykeman Children's Center zones.</u></p> <p><u>4. Marijuana retailers shall not locate in a building in which any non-conforming retail uses have been established in any residential or office zone.</u></p> <p><u>5. Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.</u></p> <p><u>6. Marijuana retailers shall not locate within one thousand feet (1,000') as measured by the shortest straight line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreational center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.</u></p>
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Section 19.15.040—REGIONAL COMMERCIAL ZONE

PURPOSE AND INTENT: The Regional Commercial (CR) zone implements the Regional Commercial Comprehensive Plan designation. The purpose of this zone is to establish areas for commercial uses that serve the community, the region and the travelling public. The intent is to provide for larger scaled commercial uses that are typically land intensive and are not well-suited to being located downtown, which are designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods, and be consistent with road and utility capacity.

ONLY THOSE USES LISTED ON THE FOLLOWING USE ZONE CHARTS MAY BE ALLOWED IN THE CR ZONE, SUBJECT TO MEETING ALL APPLICABLE REQUIREMENTS OF THE ZONING CODE. THE FOLLOWING SPECIAL REGULATIONS APPLY TO ALL USES IN THE REGIONAL COMMERCIAL 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.

19.15.040.1: SPECIAL REGULATIONS:

A. SETBACKS

- i. The required *front setback* shall be landscaped with Type III landscaping as described in Chapter 19.25. The depth of the landscaped area shall be increased 2 feet for each 10 feet (or portion thereof) *building setback* greater than 10 feet. The *Director* may allow or require installation of pedestrian-oriented features or amenities in the *setback*. [Ord. 313 §1, 2000]
- ii. Parking and vehicular circulation areas are not allowed in the required *front setback*. One driveway or parking entrance per *site* is allowed in the *front setback*. For a *site* with a *street* frontage of 240 feet or less, the maximum width for a driveway or parking entrance within the *front setback* is 24 feet. For a *site* with a *street* frontage exceeding 240 feet, the maximum width for a driveway or parking entrance within the *front setback* is 30 feet. The *Director* may modify these requirements if additional landscaping area that exceeds the requirements of this Code is provided on or off-site.
- iii. Outdoor use, activity or storage is not allowed in any required *setback* or required landscape area. The *Director* may approve use of a *setback* or landscaped area for vehicle display and sales, provided that such use will not create a public safety hazard and the remaining landscape areas are either expanded in area or planted with more vegetation.

B. PARKING

- i. Parking lots shall not be located between the *street* and the *building(s)* on the site. The *Director* may waive or modify this requirement through a Type 1 review if no other feasible alternative exists, or if the proposed site plan provides adequate screening of the majority of the parking area from the *street*.
- ii. The maximum width of a parking lot within 20 feet of a *street* shall not exceed the lesser of 63 feet or 75% of the frontage of the *site*.



Section 19.15.040—REGIONAL COMMERCIAL ZONE

PURPOSE AND INTENT: The Regional Commercial (CR) zone implements the Regional Commercial Comprehensive Plan designation. The purpose of this zone is to establish areas for commercial uses that serve the community, the region and the travelling public. The intent is to provide for larger scaled commercial uses that are typically land intensive and are not well-suited to being located downtown, which are designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods, and be consistent with road and utility capacity.

C. BUILDING DESIGN

- i. Each *building* wall or portion of a wall that is closer than 50 feet to any *property line* of the *site* must be screened or treated in at least one of the ways listed in Section 19.15.040.1.C.ii below if it meets either of the following criteria:
 - a. The wall or portion of the wall has a surface area of at least 400 square feet and has a length and a width of at least 10 feet without a window, door, facade *modulation* at least 4 feet in depth or other architectural feature; or,
 - b. The wall or portion of the wall is between 4 feet and 13 feet above finished grade level directly adjacent to the wall and has a horizontal dimension longer than 15 feet without a window, door, facade *modulation* at least 4 feet in depth or other architectural feature.
- ii. At least one of the following techniques must be used to treat or screen *building* walls or portions of walls that meet either of the criteria in Section 19.15.040.1.C.i:
 - a. Installation of a vertical trellis with climbing vines or plant material in front of the wall. The trellis and its mounting system shall be of sufficient strength to support mature vegetation.
 - b. Providing a landscaped planting bed at least 5 feet wide or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall and planted with materials that will obscure or screen at least 50% of the wall within 2 years. The planting bed is in addition to any landscaping required by other sections of this Code.
 - c. Use of alternative techniques to screen the wall, as approved through a Type 1 review process.
- iii. The first floor walls of a *building* which are within 50 feet of and face toward a *street* shall include at least one public entrance to the *building* or window to provide visual access to the activity within the *building*, for each 50 feet of wall length. Alternative techniques to provide visual access to the activity within the *building* may be used, if approved through a Type 1 review process.

D. The following special regulations apply to property along the west side of Occidental Ave. So. between So. 136th St. and So. 138th St.:

- i. Non-residential *uses* shall not use Occidental Av. So. for primary access.
- ii. Type 1 *landscaping* shall be provided within the unused portion of the west half of the Occidental Av. So. *right-of-way*.
- iii. Lighting shall be directed away from the adjacent *residential zone*.

