Chapter 19.01 User Guide

19.01.005 How to use this Code.

This Code has been designed and written to make it as easy as possible for the user to determine all land use regulations that apply to a particular piece of property and to uses, structures, and activities on that property. Follow the step-by-step procedure laid out below to find applicable regulations. To assist in understanding the Code, terms are italicized. Definitions are listed alphabetically in Chapter 19.10 BMC.

1. Find your property on the Zoning Map. This map is not included with this Code but is available for review at the City of Burien Department of Community Development during regular business hours or on the City of Burien website.

2. Refer to the table of contents of this Code and find the section in Chapter 19.15 BMC that corresponds to the zone in which the property is located.

19.01.010 Additional regulations in this Code.

In addition to the regulations in the use zone charts (BMC 19.15), this Code contains a variety of provisions that may apply to your property or to a particular use or activity on the property. The following list of questions will help you determine what other chapters or sections of this Code contain regulations that may be of interest. This list is provided as an aid to assist the reader in finding applicable regulations. However, you should review the table of contents of this Code to find other Chapters or sections that may be of interest to you. City staff are also available to assist you.

1. Residential recreation space. See BMC 19.17.013 for residential open and recreation space requirements.

2. Transition standards. Is your property within 100 feet of a different zone? If so, see BMC 19.17.015 for additional height, setback, and landscaping requirements that may apply.

3. Special review processes. Are you interested in applying for or participating in a use or activity that requires a Burien Type 1, 2, or 3 decision? If so, see BMC 19.65 for the rules of procedure for these types of decisions.

4. Amendments to the Comprehensive Plan, Zoning Code, or zoning map. Are you interested in requesting a change to the City's Comprehensive Plan, Zoning Code, or zoning map? If so, see BMC 19.65 for the rules of procedure for these types of decisions.

DRAFT

Chapter 19.05 General Provisions

19.05.120 Zones, map designations, and purpose statements.

ZONING DESIGNATION	ABBREVIATION	COMPREHENSIVE PLAN DESIGNATIONS	PURPOSE STATEMENT
Residential, Single-Family	RS (followed by a designation indicating minimum lot area in square feet)	Residential Low 1 Residential Low 2	These zones establish areas where a wide range of single-family housing opportunities can be provided while preserving the residential character of the surrounding neighborhood and protecting environmentally sensitive areas. These zones provide a variety of attractive, well-designed housing choices that meet the needs of existing and future Burien residents.
Residential 1	R-1	Residential Low 1	The R-1 zone provides the lowest unit density residential development in Burien, where a modest range of middle housing development and limited nonresidential uses are permitted. The zone is limited due to the presence of environmentally sensitive areas and regulated shorelines. This zone strikes a balance between protecting critical areas and promoting low-intensity residential neighborhood development.
Residential 2	R-2	Residential Low 2	The R-2 zone permits low-density residential development, including medium-density housing. Some R-2 zoned areas may have environmentally sensitive areas and/or regulated shorelines, but are located more conveniently to low- and mid-rise residential and mixed-use zones. Neighborhood businesses and limited nonresidential uses are encouraged.
Residential 3	R-3	Residential Low 2	The R-3 zone provides the widest range of middle housing development in the Residential Low Land Use Designation. The R-3 zone is located near lands intended for low- and mid-rise residential and mixed-use development, where transit service, community facilities, and public amenities are conveniently located. Neighborhood businesses and limited nonresidential uses are encouraged.
Residential 4	R-4	Residential Medium	The R-4 zone provides low-rise-scale, moderate-density residential neighborhoods with a mixture of housing types and limited nonresidential and mixed uses on lands suitable for urban development. These areas are conveniently located near transit service, active transportation infrastructure, public utilities, and community facilities.
Residential 5	R-5	Residential Medium	The R-5 zone provides for mid-rise-scale, moderate to high-density residential neighborhoods with a mixture of multifamily housing types and limited nonresidential and mixed uses on lands suitable for urban development. These areas are conveniently located near transit services, commercial services, active transportation infrastructure, traffic routes, public utilities, and community facilities.
Mixed-Use Low	MU-1	Commercial/Mixed-Use	The MU-1 zone accommodates low-rise-scale mixed-use, commercial, and multifamily uses. Mostly concentrated along transit corridors and central to established neighborhood hubs.
Mixed-Use Low Boulevard Park	MU-1 BP	Commercial/Mixed-Use	The MU-1-BP zone accommodates a flexible mix of low-rise-scale mixed-use, commercial, multifamily, and light industrial uses in Boulevard

ZONING DESIGNATION	ABBREVIATION	COMPREHENSIVE PLAN DESIGNATIONS	PURPOSE STATEMENT
			Park, primarily in areas with significant air/noise impacts from frequent low-altitude airplane traffic.
Mixed-Use High	MU-2	Commercial/Mixed-Use Downtown Urban Center	The MU-2 zone accommodates mid-rise-scale mixed-use, commercial, and multifamily uses located near transit stops and public amenities where a greater intensity of uses is desired.
Mixed-Use High Employment	MU-2 E	Commercial/Mixed-Use	The MU-2 E zone accommodates mid-rise-scale mixed-use and commercial, where a greater intensity of employment-oriented uses is desired, primarily in the Burien Urban Center.
Mixed-Use High Creative District	MU-2 CD	Commercial/Mixed-Use Downtown Urban Center	The MU-2 CD zone accommodates mid-rise-scale mixed-use, commercial, and multifamily uses in parts of the downtown Burien Creative District where flexibility for creative and performance spaces is desired.
Community Mixed-Use	MU-C	Commercial/Mixed-Use	The MU-C zone accommodates low-rise-scale mixed-use, commercial, and multifamily uses by right and mid-rise-scale development with a community benefits agreement in priority locations, where specific amenities will provide a unique high-value benefit for the future development of surrounding neighborhoods.
Arterial Mixed-Use	MU-A	Commercial/Mixed-Use	The MU-A zone accommodates mid-rise- and high-rise-scale mixed-use, commercial, and multifamily uses along parts of 1st Ave S, where a greater intensity of uses is desired.
Downtown Mixed-Use	MU-DT	Commercial/Mixed-Use	The MU-DT zone accommodates mid-rise-scale mixed-use, commercial, and multifamily uses in the downtown core, where a vibrant, walkable retail and mixed-use environment is desired.
Special Planning Area 2	SPA-2	Commercial/Mixed-Use	The Special Planning Area 2 (SPA-2) zone implements the Special Planning Area 2 Comprehensive Plan designation. This zone establishes and preserves areas for the Ruth Dykeman Center and the special uses associated with the Center's activities. This zone provides residential, home-based, and community-based programs and services to families and children in the community through the activities of non-profit organizations.
Industrial	I	Industrial	The Industrial (I) zone implements the Industrial Comprehensive Plan designation. This zone establishes a concentrated employment area for heavy commercial or industrial uses unlikely to adversely impact nearby residential or commercial properties. This zone provides areas where primarily industrial activities and support services can be concentrated (i.e., minimizing traffic congestion, visual, and other impacts on the surrounding environment). Large retail uses and office buildings not associated with industrial use are inappropriate in the I zone.
Airport Industrial	AI (followed by a designation indicating which sub-zone within the Airport Industrial Zone)	Industrial	The Airport Industrial (AI) zone implements the Airport Industrial Comprehensive Plan designation within the Northeast Redevelopment Area. This zone facilitates economic development and provides 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.

Chapter 19.10 Definitions

A

NEW SECTION
19.10.11 Accessory Use
– A use that is subordinate and incidental to a primary permitted use and is located on the same site or within the same structure as the primary use. Accessory uses are permitted only in conjunction with, and because of, the existence of a primary use.

19.10.012 Accessory living facility
– A building, or an area within a building accessory to a nonresidential primary use, providing provisions for living, cooking, sleeping, and sanitation for an employee, owner, or operator, and may include dependents.

NEW SECTION
19.10.028 Apartment
– A building containing two or more dwelling units, which does not meet the definition of a townhouse.

NEW SECTION
19.10.080.5 Corner Store
– A type of neighborhood commercial use that is designed to meet the daily needs of residents and is compatible within the neighborhood in which it is located. Corner stores sell a limited inventory of items, including but not limited to perishable foods, over-the-counter medications, and household goods. Corner stores do not contain drive-throughs. Up to 10% of the gross floor area may be used for customer seating in small-scale food service establishments, such as delis, coffee shops, or ice cream parlors.

19.10.082 Cottage
– A cottage is a small, detached dwelling unit, not greater than 1,400 square feet in total floor area that is developed as part of a cottage housing development.

19.10.082.5 Cottage housing development
– Residential development consisting of at least two cottages that meet the following criteria:

1. All dwelling units are limited to a maximum square footage; and

2. Common open space that either: (a) is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

19.10.083 Courtyard
– A courtyard is a landscaped space surrounded by at least three sides of a single structure. For middle housing, a courtyard may be surrounded by two sides of a single structure and is not enclosed.

NEW SECTION
19.10.083.5 Courtyard Apartment
– A residential building consisting of attached dwelling units arranged on two or three sides of a yard or court.

NEW SECTION
19.10.114 Duplex
– A residential consisting of two attached dwelling units.

19.10.115 Dwelling unit
– A building or part thereof providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

19.10.120 Dwelling unit, accessory
– A dwelling unit located on a lot developed with a single detached dwelling unit or middle housing building(s) that operate completely independent from the residential primary use, and which is either:

(a) a freestanding detached structure or part thereof; or

(b) has one or more vertical and/or horizontal walls in common with the residential primary use, but is separate from the residential primary use, either because there is no interior connection between the ADU and the residential primary use or because any interior connection is securable by lock from within the ADU.

19.10.123 REPEALED

19.10.124 REPEALED

19.10.125 REPEALED

19.10.130 REPEALED

F

19.10.160 REPEALED

19.10.165 Family day care home
– A day care operation held within the dwelling unit of the provider with no more than sixteen (16) attendees at any one time, not including the household members who reside in the dwelling unit.

19.10.170 REPEALED

NEW SECTION
19.10.178 Fiveplex
– A residential building consisting of five attached dwelling units.

NEW SECTION
19.10.181.5 Fourplex
– A residential building consisting of four attached dwelling units.

I

19.10.280 Impervious surface
– Any nonvertical surface artificially covered or hardened to prevent or impede the percolation of water into the soil mantle, including, but not limited to, roof tops, swimming pools, paved roads and walkways, or parking areas, and excluding landscaping, and surface water retention/detention facilities.

M

NEW SECTION
19.10.343 Middle housing
– A residential building or building(s) that are compatible in scale, form, and character with single detached dwelling units, limited in height to a maximum of 35 feet, and containing two or more attached, stacked, or clustered dwelling

units including cottage housing, courtyard apartments, duplexes, triplexes, fourplexes, fiveplexes, townhouses, and stacked flats.

P

NEW SECTION
19.10.398.5 Porch
– A covered shelter projecting in front of the entrance of a building.

NEW SECTION
19.10.406 Private Open Space
– Open area(s) directly associated with and controlled by an individual dwelling unit, enhancing livability while providing outdoor space for the unit's occupants. Private open space may include, but is not limited to, patios, porches, balconies, and rooftop decks with a single unit.

NEW SECTION
19.10.431 Qualified Public Transit Stop

– Public transit stops that satisfy any of the following:
(1) meets the "major transit stop" definition under RCW Chapter 81.104.
(2) stops served by a transit route that runs at least two times an hour for twelve or more hours each weekday or more.

R

19.10.455 Residential zone
– Any R or RS zone.

S

NEW SECTION
19.10.483 Senior assisted housing
– A building containing two or more dwelling units restricted to occupancy by senior residents, and including, but not limited to, the following support services, as deemed necessary:
1. Food preparation and dining areas;
2. Group activity areas;
3. Medical supervision; and
4. Similar activities.

NEW SECTION
19.10.514 Stacked flat
– A residential building of no more than three stories on a residential zoned lot in which each floor is separately rented or owned.

T

NEW SECTION
19.10.544 Townhouse
– A building on a separate lot containing one dwelling unit that occupies space from the ground to the roof, is attached to one or more other townhouse dwelling units by at least one common wall and has a yard or public way on not less than two sides.

RENUMBERED
19.10.544.5 Trail
– All public property designated as a trail including: the Indian Trail located in the Plats of Secoma Beach Subdivision Nos. 1, 2 and 3, as recorded in Volume 15, pages 70 and 94, 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.

RENUMBERED
19.10.545 Transitional housing
– A project that provides housing and supportive services to homeless persons or families to facilitate the movement of homeless persons and families into independent living, generally in less than two years.

NEW SECTION
19.10.545.5 Triplex
– A residential building with three attached dwelling units.

RENUMBERED
19.10.546.1 Type F Water
– Type F Water means segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories:

(a) Waters, which are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where the department determines such diversion is a valid appropriation of water and the only practical water source for such users. Such waters shall be considered Type F Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Waters, which are diverted for use by federal, state, tribal, or private fish hatcheries. Such waters shall be considered Type F Water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for downstream water quality. The department may allow additional harvest beyond the requirements of Type F Water designation, provided the department determines, after a landowner-requested on-site assessment by the department of fish and wildlife, department of ecology, the affected tribes, and interested parties, that:

(i) The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and

(ii) Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery;

(c) Waters, which are within a federal, state, local, or private campground having more than 10 camping units: Provided, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

(d) Riverine ponds, wall-based channels, and other channel features that fish use for off-channel habitat. These areas are crucial to the survival of fish. This habitat shall be identified based on the following criteria:

(i) The site must be connected to a fish habitat stream and accessible during some period of the year; and

(ii) The off-channel water must be accessible to fish.

RENUMBERED
19.10.546.2 Type Np Water
– Type Np Water means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry at any time of the year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.

Chapter 19.15 Zone Regulations

19.15.001 USER GUIDE

Each section includes tables that set forth zoning provisions for each category of Burien zoning designations. The first table addresses the use permissions for each zone in the category followed by tables that address each zone's dimensional standards.

1. User Guide for Using Permissions Tables for Each Category of Zones in Chapter 19.15 BMC. These charts clarify the uses allowed in the zone, the review process, and any other applicable special use regulations.

A. Use Permissions and Applicable Review Process. The columns to the right of the "Use" column identify specific zones within zoning categories. The cells below identify the permissions and applicable review process for specific uses in each zone as follows:

i. Permitted Use (P). Where the letter "P" appears in the use table, the subject use is permitted outright. Additional review may be required, as noted elsewhere in the code. See Chapter 19.65 BMC for details on special review processes.

ii. Type 1. Where "Type 1" appears in the use table, the use is allowed subject to Type 1 review procedures provided in BMC 19.65.065.

iii. Type 2. Where "Type 2" appears in the use table, the use is allowed subject to Type 2 review procedures provided in BMC 19.65.070.

iv. Blank ( ). Use is not permitted. Where no symbol appears in the use table, that use is prohibited in that zone.

v. Uses not specifically listed in the chart are not allowed unless the Director approves the use by applying the following criteria:

a. The use is consistent with the Comprehensive Plan designation;

b. The use is consistent with the intent and purpose of the zoning district; and

c. The use has similar operational characteristics as permitted uses, such as hours of operation, typical customer base, and service impact.

vi. Multiple uses may be mixed on a site and/or building if the uses are permitted in the zone and comply with applicable standards unless otherwise noted. The following apply:

a. Each use must be permitted in the zone proposed; and
b. The application shall be subject to the highest level of review required for any of the proposed uses.

B. Special Regulations. The far-right column in the use permissions table indicates special regulations that apply to that use. Numbered provisions in this column apply generally to the applicable use.

C. Subscript letters refer to special use conditions listed at the end of the use permissions tables and apply only to those uses, zones, or uses in zones where noted.

D. Accessory Uses. Uses permitted as an accessory to a primary use are noted with a subscript letter. See BMC Chapter 19.17 for specific accessory use standards.

E. Prohibited Uses. See BMC 19.05.060.

2. User Guide for the Dimensional Standards Tables for Each Category of Zones in Chapter 19.15 BMC. Standards occupy the left column, including maximum building height, maximum impervious surface coverage, and minimum

density. The individual zones occupy the middle columns. Scroll down to the cells below to see the standards by zone. The far-right column identifies other Special Regulations that may apply. Numbered provisions in this column apply generally to the applicable use. Subscript-lettered provisions apply only to those zones where noted.

19.15.005 SINGLE-FAMILY RESIDENTIAL ZONES

1. User Guide to the RS Zones Regulations Chart. The chart in this section contains the basic zoning regulations in each RS zone within the City of Burien. First, read down the left column entitled “Use.” Once you locate the use in which you are interested, read across to find the regulations that apply to that use. In addition, if the top of each column contains a reference to another Zoning Code section or chapter, you should read that section or chapter to determine which additional regulations pertain to your use. Italicized words are defined in Chapter 19.10 BMC.

