

Attachment A Staff Report L16-0050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING VARIOUS ORDINANCES AS CODIFIED IN TUKWILA MUNICIPAL CODE (TMC) TITLE 18, "ZONING CODE," TO IMPLEMENT LOW IMPACT DEVELOPMENT REQUIREMENTS IN THE DESIGN AND REVIEW OF SURFACE WATER DRAINAGE ON DEVELOPMENT PROJECTS; REPEALING ORDINANCE NOS. 2495, 2371, 2251 §1 (PART) AND 2056 TO ELIMINATE TMC CHAPTER 8.25, "VEHICLE STORAGE AND PARKING ON SINGLE-FAMILY RESIDENTIAL PROPERTY"; REPEALING ORDINANCE NOS. 2075 §1 (PART) AND 1758 §1 (PART), TO ELIMINATE TMC SECTION 18.06.515, "LOT COVERAGE" (DEFINITION); PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Federal Clean Water Act requires protection of water quality through implementation of water quality protection measures; and

WHEREAS, the National Pollutant Discharge Elimination System (NPDES), administered by the Environmental Protection Agency (EPA), is one of the primary mechanisms for achieving the objectives of the Federal Clean Water Act; and

WHEREAS, the EPA has delegated responsibility to administer the NPDES permit program to the State of Washington pursuant to Chapter 90.48 RCW, which defines the Department of Ecology's authority and obligations in administering the program; and

WHEREAS, the City of Tukwila ("City") is regulated under the Washington State Department of Ecology's Western Washington Phase II Municipal Stormwater Permit (the "Permit"); and

WHEREAS, the Permit extends coverage of the NPDES permit program to certain "small" municipal separate stormwater sewer systems (MS4), some of which are located within the City of Tukwila; and

WHEREAS, Section S5.C.4 of the Permit requires the City to implement and enforce a program to reduce pollutants in stormwater runoff by regulating new development, redevelopment and construction sites; and

WHEREAS, a requirement of Section S5.C.4 of the Permit mandates the City reduce pollutants in stormwater by implementing Low Impact Development (LID) requirements through new and revised development codes by January 1, 2017; and

WHEREAS, the City Council deems it necessary to update the code provisions in Title 8, "Public Peace, Morals and Safety," and Title 18, "Zoning," to remain in compliance with the Permit; and

WHEREAS, on October 27, 2016, the Tukwila Planning Commission, following adequate public notice, held a public hearing to receive testimony concerning amending the Tukwila Municipal Code and at that meeting adopted a motion recommending the proposed changes; and

WHEREAS, on November 28, 2016, the Tukwila City Council, following adequate public notice, held a public hearing to receive testimony concerning the recommendations of the Planning Commission;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Repealer. Ordinance Nos. 2495, 2371, 2251 §1 (part), and 2056, as codified at Tukwila Municipal Code (TMC) Chapter 8.25, are hereby repealed, thereby eliminating TMC Chapter 8.25, "Vehicle Storage and Parking on Single-Family Residential Property," in its entirety.

~~8.25.010 Definitions.~~

~~"Approved Durable Uniform Surface" is a durable uniform surface approved for the storage of vehicles by the City of Tukwila, and should consist of one of the following:~~

~~1. Two inches of 5/8 minus compacted rock, provided mud or other fine material do not work their way to the surface of the rock. Alternate sized minus compacted rock may be used upon approval by the City; or~~

~~2. Concrete (4" Portland cement concrete) over gravel section as described in Section 8.25.010; or~~

~~3. Blacktop (2" asphalt concrete pavement) over gravel section as described in Section 8.25.010; or~~

~~4. Any other configuration of materials, approved by the City that maintains a durable uniform surface.~~

8.25.020 ~~Parking Limitations.~~

~~A. The requirements of TMC Chapter 8.25 apply to the storage and parking of vehicles on properties devoted to single-family residential use.~~

~~B. Motor vehicles on property devoted to single-family residential use shall be parked on an approved durable uniform surface. Motor vehicles, other than those specified in TMC 8.25.020C, shall not be parked in setbacks except in front yard or side street setbacks when in a driveway that provides access to an approved parking location and is in conformance with TMC Title 18, as that title currently exists or as it may be subsequently amended. Parking in the rear setback of a single family home is permitted where the parking is connected to a rear alley.~~

~~C. Recreational vehicles, boats or trailers shall be parked, kept or stored on an approved durable uniform surface and shall not be parked, kept or stored in required front yard setbacks, except for a driveway. Recreational vehicle parking in the side or rear yard setbacks is allowed, provided no recreational vehicle is parked so as to prevent access by emergency responders to all sides of a structure.~~