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

<div style="border: 1px solid black; padding: 5px; text-align: center; width: 40px; margin: 0 auto;"> CR Zone </div> <p style="text-align: center;">USE ↓</p>	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 19.15.040.1 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				

19.15.040.2 <i>Retail</i> <i>Office</i> <i>Recreational Facility</i> <i>Theater</i> <i>Kennel</i>	None	None	10'	0'	85%	90%	35'	C ----- D	3 spaces per 1,000 s.f. of net floor area. [Ord. 313 §1, 2000]	1. The following are not permitted: <i>recycling center</i> , and <i>self-service storage facility</i> . 2. Distribution, wholesaling, or manufacturing that support the <i>primary use</i> are allowed as an <i>accessory use</i> . 3. An <i>amusement arcade</i> is allowed as an <i>accessory use</i> .
19.15.040.3 <i>Eating and Drinking Establishment</i>	None	None	10'	0'	85%	90%	35'	C	13 spaces per 1,000 s.f. of dining or lounge area	1. Distribution, wholesaling or manufacturing that support the <i>primary use</i> are allowed as an <i>accessory use</i> . 2. An <i>amusement arcade</i> is allowed as an <i>accessory use</i> .
19.15.040.4 <i>Lodging Facility</i>	None	None	10'	0'	85%	90%	45'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	
19.15.040.5 <i>Community Facility</i> <i>School</i> <i>Day Care Center</i>	None	None	10'	0'	85%	90%	35'	C ----- B	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. <i>Day Care Center</i> : Must provide State certification of safe passenger loading area.
19.15.040.6 <i>Family Day Care Home I and II</i>	None	See Special Regulation 1								1. Must comply with requirements of the primary use. 2. <i>Family Day Care Home II</i> : Must provide State certification of safe passenger loading area.

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

<div style="border: 1px solid black; padding: 5px; display: inline-block; text-align: center;"> CR Zone </div> USE ↓	↓REGULATIONS	MINIMUMS		MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.040.1 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
19.15.040.7 <i>Mixed Use</i>	None	None	10'	0'	85%	90%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Maximum residential density is 24 <i>dwelling units</i> per acre. 2. Shall provide <i>retail, office or eating and drinking establishment uses</i> on the floor adjacent to a <i>street</i> , or if the <i>site</i> does not abut a <i>street</i> , on floor adjacent to parking lot. <i>Eating and drinking establishment</i> is permitted on any floor. 3. At least 25% of the <i>gross floor area</i> must be designed and used for <i>retail, office or eating and drinking establishment uses</i> .	
19.15.040.8 <i>Public Park and Recreation Facilities</i>	None	None.	10'	0'	85%	90%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Lighting for <i>structures</i> and fields shall be directed away from residential areas.	
19.15.040.9 Nursing Home	None	None	10'	0'	85%	90%	35'	B	1 space for every 4 beds		
19.15.040.10 Government Facility Private Club Religious Facility Funeral Home	Type 1	None	10'	0'	85%	90%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]		

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

<div style="border: 2px solid black; padding: 5px; width: 60px; margin: 0 auto;"> <p align="center">CR Zone</p> </div> <p align="center">USE ↓</p>	<p>↓REGULATIONS</p>	<p>Special Review Process (See Ch. 19.65)</p>	MINIMUMS		MAXIMUMS			<p>Landscape Category (See Ch. 19.25)</p>	<p>Minimum Required Parking Spaces (See Ch. 19.20)</p>	<p>Special Regulations (See also Section 19.15.040.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)</p>	
			<p>Lot Area</p>	SETBACKS		Lot Coverage					<p>Building Height</p>
				<p>Front Setback</p>	<p>Interior Setback</p>	<p>Building Coverage</p>	<p>Impervious Surface Coverage</p>				

19.15.040.11 Public Utility	Type 1	None	30'	30'	85%	90%	35'	D	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	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.	
19.15.040.12 Indoor Shooting Range	Type 2	None	30'	30'	85%	90%	35'	D	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	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 mitigating noise impacts and designing the facility to protect non-users outside of the <i>building</i> from bullets that may penetrate the outer walls and ceiling of the <i>use</i> .	
19.15.040.13 Essential Public Facility	Type 2 [Ord. 560 § 3, 2012]	Development standards shall be determined on a case-by-case basis through the Type 2 review process. [Ord. 560 § 3, 2012]									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.
19.15.040.14 Personal Wireless Service Facility ⁽¹⁾	See Chapter 19.50										
19.15.040.15 Off-Site Commercial Parking	None. See Special Regulations 1 and 2.	None	10'	0'	85%	90%	35'	C	See Sec. 19.20.030.2	1. This <i>use</i> is limited to property used for new and/or used automotive sales currently or in the twelve (12) month period preceding application. 2. This <i>use</i> is allowed only until July 12, 2012. After this date, the <i>use</i> is illegal and must be removed.	
19.15.040.16 Community Garden [Ord. 560 § 3, 2012]	None	None	10'	0'	15%	25%	12'	A	See Sec. 19.20.030.2	1. A land use agreement approved by the <i>Director</i> shall be executed between the landowner and those who are interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.	

(1) Amended, Ord. 265, 1999

Note: All landscape categories added by Ord. 293, 2000

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

<div style="border: 1px solid black; padding: 5px; text-align: center; width: 60px; margin: 0 auto;"> CR Zone </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 19.15.040.1 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				
<u>19.15.040.17</u> <u>Marijuana Retailers</u> [Ord. 599 § 2, 2014]	<u>Type 1</u>	None	<u>10'</u>	<u>0'</u>	<u>85%</u>	<u>90%</u>	<u>35'</u>	<u>C</u>	<u>See Sec. 19.20.030.2</u>	1. <u>The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, glare and traffic impacts.</u> 2. <u>Must comply with all requirements of State law and Washington State Liquor Control Board's regulations.</u> 3. <u>Marijuana retailers shall not locate in the Single-Family Residential (RS), Multi-Family Residential (RM), Professional Residential (PR), Office (O) or Ruth Dykeman Children's Center zones.</u> 4. <u>Marijuana retailers shall not locate in a building in which any non-conforming retail uses have been established in any residential or office zone.</u> 5. <u>Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.</u> 6. <u>Marijuana retailers shall not locate within one thousand feet (1,000') as measured by the shortest straight line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreational center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.</u>	

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Section 19.15.055—Special Planning Area 1: Old Burien

PURPOSE AND INTENT: Old Burien has served as the historic commercial gateway to this unique residential and farming community, which was established over a century ago by enterprising pioneers. The SPA-1 zone implements the SPA-1: Old Burien Comprehensive Plan designation. To recognize the unique historic character of Old Burien, and to provide a transition between the Downtown zones and residential areas, the SPA-1 zone was created. The purpose of this zone is to establish areas for retail, restaurants, commercial, and office uses that serve the community. The intent is to enhance and expand the pedestrian-oriented character of Old Burien, and develop a gateway both to and from the downtown at the intersection of Ambaum Boulevard and SW 152nd Street. The SPA-1 zone is immediately adjacent to the DC Zone.