RS Zones USE ⇩ / REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS								
		MINIMUMS			MAXIMUMS				
			SETBACKS		Lot Coverage				
	Special Review Process (See Ch. 19.65)	Lot Area	Front Setback	Interior Setback		Impervious Surface Coverage	Height	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
19.15.005.2 Single Detached Dwelling Unit [(2)]	None	See Spec. Regs. 1, 2 & 3	20’	5’		70%	35’	Two (2) spaces per unit	1. 7,200 s.f. in the RS-7,200 zone. 2. One single detached dwelling unit may be built per lot. 3. No lot shall be created less than the minimum lot area except through a Unit Lot Subdivision or lot averaging. Lot averaging is permitted through a short plat, subdivision, or lot line adjustment. However, subdivisions of lot line adjustments shall not create a lot with an area less than 90 percent of the stated minimum lot area. 4. Permitted accessory uses include home occupations, Bed and Breakfast, Accessory Dwelling Units, and Family Day Care Home, see Chapter 19.17 regulations regarding accessory uses, facilities, and activities associated with this use.

RS Zones USE ⇓	REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS								
			MINIMUMS			MAXIMUMS				
				SETBACKS		Lot Coverage				
		Special Review Process (See Ch. 19.65)	Lot Area	Front Setback	Interior Setback		Impervious Surface Coverage	Height	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
19.15.005.3 Middle Housing		None		20	5		70%	35’	One (1) per unit. See BMC 19.20.045 for parking exemption requirements near frequent transit.	1. Minimum lot area is 7,200 s.f. in the RS-7,200 zone.
19.15.005.4 Public Park and Recreation Facilities		None. See Spec. Reg. 4	None. See Spec. Reg. 1	30’ See Spec. Reg. 3	30’ See Spec Reg. 3	~~35%~~	RS-7,200 zone: 70%	35’	See Sec. 19.20.030.2	1. Marinas are only allowed on more than two acres of public property. 2. Lighting for structures and fields shall be directed away from dwelling units. 3. Structures shall maintain a 50-foot setback from adjoining lots containing single detached dwelling units. The Director may allow structures such as playground equipment, ball field backstops, and tennis court fences to be located closer than 50 feet if they are compatible with the surrounding

RS Zones USE ⇩	REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS								
			MINIMUMS			MAXIMUMS				
				SETBACKS		Lot Coverage				
		Special Review Process (See Ch. 19.65)	Lot Area	Front Setback	Interior Setback		Impervious Surface Coverage	Height	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
										neighborhood and traffic safety considerations. 4. No special review process if the City Council approves the project design 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.
19.15.005.5 Cemetery		Type 2	None	30’	30’		RS-7,200 zone: 70%	35’	See Sec. 19.20.030.2	1. Columbarium or mausoleum structures must be set back 100 feet minimum from property lines adjoining residential zones.
19.15.005.6 Community Residential Facility – I[(2)]		Type 2	See Spec. Reg. 1	20’	5’		RS-7,200 zone: 70%	35’	One (1) space for every two (2) bedrooms	1. Minimum lot area per dwelling unit is 7,200 sq ft in the RS-7,200 zone.
19.15.005.7 Golf Course		Type 2	None	30’ See Spec. Reg. 1	30’ See Spec Reg. 1		RS-7,200 zone: 70%	35’	Three (3) spaces per hole, plus three (3) spaces per 1,000 sq ft of clubhouse facilities	1. Structures, driving ranges, and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

RS Zones USE ⇩	REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS								
			MINIMUMS			MAXIMUMS				
				SETBACKS		Lot Coverage				
		Special Review Process (See Ch. 19.65)	Lot Area	Front Setback	Interior Setback		Impervious Surface Coverage	Height	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
[(2)] Amended, Ord. 269, 1999										
19.15.005.8 Hatchery/Fish Preserve		Type 2	None.	30’	30’		RS-7,200 zone: 70%	35’	See Sec. 19.20.030.2	1. This use may be further subject to the provisions of KCC Title 25, Shoreline Management Program.
19.15.005.9 Religious Facility		Type 2	None	30’	30’		RS-7,200 zone: 70%	35’	See Sec. 19.20.030.2	1. Accessory use shall comply with the requirements for that use listed in this use zone chart (BMC 19.15.005).
19.15.005.10 School		Type 2	None	30’	30’		RS-7,200 zone: 70%	35’	See Sec. 19.20.030.2	Day Care Center are allowed as an accessory use.
19.15.005.11 Senior Assisted Housing[(2)]		Type 2	See Spec. Reg. 1	20’	5’		RS-7,200 zone: 70%	35’	0.5 spaces per unit	1. Minimum lot area per dwelling unit is: a. 1 acre in the RS-A zone. b. 12,000 sq ft in the RS-12,000 zone. c. 7,200 sq ft in the RS-7,200 zone. 2. Conversion to another use is allowed, provided all new use requirements are met, including density limitations.
19.15.005.12 Essential Public Facility		Type 2	Development standards shall be determined case-by-case through the Type 3 review process.							1. Shall be designed, located, constructed, and

RS Zones USE ⇓	REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS								
			MINIMUMS			MAXIMUMS				
				SETBACKS		Lot Coverage				
		Special Review Process (See Ch. 19.65)	Lot Area	Front Setback	Interior Setback		Impervious Surface Coverage	Height	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
										buffered to blend into 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 the criteria for siting found in the Burien Comprehensive Plan.
19.15.005.13 Community, Cultural, or Government Facility		Type 2	See Spec. Reg. 1	30’	30’		RS-7,200 zone: 70%	35’	See Sec. 19.20.030.2	The minimum lot area for a public agency training facility is 35 acres.
19.15.005.14 Public Utility		Type 2	None	30’	30’		RS-7,200 zone: 70%	20’ See Spec. Reg. 1	See Sec. 19.20.030.2	1. The City Council may approve a height less than 35 feet if the applicant shows no feasible alternative 2. Shall be designed, located, constructed, and buffered to blend into their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts.
19.15.005.15		See Chapter 19.50								

RS Zones USE ⇓	REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS								
			MINIMUMS			MAXIMUMS				
				SETBACKS		Lot Coverage				
		Special Review Process (See Ch. 19.65)	Lot Area	Front Setback	Interior Setback		Impervious Surface Coverage	Height	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
Personal Wireless Service Facility[1]										
19.15.005.16 Community Garden[2]		None	None	20’	5’	~~15%~~	25%	12’	See. Sec. 19.20.030.2	1. A Director-approved land use agreement shall be executed between the landowner and those 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.
19.15.005.17 Enhanced Services Facilities[3][4]		Type 2	See Spec. Reg. 1	20’	5’		RS-7,200 zone: 70%	35’	See Sec. 19.20.030.2	1. Minimum lot area per ESF is: a. 12,000 sq ft in the RS-A and RS-12,000 zones. b. 7,200 sq ft in the RS-7,200 zone. 2. See Section 19.17.310 – Enhanced Services Facilities
19.15.005.18 Permanent Supportive Housing		None	None	20’	5’		RS-7,200 zone: 70%	35’	One (1) space per unit	Three (3) units of Permanent Supportive Housing are permitted per lot when the lot meets the minimum lot size of the underlying zoning district.

RS Zones USE ⇓	REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS								
			MINIMUMS			MAXIMUMS				
				SETBACKS		Lot Coverage				
		Special Review Process (See Ch. 19.65)	Lot Area	Front Setback	Interior Setback		Impervious Surface Coverage	Height	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
19.15.005.19 Transitional Housing Congregate Housing		None	None	20’	5’		RS-7,200 zone: 70%	35’	One (1) space per unit	Three (3) Transitional Housing dwelling units or nine (9) beds total are permitted per lot when the lot meets the minimum lot size of the underlying zoning district.
19.15.005.20 Office, Corner Store, Eating and Drinking Establishments		None	None	20’	5’		70%	35’	See 19. 17.085.4	Uses considered Neighborhood Commercial, see 19.17.085 for use-specific regulations.

(1) Amended, Ord. 265, 1999
(2) Added, Ord. 560, 2012
(3) Added, Ord. 734, 2020
(4) Amended, Ord. 788, 2021
Note: All landscape categories added by Ord. 293, 2000.

19.15.010 REPEALED

19.15.015 RESIDENTIAL ZONE

1. Residential Zones Use Permissions. Table 19.15.015.1 determines whether a use is allowed in a zone.

Table 19.15.015.1
Uses Permitted in Residential Zones

Use	R-1	R-2	R-3	R-4(A)	R-5(A)	Special Regulations
RESIDENTIAL(B)						
Single Detached Dwelling Unit	P	P	P			Only one single detached dwelling unit is permitted per lot.
Cottage Housing Development	P(H)	P(H)	P(H)			
Permanent Supportive Housing	P	P	P	P	P	The number and configuration of Permanent Supportive Housing units are restricted to the total number of units per lot. See BMC Table 19.15.015.2.C Dimensional Standards for Residential Zone.
Transitional Housing	P	P	P	P	P	The number and configuration of Transitional Housing units are restricted to the total number of units per lot. See BMC Table 19.15.015.2.C Dimensional Standards for Residential Zone.
Congregate Housing				P	P	
Townhouse	P(H)	P(H)	P(H)	P	P	
Apartment	P(H)	P(H)	P(H)	P	P	1. Ground floor uses not listed in this section or permitted in the respective zone may be granted under BMC 19.15.001.A.v. 2. See BMC Chapter 19.17 and BMC 19.47.220 for regulations and limitations on ground floor uses, apartment complex accessory uses, live/work units, and artist studios/dwelling.
Community Residential Facility	Type 2	Type 2	Type 2	Type 1	Type 1	
Senior Assisted Housing(E)				Type 1	Type 1	
Nursing Home(E)				Type 1	Type 1	
NONRESIDENTIAL USES						
Cemetery	Type 2	Type 2	Type 2			Columbarium or mausoleum structures must be set back 100 feet minimum from property lines adjoining residential zones.
Government Facility	Type 2	Type 2	Type 2	Type 2	Type 2	
Cultural Facility				P(F)	P(F)	
Community Facility				P(F)	P(F)	

Use	R-1	R-2	R-3	R-4(A)	R-5(A)	Special Regulations
Community Garden	P	P	P	P	P	A Director-approved land use agreement shall be executed between the landowner and those 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.
Convenience Retail				P	P	
Corner Store	P(C)(D)	P(D)	P(D)			
Day Care Centers(E)	P(G)	P(G)	P(G)	P	P	
Eating and Drinking Establishment	P(C)(D)	P(D)	P(D)	P	P	
Enhanced Services Facility	Type 2	Type 2	Type 2	Type 2	Type 2	See BMC 19.17.310 – Enhanced services facilities.
Essential Public Facility	Type 2	Type 2	Type 2	Type 2	Type 2	1. Shall be designed, located, constructed, and buffered to blend into 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 the criteria for siting found in the Burien Comprehensive Plan.
Golf Course		Type 2				Structures, driving ranges, and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
Office	P(C)(D)	P(D)	P(D)	P	P	
Personal Wireless Service Facility	P	P	P	P	P	See Chapter 19.50 BMC.
Public Park and Recreational Facilities	P	P	P	P	P	Lighting for structures and fields shall be directed away from residential areas. No special review process if the City Council approves the project design through a public review process, including posting a notice board at the site and notice to neighbors; otherwise, a Type 2 review process is required.
Public Utility	Type 2	Type 2	Type 2	Type 2	Type 2	Shall be designed, located, constructed, and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts.
Religious Facility	P(F)	P(F)	P(F)	P(F)	P(F)	
School(E)	P	P	P	Type 2	Type 2	

Special Use Conditions:

(A) Development subject to BMC 19.47 Commercial and Multifamily Design Standards
(B) See BMC 19.17 for accessory uses and regulations for ADUs, Bed and Breakfasts, Home Occupations, and Family Day Care Homes.
(C) Only permitted on a corner lot as defined per BMC 19.10.

(D) Uses are considered Neighborhood Commercial and subject to the limitations per BMC 19.17.085 “Neighborhood Commercial”.
(E) New use not permitted in Air and Noise Impact Overlay. See BMC 19.17.145.
(F) Type 1 review required for proposals over up to 2,000 sq ft in gross floor area.
(G) Day Care Center is allowed only within or accessory to a religious facility or school.
(H) Use permitted and regulated only as a form of middle housing. The allowed number of units limits the middle housing type on a lot. See BMC Table 19.15.015.2.C Dimensional Standards for Residential Zone to determine the number of units per lot.

2. Residential Zones Dimensional Standards.

A.Buildable Area. The buildable area will be determined by the dimensional standards in this section and site development requirements, including Chapter 19.25 BMC (landscaping code), Chapter 19.26 BMC (tree retention code), and BMC 13.10.130 (utility easements).

B. Dimensional standards in Table 19.15.015.2.B apply to all uses in Residential Zones

Table 19.15.015.2.B
Dimensional Standards for All Uses in Residential Zones

Standard	R-1	R-2	R-3	R-4	R-5	Special Regulations
Minimum lot size (square feet)	6,000	5,000	3,500	3,000		Minimum lot size does not apply to the individual lots of a townhouse development or the unit lots of a unit lot subdivision.
Maximum building height (feet)	35	35	35	35	65	
Maximum impervious surface coverage	50%	70%	80%	85%	90%	See BMC 13.10.130, Drainage review – When required – Type and King County Surface Water Design Manual (KCSWDM).

C. Dimensional standards in Table 19.15.015.2.C apply to all Residential Uses in Residential Zones

Table 19.15.015.2.C
Dimensional Standards for Residential Uses in Residential Zones

Standard	R-1	R-2	R-3	R-4	R-5	Special Regulations
Maximum building height with affordable housing bonus incentive (feet)				45	75	Maximum building height for developments that comply with BMC 19.17.135.
Front setback (feet)	20	15	15	10	10	1. Mixed-use buildings complying with the Class B Pedestrian-Oriented Street block frontage provisions of BMC 19.47.240 may be built up to the sidewalk's edge. 2. See BMC 19.17.015 for transition standards that may apply.
Interior setback (feet)	5	5	5	5	5	The interior setback is reduced to zero along interior property lines for which townhome units share a common wall.
Baseline dwelling units allowed per lot (units)	3	4	4			ADUs count as units for this calculation.
Bonus unit	1	1	2			1. In R-1 and R-2, one bonus unit is granted above the baseline dwelling units per lot, provided at least one unit on the lot is affordable under BMC 19.17.135 or the project is located within ¼ mile of a qualifying transit stop.

Table 19.15.015.2.C
Dimensional Standards for Residential Uses in Residential Zones

Standard	R-1	R-2	R-3	R-4	R-5	Special Regulations
						2. In R-3, two bonus units are granted above the baseline dwelling units per lot, provided at least two units are affordable under BMC 19.17.135 or within ¼ mile of a qualifying transit stop.
Preservation bonus unit		1	1			In the R-2 and R-3 zones, there may be one additional unit above the baseline dwelling units per lot, provided the primary dwelling unit meets the BMC 19.17.155 criteria and may be used with other bonus unit incentives.
Minimum density (units per acre)				10	20	Applies only to lots 20,000 net square feet and larger.

D. Setbacks. Standards for Nonresidential Uses in Residential Zones.

See BMC 19.17 for transition standards and regulations for improvements in setbacks that may apply.

Table 19.15.015.2.D
Setback Standards for Non-Residential Uses

Use Category	Front Setback (feet)	Interior Setbacks (feet)	Special Regulations
Community, Cultural, or Government Facility, Religious Facility, Cemetery	20	30	
Eating and Drinking Establishment, Office, Convenience Retail, Corner Store, Day Care Center, Community Gardens		5	The front setback shall be regulated by the applicable zone provided in Table 19.15.015.2.C.
Essential Public Facility			Development standards shall be determined case-by-case through the Type 3 review process.
Personal Wireless Service Facility			See Chapter 19.50 BMC
Public Park, Recreational Facility, Golf Course, School	20	30/50	Structures must maintain a 50-foot setback from adjoining lots containing single detached dwelling units. The Director may permit structures such as playground equipment, ball field backstops, and tennis court fences that are closer than 50 feet if they are compatible with the surrounding neighborhood and traffic safety considerations.
Public Utility	20	30	Shall be designed, located, constructed, and buffered to blend into their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts.