~~D. Approved durable uniform surfaces outside of structures on-site may cover a maximum of 1,200 square feet or 10% of the lot surface, whichever is greater. The Director of Community Development may approve exceptions to this requirement for an access driveway, particularly on lots where there is a need for a long driveway.~~

~~E. No more than 50% of the front yard or 800 square feet, whichever is smaller, may be approved durable uniform surface. An approved durable uniform surface exceeding this requirement prior to August 25, 2004 may be maintained, but shall not be expanded. The Director of Community Development may approve exceptions to this requirement for an access driveway, particularly on pie-shaped or other odd shaped lots where it is infeasible to meet this requirement.~~

~~F. Single family properties on pre-existing, legal lots of record containing less than 6,500 square feet are exempt from the percentages noted in TMC Section 8.25.020, subparagraphs D and E.~~

~~G. No more than six motor vehicles shall be parked on a single-family residential property of 13,000 square feet or less outside of a carport or enclosed garage for a period of more than 48 hours. For purposes of this section, "single-family residential property" means any parcel containing a single-family residence or multiple parcels combined containing one single-family residence, typically identified by a single address located in the Low Density zone. The parking limitations in this subsection shall apply to all motor vehicles as defined by state law with the exception of motorcycles and mopeds.~~

Section 2. Repealer. Ordinance Nos. 2075 §1 (part) and 1758 §1 (part), as codified at TMC Section 18.06.515, "Lot Coverage" (definition), are hereby repealed, thereby eliminating TMC Section 18.06.515.

18.06.515 Lot Coverage

“Lot coverage” means the surface of the subject property covered with impervious surface, other than outdoor pools.

Section 3. TMC Chapter 18.06, “Definitions,” Amended. Ordinance Nos. 2075 §1 (part) and 1758 §1 (part), as codified at TMC Section 18.06.215, “Development Area,” are hereby amended to read as follows:

18.06.215 Development Area

“Development area” means the impervious surface area plus 75% of any area of pervious hard surface. ~~less the following surfaces: the footprint of an exclusive recreational facility; a proportion of a recreational facility footprint when contained within a general use building as follows: the portion of the footprint area occupied by a recreational facility divided by the number of floors in that portion of the building; vehicle circulation aisles between separate parking areas; sidewalks; paths; and other pedestrian/recreation facilities clearly designed to enhance the pedestrian environment.~~

Section 4. TMC Chapter 18.06, “Definitions,” Amended. Ordinance No. 2347 §21, as codified at TMC Section 18.06.586, “Native Vegetation,” is hereby amended to read as follows:

18.06.586 Native Vegetation

“Native vegetation” means plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and that reasonably could be expected to have occurred naturally on the site. ~~vegetation with a genetic origin of Western Washington, Northern Oregon and Southern British Columbia, not including cultivars.~~

Section 5. New Definition Adopted. A new section is hereby added to TMC Chapter 18.06, “Definitions,” to read as follows:

Durable Uniform Surface

“Durable uniform surface” means a durable uniform surface approved for the storage of vehicles by the City and consists of:

1. Permeable pavement, such as grasscrete, porous pavers, permeable asphalt; or

2. Three inches of 3/8” to 1-1/4” crushed porous aggregate consisting of open-graded top course, base course, or similar material with 35-40% porosity. Mud or other fine materials should be prevented from working their way to the surface by the installation of a geotextile fabric, quarry spalls, or other approved materials below the porous aggregate; or

3. Concrete (4” minimum Portland cement concrete) over gravel section as described above and sloped to drain to prevent drainage impacts; or

4. Blacktop (2" minimum asphalt concrete pavement) over gravel section as described above and sloped to drain to prevent drainage impacts; or

5. Any other configuration of materials approved by the City that maintains a durable uniform surface and prevents drainage impacts.

Section 6. New Definition Adopted. A new section is hereby added to TMC Chapter 18.06, "Definitions," to read as follows:

Pervious Hard Surface

"Pervious hard surface" means permeable pavement or a green roof.