ONLY THOSE USES LISTED ON THE FOLLOWING USE ZONE CHARTS MAY BE ALLOWED IN SPECIAL PLANNING AREA 1, SUBJECT TO MEETING ALL APPLICABLE REQUIREMENTS OF THE ZONING CODE. THE FOLLOWING SPECIAL REGULATIONS APPLY TO ALL USES IN SPECIAL PLANNING AREA 1. 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.

19.15.055.1: SPECIAL REGULATIONS:

- A. Outdoor storage is limited to *accessory* storage of goods sold at *retail* on the premises. Outdoor storage areas shall be limited to five feet in *height* and shall not be located in any required landscape area.
- B. DESIGN GUIDELINES: See BMC 19.49 for SPA-1 design standards and BMC 19.65.105 for information on the Administrative Design Review Process.

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

<div style="border: 1px solid black; padding: 5px; display: inline-block;"> SPA-1: Old Burien </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 19.15.055.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
			<i>Lot Area</i>	SETBACKS		Lot Coverage					<i>Building Height</i>
				<i>Front Setback</i>	<i>Interior Setback</i>	<i>Building Coverage</i>	<i>Impervious Surface Coverage</i>				
19.15.055.2 <i>Retail</i> <i>Office</i> <i>Recreational Facility</i>	None	None	0'	0'	85%	85%	3 stories	E	See Sec. 19.20.040.3. B [Ord. 531 §1, 2010]	1. The following are not permitted: motor vehicle sales and rental; boat sales and rental; <i>recycling center</i> ; and <i>self-service storage facility</i> . 2. For <i>retail use</i> , maximum <i>gross floor area per building</i> is 25,000 s.f. Up to 30,000 s.f. may be approved through a Type 1 review process. 3. Distribution, wholesaling, repair or manufacturing that support the <i>primary use</i> are allowed as an <i>accessory use</i> . 4. An <i>amusement arcade</i> is allowed as an <i>accessory use</i> .	
19.15.055.3 <i>Eating and Drinking Establishment</i>	None	None	0'	0'	85%	85%	2 stories	E	See Sec. 19.20.040.3. B [Ord. 531 §1, 2010]	1. Distribution, wholesaling or manufacturing that support the <i>primary use</i> are allowed as an <i>accessory use</i> . 2. An <i>amusement arcade</i> is allowed as an <i>accessory use</i> .	
19.15.055.4 <i>Lodging Facility</i> <i>Cultural Facility</i> <i>Community Facility</i> <i>School</i>	Type 1	None	0'	0'	85%	85%	4 stories	E	See Sec. 19.20.040.3. B [Ord. 531 §1, 2010]		

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> SPA-1: Old Burien </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 19.15.055.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
			<i>Lot Area</i>	SETBACKS		Lot Coverage		<i>Building Height</i>			
				<i>Front Setback</i>	<i>Interior Setback</i>	<i>Building Coverage</i>	<i>Impervious Surface Coverage</i>				

19.15.055.5 <i>Family Day Care Home I and II</i>	None	See Special Regulation 1									<ol style="list-style-type: none"> 1. Must comply with requirements of the <i>primary use</i>. 2. <i>Family Day Care Home II</i>: Must provide State certification of safe passenger loading area. 3. Use of the Fee-In-Lieu Parking Program in BMC 19.20.040.3.B is an option for this use.
19.15.055.6 <i>Day Care Center</i>	None	None	0'	0'	85%	85%	2 stories	E	See Sec. 19.20.040.3.B [Ord. 531 §1, 2010]	<ol style="list-style-type: none"> 1. Must provide State certification of safe passenger loading area. 	
19.15.055.7 <i>Mixed Use</i>	Type 1	None	0'	0'	85%	85%	3 stories	E	See Sec. 19.20.040.3.B [Ord. 531 §1, 2010]	<ol style="list-style-type: none"> 1. Maximum residential density is 24 <i>dwelling units</i> per acre. 2. Shall provide <i>retail and/or eating and drinking establishment uses</i> on the floor adjacent to a <i>street</i>, or if the <i>site</i> does not abut a <i>street</i>, on floor adjacent to parking lot. 3. At least 25% of the <i>gross floor area</i> must be designed and used for <i>retail, office and/or eating and drinking establishment uses</i>. 	
19.15.055.8 <i>Public Park and Recreation Facilities</i>	None. See Spec. Reg. 2 [Ord. 560 §3, 2012]	None. See Spec. Reg. 1	0'	0'	80%	85%	3 stories	E	See Sec. 19.20.040.3.B [Ord. 531 §1, 2010]	<ol style="list-style-type: none"> 1. Lighting for <i>structures</i> and fields shall be directed away from residential areas. 2. No special review process if project design is approved by the City Council through a public review process that includes posting a notice board at the site and notification to neighbors; otherwise a Type 2 review process is required. [Ord. 560 §3, 2012] 	