19.15.020 MIXED-USE ZONES

1. Mixed-Use Zones Use Permissions. Table 19.15.020.1 determines whether a use is allowed in a zone.

Table 19.15.020.1
Mixed-Use Zones Use Table

Use	Special Review Process (See Ch. 19.65 BMC)								Special Regulations
	MU-1	MU-1 BP	MU-2	MU-2 E	MU-2 CD	MU-C	MU-A	MU-DT	
RESIDENTIAL									
Townhouse	P	P			P	P			Use is prohibited on lots fronting pedestrian-oriented streets, as shown in BMC 19.47.220.
Apartment	P	P	P	P(A)	P	P	P	P	1. Ground floor uses not listed in this section or permitted in the respective zone may be granted under BMC 19.15.001.A.v. 2. See BMC 19.17 and BMC 19.47.220 for regulations and limitations on ground floor uses and apartment complex accessory uses such as live/work units and artist studios/dwelling.
Permanent Supportive Housing	P	P	P	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	P	P	P	
Emergency Shelter	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	1. Burien may only permit an emergency shelter with a capacity of 200 people or more if the proposed location of the shelter is at least 1,000 feet from another emergency shelter project with a capacity of 200 people or more.
Emergency Housing	P	P	P	P	P	P	P	P	1. Emergency Housing projects with 35 units or beds or more will require a Type 1 review. 2. Burien may only permit an emergency housing project with 200 units or beds or more if the proposed location is distanced at least 500 feet from another emergency housing project with 200 units or beds or more.
Community Residential Facility	Type 1	P	P	P	P	P	P	P	
Senior Assisted Housing(C)	Type 1		P	P(A)	P	P	P	P	
Nursing Home(C)	Type 1		P	P	P	P	P	P	Use is not allowed for lots fronting on a pedestrian-oriented street in BMC 19.47.220.
COMMERCIAL									

Use	Special Review Process (See Ch. 19.65 BMC)								Special Regulations
	MU-1	MU-1 BP	MU-2	MU-2 E	MU-2 CD	MU-C	MU-A	MU-DT	
Artisan Manufacturing	P	P	P	P	P(B)	P	P	P	Use limited to 5,000 square feet of net floor area except in MU-2 CD.
Bulk Retail	Type 1	P					P		Distribution, wholesaling, repair, or manufacturing that support the primary use are allowed as an accessory use.
Convenience Auto Service	Type 1	P	P		P		P		Vehicle repair activities must occur inside a building and are limited to 10,000 square feet of net floor area.
Convenience Retail	P	P	P	P	P	P	P	P	Distribution, wholesaling, repair, or manufacturing that support the primary use are allowed as an accessory use.
Day Care Center(C)	P		P	P	P	P	P	P	1. Use is not allowed on the ground-level block-frontages designated as pedestrian-oriented streets, as provided in BMC 19.47.220.
Eating and Drinking Establishment	P	P	P	P	P	P	P	P	1. Distribution, wholesaling, or manufacturing that supports the primary use is allowed as an accessory use. 2. An amusement arcade is allowed as an accessory use.
Funeral Home	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1		
Hospital			Type 2	Type 2	Type 2	Type 2	Type 2		
Lodging Facility	P	P	P	P	P	P	P	P	
Marijuana Retailers	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	1. The facility shall be designed, located, constructed, and buffered to blend into 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. 2. Must comply with all state law requirements and Washington State Liquor and Cannabis Board regulations. 3. Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation. 4. Marijuana retailers shall not locate within 1,000 feet as measured by the shortest straight-line distance from the property line of the licensed premises to the property line of an elementary, secondary school,

Use	Special Review Process (See Ch. 19.65 BMC)								Special Regulations
	MU-1	MU-1 BP	MU-2	MU-2 E	MU-2 CD	MU-C	MU-A	MU-DT	
									playground, recreational center or facility, childcare center, public park, public transit center, library, or arcade where admission is not restricted to those age 21 and older.
Office	P	P	P	P	P	P	P	P	
Recreational Facility	P	P	P	P	P	P	P	P	
Motor Vehicle Sales and Rental(E)		Type 1					Type 1		May include boat sales and rentals.
Theater	P	P	P		P	P	P	P	
INDUSTRIAL									
Light Industry		Type I							Operations must be conducted entirely indoors; outdoor storage is prohibited.
High Technology Industry		Type 1							
Auto, Boat, or Heavy Equipment Repair, Services, or Washing(E)		Type 1					Type 1		
Kennel(E)		Type 2					Type1		1. Outside runs and other outside facilities must be set back at least 25 feet from each property line (50 feet from a residential zone) and surrounded by a fence or wall sufficient to enclose the animals. 2. Must provide suitable shelter and a clean, healthful environment for the animals.
Self-Service Storage Facility(E)		Type 1(C)							1. May include one accessory dwelling unit for the resident security manager. 2. Self-service storage facility use is permitted only in a mixed-use form. Self-service storage facilities and accessory uses shall only occupy a maximum of 50% of the ground floor area and must be used for convenience retail, eating and drinking establishments, and other pedestrian-oriented uses.
Warehousing and Wholesale Trade		Type 1							
PUBLIC, INSTITUTIONAL, & MISCELLANEOUS									
Artists' Studio	P	P	P	P	P	P	P	P	See BMC 19.17.330.

Use	Special Review Process (See Ch. 19.65 BMC)								Special Regulations
	MU-1	MU-1 BP	MU-2	MU-2 E	MU-2 CD	MU-C	MU-A	MU-DT	
Community/Cultural Facility or Private Club	$P_{(D)}$	$P_{(D)}$	$P_{(D)}$	$P_{(D)}$	P	$P_{(D)}$	$P_{(D)}$	P	
Community Garden	P	P	P	P	P		P	P	A land use agreement approved by the Director shall be executed between the landowner and those 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.
Enhanced Services Facility	Type 1	Type 1	P	P	Type 1	Type 1	P	P	See BMC 19.17.310 – Enhanced services facilities.
Essential Public Facility	Type 2	Type 2	Type 2	Type 2	Type 2	Type 2	Type 2	Type 2	1. Shall be designed, located, constructed, and buffered to blend into 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 the criteria for siting found in the Burien Comprehensive Plan.
Personal Wireless Service Facility	See Chapter 19.50 BMC								
Government Facility	Type 2	Type 2	$P_{(D)}$	$P_{(D)}$	$P_{(D)}$	$P_{(D)}$	$P_{(D)}$	P	
Public Park and Recreational Facility	P	P	P	P	P	P	P	P	Lighting for structures and fields shall be directed away from residential areas.
Public Utility	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Shall be designed, located, constructed, and buffered to blend into their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts.
Religious Facility$_{(E)}$	$P_{(D)}$	$P_{(D)}$	$P_{(D)}$	$P_{(D)}$	$P_{(D)}$	$P_{(D)}$	$P_{(D)}$	$P_{(D)}$	
School$_{(C)}$	Type 1		Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	

Special Use Conditions:

(A) In the MU-2 E zone, at least 20 percent of the gross floor area of all (combined) buildings on a site must be designed for nonresidential uses. Applicable nonresidential floor area must include minimum floor-to-floor heights of 12 feet.

(B) See BMC 19.17 for residential accessory uses and regulations for ADUs, Bed and Breakfasts, Home Occupations, Family Day Care Home.

(C) New use not permitted in Air and Noise Impact Overlay. See BMC 19.17.145.

(D) Up to 2,000 square feet requires no special review process. Type 1 review process for up to 10,000 square feet. Type 2 review process for greater than 10,000 square feet.

(E) May include one accessory living facility as defined by BMC 19.10.

2. Mixed-Use Zones Dimensional Standards.

A. Minimum Lot Size. There are no minimum lot area or minimum lot dimensions for mixed-use zones. New lots must be sized to accommodate permitted uses and development.

B. Setbacks.

i. Front Setback. The minimum front setbacks range from zero to 10 feet, depending upon the block frontage designation and standards provided in BMC 19.47.220 through 19.47.260.

ii. See BMC 19.17. for transition standards and regulations that may apply to improvements in setbacks.

iii. Interior Setback. Table 19.15.020.2.B addresses interior setbacks specific to the mixed-use zones.

Table 19.15.020.2.B
Minimum Interior Setbacks in Mixed-Use Zones

Use Category	Interior Setbacks (feet)	Special Regulations
Townhouse	5/0	The interior setback is reduced to zero along interior property lines for which townhome units share a common wall.
Apartment, Senior Assisted Housing, Permanent Supportive Housing, Transitional Housing, Congregate Housing, Emergency Housing, Emergency Shelter, Nursing Home, Eating and Drinking Establishment, Office, Lodging Facility, Convenience retail, Artist studio, Community facility, Cultural Facility or Funeral Home, Marijuana Retailer, Theater, Government Facility, Private Club, Religious Facility, Indoor Shooting Range, Enhanced Services Facility, Day Care Center, Artisan manufacturing, High Technology Industry	0–15	1. Buildings or portions thereof containing dwelling units whose only solar access (windows) is from the applicable interior or rear of the building (facing towards the interior property lines) must be set back from the applicable property lines at least 15 feet as stated in BMC 19.47.310.3. The minimum setback for all other buildings not described above is 5 feet.
Public Park and Recreational Facility, School	10/50	Structures shall maintain a 50-foot setback from adjoining lots containing single detached dwelling units. The Director may permit structures such as playground equipment, ball field backstops, and tennis court fences that are closer than 50 feet if they are compatible with the surrounding neighborhood and traffic safety considerations.
Auto, Boat or Heavy Equipment Repair, Services or Washing, Kennel, Self-Service Storage Facility, Warehousing and Wholesale Trade, Motor Vehicle Sales and Rental, Convenience Auto Service, Bulk Retail, Hospital	0–50	1. No minimum setback except when prescribed in Special Regulations (2) or (3) below. 2. Fifty 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). 3. For kennel uses, outside runs and other outside facilities must be set back at least 25 feet from each property line (50 feet from a residential zone) and surrounded by a fence or wall sufficient to enclose the animals.
Essential Public Facility, Public Utility		Shall be designed, located, constructed, and buffered to blend into their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts.
Personal Wireless Service Facility		See Chapter 19.50 BMC.

C. Buildable area. No maximum impervious surface is established, instead, the buildable area will be determined by other site development requirements, including Chapters 19.25 (Landscaping) and 19.26 BMC (Tree Retention), BMC 13.10.130, and the King County Surface Water Design Manual (KCSWDM).

3. Table 19.15.020.3 addresses the form and intensity of development specific to the mixed-use zones.

Table 19.15.020.3
Dimensional Standards for Mixed-Use Zones

Dimensional Standard	Special Review Process (See Ch. 19.65)								Special Regulations
	MU-1	MU-1 BP	MU-2	MU-2 E	MU-2 CD	MU-C	MU-A	MU-DT	
Maximum building height (feet)	35	35	65	85	65	45	125	85(A), (B)	In BMC 19.17.145, Air and Noise Impact Overlay, residential or mixed-use buildings taller than 35 feet must include measures to mitigate freeway air impacts; see BMC 19.47.520.
Maximum building height with bonus, if applicable (feet)	55		85(C)		85(D)	65–85(E)	165(F)(D)	95(F)(D)	

Special Use Conditions

(A) See limited height overlay, BMC 19.17.125.

(B) See BMC 19.17.125 for special height stepback standards on the north side of SW 152nd St.

(C) Maximum building height for office and mixed-use buildings (feet). At least 60 percent of the ground-level building frontage must be designed for nonresidential uses at a minimum average storefront depth of 40' with 15' minimum floor-to-floor heights.

(D) Maximum building height for developments that comply with affordable housing bonus incentives per BMC 19.17.135.

(E) Buildings up to 85' west of SR-509 and up to 65' east of SR-509 may be permitted with the process described in subsection (4) of this section.

(F) Maximum building height for lodging uses.

4. MU-C Zone Bonus Height Provisions.

A. Developments in the MU-C zone may enter into a development agreement with the City of Burien, identifying community benefits associated with the additional height.

B. Development agreements will be informed by the community benefits listed for specific Ambaum Boulevard Park Community Plan sites.

Chapter 19.17 Miscellaneous Use, Development and Performance Standards

19.17.005 User Guide.

This Chapter contains a variety of regulations and standards that apply to the use and development of land. The regulations in this Chapter do not apply to all uses or developments.

NEW SECTION

19.17.010 Residential Open Space

1. Residential open space refers to all areas within a residential development that are not within dwelling units and that contribute to recreation, landscaping, tree retention, amenity spaces, or remain otherwise undeveloped. Residential open space may include, but is not limited to:

A. Common recreation space;

B. Private open space;

C. Setbacks;

D. Critical areas and associated buffers;

E. Critical root zones; and

F. Community buildings

2. Cottage Housing Developments shall dedicate a minimum of 20 percent of the lot area as Residential Open Space.

19.17.013 Residential Open and Recreation Space Requirements

1. Applicability. All residential developments not subject to BMC Chapter 19.47 shall provide open and recreation space as outlined in this section.

2. Purpose. These requirements ensure that residential developments contribute to the quality of the built environment in residential zones by providing meaningful, functional, open, and recreational spaces. These standards promote:

A. Good urban design through the integration of open space into the site layout;

B. Desirable on-site amenities that enhance the livability of homes;

C. Opportunities for social interaction among neighbors by encouraging shared spaces and gathering areas;

D. Active use of space throughout a development, supporting physical and mental well-being; and

E. Natural surveillance (“eyes on the street”) by orienting open spaces and private outdoor areas to be visible and accessible from homes, streets, and common pathways.

3. Minimum Common Recreation Space Requirements. A minimum amount of common recreation space shall be provided onsite for all residential developments as follows:

A. 250 square feet per dwelling unit with one bedroom or less;

B. 200 square feet per any dwelling unit with two bedrooms or more.

4. Outdoor Common Recreation Space Standards. Outdoor common recreation areas shall:

A. Be graded and surfaced for active or passive recreation;

B. Be located on-site;

C. Have no dimension less than 15 feet, except for the following

i. Outdoor common recreation shall have no dimension less than 10 feet for cottage housing development sites.

ii. Trail segments.

D. Be located internal to the development and a minimum of 10 feet from the property line or parent lot when part of a unit lot subdivision;

E. Not include parking or vehicle access areas; and

F. Not include environmental critical areas or associated buffers.

5. Indoor Common Recreation Space Standards. Indoor areas may count toward the required common recreation space when they exclusively serve residents of the development:

A. The space is common to and accessible to all residents

B. For cottage housing developments, a community building may be provided, limited to:

i. Maximum 2,400 sq. ft. (excluding garages)

ii. Only one building per development

6. Private Open Space Credit. Private open space may satisfy up to 50% of the required common recreation space, provided it meets the following standards:

A. Balcony

i. Minimum dimensions: 2 ft. deep by four (4) ft. wide; and

ii. Accessible from an interior room.

B. Porch

i. Minimum size: 100 square feet; and

ii. Covered and adjacent to a unit entrance.

C. Patio or Deck

i. Minimum size: 100 square feet.

D. Rooftop Deck

i. Minimum size: 50 square feet.

NEW SECTION

19.17.014 Subdivision Open Space Requirement

1. Applicability. The following provisions apply to residential subdivisions of 10 or more lots.

2. All single detached subdivisions shall provide tot/children play areas within the recreation space on-site, except when facilities are available within one-fourth mile that are developed as public parks or playgrounds and are accessible without the crossing of arterial streets.

3. If any play apparatus is provided in the play area, the apparatus shall meet Consumer Product Safety Standards for equipment, soft surfacing, and spacing, and shall be located in an area that is:

A. At least 400 square feet in size with no dimension less than 20 feet; and

B. Adjacent to main pedestrian paths or near building entrances.

4. Unless the recreation space is dedicated to the City of Burien pursuant to subsection 7, maintenance of any recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the City of Burien.

5. The City of Burien may accept dedication of required recreation space as a public park when the following criteria are met:

A. The dedicated area is at least 20 acres in size, except when adjacent to an existing or planned park; and

B. The dedicated land provides one or more of the following:

i. Shoreline access,

ii. Regional trail linkages,

iii. Habitat linkages,

iv. Recreation facilities, or

v. Heritage sites.

6. If on-site recreation space is not provided, the applicant shall pay a fee in lieu of actual recreation space.

The city of Burien acceptance of this payment is discretionary and may be permitted if:

A. The proposed on-site recreation space does not meet the criteria of BMC 19.17.013.2; or

B. The recreation space provided within a park in the vicinity will be of greater benefit to the prospective residents of the development.

7. Fees provided in lieu of on-site recreation space shall be determined annually by the City of Burien on the basis of the typical market value of the recreation space prior to development.

8. Any recreational space provided by the applicant shall be credited towards the land area upon which the required fees are calculated.

9. The fee in lieu of recreation space shall be:

A. Paid to the city of Burien at the time of:

i. Subdivision or short subdivision recording of single detached and townhouse developments, or

ii. Prior to issuance of building permits for all other residential or mixed-use development;

B. Used by the city of Burien for the acquisition and improvement of parks or public recreational facilities to serve the development; and

C. Expended through council capital budget and program appropriations.

19.17.015 Transition Standards

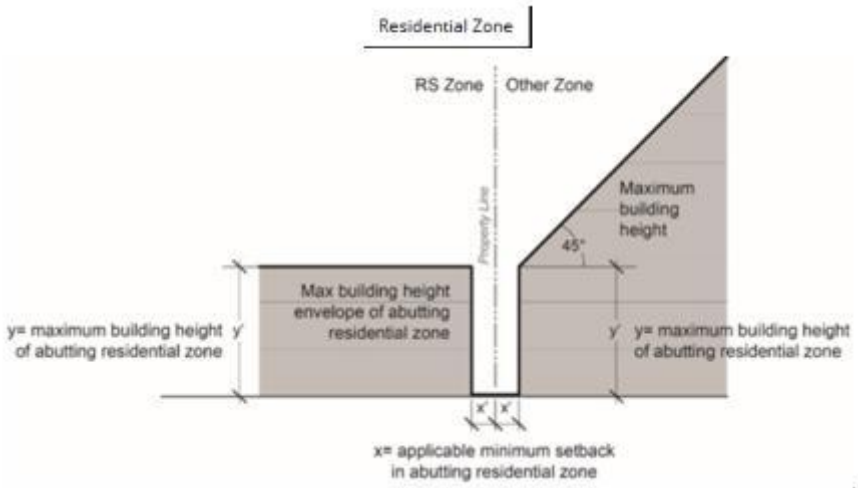
1. Purpose. This section provides standards for the creation of a buffer between varying building intensities.