Section 7. TMC Section 18.10.060 Amended. Ordinance Nos. 1971 §4 and 1758 §1 (part), as codified at TMC Section 18.10.060, "Basic Development Standards," are hereby amended to read as follows:

18.10.060 Basic Development Standards

Development within the Low-Density Residential District shall conform to the following listed and referenced standards:

LDR BASIC DEVELOPMENT STANDARDS

Lot area, minimum	6,500 sq. ft.
Average lot width (min. 20 ft. street frontage width), minimum	50 feet
<u>Development Area, maximum (only for single family development)</u>	<u>75% on lots less than 13,000 sq. ft. up to a maximum of 5,850 sq. ft.</u>
	<u>45% on lots greater than or equal to 13,000 sq. ft.</u>
Setbacks to yards (minimum):	
• <i>Front</i>	20 feet
• <i>Front, decks or porches</i>	15 feet
• <i>Second front</i>	10 feet
• <i>Sides</i>	5 feet
• <i>Rear</i>	10 feet
Height, maximum	30 feet
Off-street parking:	
• <i>Residential</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
• <i>Accessory dwelling unit</i>	See 18.10.030
• <i>Other uses</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations

Section 8. TMC Section 18.20.080 Amended. Ordinance Nos. 1976 §39, 1872 §3, and 1758 §1 (part), as codified at TMC Section 18.20.080, “Basic Development Standards,” are hereby amended to read as follows:

18.20.080 Basic Development Standards

Development within the Residential Commercial Center District shall conform to the following listed and referenced standards:

RCC BASIC DEVELOPMENT STANDARDS

Lot area, minimum	5,000 sq. ft.
Lot area per unit (multi-family), minimum	3,000 sq. ft.
Setbacks to yards (min.):	
• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides</i>	5 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
• <i>Rear</i>	10 feet
Height, maximum	3 stories or 35 feet
Landscape requirements (minimum): <i>All setback areas shall be landscaped. Required landscaping may include a mix of plant materials, bioretention facilities, pedestrian amenities and features, outdoor cafe-type seating and similar features, subject to approval. See Landscape, Recreation, Recycling/Solid Waste Space chapter for further requirements</i>	
• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)

Off-street parking:	
• <i>Residential</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
• <i>Accessory dwelling unit</i>	See Accessory Use section of this chapter
• <i>Office, minimum</i>	3 per 1,000 sq. ft. usable floor area
• <i>Retail, minimum</i>	2.5 per 1,000 sq. ft. usable floor area
• <i>Other uses</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC Chapter 8.22, "Noise", and (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

Section 9. TMC Section 18.28.240 Amended. Ordinance No. 2443 §25, as codified at TMC Section 18.28.240, "General Landscaping," subparagraph B.3., "Soil Preparation and Planting," is hereby amended to read as follows:

18.28.240 General Landscaping

3. Soil Preparation and Planting.

a. For trees and plants planted in sidewalks and parking lots, or in limited areas of soil volume, Cornell University CU-structural soils (Cornell University "CU" product or similar) must be used to a preferred depth of 36 inches, to promote tree-root growth and provide structural support to the paved area. Minimum soil volumes for tree roots shall be 750 square feet per tree (see specifications and sample plans for CU-Structural Soils). Trees and other landscape materials shall be directly planted per specifications in "CU Structural Soils – A Comprehensive Guide" or using current BMPs subject to administrative review and approval of the technical information report (TIR.) Suspended pavement systems (Silva Cells or similar) may also be used if approved. into a planting mix, approved by the Director, that is installed on top of the structural soils.

b. For soil preparation in bioretention areas, existing soils must be protected from compaction. Bioretention soil media must be prepared in accordance with standard specifications of the Surface Water Design Manual, adopted in accordance with TMC Chapter 14.30, to promote a proper functioning bioretention system. These

specifications shall be adhered to regardless of whether a stormwater permit is required from the City.

bc. For all other plantings, soils must be prepared for planting in accordance with specifications to restore soil moisture holding capacity in accordance with TMC Chapter 16.54, Grading, BMP T5.13, "Post Construction Soil Quality and Depth," from the Washington Department of Ecology Stormwater Management Manual for Western Washington (or as amended) regardless of whether a stormwater permit is required by the City.

ed. The applicant will be required to schedule an inspection by the City of the planting areas prior to planting to ensure soils are properly prepared.

de. Installation of landscape plants must comply with best management practices including:

(1) Planting holes that are the same depth as the size of the root ball and 2 times wider than the size of the root ball.

(2) Root balls of potted and balled and burlapped (B&B) plants must be loosened and pruned as necessary to ensure there are no encircling roots prior to planting. At least the top 2/3 of burlap and all straps or wire baskets are to be removed from B&B plants prior to planting.