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
<div style="border: 2px solid black; padding: 5px; display: inline-block;"> SPA-1: Old Burien </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 19.15.055.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
			<i>Lot Area</i>	SETBACKS		Lot Coverage		<i>Building Height</i>			
				<i>Front Setback</i>	<i>Interior Setback</i>	<i>Building Coverage</i>	<i>Impervious Surface Coverage</i>				
19.15.055.9 <i>Government Facility</i> <i>Private Club</i> <i>Religious Facility</i>	Type 1	None	0'	0'	80%	85%	3 stories	E	See Sec. 19.20.040.3.B [Ord. 531 §1, 2010]		
19.15.055.10 <i>Public Utility</i>	Type 1	None	20'	30'	80%	85%	3 stories	E	See Sec. 19.20.040.3.B [Ord. 531 §1, 2010]	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.	
19.15.055.11 <i>Essential Public Facility</i>	Type 2 [Ord. 560 §3, 2012]	Development standards shall be determined on a case-by-case basis through the Type 2 review process. [Ord. 560 §3, 2012]								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.	
19.15.055.12 <i>Personal Wireless Service Facility</i>	See Chapter 19.50										
19.15.055.13 <i>Community Garden</i> [Ord. 560 §3, 2012]	None	None	0'	0'	15%	25%	12'	A	See Sec. 19.20.040.3.B	1. A land use agreement approved by the <i>Director</i> shall be executed between the landowner and those who are interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.	

<p>19.15.055.14 <u>Marijuana Retailers</u> <u>[Ord. 599 § 2, 2014]</u></p>	<p><u>Type 1</u></p>	<p><u>None</u></p>	<p><u>0'</u></p>	<p><u>0'</u></p>	<p><u>85%</u></p>	<p><u>85%</u></p>	<p><u>3 stories</u></p>	<p><u>E</u></p>	<p><u>See Sec. 19.20.040.3.B</u></p>	<p><u>1. The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, glare and traffic impacts.</u></p> <p><u>2. Must comply with all requirements of State law and Washington State Liquor Control Board's regulations.</u></p> <p><u>3. Marijuana retailers shall not locate in the Single-Family Residential (RS), Multi-Family Residential (RM), Professional Residential (PR), Office (O) or Ruth Dykeman Children's Center zones.</u></p> <p><u>4. Marijuana retailers shall not locate in a building in which any non-conforming retail uses have been established in any residential or office zone.</u></p> <p><u>5. Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.</u></p> <p><u>6. Marijuana retailers shall not locate within one thousand feet (1,000') as measured by the shortest straight line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreational center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.</u></p>
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Note: All landscape categories added by Ord. 293, 2000



Section 19.15.065—Special Planning Area 3: Gateway

PURPOSE AND INTENT: The Special Planning Area 3 (SPA-3): Gateway zone implements the SPA-3 Comprehensive Plan designation. The purpose of this zone is to establish an area that will develop a quality environment that identifies a primary entrance to the City from major transportation corridors. The intent of the zone is to encourage well-designed, quality development that reinforces a positive image as one enters adjacent downtown Burien and promotes economic development. Site design, building design and landscaping is also intended to encourage pedestrian activity and connectivity to downtown.

ONLY THOSE USES LISTED ON THE FOLLOWING USE ZONE CHARTS MAY BE ALLOWED IN THE SPA-3 ZONE, SUBJECT TO MEETING ALL APPLICABLE REQUIREMENTS OF THE ZONING CODE. THE FOLLOWING SPECIAL REGULATIONS APPLY TO ALL USES IN THE GATEWAY SPECIAL PLANNING AREA 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.

19.15.065.1: SPECIAL REGULATIONS:

A. SETBACKS

- i. The required *front setback* shall be landscaped with Type III landscaping as described in Chapter 19.25. The depth of the landscaped area shall be increased 2 feet for each 10 feet (or portion thereof) *building setback* greater than 10 feet. The *Director* may allow or require installation of pedestrian-oriented features or amenities in the *setback*. {Ord. 313 §1, 2000}
- ii. Parking and vehicular circulation areas are not allowed in the required *front setback*. One driveway or parking entrance per *site* for each street frontage is allowed in the *front setback*. For a *site* with a *street* frontage exceeding 240 feet, or for a *lodging facility* with a circular passenger loading area, an additional driveway or parking entrance within the *front setback* is permitted. The *Director* may modify these requirements if additional landscaping area that exceeds the requirements of this Code is provided on or off-site.
- iii. Outdoor use, activity or storage is not allowed in any required *setback* or required landscape area. The *Director* may approve use of a *setback* or landscaped area for vehicle display and sales, provided that such use will not create a public safety hazard and the remaining landscape areas are either expanded in area or planted with more vegetation.

B. PARKING

- i. Parking lots shall not be located between the *street* and the *building(s)* on the site. The *Director* may waive or modify this requirement through a Type 1 review if no other feasible alternative exists, or if the proposed site plan provides adequate screening of the majority of the parking area from the *street*.
- ii. The maximum width of a parking lot within 20 feet of a *street* shall not exceed the lesser of 63 feet or 75% of the frontage of the *site*.