2. Applicability. This section applies to any lot located adjacent to an RS, R-1, R-2, R-3, or R-4 zone.

3. Where a lot subject to this section is adjacent to an RS, R-1, R-2, R-3, or R-4 zoned lot, the required interior setback along the shared property line must be equal to the interior setback required in the adjacent residential zoning district.

4. The height limit of any lot located adjacent to an RS, R-1, R-2, R-3, or R-4 zone is the same as the applicable residential zoning district at the interior setback edge and increases at a rate of one vertical foot for each horizontal foot of distance from the setback edge (i.e., a 45-degree angle) to the maximum height of the applicable zoning designation for the lot. See Figure 19.17.015.4 for an illustration.

Figure 19.17.015.4: Illustrating Minimum Interior Setbacks to an Abutting Residential Zoning District



19.17.040 Cargo Containers

1. Purpose. This section promotes vibrant, attractive pedestrian mixed-use areas while protecting residential neighborhoods and allowing the use of cargo containers by Burien businesses, contractors, and community-related uses to provide secure, easily accessible accessory storage at relatively inexpensive levels.

2. Temporary Use. Cargo containers may be used for the temporary storage of equipment and/or materials at a construction site during active construction that is authorized by a city permit.

3. Cargo containers are not allowed in the Downtown Mixed-Use (MU-DT) zone, except as permitted in subsection (2) of this section.

4. Cargo containers are permitted as accessory uses in residential zones at a community facility, government facility, public park and recreation facility, or school.

A. All requirements, permits, and approvals of BMC Titles 15 and 19 pertaining to structures shall apply, including but not limited to setbacks, maximum impervious surface coverage, critical areas, and transition area requirements.

B. Cargo containers located within a residential zone shall be no greater in size than ten (10) feet by twenty (20) feet and shall have a stick-built structure constructed to enclose the cargo container completely. Upon removal of the cargo container, the screening structure shall also be removed. No stick-built structure shall be required if the cargo container is totally screened from abutting residential zone lots as determined by the Director.

C. Cargo containers shall not be stacked.

D. Cargo containers shall not occupy any required off-street parking spaces, vehicular access, pedestrian facilities, or landscape areas for the site.

5. Cargo containers are permitted as accessory uses in the MU-1 BP, MU-2, CD, MU-2 E, Industrial (I), Airport Industrial (AI) zones, and in the SPA-2 zone as part of the master plan review (pursuant to BMC 19.15.030). Cargo containers in these zones are subject to the requirements below. Airplane unit load devices located in the I and AI zones are not regulated as cargo containers.

A. All requirements, permits, and approvals of BMC Titles 15 and 19 pertaining to structures shall apply, including but not limited to setbacks, maximum impervious surface coverage, tree retention, critical area, and transition area requirements.

B. Cargo containers shall be screened from abutting rights-of-way and adjoining lots with a minimum of 10 feet of Type I landscaping. The Director may approve alternate screening that achieves the intent of a visual barrier. In reviewing alternate screening, the Director shall consider the proposed location of the cargo container, amount of usable space on the site for landscaping, view of the cargo container from abutting rights-of-way and adjoining lots, and the physical condition of the cargo container. All proposed screening shall be submitted for review and approval by the Director.

C. Cargo containers shall not be located between a building and the front property line. On a site with all front property lines, the cargo container shall be placed in a location that minimizes its visual impact on the surrounding streets and properties.

D. Cargo containers shall be painted to match the primary color of the adjacent building. If the cargo container is located within a building or not visible from abutting rights-of-way and adjoining lots, as determined by the Director, painting is not required.

E. A cargo container located within 100 feet of a residential zone shall be no greater in size than ten (10) feet by twenty (20) feet and shall have a stick-built structure constructed to completely enclose the cargo container. Upon removal of the cargo container, the screening structure shall also be removed. No stick-built structure shall be required if the cargo container is totally screened from abutting residential zone lots as determined by the Director.

F. Cargo containers shall not occupy any required off-street parking spaces, vehicular access, pedestrian facilities, or landscape areas for the site.

G. Cargo containers may be stacked two-high in the Industrial (I) zone, and shall not be stacked in any other zone.

H. Cargo containers shall not be used for warehouse/storage as the primary use of the property.

I. Outdoor cargo containers shall not be refrigerated.

6. Legal Nonconforming Cargo Containers. Cargo containers that have been legally located on a site before November 12, 2002, shall be a legal nonconforming structure. In addition to the provisions for nonconforming structures in Chapter 19.55 BMC, cargo containers shall lose legal nonconforming status under the following circumstances:

A. Any legal nonconforming cargo container that is moved to a different location on a site shall comply with the requirements of this section.

B. If a legal nonconforming cargo container is removed from a site, any subsequent cargo containers placed on the site shall comply with the requirements of BMC Titles 15 and 19.

7. Permits for cargo containers shall include all necessary approvals from the Director, Building Official, and Fire Marshal. Required permits include a building permit and a General Use Fire Permit. Use of the container shall not inhibit the Building Official and/or Fire Marshal from conducting all necessary inspections.

19.17.060 Residential Accessory Uses

1. General. Uses, structures, and activities that are customarily associated with residential uses are allowed in all residential zones and in any zone in which residential uses are allowed. The residential accessory use shall be subordinate and incidental to the residential use of the property. Such uses include but are not limited to family day care home facilities; storage of yard maintenance equipment; storage of private vehicles and recreational equipment; pools, private docks and piers; antennae for private telecommunications services; on-site rental office for apartment complexes; and fallout/bomb shelters. Other residential accessory uses, such as accessory dwelling units, home occupations, bed and breakfast establishments, and keeping of animals, are allowed subject to special regulations in Chapter 19.17.

2. Residential Accessory Structures.

A. Accessory structures to a single detached dwelling unit or middle housing shall not exceed the lesser of:

i. Fifteen percent of the total lot area; or

ii. Eighty percent of the footprint of the primary residential structure;

B. The maximum height of a residential accessory structure may not exceed 10 feet above the existing height of the primary residential structure or the maximum height allowed in the zone, whichever is less;

C. The Director may allow minor deviations to these dimensional requirements to accommodate industry standards for building dimensions.

19.17.070 Accessory Dwelling Units

1. Purpose. Accessory dwelling units (ADUs) implement the housing policy provisions of Burien's comprehensive plan by creating an affordable housing alternative and providing a choice of housing that responds to changing needs and lifestyles by offering rental income, security, and companionship to individuals, families, and intergenerational households. The purpose of the ADU regulations are to achieve the following:

A. Increase the number of affordable housing units;

B. Accommodate incremental growth in neighborhoods while preserving the residential quality of life;

C. Provide for a variety of housing types that meet the needs of Burien's diverse population at all stages of life; and

D. Encourage housing that allows residents to remain in their communities and neighborhoods as their needs change.

2. Requirements. An accessory dwelling unit is allowed as an accessory use to a residential primary use, provided the following requirements are met:

A. Eligibility. Eligibility. ADUs are permitted as accessory uses to a single detached dwelling unit in any zone or middle housing in a Residential Zone.

B. Number. A maximum of two accessory dwelling units are allowed per lot.

C. Size.

i. Internal or attached and detached ADUs shall not exceed 1,000 square feet.

ii. The Director may make exceptions to size limitations to allow for the better utilization of existing spaces. Buildings must be at least five years old to be eligible for an exception to the size limitation.

D. Compliance with Development Standards. ADUs shall meet the following requirements as they apply:

i. All new structures/additions must meet the development standards for the zone in which the property is located, except detached ADUs are allowed to be sited at the rear lot line when abutting a public alley that isn't plowed routinely.

ii. All conversions of existing structures to an ADU shall meet the development standards for the zone in which the property is located, except for setbacks and lot coverage.

3. Legalization of Nonconforming ADUs. ADUs existing without city approval may be legalized if the owner applies for the applicable permits.

19.17.080 Bed and Breakfast Establishments

1. Purpose. Bed and breakfast regulations provide small-business opportunities for Burien residents, provide an alternative form of lodging for visitors, and to protect the residential character of neighborhoods in the City of Burien.

2. Accessory Use. A bed and breakfast is an accessory use incidental to a residential primary use. The operator of the bed and breakfast must be a permanent residence of the primary use on site.

3. Applicability. The regulations of this section apply to bed and breakfast establishments in residential zones or bed and breakfast establishments accessory to nonconforming and continuing single detached dwelling unit uses for which the underlying zoning does not allow for lodging facilities. Bed and breakfast establishments proposed in zones that allow lodging facilities are subject to those regulations.

3. Standards for operation of a bed and breakfast establishment.

A. Residential Character. Internal or external alterations of the structure that make the dwelling appear less residential 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.

B. Food Service. Food service may be provided only to overnight guests of the bed and breakfast.

C. Maximum Size. Bed and breakfasts are limited to three (3) bedrooms for guests. No more than ten (10) people, including residents may be accommodated overnight.

D. Parking. In addition to the required parking for residential use, one on-site parking space is required for each room that is available for guests.

E. 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.

F. Events. Meetings and social gatherings, including banquets, weddings, parties, retreats, or other gatherings for direct or indirect compensation, are prohibited.

G. Business License. Bed and breakfast establishments are required to obtain a business license from the City Clerk's office.

H. Signs. Signs for bed and breakfasts are subject to the standards in BMC 19.30 Signs, as now in effect, and as may subsequently be amended.

NEW SECTION

19.17.085 Neighborhood Commercial

1. Purpose. This section provides performance standards that foster a vibrant and amenity-rich community, enhance neighborhood quality, promote walkability, support the creation of small-scale, locally serving businesses, and ensure the compatible integration of limited commercial uses and services within the R-1, R-2, and R-3 zones.

2. Performance Standards. Neighborhood Commercial uses are subject to the following performance standards:

A. Shall not be located in a cul-de-sac.

B. Shall operate only between 7:00 a.m. and 8:00 p.m.

C. Deliveries shall only occur during hours of operation.

D. Class 4 rating vehicles (gross vehicle weight rating over 16,000 pounds) or heavier may not make deliveries.

E. The following uses and features are prohibited as part of Neighborhood Commercial:

i. Drive-through facilities

ii. Uses listed under BMC 19.17.090.4.A. Prohibited home occupations

F. All building and site lighting shall be shielded to prevent light spillover onto neighboring properties.

G. The following screening standards apply:

i. A 10-foot Type 1 buffer or a 6-foot solid fence is required for side and rear perimeter lot lines adjacent to residential uses.

ii. No landscape buffer or fence is required in the front yard unless outdoor seating is provided; in that case, under BMC 19.17.235, outdoor seating design is required.

3. Size.

A. Interior gross floor area shall not exceed 1,500 square feet. Outdoor seating for dining shall not exceed 1,000 square feet. See BMC 19.17.235 for outdoor seating design standards.

B. The Director may grant exceptions to the interior floor area limitation to allow better utilization of existing spaces. To be eligible for an exception, the building must be at least five years old.

4. Parking Standards.

A. At least two (2) short-term bicycle parking spaces shall be provided under this section.

B. At least one (1) on-site accessible parking stall under this section; and, under BMC Title 15, Buildings and Construction, additional spaces may be required.

C. A maximum of two (2) on-site parking spaces is allowed under this section. Burien may require a parking study and additional onsite parking if adequate off-site parking is not available.

D. Parking areas shall be screened under BMC 19.25.070.2 Perimeter Landscaping.

5. Licensing and Permitting.

A. All Neighborhood Commercial uses must obtain a City of Burien business license from the City Clerk's Office.

B. Upon approval of the business license, the Department of Community Development shall issue notice to residents abutting and across the street from the use, and to residents within 300 feet of the subject property. The notice shall include a description of the approved Neighborhood Commercial use and the applicable operational standards.

19.17.090 Home occupations

1. Purpose. Home occupation regulations encourage flexibility in the workplace and promote small-business opportunities in Burien by allowing home occupations. These regulations also 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 coming 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 residence 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 occupation license procedures shall require:

i. Licensees for home occupations that utilize machinery and/or use or store hazardous substances to apply for and obtain approval from the Building Official and Fire Marshal before operating the home occupation.

ii. An inspection prior to the issuance of a Type B home occupation license or as necessary to ensure compliance with applicable codes and conditions of the license.

iii. Upon approval of a Type B home occupation license, the Department of Community Development shall issue a notice to residents abutting and across the street from the home occupation and within 300 feet of the subject property describing the approved home occupation and standards by which it must operate.

iv. The Director is to take appropriate action to enforce the requirements of this section. Failure to comply with the regulations of this section or the conditions of the permit may result in the home occupation license being revoked or the denial of an application for renewal of the license.

4. Permitted Home Occupations. Residents of a dwelling unit may conduct one or more home occupations 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 Comprehensive Plan's goals and policies, which generally state 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 from where any employee is dispatched to other locations

vii. Commercial kennels, catteries, 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. Type A home occupation standards prohibit:

i. Employees. Nonresident employees on the premises.

ii. Customers. Customer visits to the premises.

B. Type B home occupation standards require:

i. Employees. No more than one nonresident employee on the premises at any one time.

ii. Parking. In addition to required parking for the dwelling unit, on-site parking is as follows:

a. One stall for a nonresident employee who will work on the premises; and

b. One stall for customers when services are rendered on-site.

iii. Customers. Customer visits to Type B home occupations between 8 a.m. to 8 p.m. No more than one (1) customer may be at the residence at a time, and no more than eight (8) customer visits shall occur in any business day. For this section, one customer may consist of more than one person, such as a family.

C. Size. The total area devoted to all home occupation(s) shall not exceed 25 percent of the combined gross floor area of the residence and permitted accessory buildings, provided the floor area must be enclosed within a building to be counted.

D. Location. Home occupations may be conducted in the residence or a permitted accessory building. All the activities of the home occupation(s) shall be conducted indoors, except for those related to the growing or storing of unregulated or lawful plants used by the home occupation(s). Exterior storage, display, or repair of goods, chemicals, materials, or equipment related to the home occupation(s) is prohibited.

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. 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, except for the driveway; and

ii. Such vehicle shall not exceed a gross vehicle weight rating of 10,000 pounds or a capacity of one ton or a similarly sized vehicle. The Director shall have the final determination authority on vehicle size and should consider potential impacts on the residential character of the neighborhood and/or surrounding properties. That vehicle shall never be permitted to idle or be left unattended while idling at the site.

G. Deliveries to the home occupation(s) are permitted between 8 a.m. and 8 p.m. only. Vehicles used to deliver goods to the home occupation are limited to passenger vehicles, mail carriers, and express carriers such as UPS.

H. 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:

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 Chapter 8.45 BMC;

iii. Change the building occupancy classification of the structure(s) used for the home occupation(s);

iv. Use or store hazardous substances unlawful or in excess of those normally allowed in a residential area under the International Building Code and International Fire Code;

v. Create any electrical, magnetic, or other interference off the premises; or

vi. Consume utility quantities that negatively impact the surrounding properties.

I. Residential Character. Internal or external alterations that make the property appear less residential are prohibited. Examples of such changes may include paving of setbacks, constructing large parking areas visible from the street or neighboring properties and commercial-type lighting. The use of commercial mobile offices is prohibited.

J. Signs. Signage for home occupations is subject to the standards in BMC 19.30.050.

6. Exceptions to Home Occupation Restrictions.

A. Telecommuting. For this section, telecommuting means 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. Regulations for bed and breakfast establishments are in BMC 19.17.080.

C. Family daycare homes.

D. Garage sales, yard sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other such uses; 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.

19.17.135 Affordable Housing Bonus Incentives.

1. Applicability. The affordable housing bonus is available for the R-1, R-2, R-3, R-4, R-5, MU-2 CD, MU-DT, and MU-A zones. See Tables 19.15.015.2.C and 19.15.020.3 for the applicable zone's bonus provisions.

2. All units permitted by the affordable housing bonus incentives are subject to the following provisions:

A. To qualify for an affordable housing bonus incentive, an applicant shall commit to renting or selling the required number of units as affordable housing and meet the standards of this section.

B. Dwelling units that qualify as affordable housing shall have costs, including utilities other than telephone, that do not exceed 30% of the monthly income of a household whose income does not exceed the following percentages of median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development except when used in combination with the MFTE program, see subsection H and BMC 19.45:

i. Rental housing: 60%

ii. Owner-occupied housing 80%

C. Duration. Units must serve only income-eligible households for at least 50 years from the date of the certificate of occupancy.

D. Affordability agreement.

i. Before building permit issuance, an affordable housing agreement in a form approved by the Director and City Attorney must be recorded with the King County Recorder's Office as a covenant running with the land and binding on the applicant, assigns, heirs, and successors.

ii. The agreement must address the level and duration of affordability, income qualifications, reporting, monitoring, and any other topics related to the provision of the affordable housing units.

iii. Burien may, at its sole discretion, establish a monitoring fee for the affordable units to cover its costs to review and process documents to maintain compliance with the agreement's income and affordability restrictions.

iv. The agreement shall address the criteria and policies to maintain a public benefit if the property is converted to a use other than that which continues to provide for permanently affordable housing.

E. The mix and configuration of affordable units (e.g., studio, one-bedroom, etc.) shall be substantially proportional to the mix and configuration of the total housing units in the project unless approved by the City Council or a City Council-authorized administrative official or commission.

F. The quality of construction and finish materials in those affordable units used to qualify for the exemption shall be the same as other housing units in the project.

