

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 484

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING TITLE 19 OF THE BURIEN MUNICIPAL CODE RELATED TO ZONING, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in June, 1999, the City of Burien adopted a new zoning code establishing zoning regulations for the City of Burien; and

WHEREAS, changes in State law, the need to codify current practices and to add flexibility in the siting of accessory dwelling units have led to the proposed amendments; and

WHEREAS, the Planning Commission held three public meetings to discuss amendments to the zoning code and held a public hearing to receive citizens' comments on the proposed amendments on March 25, 2008; and

WHEREAS, the City Council has received recommendations from the Planning Commission regarding the proposed amendments; and

WHEREAS, the City Council held a public meeting on April 28, 2008 to review and discuss the proposed amendments.

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

Section 1: Amendments to BMC Title 19. The City Council of the City of Burien hereby amends BMC Title 19 as shown on attached Exhibit A incorporated by reference as if fully set forth herein.

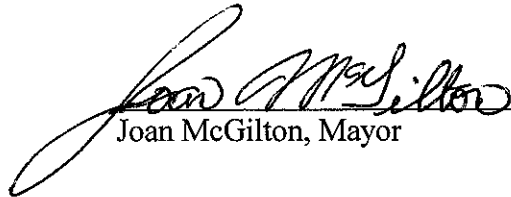
Section 2: Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal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

Section 3: Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 4: Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 5th DAY OF May 2008, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 5th DAY OF May, 2008.

CITY OF BURIEN


Joan McGilton, Mayor

ATTEST/AUTHENTICATED:


Monica Lusk, City Clerk

Approved as to form:


Chris Bacha, Interim City Attorney

Filed with the City Clerk: May 5, 2008

Passed by the City Council: MAY 5, 2008

Ordinance No. 484

Date of Publication: MAY 8, 2008

ORDINANCE No. 484
EXHIBIT A

BMC 19.15.020.5 *Mixed Use*

Special Regulations

2. Maximum residential density shall not exceed the highest density allowed by the zoning of an abutting residentially zoned lot. If more than one residentially zoned lot abuts the subject lot, the highest residential zoning density may be used to calculate the maximum residential density. In cases where there is no residentially zoned lot abutting the subject lot, the maximum allowed residential density shall be established by the zoning of the closest residentially zone lot.

BMC 19.15.025 [1]: SPECIAL REGULATIONS:

B. Distribution, wholesaling, or manufacturing that support the primary use are allowed as an accessory use.

BMC 19.17.015 Transition Standards

3. Transition Area Standards.

The following standards apply to any *development activity* within a transition area:

A. A landscape buffer, at least 20 feet in width, shall be provided along the entire *street* or *alley* frontage where any portion of the *street* or *alley* frontage is abutting a zone receiving transition and along the *interior property line* abutting the zone receiving transition. The landscape buffer shall comply with Type I landscaping, as described in Chapter 19.25. Driveways shall not be allowed within the landscape buffer area, unless, in the opinion of the *Director*, there is no feasible alternative for providing access. If allowed, driveway width shall be the minimum necessary to provide safe access. [Ord. 313 § 1, 2000]

BMC 19.17.130 Height - Exceptions to limits.

The following *structures* may be erected above the height limits of BMC 19.15.

1. Roof *structures* housing or *screening* elevators, stairways, tanks, ventilating fans or similar equipment required for *building* operation and maintenance. Roof *structures* extending above the height limit shall be the minimum necessary to achieve the desired outcome and purpose of the building height projection; and

2. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, communication transmission and receiving structures, *personal wireless service facilities* regulated by BMC 19.50, utility line towers and poles, and similar *structures*. [Ord. 428 § 3, 2005; Ord. 28 § 1(353), 1993]

BMC 19.25.120 Significant trees - Retention required.

9. If the formula for determining the number of *significant trees* to be retained results in a fraction, the number of *significant trees* to be retained shall be rounded up to the nearest whole number.

BMC 19.25.160 Significant trees - Replacement.

When the required number of significant trees pursuant to BMC 19.25.120 cannot be retained, the required number of significant trees that are removed shall be replaced with:

BMC 19.30.050 Residential zones

6. *Signs* shall also comply with BMC 19.30.060.4.F through J.

BMC 19.50.030 Design Criteria.

8. Antennas. The requirements in this section are not subject to a variance (BMC 19.65.085).

A. Antennas mounted on buildings. *Antennas* shall be architecturally compatible with the *building* and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact. Panel *antennas* shall not be mounted on a rooftop. A wall-mounted *antenna* shall be as flush to the wall as technically possible and shall not project above the wall on which it is mounted. *Antennas* and any visible mounting brackets and cables shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the *building* and wall on which it is mounted, or otherwise blend into its background. The *antennas* may be attached to ~~an~~ existing conforming or new roof *structures* allowed pursuant to BMC 19.17.130[1]. *Antennas* shall not project any higher than the roof *structure*. New roof *structures* shall be the minimum necessary to achieve the desired outcome and purpose of the building height projection allowed by BMC 19.17.130[1].