C. BUILDING DESIGN

- i. Each *building* wall or portion of a wall that is closer than 50 feet to any *property line* of the *site* must be screened or treated in at least one of the ways listed in Section 19.15.065.1.C.ii below if it meets either of the following criteria:
 - a. The wall or portion of the wall has a surface area of at least 400 square feet and has a length and a width of at least 10 feet without a window, door, facade *modulation* at least 4 feet in depth or other architectural feature; or,
 - b. The wall or portion of the wall is between 4 feet and 13 feet above finished grade level directly adjacent to the wall and has a horizontal dimension longer than 15 feet without a window, door, facade *modulation* at least 4 feet in depth or other architectural feature.
- ii. At least one of the following techniques must be used to treat or screen *building* walls or portions of walls that meet either of the criteria in Section 19.15.065.1.C.i:
 - a. Installation of a vertical trellis with climbing vines or plant material in front of the wall. The trellis and its mounting system shall be of sufficient strength to support mature vegetation.
 - b. Providing a landscaped planting bed at least 5 feet wide or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall and planted with materials that will obscure or screen at least 50% of the wall within 2 years. The planting bed is in addition to any landscaping required by other sections of this Code.
 - c. Use of alternative techniques to screen the wall, as approved through a Type 1 review process.
- iii. The first floor walls of a *building* which are within 50 feet of and face toward a *street* shall include at least one public entrance to the *building* or window to provide visual access to the activity within the *building*, for each 50 feet of wall length. Alternative techniques to provide visual access to the activity within the *building* may be used, if approved through a Type 1 review process.

D. URBAN DESIGN ELEMENTS

- i. New Development and/or *substantial improvement* shall
 - a. Conform with the Burien Gateway Design Report dated December 1998.
 - b. Underground any existing above-ground utilities in the *right-of-way*, if feasible, and if approved by the serving utility.
 - c. Underground all proposed utilities and any existing above-ground utilities located between any *structures* on the *site* and the *right-of-way*.
 - d. Dedicate adequate width for abutting substandard *right-of-ways*, based on the City's adopted road standards, including the width of all improvements required to be located in the *right-of-way*.
- ii. Repealed. [Ord. 313 §1, 2000]

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

 <p align="center">USE</p> <p align="center">↓</p>	<p align="center">↓ REGULATIONS</p>	<p align="center">Special Review Process (See Ch. 19.65)</p>	MINIMUMS		MAXIMUMS			<p align="center">Landscape Category (See Ch. 19.25)</p>	<p align="center">Minimum Required Parking Spaces (See Ch. 19.20)</p>	<p align="center">Special Regulations (See also Section 19.15.065.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)</p>	
			<p align="center">Lot Area</p>	SETBACKS		Lot Coverage					<p align="center">Building Height</p>
				<p align="center">Front Setback</p>	<p align="center">Interior Setback</p>	<p align="center">Building Coverage</p>	<p align="center">Impervious Surface Coverage</p>				

<p>19.15.065.2 <i>Retail</i></p> <p><i>Office</i></p> <p><i>Recreational Facility</i></p> <p><i>Theater</i></p>	<p>None See Special Regulation 4</p>	<p>None</p>	<p>5'</p>	<p>0'</p>	<p>85%</p>	<p>90%</p>	<p>3 Stories</p>	<p>C</p>	<p>3 spaces per 1,000 s.f. of net floor area. [Ord. 313 §1, 2000]</p>	<ol style="list-style-type: none"> The following are not permitted: <i>recycling center</i>; and <i>self-service storage facility</i>. Distribution, wholesaling, or manufacturing that support the <i>primary use</i> are allowed as an <i>accessory use</i>. An <i>amusement arcade</i> is allowed as an <i>accessory use</i>. Retail uses shall not exceed 60,000 square feet of <i>gross floor area</i>, except through a Type 1 review.
<p>19.15.065.3 <i>Eating and Drinking Establishment</i></p>	<p>None</p>	<p>None</p>	<p>5'</p>	<p>0'</p>	<p>85%</p>	<p>90%</p>	<p>3 Stories</p>	<p>C</p>	<p>13 spaces per 1,000 s.f. of dining or lounge area</p>	<ol style="list-style-type: none"> Distribution, wholesaling or manufacturing that support the <i>primary use</i> are allowed as an <i>accessory use</i>. An <i>amusement arcade</i> is allowed as an <i>accessory use</i>.
<p>19.15.065.4 <i>Day Care Center</i></p>	<p>None</p>	<p>None</p>	<p>5'</p>	<p>0'</p>	<p>85%</p>	<p>90%</p>	<p>3 Stories</p>	<p>B</p>	<p>See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]</p>	<ol style="list-style-type: none"> Must Provide State certification of safe passenger loading area.
<p>19.15.065.5 <i>Lodging Facility</i></p>	<p>None</p>	<p>None</p>	<p>5'</p>	<p>0'</p>	<p>85%</p>	<p>90%</p>	<p>No limit</p>	<p>C</p>	<p>See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]</p>	
<p>19.15.065.6 <i>Community Facility</i></p>	<p>None</p>	<p>None</p>	<p>5'</p>	<p>0'</p>	<p>85%</p>	<p>90%</p>	<p>3 Stories</p>	<p>C</p>	<p>See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]</p>	
<p>19.15.065.7 <i>Mixed Use</i></p>	<p>None</p>	<p>None</p>	<p>5'</p>	<p>0'</p>	<p>85%</p>	<p>90%</p>	<p>3 Stories</p>	<p>C</p>	<p>See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]</p>	<ol style="list-style-type: none"> Maximum residential density is 24 dwelling units per acre. Shall provide retail, office and/or eating and drinking establishment uses on the floor adjacent to a street, or if the site does not abut a street, on floor adjacent to parking lot. At least 25% of the gross floor area must be designed and used for retail, office or eating and drinking establishment uses.