G. The affordable housing height bonus incentive may not be combined with bonus provisions of BMC 19.26.040.2.C.iv.b involving the retention of exceptional trees in conjunction with new development.

H. Projects utilizing the affordable housing height bonus in combination with the BMC 19.45 Multifamily Tax Exemption Program (MFTE) are subject to the following:

i. To utilize the affordable housing height bonus in conjunction with the 8-year MFTE program, units in 20% of floor area created through the application of bonus height must be affordable to households earning no more than 80% King County AMI for a minimum of 50 years from the date of the certificate of occupancy.

ii. To utilize the affordable housing height bonus in conjunction with the 12-year MFTE program, units in 20% of the floor area created through the application of bonus height must be affordable to households earning no more than 70% King County AMI for a minimum of 50 years from the date of the certificate of occupancy.

19.17.150 Calculations – Allowable dwelling units.

1. The maximum allowed number of dwelling units shall be computed by multiplying the net site area (in acres) by the applicable residential density. However, in the Residential Zones, no lot shall be created less than the required minimum lot area except through the application of a unit lot subdivision under BMC Title 17 and/or clustering as provided by BMC 19.40.230

2. Only whole numbers will be utilized in determining the permitted number of units or floor area. When calculations result in a fraction, the fraction shall be rounded down to the nearest whole number.

3. Submerged lands are not counted toward density or floor area calculations.

NEW SECTION

19.17.155 Preservation Bonus.

In the R2 and R3 zones, one (1) additional unit is granted above the allowed dwelling units for each lot, provided the existing dwelling unit is preserved, meeting the following criteria:

1. There is documented and verifiable rental or sale history that the primary dwelling unit has provided naturally occurring affordable housing to households earning 60% AMI or lower based on household size; and

2. The primary dwelling unit will remain affordable through an affordability agreement satisfying the requirements of BMC 19.17.135.2.B-D.

19.17.160 Lot area – Prohibited reduction.

Any portion of a lot that was required to calculate and ensure compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot unless approved through a unit lot subdivision under BMC Title 17.

19.17.170 Lot area – Minimum lot area for construction.

Except as provided for nonconformances by Chapter 19.55 BMC, in the Residential Zones, construction may be permitted on:

1. Any legally subdivided lot of record created by the City of Burien; or

2. Any legally subdivided lot of record created before February 28, 1993, or created before any annexation into the City of Burien; or

3. Any lot created before the enactment of any applicable state subdivision statute, provided the size of the lot was not reduced by more than 50% through acquisition for public purposes. On such lots, new homes may be built, and existing houses may be expanded and remodeled. Applicable setbacks, lot coverage, critical area restrictions, design review requirements (if any), height limits, and other applicable regulations in the zoning code shall be met.

19.17.230 Setbacks – Projections allowed.

Projections may extend into required setbacks as follows:

1. Fireplace structures, balconies, bay or garden windows, enclosed stair landings, closets, or similar structures may project into any setback, provided such projections are:

    A. Limited to two (2) per facade;

    B. Not wider than 10 feet;

    C. Not more than 24 inches into an interior setback or 36 inches into a front setback; and

    D. Total projections on any one facade shall not exceed 50% of the building facade on which they are located.

2. Covered porches and entries that exceed 18 inches above the finished grade may project:

    A. Eighteen inches into interior setbacks; and

    B. Six feet into the front setback;

3. Uncovered patios and decks not exceeding 18 inches above the finished grade may project to the property line.

4. Eaves may not project more than:

    A. Eighteen inches into an interior setback;

    B. Twenty-four inches into a front setback; or

    C. Eighteen inches across a lot line in a zero-lot-line development.

5. Fences with a height of six feet or less may project into any setback, provided that the sight distance requirements of BMC 19.17.240 are maintained.

6. Retaining structures no higher than 18 inches above finished grade, measured at the lowest point of the wall, may be allowed in setbacks.

7. Retaining walls at any height may be in the setback if it is retaining a cut into the natural grade.

8. Temporary structures that are not permanently attached to the ground and intended to be erected and dismantled may be located within a front or interior setback if 6 feet or less in height.

NEW SECTION

19.17.235 Outdoor Seating Design.

1. Purpose. To allow outdoor seating on private property that creates an active and inviting space for people and promotes economic development and vitality.

2. Applicability. This section applies to outdoor seating associated with corner stores and establishments that serve food and beverages.

3. Compliance with other codes and standards. All outdoor seating areas shall be operated in a safe and sanitary manner and shall comply with the following:

A. All applicable provisions of BMC Title 15 Building and Construction, including, but not limited to, the International Building Code, the International Fire Code, and the National Electrical Code;

B. BMC 9.105.410 Public disturbance noise prohibited.

C. All applicable licensing requirements of the Washington State Liquor and Cannabis Board;

D. Accessibility requirements of the Americans with Disabilities Act (ADA); and

E. All applicable provisions of the King County Board of Health code, including, but not limited to, Title 5 and Title 5R, Food-Service Establishments.

4. Permit Requirements. Outdoor seating areas shall obtain administrative approval and building permit(s) as applicable.

5. Use. The outdoor seating area shall comply with the following:

A. It shall be accessory to a corner store or an eating and drinking establishment, and

B. It shall be for the customers' use only and shall not be for storage of goods, materials, equipment, or refuse.

6. Design Standards. Outdoor seating areas shall comply with the following:

A. Required Barriers shall have.

i. Any edge of the outdoor seating area that is within 20 feet of a public street right-of-way vehicle travel lane shall be enclosed with a permanent or movable barrier(s).

ii. Be between 30 and 42 inches in height and consist of fencing, railing, planters, or other approved elements. If alcohol is served, the barrier(s) shall comply with WAC 314-03-200, as amended, which shall satisfy this code provision.

iii. Be constructed of finish quality materials such as steel, safety glass, finished wood, or other durable materials suitable for outdoor use.

iv. Comply with the clear sight triangle standards required by the Burien Road Standards.

B. Weather Protection.

i. All tents, canopies, fabric screens, and umbrellas are subject to the building official's approval regarding structural requirements and by the Fire Marshal for flame-retardance.

C. Operation and Maintenance. Any of the elements of the outdoor seating areas that were not permitted under this section shall be removed if they are not securely attached, create a vehicle or pedestrian hazard or obstruction, or are not maintained in good condition and free of damage, including but not limited to dents, holes, rips, or mold.

19.17.330 Artists' studio/dwelling.

1. Artists' studios/dwellings shall include an open and accessible studio area at least 800 square feet with a minimum 12-foot floor-to-ceiling height.

2. In no event may the residential area exceed 500 square feet.

3. Artists' studios/dwellings are an accessory use to apartment complexes and permitted ground-level uses on pedestrian-oriented streets.

Chapter 19.20 Parking and Circulation

19.20.030 General requirements

1. Parking Plan Required. Prior to the issuance of any permits for a new building, structure, or use, or for the enlargement of an existing building, structure, or use that requires off-street parking, the applicant shall submit a parking plan for approval by the Director. This plan shall contain all design features and elements necessary to show compliance with this Chapter.

2. Parking Requirement Not Specified. If this Code does not specify a parking requirement for a proposed use, the Director shall establish the minimum requirement. Parking requirements shall be based on the operation of the proposed use, parking requirements established for similar zones or uses, or a study of anticipated parking demand submitted by the applicant. Sufficient information shall be provided to demonstrate that the parking demand for a specific use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses unless an equally qualified individual is authorized by the Director.

3. Fee-in-Lieu Option. The minimum number of stalls to be provided through payment of a Fee-in-Lieu of parking as allowed by this Chapter shall be based on a schedule derived from the Institute of Transportation Engineers (ITE) standard parking rates for Land Uses, as adjusted periodically to reflect Downtown Burien parking usage. This schedule may be amended as needed by the City Council.

4. Per-Space Fee. The per-space parking fee for this program shall be uniform throughout the MU-DT zone and Old Burien Overlay. The fee shall be adjusted annually, based on changes in the State of Washington Department of Transportation's Construction Cost Index.

5. If the site is in the MU-DT zone, the requirements contained in Chapter 19.47 BMC supersede any conflicting provisions of this Chapter. The provisions of this Chapter that do not conflict with Chapter 19.47 BMC apply to MU-DT zoned properties.

19.20.040 Computation of required off-street parking spaces

1. Number of Parking Spaces. Off-street parking areas shall contain, at a minimum, the number of parking spaces as stipulated in Table 19.20.040.1. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number, with fractions of .50 or greater rounding up and fractions below .50 rounding down. If two or more uses on the same site, the total requirements for off-street parking shall be the sum of the requirements for each use computed separately, except as permitted in BMC 19.20.050 pertaining to shared parking. For all uses not listed, see BMC 19.20.030.2.

Table 19.20.040.1

Required Parking

Use	Parking Requirement	Special Notes
RESIDENTIAL USES		
Single Detached Dwelling Unit	One (1) space per unit	
Townhouse	One (1) space per unit	See 19.20.045 for parking exemption requirements near frequent transit.
Apartment	One (1) space per unit	
Middle Housing	One (1) space per unit	See 19.20.045 for parking exemption requirements near frequent transit.
Studio	0.5 spaces per unit	
Community Residential Facility	One (1) for every two (2) bedrooms	

Use	Parking Requirement	Special Notes
Senior Assisted	0.5 spaces per unit	See 19.20.045 for parking exemption requirements near frequent transit.
Permanent Supportive Housing	One (1) space for every two (2) employees plus 1 per 20 units	See 19.15.005 for parking requirements in RS zones.
Transitional Housing	One (1) space for every two (2) employees plus 1 per 20 dwelling units or beds, whichever is less	See 19.15.005 for parking requirements in RS zones.
Emergency Shelter or Emergency Housing	One (1) space for every two (2) employees plus 1 per 20 dwelling units or beds, whichever is less	
Congregate Housing	0.25 spaces per unit	
NON-RESIDENTIAL USES		
Cemetery		See 19.20.030.2
Community Garden		See 19.20.030.2
Day Care Center		See 19.20.030.2
Eating and Drinking Establishment	Two (2) spaces per 1,000 sq ft of net floor area	Buildings with less than 3,000 sq ft of net floor area are exempt.
Golf Course	Three (3) spaces per hole, plus three (3) spaces per 1,000 sq ft of clubhouse facilities	
Neighborhood Commercial		See 19.17.085
Nursing Home	One (1) space for every four (4) beds	
Lodging Facility	One (1) space per unit or suite	
Marijuana Retailers	Two (2) spaces per 1,000 sq ft of net floor area	
Nursing Home	One (1) space for every four (4) beds	
Office	Two (2) spaces per 1,000 sq ft of floor area	Buildings with less than 3,000 sq ft of net floor area are exempt, except for neighborhood commercial, see 19.17.085.
Convenience Retail	Two (2) spaces per 1,000 sq ft of net floor area	Buildings with less than 3,000 sq ft of net floor area are exempt.
Corner Store		See 19.17.085.
Bulk Retail	Two (2) spaces per 1,000 sq ft of net floor area	
Convenience Auto Service	Two (2) spaces per 1,000 sq ft of net floor area	
Motor Vehicle Sales and Rental	Two (2) spaces per 1,000 sq ft of net floor area	
Light Industry	One (1) space per 1,000 sq ft of net floor area	
High Technology Industry	Two (2) spaces per 1,000 sq ft of net floor area	
Auto, boat, or heavy equipment repair, services, or washing	One (1) space per 1,000 sq ft of net floor area	
Self-Service Storage Facility	One (1) space per 3,500 sq ft of storage area	

Use	Parking Requirement	Special Notes
Warehousing and Wholesale Trade	One (1) space per 5,000 sq ft	

2. Handicapped Parking Requirements. Off-street parking and access for physically disabled or challenged persons shall be provided consistent with BMC Title 15, Buildings and Construction.

3. Guest Parking. For residential developments containing eight (8) or more dwelling units, the Director may require additional parking spaces for guests if there is inadequate guest parking proposed on the site, and

A. Adequate, safe on-street parking is not available, or

B. The on-street parking is in or adjacent to an R-1 or R-2 zone.

4. Modification of the Number of Required Parking Spaces.

A. Development within one-quarter mile straight line distance of transit stops served by a transit route that runs at least four times an hour for twelve or more hours each weekday may request a waiver from the minimum required parking spaces, subject to a parking study under BMC 19.20.030.2.

B. An applicant may request a modification of the minimum required number of parking spaces by submitting a study of anticipated parking demand complying with BMC 19.20.030.2, proving that parking demand can be met with a reduced parking requirement. In such cases, the Director may approve a reduction of the minimum required number of parking spaces on a case-by-case basis.

C. In the MU-DT zone and the Old Burien Overlay, the applicant may meet their parking obligation by:

i. Providing the required number of parking spaces following the Fee-in-Lieu of Parking Demand Rate Schedule for the MU-DT zone and the Old Burien Overlay as shown in Table 19.20-2, and in accordance with the most recent parking occupancy supply of Downtown Burien Zones.

ii. Performing a study of anticipated parking demand following BMC 19.20.030.2. Fee-in-Lieu of parking is not available if required parking is determined through a parking demand study.

iii. Under BMC 19.20.030.3, the applicant may meet a portion of their parking obligation through contribution to a parking Fee-in-Lieu program. The City Council shall establish the cost per parking space for the parking Fee-in-Lieu program.

5. Parking for Shell Building Permits. When Burien receives a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the Director will establish the amount of parking based on a likely range of uses. The Director may deny a certificate of occupancy for individual use if the number of parking spaces required by Chapter 19.15 BMC and this chapter is not provided.

6. Bicycle Parking.

A. Applicability. Bicycle parking is required for development exceeding the following thresholds:

i. Residential development: Eight or more dwelling units;

ii. Convenience retail and eating and drinking establishment: 4,000 sq. ft.;

iii. Office: 5,000 sq. ft.;

iv. Other commercial and industrial uses: 10,000 sq. ft.;

v. Non-dwelling unit STEP Housing Types: 10 beds or 2,000 sq. ft. whichever is less;

vi. Neighborhood Commercial of any size see BMC 19.17.085.

B. Bicycles parking type.

i. Long-term bicycle parking spaces include the following types:

a. Racks in an indoor, lockable bike room.

b. Racks in a covered, lockable bike enclosure.

c. Bike lockers.

ii. Short-term bicycle parking spaces consist of outdoor bicycle racks.

C. Required bicycle parking. Table 19.20.040. 5 states the required number of parking spaces for specific uses. Standards are cumulative for each use in mixed-use buildings. Bicycle parking facilities shared by multiple uses are encouraged.

Table 19.20.040.6
Required Bicycle Parking Table

Use	Residential uses	STEP Housing Dwelling Units	Non-Dwelling Unit STEP Housing Types	Convenience retail and eating, and drinking establishments	Office	Other commercial and industrial uses
Long-term spaces	One (1) for every four (4) dwelling units	One (1) for every two (2) dwelling units	One (1) for every three (3) beds	-	One (1) per 5,000 sq ft	-
Short-term spaces	One (1) for every 10 dwelling units	One (1) for every five (5) dwelling units	One (1) per 25% of the structure occupancy load of the STEP Housing use	One (1) per 2,000 sq ft	-	One (1) per 5,000 sq ft

D. The Director may reduce bicycle parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

E. Short-term bicycle parking facilities for patrons shall be within 100 feet of and visible from the building entrance and be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement or building. Short-term bicycle parking located in the public street right-of-way within 100 feet of the building entrance can be counted towards the short-term parking requirement.

F. All bicycle parking and storage shall be in safe, visible areas that do not impede pedestrian or vehicle traffic flow and shall be well-lit for nighttime use.

G. Indoor long-term bicycle storage must be located on the ground floor or a floor with elevator access.

7. Table 19.20-2 is used based on the results of the most recent occupancy study of publicly available parking supplies in Downtown Burien Zones to determine the required number of parking spaces for an applicant. A parking occupancy study should be completed every two years to determine the column in Table 19.20-2 that reflects the current occupancy.

NEW SECTION

19.20.045 Exemptions to parking requirements

1. General Exemptions to Parking Requirements.

A. On sites within a one-quarter mile straight-line distance of transit stops that are served by transit at least four (4) times an hour for twelve or more hours a day, no parking is required for dwelling units that are specifically for seniors or people with mental or physical challenges (disabilities). Guest parking rules in subsection BMC 19.20.040(2) (3) of this section remain in effect.

B. No parking is required for middle housing development in the R1, R2, or R3 zones when located both within a one-half mile straight-line distance of a major qualifying transit stops that are served by transit at least four times an hour for twelve or more hours a day and located outside of a one-mile straight line distance from SeaTac International Airport.

C. No parking is required for residential development located outside of the one-mile straight line distance from SeaTac International Airport, if compliance with BMC Title 19.26 would make the proposed residential development or redevelopment infeasible.

D. No parking is required for ADUs.

2. Parking Exemptions for Existing Buildings in the MU-DT Zone and the Old Burien Overlay.

A. To calculate required off-street parking spaces, the gross floor area of all uses located in buildings existing as of November 20, 2017, and located in the MU-DT zone and the Old Burien Overlay, is exempt from providing additional off-street vehicle parking spaces.

B. Additions, expansions, or reconstruction of buildings existing as of November 20, 2017, located in the MU-DT zone and the Old Burien Overlay are exempt from providing additional off-street vehicle parking spaces for additions, expansions, or reconstruction that are no greater than two (2) stories in height. Only the gross floor area of the portion of additions, expansions, or reconstructions to existing buildings that are greater than two (2) stories is subject to BMC 19.20.040.

C. Dwelling units associated with additions, expansions, or reconstruction of buildings existing as of November 20, 2017, located in the MU-DT zone and the Old Burien Overlay are not exempt from providing required off-street vehicle parking spaces and are subject to BMC 19.20.040.

D. Existing off-street vehicle parking spaces beyond those required under the provisions of BMC 19.20.040 may be removed, provided the quantity of off-street vehicle parking is not reduced below the minimum required for the uses located in the existing building. This only applies to buildings existing as of November 20, 2017, in the MU-DT zone and the Old Burien Overlay.

E. These exemptions from providing additional off-street vehicle parking for existing buildings in the MU-DT zone and the Old Burien Overlay zones are in effect until November 20, 2026, and may be extended by the City Council for four additional years based on an evaluation of downtown parking availability.

19.20.090 Pedestrian circulation and access.

1. All uses, shall provide pedestrian access onto the site. Pedestrian access points shall be provided at all pedestrian arrival points to the development, including the property edges, adjacent lots, abutting street intersections, crosswalks, and transit stops. Pedestrian access shall be coordinated with existing development to provide circulation patterns between developments.

2. Pedestrian walkways shall form an on-site circulation system that minimizes conflicts between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances, and between buildings.

3. Pedestrian access and walkways shall comply with City of Burien development standards and meet the following minimum design standards:

A. Residential development in Residential Zones not subject to the Commercial and Multifamily Design Standards per BMC 19.47 shall comply with the following:

i. Pedestrian connection is required between each residential building and the sidewalk (or to the street if there is no sidewalk). Driveways may be used to meet this requirement;

ii. Access and walkways shall be well-lit, providing a consistent foot-candle rating of 0.5 at a minimum and shall be installed so the light is directed downward onto that property. All light sources must be shielded to direct light away from the sky and residential uses. See Figure 19.47.350.2 for an illustration of appropriate light shielding;

iii. Access and walkways shall be a minimum of 4 feet in width and meet Burien's standards for surfacing of walkways or sidewalks; and

iv. Access and walkways shall be permanently unobstructed to the Fire District's satisfaction.

B. For all other developments not meeting BMC 19.20.090.3.A., the following apply:

i. Access and walkways shall be well-lit and physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation, or other means to protect pedestrians from vehicular traffic;

ii. Access and walkways shall be a minimum of 5 feet of unobstructed width and meet Burien's standards for surfacing of walkways or sidewalks;

iii. Access shall be usable by mobility-impaired persons and shall be designed and constructed to be easily located by the sight-impaired pedestrian by either grade change, texture, or other equivalent means; and

iv. A crosswalk is required when a walkway crosses a driveway or a paved area accessible to vehicles. Raised crosswalks or speed bumps may be required at all points where a walkway crosses the lane of vehicle travel.

19.20.100 Off-street parking plan design standards.

1. Parking Area Location: Off-street parking shall be located on the same site as the development served by the parking. The Director may approve off-site parking for uses located in zones other than Residential zones, if:

A. The applicant provides an acceptable alternative plan if the off-site parking does not work, and

B. Appropriate legal documents establishing the off-site parking area are submitted for Director approval pursuant to BMC 19.20.050.

2. Driveway Location, Design, and Construction. Access between off-street parking areas and abutting public streets shall be designed, located, and constructed in accordance with City of Burien development standards.

3. Dead-End Alley Access to Parking. No dead-end alley may provide access to more than eight required off-street parking spaces, unless approved by the Public Works Director.

4. Driveways and Parking Areas in Setbacks.

A. The following standards apply to residential development in the R-1, R-2, and R-3 zones that do not have access to an improved alley and vehicular access is provided from a street or right of way:

i. The maximum driveway width is 20 feet for a two-stall driveway or 10 feet for a single stall driveway within any required yard setback. The driveway shall be measured at the widest point of the driveway parallel with the street frontage for which the vehicle access is provided.

ii. A minimum of 5 feet separation is required between each driveway within any required yard setback, except when the street frontage is less than 30 feet wide.

iii. The total width of driveways within any required yard setback shall not exceed 30 feet, except if designed as a u-shape pull-through driveway entering and departing the property from the same frontage provided the driveway does not exceed 10 feet in width measured at the property line and the center of the u-shape is setback a minimum of 10 feet from the property line as reflected in the illustration below:

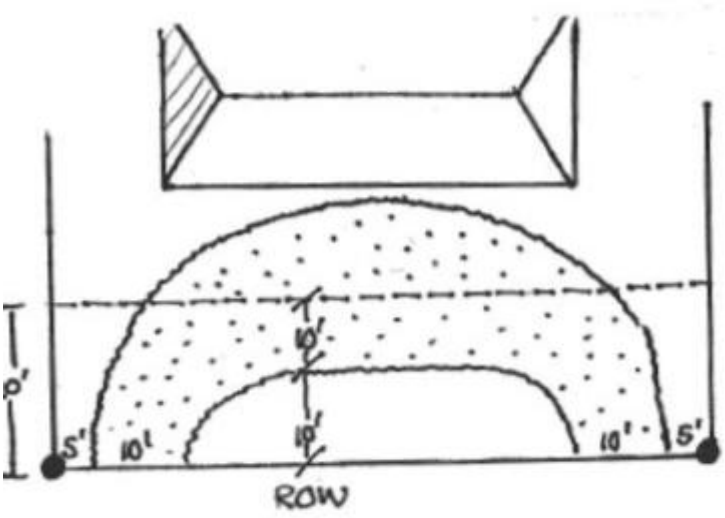


ILLUSTRATION 2

iv. Additional driveways serving a single lot may be permitted when designed to meet ADA standards and approved by the Public Works Director or designee. Site distance requirements from collector streets and arterial streets shall apply.

v. All parking areas must have a minimum of 20 feet in length.

vi. Street-facing detached garages and carports shall not protrude beyond the front building façade.

B. Driveways for R-4, R-5, and other zones may cross required setbacks or landscaped areas abutting a public right-of-way to provide access between the off-street parking areas and the street. Maximum width within the setback or landscaped area is 12 feet for one-way traffic and 24 feet for two-way traffic. A wider encroachment may be allowed, provided no more than 20 percent of the required landscaping or setback area is displaced by the driveway.

5. Driveways and Parking Areas outside of Setbacks

A. Driveways and off-street parking areas located outside of the required yard setback and between a building and the street frontage shall not exceed 20 feet in width, except if:

i. The combined width of all garages and off-street parking areas does not exceed a total of 60% of the length of the street frontage property line;

ii. The garages and off-street parking area are separated from the street property line by a dwelling unit(s); or

iii. The garages or off-street parking area is located more than 100 feet from a street.

6. Minimum Parking Space and Parking Lot Aisle Dimensions. The minimum parking space and parking lot aisle dimensions for the most common parking angles are shown in Table 19.20-1. For parking angles other than those shown on the chart, the minimum parking space and parking lot aisle dimensions shall be determined by the Director.

A. The parking space dimensional requirement for residential uses may be reduced from what is shown on Table 19.20-1 to eight feet in width and 20 feet if the following apply:

i. The site is located more than one-mile straight line distance from the SeaTac International Airport; or

ii. The parking is not for people with disabilities.

7. Compact Parking Spaces. In any development with more than 20 parking spaces, up to 50 percent of the total number of required parking spaces may be sized to accommodate compact cars. In any development containing more than 80 parking spaces, at least 20 percent of the total number of parking spaces provided shall be sized to accommodate compact cars. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping.

8. Landscaping Requirements. Parking lots shall be landscaped in accordance with BMC 19.25.070.

9. Additional Width Abutting Landscaped Area. Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step, other than in the landscaped area.

10. Reduction of Parking Space Depth. The parking space depth may be reduced up to 18 inches when vehicles overhang a walkway if the remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.

11. Parking for Residential Uses.

A. Dwelling units may have tandem or end-to-end parking spaces for each dwelling unit, but shall not combine parking for separate dwelling units in tandem parking areas.

B. All vehicle parking and storage must be in a garage, carport, or on an approved paved surface. Any paved surface used for vehicle parking or storage must have direct and unobstructed driveway access.

C. Parking spaces for residential uses shall be adequately sized and located to accommodate a standard-sized vehicle without the vehicle extending into the public right-of-way, required setbacks, required pedestrian access, required landscaping, or a vehicular access easement or tract.

12. Vanpool and Carpool Parking Design Standards. Vanpool/carpool parking areas shall meet the following minimum design standards:

A. A minimum vertical clearance of 7 feet 3 inches shall be provided to accommodate van vehicles if designated vanpool/carpool parking spaces are in a parking structure; and

B. A minimum turning radius of 26 feet 4 inches with a minimum turning diameter (curb to curb) of 52 feet 5 inches shall be provided from parking lot aisles to adjacent carpool/vanpool parking spaces.

13. Parking Area Lighting. Lighting shall be provided for the safety of traffic and pedestrian circulation on the site, as required by the International Building Code. It shall be designed to minimize direct illumination of abutting properties and adjacent streets. The Director shall have the authority to waive the requirement to provide lighting.

19.20.110 Off-street parking construction standards.

1. Surfacing. Off-street parking areas shall have dust-free, all-weather surfacing. Parking spaces that consist of grass block pavers may count toward minimum parking requirements. Off-street parking areas shall conform to City of Burien development standards.

2. Grading. Grading work for access and parking areas shall comply with City of Burien development standards.

3. Drainage. Drainage and erosion/sedimentation control facilities shall be provided in accordance with City of Burien development standards.

4. Parking Space Markings. Asphalt or concrete surfaced parking areas shall have parking spaces marked by surface paint lines or suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. Wheel stops or curbing are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, right-of-way, or landscaped areas.

5. Curbing. All access and parking areas shall be enclosed with cast-in-place vertical curbs or functionally equivalent structural barriers. Curbs may be cut to allow surface water runoff to enter low-impact development best management practices (LID BMPs).

6. Bicycle Parking. Where bicycle parking is provided, locate the bicycle parking over permeable pavement if allowed in accordance with BMC Title 13.

Chapter 19.25 Landscaping

19.25.010 User Guide.

This Chapter contains the specific requirements that pertain to each category. This Chapter establishes minimum requirements for all uses, and minimum requirements for landscaping of parking lots and retention of existing trees.

19.25.040 Landscaping buffer standard.

1. Table 19.25.040-1 indicates the landscaped buffer requirements that must be met for different categories of use. If different use categories apply to a site, the buffer standards associated with the category of use shall be used for those perimeter areas adjacent to the applicable use.

Table 19.25.040-1
Landscape Buffer Standards

Category of Uses	Zones	Along the Property Line Abutting a Public Right-of-Way (Except a Freeway or Alley)	Along Property Line Abutting a Freeway(A)	Along All Other Property Lines (Except Along an Alley)
Residential development	R-4, R-5 and MU Zones	See Block Frontage Standards in Article 3 of Chapter 19.47 BMC	10' wide Type II	None, except in a transition area (see BMC 19.17.015)
Non-residential and mixed-use development	R-4, R-5 and MU Zones	See Block Frontage Standards in Article 3 of Chapter 19.47 BMC	10' wide Type II	None, except in a transition area (see BMC 19.17.015)
Industrial uses, including: • Public utility • Indoor shooting range • High technology industry • Light industry • On-site hazardous waste treatment and storage facility • Self-service storage facility • Kennel • Recycling center • Off-site hazardous waste treatment and storage facility • Marijuana producers • Marijuana processors	All zones, except AI zones	15' wide Type I	10' wide Type I	10' wide Type II, except when abutting an I zone, then none
All AI zone use except a community garden(B)	AI Zones	25' wide, Type II (along 8th Ave. So. or Des Moines Memorial Dr.); otherwise, 15' wide, Type III	None	50' wide Type I (along the northern perimeter of the AI zone); otherwise, 10' wide Type III

Special Conditions
(A) Landscaping abutting a freeway shall be installed within the freeway right-of-way, if permitted by the Washington State Department of Transportation (WSDOT). If such approval is not granted, the landscaping shall be installed on the site.
(B)The required landscaping width can be reduced up to 50% through the use of a landscape berm. Minimum berm width shall be equal to the amount of landscaping width reduction. Minimum berm height shall be 1 foot for each 3 feet of berm width or portion thereof.
The required landscaping width can be reduced up to 75% through the use of a solid wall and landscaping. The wall shall use materials (such as wood or concrete) in the same architectural style as the building on the property. Minimum wall height shall be 8 feet. Required landscaping shall be on the outside of the wall.

2. Properties abutting Des Moines Memorial Drive are also subject to BMC 19.25.060(2).

Chapter 19.26 Tree Retention

19.26.040 Exceptional trees.

1. An exceptional tree is any tree thirty (30) inches or greater in diameter at standard height, any tree identified in Table 19.26.040-1, or any tree designated as a Heritage Tree.

2. Removal of exceptional trees is regulated on all lots. Removal shall not occur before issuance of a minor tree removal permit or a major tree removal permit.

A. Undeveloped lot. On an undeveloped lot, exceptional trees shall not be removed unless:

i. The tree(s) is determined to meet the criteria of a hazard tree per BMC 19.10.545.1(2) by a qualified tree professional; or

ii. The tree(s) poses a risk pursuant to BMC 19.26.030(3) to surrounding targets based on a qualified tree risk assessment report produced by a qualified tree professional.

B. Developed lot. On a developed lot that is not undergoing development, exceptional trees shall not be removed unless:

i. The tree(s) is determined to meet the criteria of a hazard tree per BMC 19.10.545.1(2) by a qualified tree professional; or

ii. The tree(s) pose a risk pursuant to BMC 19.26.030(3) to surrounding targets based on a qualified tree risk assessment report produced by a qualified tree professional; or

iii. The tree(s) meets the maintenance criteria in 19.26.110(8) and the condition is documented by a qualified tree professional with a qualified tree risk assessment report.

C. Lot undergoing development.

i. On a proposed development site, exceptional trees shall not be removed unless they are determined to meet the criteria of a hazard tree under BMC 19.10.545.1(2) by a qualified tree professional; or

ii. A qualified professional determines that the tree meets the definition of an unhealthy tree prior to development; or

iii. Exceptional trees may be removed if retention will limit the constructable building coverage to less than eighty-five (85) percent of the maximum building coverage area allowed under Chapter 19.15 BMC; and

iv. The following departures may be granted to prevent removal or potential damage to an exceptional tree. If such a departure is granted, the departure shall be no greater than the development potential lost in tree protection zones. Code departures shall be reviewed and approved by the City of Burien in conjunction with a Land Use Permit or Construction Permit.

a. For development of residential uses in the R-1, R-2, or R-3 zones, a reduction to the front setback up to fifty (50) % may be granted.

b. For all other uses, an additional ten (10) feet of height may be granted. This shall not be granted in combination with any other height bonus incentives.

c. Parking reduction. A reduction in the parking quantity required by BMC 19.20.040 may be permitted to protect an exceptional tree.

d. If a departure is provided pursuant to subsection (2)(C)(iv)(a), (b), or (c) of this section, the tree shall be protected for the life of the project pursuant to BMC 19.26.110, and a covenant running with the land shall be recorded, ensuring the protection of the exceptional tree.

e. If a departure is provided pursuant to subsection (2)(C)(iv)(a), (b), or (c) of this section, a maintenance bond shall be applied by the director, for the appraised landscape value, using the latest edition of the "Guide for Plant Appraisal." The tree bond shall be posted for a three-year survival period after the conclusion of development. The bond must be posted before the certificate of occupancy is issued.

Table 19.26.040-1 Exceptional Tree Table with Threshold Diameters at Standard Height[1]

Exceptional Tree Sizes		
Common name	**Scientific name**	**Exceptional size**
Grand fir	Abies grandis	24 inches
Vine maple	Acer circinatum	10 inches
Bigleaf maple	Acer macrophyllum	24 inches
Red alder	Alnus rubra	Not Exceptional[2]
Pacific madrone	Arbutus menziesii	8 inches
Port Orford cedar	Chamaecyparis lawsoniana	24 inches
Cascara	Frangula purshiana	8 inches
Ash	Fraxinus spp.	Not Exceptional[3]
Sitka spruce	Picea sitchensis	24 inches
Lodgepole or shore pine	Pinus contorta	12 inches
Western white pine	Pinus monticola	24 inches
Black cottonwood	Populus trichocarpa	Not Exceptional[2]
Bitter cherry	Prunus emarginata var. mollis	Not Exceptional[2]
Douglas-fir	Pseudotsuga menziesii	24 inches
Oregon white oak	Quercus garryana	12 inches
Willow (All native species)	Salix hookeriana; Salix lucida; Salix scouleriana; Salix sitchensis	8 inches
Pacific yew	Taxus brevifolia	8 inches
Western redcedar	Thuja plicata	24 inches
Western hemlock	Tsuga heterophylla	24 inches
Any tree not listed in this table		30 inches or greater
Heritage tree		Any size

[1] Diameter at standard heights in this table apply to a single- or multi-stem equivalent.