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

 USE ↓	↓REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS							Special Regulations (See also Section 19.15.065.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)		
		Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS				Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)
			Lot Area	SETBACKS		Lot Coverage		Building Height			
		Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage						
19.15.065.8 <i>Public Park and Recreation Facilities</i>	None	None	5'	0'	85%	90%	3 Stories	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Lighting for <i>structures</i> and fields shall be directed away from residential areas.	
19.15.065.9 <i>Government Facility</i> <i>Private Club</i> <i>Religious Facility</i> <i>Funeral Home</i>	Type 1	None	5'	0'	85%	90%	3 Stories	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]		
19.15.065.10 <i>Public Utility</i>	Type 1	None	30'	30'	85%	90%	3 Stories	D	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	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.	
19.15.065.11 <i>Essential Public Facility</i>	Type 2 [Ord. 560 § 3, 2012]	Development standards shall be determined on a case-by-case basis through the Type 2 review process. [Ord. 560 § 3, 2012]									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.
19.15.065.12 <i>Nursing Home</i>	None	None	5'	0'	85%	90%	3 Stories	B	1 space for every 4 beds		

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

 <p>SPA-3 GATEWAY</p> <p>USE ↓</p>	<p>↓REGULATIONS</p>	<p>Special Review Process (See Ch. 19.65)</p>	MINIMUMS		MAXIMUMS			<p>Landscape Category (See Ch. 19.25)</p>	<p>Minimum Required Parking Spaces (See Ch. 19.20)</p>	<p>Special Regulations (See also Section 19.15.065.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)</p>	
			<p>Lot Area</p>	SETBACKS		Lot Coverage					<p>Building Height</p>
				<p>Front Setback</p>	<p>Interior Setback</p>	<p>Building Coverage</p>	<p>Impervious Surface Coverage</p>				

19.15.065.13 <i>Personal Wireless Service Facility</i>	See Chapter 19.50									
19.15.065.14 <i>Off-Site Commercial Parking</i>	None See Special Regulations 1 and 2.	None	5'	0'	85%	90%	3 stories	C	See Sec. 19.20.030.2	<p>1. This <i>use</i> is limited to property used for new and/or used automobile sales currently or in the twelve (12) month period preceding application.</p> <p>2. This <i>use</i> is allowed only until July 1, 2012. After this date, the <i>use</i> is illegal and must be removed.</p>
19.15.065.15 <i>Community Garden</i> [Ord. 560 § 3, 2012]	None	None	5'	0'	15%	25%	12'	A	See Sec. 19.20.030.2	<p>1. A land use agreement approved by the <i>Director</i> shall be executed between the landowner and those who are interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.</p>

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

 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 19.15.065.1 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				

19.15.065.16 <u>Marijuana Retailers</u> [Ord. 599 § 2, 2014]	<u>Type 1</u>	None	<u>5'</u>	<u>0'</u>	85%	90%	<u>3 stories</u>	<u>C</u>	<u>See Sec. 19.20.030.2</u>	1. <u>The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, glare and traffic impacts.</u> 2. <u>Must comply with all requirements of State law and Washington State Liquor Control Board's regulations.</u> 3. <u>Marijuana retailers shall not locate in the Single-Family Residential (RS), Multi-Family Residential (RM), Professional Residential (PR), Office (O) or Ruth Dykeman Children's Center zones.</u> 4. <u>Marijuana retailers shall not locate in a building in which any non-conforming retail uses have been established in any residential or office zone.</u> 5. <u>Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.</u> 6. <u>Marijuana retailers shall not locate within one thousand feet (1,000') as measured by the shortest straight line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreational center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.</u>
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Note: All landscape categories added by Ord. 293, 2000

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3. Standards for operation of a *bed and breakfast establishment*.
 - A. Accessory Use. The *bed and breakfast use* must be *accessory* to the permanent residence of the operator.
 - B. Residential Character. Internal or external alterations of the *structure* that make the dwelling appear less residential in character are not allowed. Such changes may include paving of *setbacks*, constructing large parking areas visible from the *street* or neighboring properties and commercial type lighting.
 - C. Food Service. Food service may be provided only to overnight guests of the *bed and breakfast*.
 - D. Maximum Size. *Bed and breakfasts* are limited to three (3) bedrooms for guests. No more than ten (10) people total (including residents) may be accommodated overnight.
 - E. Parking. In addition to the required parking for the residential *use*, one on-site *parking space* is required for each room that is available for guests.
 - F. Employees. One non-resident employee is allowed on the premises at any one time. Occasional services provided by outside contractors, such as yard care or building maintenance, are not counted as non-resident employees.
 - G. Events. Meetings and social gatherings, including banquets, weddings, parties, retreats or other gatherings for direct or indirect compensation, are prohibited.
 - H. Business License. *Bed and breakfast establishments* are required to obtain a business license from the City Clerk's office.
 - I. Signs. *Signs* for *bed and breakfasts* are subject to the standards in BMC 19.30 Signs, as now in affect, and as may be subsequently be amended. [Ord. 529, 2009, Ord. 355 §1, 2002]

19.17.090 Home occupations

1. Purpose. The purpose of the *home occupation* regulations is to encourage flexibility in the work place and promote small-business opportunities in Burien by allowing *home occupations*. The further purpose of the regulations is to protect the residential character of neighborhoods by ensuring that *home occupations* are of a scale and intensity that is compatible with residential areas.
2. Home Occupation Types.
 - A. Type A *home occupations* are those that have no employees or customers come to the *site* and that do not use machinery or use or store *hazardous substances* on the premises. Type A *home occupations* may use equipment commonly found in a single-family home or professional *office*, such as computers, fax machines and copiers.
 - B. Type B *home occupations* are those that have one employee or any number of customers come to the *site*, use machinery, such as wood or metal shop tools, or use or store *hazardous substances* on the premises.

3. Licensing and Permits Required.
 - A. All *home occupations* (Type A and Type B) are required to obtain a City of Burien business license from the City Clerk's Office.
 - B. Type B *home occupations* are required to obtain a home occupation permit from the Department of Community Development prior to issuance of a business license.
 - C. Home occupation permit procedures:
 - i. *Home occupation* permits are valid for a period of two years. It is the responsibility of the *applicant* to obtain a permit every two years.
 - ii. Permits for *home occupations* that utilize machinery and/or use or store *hazardous substances* shall obtain approval from the Building Official and Fire Marshall.
 - iii. Inspection may be required prior to the issuance of a *home occupation* permit or as necessary to ensure compliance with applicable codes and conditions of the permit.
 - iv. Upon approval of a Type B *home occupation* permit, the Department of Community Development shall issue a notice to residents abutting and across the *street* from the *home occupation* and within 300 feet along the *street* in both directions. The notice shall describe the approved *home occupation* and standards by which it must operate
 - v. The *Director* shall take appropriate action to enforce the requirements of this section. Failure to comply with the regulations of this section or conditions of the permit may result in the *home occupation* permit being revoked or denial of an application for renewal of the permit.
 - D. Type B *home occupations* that have a valid City of Burien business license on April 23, 2002 shall be required to obtain a *home occupation* permit within 2 years. If the Type B *home occupation* does not comply with current standards, it shall be subject to the provisions of BMC 19.55 Non-conformance.
4. Permitted home occupations. Residents of a *dwelling unit* may conduct one or more *home occupation* as *accessory* activities, provided they comply with the standards of this section and are not prohibited by subsection A below or another section of this code. The rationale for restricting the specific *uses* listed below is based on the goals and policies of the comprehensive plan, which generally states that well established residential areas should be protected from encroachment of non-residential *uses* that may be detrimental to those residential areas. The following *uses* are inconsistent with the goals and policies of the comprehensive plan and are restricted due to incompatibilities including but not limited to noise generation, visual appearance, odor and traffic impacts that are detrimental to residential areas:
 - A. Prohibited home occupations.
 - i. Automobile, truck and *heavy equipment* repair, body work or painting
 - ii. Large or small engine repair
 - iii. Large appliance repair

- iv. Parking and storage of *heavy equipment* or vehicles
 - v. Storage of building materials for use on other properties
 - vi. Headquarters or dispatch centers where more than one employee comes to the *site* and are dispatched to other locations
 - vii. Commercial *kennels*, cateries and stables
 - viii. Commercial painting
 - ix. *Religious facilities* (see BMC 19.15 for specific zoning requirements)
 - x. *Marijuana producers, processors and retailers*
5. Standards for operation of a *home occupation*:
- A. Size. The total area devoted to all *home occupation(s)* shall not exceed 25 percent of the combined *gross floor area* of the primary residence and permitted *accessory buildings*, provided the floor area must be enclosed within a *building* to be counted.
 - B. Location. *Home occupations* may be conducted in the primary residence or a permitted *accessory building*. All the activities of the *home occupation(s)* shall be conducted indoors, except for those related to growing or storing of plants used by the *home occupation(s)*. Exterior storage, display or repair of goods or equipment related to *home occupation(s)* is prohibited.
 - C. Employees. *Home occupations* shall have no more than one nonresident employee on the premises at any one time.
 - D. Parking. In addition to required parking for the *dwelling unit*, on-site parking shall be provided as follows:
 - i. One stall for a nonresident employee that will work on the premises; and
 - ii. One stall for customers when services are rendered on-site.
 - E. Retail Sales. Retail sales shall be limited to items produced on-site or incidental sales of items associated with a service provided by the *home occupation*.
 - F. Customers. Customer visits to *home occupations* are limited to the hours from 8 a.m. to 8 p.m. No more than one customer may be at the residence at any one time and no more than 8 customer visits shall occur in any one-day. For the purpose of this section, one customer may consist of more than one person, such as a *family*.
 - G. Vehicles. The *home occupation(s)* may use or store one (1) vehicle for pickup or delivery of materials used by the home occupation(s), provided:
 - i. Such vehicle shall not park on adjacent *streets* or within any required *setback* areas of the *lot*, with the exception of the driveway; and
 - ii. Such vehicle shall not exceed a gross vehicle weight rating of 10,000 pounds or capacity of one ton or similarly sized vehicle. The *Director* shall have the final determination

authority on vehicle size and should consider potential impacts to the residential character of the neighborhood and/or surrounding properties.

- H. Deliveries to the *home occupation(s)* are permitted between 8 a.m. and 8 p.m. Vehicles used to deliver goods to the *home occupation* are limited to passenger vehicles, mail carriers and express carriers, such as UPS.
 - I. Operation of the *home occupation(s)* shall comply with all applicable regulations, including but not limited to the Burien Municipal Code, International Building Code and International Fire Code, and shall not: [Ord. 560 § 3, 2012]
 - i. Create vibrations, heat, glare, dust, odors or smoke that is discernible at the *property lines* and is offensive to a reasonable person;
 - ii. Create noise exceeding 55 decibels at the *property line* from 8 a.m. to 8 p.m. or any noise discernible by the human ear at the *property lines* from 8 p.m. to 8 a.m. or noise considered a nuisance under BMC Chapter 8.45;
 - iii. Change the *building* occupancy classification of the *structure(s)* used for the *home occupation(s)*;
 - iv. Use or store *hazardous substances* in excess of those normally allowed in a residential area under the Uniform Building Code and Uniform Fire Code.
 - v. Create any electrical, magnetic or other interference off the premises; or
 - vi. Consume utility quantities that negatively impact the delivery of utilities to surrounding properties.
 - J. Residential Character. Internal or external alterations that make the property appear less residential in character are not allowed. Examples of such changes may include paving of *setbacks*, constructing large parking areas visible from the *street* or neighboring properties and commercial type lighting. Use of commercial mobile offices are not allowed.
 - K. Signs. Signage for *home occupations* is subject to the standards in BMC 19.30.050. [Ord. 523 § 1, 2009]
6. Exceptions.
- A. Telecommuting is not classified as a *home occupation* and is not subject to the regulations of this section. For the purpose of this section, telecommuting is work done from home on a part-time basis for a business that is based off the premises. Telecommuting does not allow for non-resident employees or customer visits.
 - B. *Bed and breakfast establishments* are not subject to the regulations of this section. Regulations for *bed and breakfast establishments* are in section 19.17.080.
 - C. Family daycare homes are not subject to the regulations of this section. Regulations for family daycare homes are located in chapter 19.15 Use Zone Charts.
 - D. Garage sales, yard sales, temporary home boutiques or bazaars for handcrafted items, parties for display of domestic products, and other such *uses* are not subject to the regulations of

this section, provided that any such *use* does not exceed three (3) days in duration and does not operate more than nine (9) days in a calendar year. [Ord. 355 §1, 2002]