[2] These are early successional trees, which have a short lifespan and are not always appropriate to retain around urban areas with high concentrations of targets (e.g., homes, buildings, and people).

[3] This is a genus of tree species that is susceptible to emerald ash borer; the additional protection afforded by the exceptional designation is not warranted, as these trees have a higher likelihood of mortality.

19.26.050 Minimum tree credits.

1. A minimum tree credit density shall be maintained on each lot as specified in the table below, regardless of development status. The tree credits may consist of existing significant or exceptional trees, replacement trees, or a

combination. Only healthy trees can be used to satisfy the required minimum tree credits. If the number of trees required includes a fraction of a tree, any amount equal to or greater than one-half (1/2) shall be rounded up.

Table 19.26.050-1 Required Minimum Tree Credits

Zones	Required Minimum Tree credits per 1,000 square feet of developable area
R-1, R-2, R-3	1
Mixed Uses, SPA-2, R-4, R-5	0 .5
I, AI	0.15

A. Calculating Tree Credits: Tree retention standards shall be applied to the property's developable area. Developable area excludes critical areas and their buffers, public street rights-of-way, private PUD streets, shared driveways, and public trails. For example: If a lot developed with a single detached dwelling unit has a developable area of 6,600 square feet, the minimum required tree credits would be seven (7) (6,600/1,000 = 6.6 rounded up to 7); this could be obtained by retaining one (1) tree worth seven (7) credits or seven (7) trees each worth one (1) credit. If a lot developed with a single detached dwelling unit has a developable area of 5,400 square feet, the minimum required tree credits would be five (5) (5,400/1,000 = 5.4 rounded down to 5); this could be obtained by retaining one (1) tree worth five (5) credits or five (5) trees worth one (1) credit.

B. For sites with existing healthy significant or exceptional trees, a minimum percentage of tree credits shall be from retained trees; the remainder may be from retained trees or newly planted trees. To ensure that existing trees are appropriately retained as new development activities occur, fifty (50) percent of required tree credits must be achieved through the retention of existing trees, except in the following circumstances:

i. Lots 3,000 square feet or less are exempt from meeting the required minimum tree credits with existing trees, except pursuant to exceptional tree requirements in BMC 19.26.040. These lots can meet the minimum required tree credits either through tree replacement or fee-in-lieu per BMC 19.26.100(5);

ii. If retention will limit the impervious surface to less than eighty-five (85) percent of the maximum allowed impervious surface area allowed pursuant to Chapter 19.15 BMC;

iii. If the lot does not have sufficient significant or exceptional trees to meet the tree retention requirements, then any existing healthy trees shall be retained, provided the lot does not meet the criteria in subsection (1)(B)(i) or (ii) of this section.

C. Any trees planted to meet the landscaping requirements of Chapter 19.25 BMC shall count towards the required minimum tree credits, provided they meet the planting standards in BMC 19.26.100.

D. Tree credits shall be assessed in the following priority:

i. First, existing healthy trees.

ii. Second, replacement trees.

iii. Last, fee-in-lieu per BMC 19.26.100(5), where each fee-in-lieu will count as one (1) credit.

2. Any lot that, in its current condition, does not meet the required minimum tree credits shall be brought into conformance when the following thresholds are met:

A. Construction of a new structure that is 500 square feet or larger; or

B. Construction of an addition to an existing structure where the addition is 500 square feet or larger.

3. The following process shall be used for calculating the required minimum tree credits for a lot or lots that are being subdivided to determine tree retention and replacement. The required minimum tree credits shall be applied to the developable area of the short plat or subdivision (developable area excludes critical areas and their buffers, public street rights-of-way, private PUD streets, shared driveways, and public trails). Additionally, each lot requires a minimum of two (2) tree credits per lot.

As an example, if a lot had 20,000 square feet of developable area, it would require twenty (20) tree credits for the entire property (20,000/1,000 = 20). If the parcel were divided into four (4) lots, each of the lots would require a minimum of two (2) tree credits, or a total of eight (8) tree credits (4 lots X 2 credits per lot = 8 tree credits). The remaining twelve (12) tree credits (20 credits - 8 credits = 12) can be on any combination of lots or open space.

4. Trees located within a critical area or associated buffer may not count towards that lot's required minimum tree credits.

5. Trees growing on a property line shall count as half (1/2) the tree credits listed in Table 19.26.050-2.

6. Non-significant healthy trees between one (1) and six (6) inches in diameter at standard height may count as 0.75 credit per retained tree in lieu of replacement trees.

Table 19.26.050-2 Tree credits

Existing Significant and Exceptional Trees								**Planted trees**	
Tree DSH[1] Or size	6 to 10 inches DSH	Larger than 10 and up to 14 inches DSH	Larger than 14 and up to 18 inches DSH	Larger than 18 and up to 22 inches DSH	Larger than 22 and up to 26 inches DSH	Larger than 26 and less than 30 inches DSH	30 inches or greater DSH and all exceptional trees	2-inch caliper deciduous or broadleaf tree	6-foot-tall evergreen conifer
Credits per tree	1	2	3	4	5	7	9	1	2

[1] Diameter at standard height (DSH), which means the diameter of a tree trunk measured at 4.5 feet above average grade, is used in determining the diameter of existing trees. Where a tree has a branch(es) or swelling that interferes with the measurement at 4.5 feet above average grade or where a tree tapers below this point, the diameter is measured at the narrowest point below 4.5 feet. For trees on a slope, the 4.5 feet is measured from the average of the highest and lowest ground points, or, on very steep slopes where this is not possible, the lowest practical point on the uphill side. Where a tree splits into several trunks close to ground level, the DSH for the tree is the square root of the sum of the DSH for each stem squared (example with 3 stems: DSH = square root [(stem1)^2 + (stem2)^2 + (stem3)^2]).

Chapter 19.30 Signs

19.30.030 Definitions

1. Abandoned Sign: The following are abandoned signs, all of which are deemed to be a public nuisance:

A. Any sign, sign structure, advertising structure, or display not maintained in accordance with the terms of this chapter for 90 days or more;

B. Any on-site commercial sign that promotes or advertises a business, lessor, owner, product, service, or activity that is no longer located on the site where the sign is displayed; or

C. Any permitted sign for which the required permit has expired; or

D. Any sign, sign face, sign frame, or sign structure that is damaged, is in disrepair, or vandalized; or

E. Any empty sign frame.

2. A-frame sign: A temporary, two-faced a-frame or sandwich board style sign which is readily movable and has no permanent attachment to a building, structure, or the ground.

3. Awning: An architectural projection roofed with flexible material supported entirely from an exterior wall of a building.

4. Awning or canopy sign: Any sign that forms part of or is integrated into an awning or canopy and that does not extend beyond the limits of such awning or canopy. A marquee is not a canopy.

AWNING SIGN

5. Banner: A temporary sign of flexible material designed to be displayed between two or more supports or against another surface.

6. Bench sign: a sign which is painted on or affixed to any portion of a bench placed on or adjacent to a public right-of-way; a type of street furniture.

7. Billboard: A permanent off-site sign that meets one of the following dimensional classifications:

A. Type I-a billboard face (defined as that portion of a billboard, exclusive of its structural support, on which changeable copy is displayed) with maximum area of 672 s.f., maximum height of 14 feet, and maximum width of 48 feet; and

B. Type II-a billboard face (defined as that portion of a billboard, exclusive of its structural support, on which changeable copy is displayed) with a maximum area of 300 s.f., maximum height of 12 feet, and maximum width of 25 feet.

C. Trivision-a billboard face (defined as that portion of a billboard, exclusive of its structural support, on which changeable copy is displayed) with revolving panels that are allowed on Type I and Type II billboards.

BILLBOARD

8. Blade sign: A wall sign projecting perpendicular from the primary building façade, designed to look as though it could have been part of the building structure rather than something suspended from the building. Also known as a shingle sign.

BLADE SIGN

BLADE SIGN

9. Blinking or flashing: Any light source that varies in intensity by 50% or more for 10 seconds or less.

10. Bus shelter sign. A sign is lawfully placed inside a public bus shelter with the permission of the shelter's owner.

11. Canopy: A permanent rooflike structure providing protection from the elements, such as a service station gas pump island that is either entirely freestanding or attached to a building on one side with posts supporting the opposite side.

CANOPY

12. Changeable copy: That portion of sign copy which may be easily changed by manual/mechanical means or lighting effects without reworking, repainting, or otherwise altering the physical composition of the sign, for the primary objective of displaying frequently changing copy.

13. Changeable copy sign: A reader board or sign designed to allow the changing of copy through manual, mechanical, or electrical means.

14. Clearance (of a sign): The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

15. Commercial sign. Any sign displaying the identification of or advertisement for a business, product, service, or other commercial activity.

16. Daylight, statutory: For this Chapter, an amount of visible sunlight resulting in a light meter reading of f16 at 1/250th second as measured reflected off a Kodak white card using a setting of ISO 100 or equivalent.

17. Diffused light: A light source(s) that provides less than a 10% variation in intensity across a viewing angle of 45 degrees in any direction from the axis of the light source and no increase in intensity outside that range. Diffusion may be achieved by interposing a translucent panel of not more than 50% transmissivity, by reflection off a surface of not greater than 50% reflectivity, or by such other means as the Director may approve.

18. Directed beam: Any light that has an exposed source, including reflectors, lenses, and diffusers that reflect or transmit with greater than 50% efficiency.

19. Directory sign: A sign listing the names, uses, addresses, or locations of the various businesses or activities conducted within a multi-tenant building or multi-tenant complex for identification and direction only, and containing no advertising.

DIRECTORY SIGN

20. Double-faced sign: A sign with two (2) faces on opposite sides of each other.

21. Electronic Message Center (EMC): A variable message sign that utilizes computer-generated messages or other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or PDPs.

22. Erect: To build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix, or maintain any sign, including the painting of exterior wall signs.

23. Flag: A flexible cloth or cloth-like material hoisted on a pole permanently affixed to the ground or displayed via a pole bracket permanently affixed to a building. If any single dimension of a flag is more than three times greater than any other single dimension, for the purposes of this chapter, such a flag is classified and regulated as a banner, regardless of how it is anchored or supported.

24. Freestanding sign: A non-movable self-supporting sign supported in a fixed location by one or more uprights, poles, or braces in or on the ground, and not attached to any building, wall, or fence. Freestanding signs include monument and pole signs.

25. Height of sign: For a freestanding sign, the vertical distance measured from the curb grade (or edge of pavement if no curb exists) of the nearest street to the highest point of the sign, including sign structure.

26. Illuminated sign: A sign with an artificial light source incorporated internally or externally to illuminate the sign.

27. Informational sign: An on-site wall or freestanding sign which is incidental and necessary for public safety and convenience and general information that has a purpose secondary to the use of the property on which it is located, such as restrooms, telephone, help wanted, hours of operation, acceptable credit cards, recycling containers, no trespassing, parking space designations (compact, handicapped, no parking, etc.), and vehicle impound signs required under RCW 46.55.070.

28. Land use and construction notice sign: A public notice sign required by a governmental agency to notify of land use or construction activity.

MARQUEE SIGN

29. Marquee: A permanent roof-like structure extending from part of a wall of a building and supported solely by the building.

30. Marquee sign: Any sign that forms part of or is integrated into a marquee and that does not extend beyond the limits of such marquee.

31. Monument sign: A freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground.

MONUMENT SIGNS

32. Multi-tenant complex: All of the following: A group of separate buildings operating under a common name or ownership; a group of separate buildings which share a common lot, access and/or parking facility; a group of separate buildings on adjoining lots, for which the property owners have requested in writing to be considered as a multi-tenant complex; or a single building containing multiple tenant spaces where there are specific exterior pedestrian entrances for individual tenants.

33. Murals: Painted designs or patterns applied directly to the exterior of a building wall or roof that do not contain a commercial message. Murals that meet this definition are considered artwork (see BMC 19.10.037).

34. Neon: A class of gas-filled tubes which emit light solely from ionized rarefied gases without the use of fluorescent materials and typified by glass tubing of approximately 1/2 inch diameter formed in such a manner as to produce the graphic or text content of the sign principally from the bright tubing.

35. Noncommercial sign. Any sign that is not a commercial sign.

36. Nonconforming sign: A sign legally existing at the effective date of the adoption of the ordinance or amendments codified in this chapter, which could not be built under the terms of this chapter.

37. Off-site sign: Any sign related to an activity, good, product, service, place, thing, event, or meeting that is offered, sold, traded, provided, located, or conducted at a site other than that upon which the sign is posted or displayed. Off-site signs include, but are not limited to, billboards and other outdoor structures related to a particular site other than that upon which the sign is posted or displayed.

38. On-site sign: Any sign related to an activity, good, product, service, place, thing, event, or meeting that is lawfully offered, sold, traded, provided, located, or conducted at the site upon which the sign is posted or displayed. On-site signs also include all non-commercial signs, which the property or site owner intentionally displayed where the sign is displayed.

39. Parapet: That portion of a building wall that extends above the roof of a building.

40. Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

41. Point of purchase display or sign: An advertisement for an item accompanying its display indicating only instructions and the contents or purpose of the item (e.g., an advertisement on a product dispenser, tire display, recycling containers, collection containers, gas pumps, phone booths, etc.).

PENNANTS

42. Pole sign: A freestanding sign supported by one or more uprights, poles, pylons, or braces in or on the ground, and is not defined as a monument sign.

POLE SIGNS

43. Primary building facade: The side of the building providing the main vehicle and/or pedestrian access, and/or the business primary orientation as determined by the Director.

44. Public service information sign: A sign posted and displayed by a governmental agency that is necessary to protect and regulate the public health and safety. Public Service signs include traffic signs, signs for public health and safety facilities (such as hospitals, police stations, governmental offices, etc.), and public safety warning or hazard signs.

45. Public Agency sign: An on- or off-site sign promoting a governmental activity sponsored by a governmental entity, for designation or identification of public property, or directions for public buildings such as public schools, libraries, hospitals, or other similar public facilities.

46. Readerboard: A sign or part of a sign on which the letters are readily replaceable, such that the copy can be changed from time to time at will.

47. Revolving or rotating sign: Any sign that, its entirety or in part, turns in motion by electrical or mechanical means in a circular or repetitive pattern.

48. Searchlight: An apparatus containing an electric light and reflector on a swivel for projecting a far-reaching beam in any desired direction.

49. Secondary building facade: The sides of the building other than the primary building facade, as determined by the Director.

50. Sign: A communication design, device, structure, or fixture that incorporates graphics, graphic designs, symbols, colors, figures, logos, trademarks, or written copy, to convey a particular message to public observers. Painted designs, murals, or patterns on a building wall or roof that do not represent a product, service, or registered trademark/copyright, and which do not identify the user, are not considered signs.

51. Sign area: The sum of all display areas as viewed from any single vantage point as determined by circumscribing the exterior limits on the mass of each display erected on one (1) sign structure with a circle, triangle, or quadrangle connecting all extreme points. The sign area does not include sign structure, architectural embellishments, framework, decorative features, awnings, canopies, and marquees that contain no written or advertising copy, logos, or registered trademarks/copyrights. Individual cutout or channel letters using a wall as a background, without added decoration or change in wall color, shall have the sign area calculated by measuring the area of the smallest quadrilateral shape enclosing each letter (except ascenders and descenders) and totaling the square footage of each of these.

52. Sign area, neon: Neon tubes shall be deemed to be 6" wide, centered on the tube, to determine sign areas and/or sign size. Any neon used in or as part of a sign shall be included in area calculations. These standards are in addition to, not a replacement of, other size standards.

53. Sign structure: Any structure that supports or is designed to support any sign as defined in this chapter.

54. Swing Sign: A freestanding sign suspended from a horizontal support, often a “swing post,” attached to a vertical support mounted on the ground.

55. Temporary signs: Signs intended and designed to be displayed for a limited time, made of cloth, paper, cardboard, or similar lightweight material, and installed to be easily removed.

56. Wall sign: Any permanent sign attached to or erected on the exterior wall of the building with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall of the building, projecting less than 12 inches and not extending above the eave line. The top of a parapet wall shall be considered the eave line. The lowest part of a mansard-style roof shall be considered the eave line. Where a parapet wall is combined with a mansard roof, the eave line shall be the top of the parapet.

WALL SIGNS

57. Window sign: Any sign painted or mounted onto either side of an exterior windowpane. Also, any sign hung inside the window with the intent of being visible from the exterior in a more than incidental manner, including advertisements for services or products in the form of decals, emblems, paint, exposed neon, banners, etc. If inside the window, the sign message must be visible from the exterior to be considered a window sign. The term does not include merchandise within three (3) feet of a window.

19.30.050 Residential zones

1. Permitted Permanent signs. The following types of permanent signs are allowed on-site within the residential zones, subject to the permitting requirements in this Chapter and pursuant to all other requirements in this Chapter, including the requirements of Table 19.30-1, [provided such signs do not display a commercial message except as permitted below]:

A. Wall signs:

1. Each dwelling unit is permitted one wall sign no greater than two (2) square feet in size.

2. Each subdivision or neighborhood development is permitted one (1) wall sign or a freestanding sign (but not both) no greater than ten (10) square feet in size, with a maximum height of six (6) feet, per vehicular entrance to the development, provided the sign must conform to applicable design standards or specific City Council approved design concepts for the sign, whichever is applicable.