EXHIBIT B

City of Burien

Marijuana Related Business Zoning Amendments

Section	BMC	Topic	Current Code	Proposal	Comment
1	NEW 19.10.333 – Definitions	Marijuana definition	None	All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.	Definition from RCW 69.50.101
2	NEW 19.10.333.2 – Definitions	Marijuana processor definition	None	A facility licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.	Definition from RCW 69.50.101
3	NEW 19.10.333.3 – Definitions	Marijuana producer definition	None	A facility licensed by the state liquor control board for the production and sale at wholesale of marijuana to marijuana processors and other marijuana producers.	Definition from RCW 69.50.101
4	NEW 19.10.333.4 – Definitions	Marijuana retailer definition	None	A facility licensed by the state liquor control board where useable marijuana and marijuana-infused products may be sold at retail.	Definition from RCW 69.50.101
5	NEW 19.10.333.5 – Definitions	Marijuana-infused products definition	None	Products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include usable marijuana.	Definition from RCW 69.50.101

EXHIBIT B

City of Burien

Marijuana Related Business Zoning Amendments

Section	BMC	Topic	Current Code	Proposal	Comment
6	NEW 19.10.467 – Definitions	Retail marijuana outlet definition	None	A location licensed by the State Liquor Control Board for the retail sale of usable marijuana and marijuana-infused products.	Definition from RCW 69.50.101
7	NEW 19.10.549 – Definitions	Usable marijuana definition	None	Dried marijuana flowers. The term “useable marijuana” does not include marijuana-infused products.	Definition from RCW 69.50.101
8	NEW 19.15.050.23 19.15.070.13	Marijuana producers and processors as permitted use	Industrial (I) and Airport Industrial (AI) zone use charts	<p>Marijuana producers and processors are a permitted use in these zones subject to a Type 1 Review process which includes a determination and finding as to whether or not the proposed use is compatible with adjoining uses. Producers and processors are subject to the following special regulations:</p> <ol style="list-style-type: none"> 1. The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given minimizing odor, noise, light, glare and traffic impacts. 2. Must comply with all requirements of State law and the Washington State Liquor Control Board’s regulations. 	From Ordinance No. 586, Interim Zoning Regulations

EXHIBIT B

City of Burien

Marijuana Related Business Zoning Amendments

Section	BMC	Topic	Current Code	Proposal	Comment
8 (cont.)	NEW 19.15.050.23 19.15.070.13	Marijuana producers and processors as permitted use	Industrial (I) and Airport Industrial (AI) zone use charts	<ol style="list-style-type: none"> 3. Marijuana producers and processors shall not operate as an accessory to a primary use or as a home occupation. 4. Marijuana producers and processors may locate in the same building and all production and processing activities shall occur within an enclosed structure. 5. Marijuana producers and processors shall not locate within one thousand feet (1,000') as measured by the shortest straight line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreational center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older. 	From Ordinance No. 586, Interim Zoning Regulations
9	NEW 19.15.015.11 19.15.020.11 19.15.025.13 19.15.035.16 19.15.040.17 19.15.055.14 19.15.065.16	Marijuana retailers as permitted use	Neighborhood Commercial (CN), Intersection Commercial (CI), Regional Commercial (CR), Community Commercial (CC), Downtown Commercial (DC),	<p>Marijuana retailers are a permitted use in Commercial zones subject to a Type 1 Review process which includes a determination and finding as to whether or not the proposed use is compatible with adjoining uses. Retailers are subject to the following special regulations:</p> <ol style="list-style-type: none"> 1. The facility shall be designed, located, constructed and buffered to blend in with its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given minimizing odor, noise, light, glare and traffic impacts. 2. Must comply with all requirements of State law and the Washington State Liquor Control Board's regulations. 	From Ordinance No. 586, Interim Zoning Regulations

EXHIBIT B

City of Burien

Marijuana Related Business Zoning Amendments

Section	BMC	Topic	Current Code	Proposal	Comment
9 (cont.)	NEW 19.15.015.11 19.15.020.11 19.15.025.13 19.15.035.16 19.15.040.17 19.15.055.14 19.15.065.16	Marijuana retailers as permitted use	Old Burien (SPA-1) and Gateway (SPA-3) zone use charts	<p>3. Marijuana retailers shall not locate in the Single-Family Residential (RS), Multi-Family (RM), Professional Residential (PR), Office (O) and Ruth Dykeman Children’s Center zones.</p> <p>4. Marijuana retailers shall not locate in a building in which any non-conforming retail uses have been established in any residential or office zone.</p> <p>5. Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.</p> <p>6. Marijuana retailers shall not locate within one thousand feet (1,000’) as measured by the shortest straight line distance from the property line of the licensed premises to the property line of an elementary or secondary school, playground, recreational center or facility, child care center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.</p>	From Ordinance No. 586, Interim Zoning Regulations
10	ADD 19.17.090.4.A.x	Marijuana Businesses as prohibited use	Home Occupations	<p>A. Prohibited home occupations.</p> <p>x. Marijuana producers, processors and retailers.</p>	From Ordinance No. 586, Interim Zoning Regulations