3. Each neighborhood commercial use is permitted one wall sign no greater than four (4) square feet in size.

B. Freestanding signs (including pole and monument signs):

1. Each subdivision or neighborhood development is permitted one (1) wall sign or a freestanding sign (but not both) no greater than ten (10) square feet in size, with a maximum height of six (6) feet, per vehicular entrance to the development, provided the sign must conform to applicable design standards or specific City Council approved design concepts for the sign, whichever is applicable.

2. Non-residential uses (excluding Home-Based Businesses) on property zoned residential are permitted one additional freestanding sign no greater than ten (10) square feet in size, with a maximum height of six (6) feet.

3. Each residential property actively under construction shall be permitted one additional freestanding sign no greater than ten (10) square feet in size with a maximum height of six (6) feet, subject to the following limitations:

i. Sign shall not be displayed prior to issuance of a building permit and shall be removed prior to issuance of the first certificate of occupancy, or one (1) year after installation of the sign, whichever occurs first.

ii. Public works projects are allowed to install signs at the ends of a project.

4. Each dwelling unit actively for sale or lease in single-family residential zones shall be permitted one on-site freestanding sign per street frontage, and multi-family development shall be permitted one on-site freestanding sign per building and street frontage, subject to the following limitations:

i. The sign shall not exceed six square feet in area per sign face (with up to two sign faces), and shall not exceed six feet in overall height.

ii. Signs shall be removed upon sale or lease of the dwelling unit.

iii. If there is no street frontage, a sign may be placed on the adjacent right-of-way, provided it must be displayed in a manner that will not constitute a hazard by blocking vision or blocking safe movement of vehicles, bicycles, or pedestrians. If in the Burien's reasonable opinion, the sign constitutes a hazard, city staff may remove the sign at the sign owner's expense.

iv. The sign must be professionally prepared and maintained in good condition.

v. No sign permit is required, except as provided in this Chapter.

5. Each neighborhood commercial use is permitted one freestanding and one wall sign. The freestanding sign shall be no greater than six (6) square feet in size, with a maximum height of six (6) feet.

C. Changeable copy signs (including reader boards, but not Electronic reader boards) may be permitted, subject to the following limitations:

1. Each subdivision or neighborhood development is permitted one freestanding sign no greater than ten (10) square feet in size. If part of a freestanding sign, shall not exceed 50% of the total sign area of the sign and shall have a maximum height of six (6) feet.

2. Non-residential uses on property zoned residential are permitted one changeable copy sign no greater than ten (10) square feet in size. If part of a freestanding sign, shall not exceed 50% of the total sign area of the sign, and shall have a maximum height of six (6) feet.

2. Allowed Temporary signs. The following types of temporary signs are allowed within the residential zones, pursuant to the requirements of this Chapter and Table 19.30-1 [provided such signs do not display a commercial message except as provided below]:

A. Lawn signs, bag signs, and similar signs made of a corrugated plastic, poly bag, paperboard, or similar material may be displayed for up to one hundred and eighty (180) days in any calendar year , provided:

1. Size shall not exceed to six (6) square feet per sign face, and signs shall be limited to two faces on private property in residential zones with the consent of the property's owner(s), and in public rights-of-way, other than paved vehicular travel lanes, roundabouts, paved parking areas, sidewalks, or pedestrian paths, driveway aprons and center medians.

2. Signs shall not be affixed to public utility poles, lamp posts, traffic signals, traffic signs, public buildings, public structures, or public property other than public rights-of-way as listed above.

3. Signs shall not be placed in parking spaces or on identified pedestrian or bicycle routes.

B. A-Frame signs may be displayed on-site during daylight hours, and may only be displayed for up to five (5) days in any month, subject to the following limitations:

1. A-Frame signs shall be limited in quantity to no more than six signs per open house, business, or event.

2. Size shall not exceed six (6) square feet per sign face (limited to two faces).

C. Carnival-like devices (Balloons, pennants, ribbons, streamers, spinners, and other similar moving, revolving, or fluttering devices) may be displayed on-site during daylight hours, and for up to three (3) consecutive days in any one month.

D. Flags, not exceeding twenty-five (25) square feet in size, may be displayed on-site, provided flag poles will be treated as a structure for setback and height limit purposes.

E. Public service signage, including but not limited to land use and construction notice signs, and traffic signage, may be displayed on-site or on public property.

NEW SECTION

19.30.055 Mixed Use and all other Zones

Mixed-Use Zones or Districts. In any zone where both residential and nonresidential uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows: residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right (BMC 19.30.050), and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed (BMC 19.30.060), either as a matter of right or subject to a conditional use permit or similar discretionary process.

TABLE 19.30-1
TABLE OF PERMITTED SIGNS

TYPE OF SIGN (as determined by the Director)	APPLICABLE ZONES	TYPE OF PERMIT REQUIRED (1)	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA OR SIZE	PERMITTED LOCATION	ILLUMINATION ALLOWED?	SPECIAL REGULATIONS
A-frame signs	All	None	Residential zones: (1) 2 per property for sale or	6 square feet, per sign face (limit two faces)	On-site or off-site (see BMC 19.30.050 and 19.30.060)	No	Residential zone: Permitted duration limited to daylight hours, and may only

TYPE OF SIGN (as determined by the Director)	APPLICABLE ZONES	TYPE OF PERMIT REQUIRED (1)	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA OR SIZE	PERMITTED LOCATION	ILLUMINATION ALLOWED?	SPECIAL REGULATIONS
			lease, and (2) 1 per residentially zoned property with a non-residential use Non-residential zones: 1 per business				be displayed for up to five (5) days in any one month period. Non-residential zone: see BMC 19.30.060
Awning or canopy sign	Non-residential	Sign Permit; Right-of-way permit (if over public right-of-way)	1 per business per facade	Included in total sign area allowed (see sections 19.30.050 and 060)	On-site or over public street rights-of-way	Yes	1. Minimum clearance 8 feet. 2. In a multiple-tenant or multiple-building complex, there must be a consistent design. 3. There shall be no visible angle irons or support structures.
Banner	Non-residential	None	1 per business	6 square feet, per sign face (limit two faces)	On-site	External only	This limitation does not apply to city-owned banners affixed to city property.
Barber poles	Non-residential	None; Right-of-way permit if over public right-of-way	No maximum	No maximum	On-site	Yes	None
Bench sign	Non-residential	None	1 per bench	1 square foot	On bench	No	
Billboard	See BMC 19.30.090						
Blade sign	Non-residential	Sign Permit; Right-of-way Permit, if over public right-of-way	1 per business per street frontage	4 square feet per side; Included in total sign area allowed (see sections 19.30.050 and 060)	On-site; may extend over public street rights-of-way	No	1. Minimum clearance 8 feet. 2. Maximum height 12 feet. 3. Minimum setback is 2 feet from the curb. 4. Shall not project beyond the building awning, canopy, or marquee.
Bus shelter sign	All	None	No maximum	No maximum	No limitation	Yes	In residential zones, only non-commercial signs are allowed.
Carnival-like devices: • Balloons • Pennants • Ribbons • Streamers • Spinners • Other similar moving,	All	None	None	None	On-Site	No	May be displayed on-site during daylight hours, and for up to three (3) consecutive days in any month.

TYPE OF SIGN (as determined by the Director)	APPLICABLE ZONES	TYPE OF PERMIT REQUIRED (1)	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA OR SIZE	PERMITTED LOCATION	ILLUMINATION ALLOWED?	SPECIAL REGULATIONS
revolving, or fluttering devices							
Changeable copy sign, including a reader board	All	Sign Permit	No maximum	Included in total sign area allowed (see sections 19.30.050 and 060)	See Special Regulations	Yes	1. Signs must be on-site. 2. If part of a freestanding sign, it shall not exceed 50% of the total sign area of the sign. 3. Not allowed for dwelling units.
Changeable image sign	Non-residential	Sign permit	1 per tenant space	8 square feet; Included in total sign area allowed (see sections 19.30.050 and 060)	On-site	Yes	1. Must be oriented for pedestrians and on-site viewing only. 2. Maximum light level shall be 1/4 of the level allowed for an illuminated sign pursuant to BMC 19.30.070.3. 3. Changes in copy and/or graphics shall dissolve over ~~riod of~~] not less than 10 seconds. 4. In the opinion of the Director, it shall not be a traffic distraction.
Flags	All	None	1 per property	Not exceeding twenty-five (25) square feet in size	On-site	Yes	Flag poles will be treated as a structure for setback and height limit purposes.
Freestanding sign	All	Sign permit	See BMC 19.30.050 and 19.30.060	Included in total sign area allowed (see sect. 19.30.050 and 19.30.060)	On-site	Yes	See BMC 19.30.050 and BMC 19.30.060
Integral design features	All	None	No maximum	No maximum	On-site	Yes	Must be an essential part of the architecture of a building (including religious symbols) and not represent a product, service, or registered trademark.
Land use and construction notice sign	All	None	No maximum	No maximum	On and off-site; Public right-of-way	No	None
Marquee sign	Non-residential	Sign Permit; Right-of-way Permit if over a public street right-of-way	1 per business	Included in total sign area allowed (see sect. 19.30.050 and 060)	On-site; may extend over public right-of-way	Yes	1. Minimum clearance 8 feet. 2. In a multiple-building or multi-tenant complex, there must be a consistent design.

TYPE OF SIGN (as determined by the Director)	APPLICABLE ZONES	TYPE OF PERMIT REQUIRED (1)	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA OR SIZE	PERMITTED LOCATION	ILLUMINATION ALLOWED?	SPECIAL REGULATIONS
Projecting sign	MU-DT and MU-C	Sign Permit; Right-of-way Permit if over right-of-way	1 per business per facade	Included in total sign area allowed (see sections 19.30.050 and 060)	On-site or over a public street right-of-way	Yes	1. Shall attach to and project horizontally more than one foot from the wall of a building. 2. Swinging projecting signs are prohibited.
Public Agency sign	All	None; Right-of-way Permit if in public right-of-way	No maximum	No maximum	On and off-site; Public street rights-of-way	Yes	None
Public service information sign	All	None; Right-of-way Permit if in public street rights-of-way	No maximum	No maximum	On and off-site; Public right-of-way	Yes	None
Temporary signs, in non-residential zones (excluding A-signs)	Non-residential	None	BMC 19.30.060	See BMC 19.30.060	On private property with the consent of the property owner	No	See BMC 19.30.060
Temporary signs, residential zones (excluding A-frame)	Residential	None	See BMC 19.30.050	See BMC 19.30.060	On private property with the consent of the property owner	No	See BMC 19.30.050
Umbrella sign	Non-residential	None	No maximum	No maximum	On table umbrellas in conjunction with outdoor table seating	No	Shall apply to a commercial/product type sign placed on umbrellas with outside dining tables.
Vendor cart sign	Non-residential	None; Right-of-way Permit required in public street rights-of-way	One (1) per vendor	8 square feet per sign face	Mounted to the vendor cart	Yes	Must be a permanent sign.
Wall sign	All	Sign Permit; Master Sign Plan for building facade more than two (2) stories high with more than one wall sign on any facade.	No maximum	Included in total sign area allowed (see sections 19.30.050 and 060)	On-site	Yes	See sections 19.30.050 and 19.30.060
Window sign	Non-residential	None	No maximum	Any portion greater than 25% of the total window area of the facade shall be included in the total sign area allowed (see BMC 19.30.060).	On-site	Yes	Maximum 20 feet above finished grade.

(1) Any electrical sign may require an electrical permit.

Chapter 19.47 Commercial and Multifamily Design Standards

19.47.310 Interior/side and rear yard setbacks

1. Purpose.

A. To promote the functional and visual compatibility between developments, particularly between zones of different intensity.

B. To protect the privacy of residents on adjacent properties.

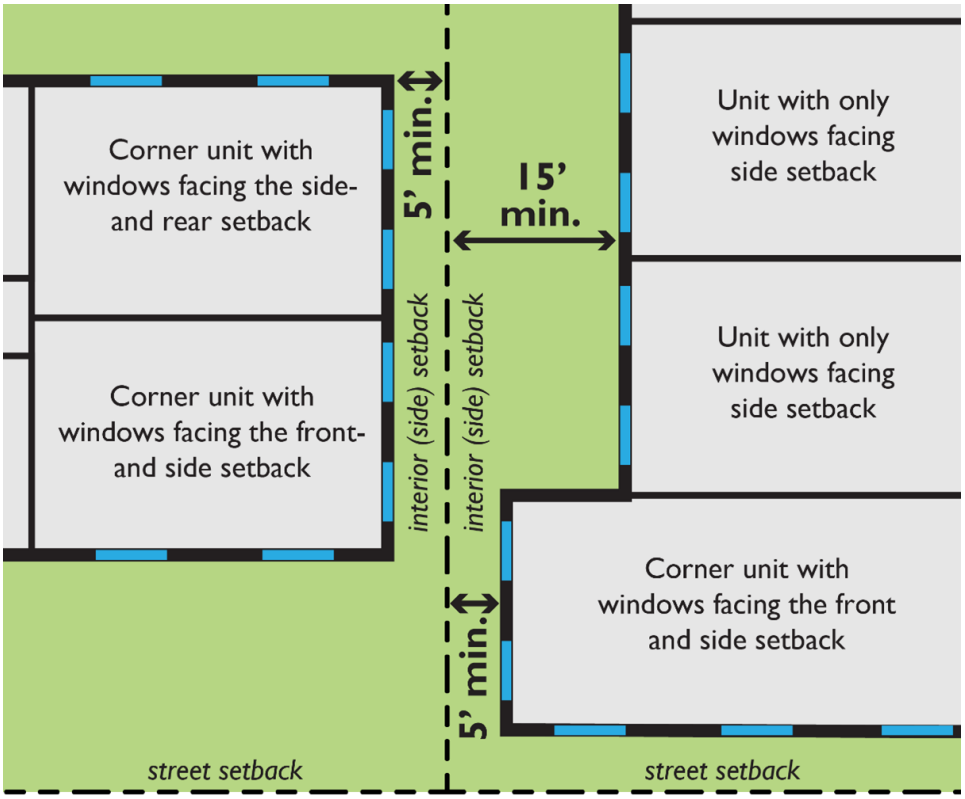
2. Interior setback standards. Setback standards are set forth in BMC 19.15.015.2.C and D for R-4 and R-5 zones and BMC 19.15.020.2.B for MU zones.

3. Light and air access and privacy near interior property lines. Buildings or portions thereof containing multifamily dwelling units whose only solar access (windows) is from the applicable side or rear of the building (facing towards the interior property lines) must be set back from the applicable property lines at least 15 feet. See Figure 19.47.310.3. For such building elevations taller than four stories, floors above the fourth floor must be set back at least 20 feet from the applicable property lines. Note: These standards do not apply to interior property lines adjacent to a street, access corridor, or easement where no building may be developed.

Departures will be allowed where it is determined that the proposed design will not create a compatibility problem in the near and long term based on the unique site context.

Figure 19.47.310.3

Light/Air Access and Privacy Standards for Multifamily Residential Buildings Along Interior Property Lines



Note that the minimum setbacks noted above only apply to buildings (and portions thereof) featuring the stated characteristics.

Chapter 19.55 Non-Conformance

19.55.025 Nonconforming and continuing uses

A nonconforming or continuing use may be continued and is transferable to a new owner or tenant, subject to the following conditions:

1. If a use is a nonconforming or continuing use, the applicable use zone chart in BMC Chapter 19.15 does not establish what regulations of this Code apply to that use in that zone. To determine which regulations apply, the Director will select the use in that zone that is most similar to the nonconforming or continuing use, except for single detached dwelling units, see subsection 6.

2. The following applies only to a continuing use:

A. The gross floor area and the area devoted to outdoor use, activity, or storage may be expanded under the following conditions:

i. Such expansion shall comply with applicable development regulations in BMC Chapter 19.15 (including but not limited to setbacks and landscaping); and

ii. Expansion may occur on contiguous lots if on November 1, 1999, the continuing use and contiguous lot were owned by the same property owner and have remained joined through any ownership transfer.

B. A continuing use must be brought into conformance or discontinued if the use has ceased for 12 or more consecutive months.

3. Except as authorized in BMC 19.55.025.4 or .5, any nonconforming use that does not qualify as a continuing use under BMC 19.55.025.2 must be brought into conformance or discontinued if:

A. The applicant is increasing the gross floor area of any structure that houses or supports the nonconforming use; or

B. The applicant is increasing the area devoted to outdoor use, activity, or storage associated with the nonconforming use; or

C. The nonconforming use has ceased for 12 or more consecutive months;

4. The Director, through a Type 1 review, may allow up to a 10 percent increase in the area of land or structure occupied by the nonconforming use on the date of adoption of this Code, or any subsequent amendments. In deciding whether to grant such a request, the Director shall use the criteria in BMC 19.55.025.5.

5. The City Council, through the Type 3 review process, may modify or waive any of the provisions in BMC 19.55.025.2 or 3, based on a finding that the proposal:

A. Does not create an expansion that would be detrimental to adjacent properties; and

B. Improves aspects of safety or function of the nonconformance.

6. A nonconforming and continuing single detached dwelling unit use is subject to the provisions and special regulations of a single detached dwelling unit use per BMC 19.15.015, regardless of the underlying zoning designation, unless otherwise specified.