(3) The top of the root flare, where the roots and the trunk begin, should be about one inch from the surrounding soil. The root ball shall not extend above the soil surface.

(4) If using mulch around trees and shrubs, maintain at least a 3-inch mulch-free ring around the base of the plant trunks and woody stems of shrubs. If using mulch around groundcovers until they become established, mulch shall not be placed over the crowns of perennial plants.

Section 10. TMC Section 18.50.085 Amended. Ordinance Nos. 2199 §17, 1830 §28, and 1758 §1 (part), as codified at TMC Section 18.50.085, "Maximum Percent Development Area Coverage," are hereby amended to read as follows:

18.50.085 Maximum Percent Development Area Coverage

A. In the LDR zones the maximum percent development area coverage for a single-family development shall be as follows:

1. 75% on lots less than 13,000 square feet up to a maximum of 5,850 sq. ft.; and
2. 45% on lots greater than or equal to 13,000 square feet.

B. In the MDR and HDR zones the maximum percent development area coverage shall be 50%, less the following surfaces:

1. the footprint of an exclusive recreational facility;

2. a proportion of a recreational facility footprint when contained within a general use building as follows: the portion of the footprint area occupied by a recreational facility divided by the number of floors in that portion of the building;

3. vehicle circulation aisles between separate parking areas;

4. sidewalks;

5. paths; and

6. other pedestrian/recreation facilities clearly designed to enhance the pedestrian environment.

C. except for Senior citizen housing developments in HDR is exempt from development area coverage maximum; however, if the senior citizen housing is converted to regular apartments, the 50% limit must be met.

D. The 50% maximum development area coverage for Townhouse development may be allowed increased up to a maximum of 75% development area coverage. The Director shall allow this increase from 50% to 75% if the applicant uses low-impact development techniques, that are technically feasible and in accordance with the Surface Water Design Manual (TMC Chapter 14.30) provided the site allows for such measures and the drainage design meets all adopted codes.

Section 11. TMC Section 18.52.030 Amended. Ordinance Nos. 2251 §62 and 1872 §14 (part), as codified at TMC Section 18.52.030, "Perimeter Landscape Types," are hereby amended to read as follows:

18.52.030 Perimeter Landscape Types

A. *Type I landscape perimeter.*

1. Purpose is to enhance Tukwila's streetscapes, provide a light visual separation between uses and zoning districts, screen parking areas, and allow views to building entryways and signage.

2. Plant materials shall consist of the following:

a. One tree for each 30 lineal feet of required perimeter excluding curb cuts;
and

b. One shrub for each 7 lineal feet of required perimeter excluding curb cuts or a planted berm at least 24 inches high; and

c. Living groundcover to cover 90% of the landscape area within three years.

3. Bioretention may be used as a Type I landscape perimeter, provided the intent of the screen is achieved. To support bioretention facility function and plant survival, flexibility in plant materials and placement shall be allowed, provided public safety is not compromised.

B. *Type II landscape perimeter.*

1. Purpose is to enhance Tukwila's streetscapes, provide a moderate visual separation between uses and zoning districts, screen blank building walls and parking areas, and allow views to building entryways and signage.

2. Plant materials shall consist of the following:

a. One tree for each 20 lineal feet of required perimeter excluding curb cuts;
and

b. One shrub for each 5 lineal feet of required perimeter excluding curb cuts;
and

c. Living groundcover to cover 90% of the landscape area within three years.

3. Bioretention may be used as a Type II landscape perimeter, provided the intent of the screen is achieved. To support bioretention facility function and plant survival, flexibility in plant materials and placement shall be allowed, provided public safety is not compromised.

C. *Type III landscape perimeter.*

1. Purpose is to provide extensive visual separation between industrial areas and nearby residential areas.

2. Plant materials shall consist of the following:

a. One tree per 20 lineal feet of required perimeter excluding curb cuts; and
b. Shrubs to provide a solid planting screen with a height of five to eight feet or a solid wooden fence or masonry wall to be approved by the Community Development Director; and

c. Living groundcover to cover 90% of the landscape area within three years.

D. *Plant material requirements.*

1. Plants shall meet the current American Standard for Nursery Stock (American Nursery and Landscape Association – ANLA), and shall be healthy, vigorous and well-formed, with well-developed, fibrous root systems, free from dead branches or roots. Plants shall be free from damage caused by temperature extremes, lack of or excess moisture, insects, disease, and mechanical injury. Plants in leaf shall be well foliated and of good color. Plants shall be habituated to outdoor environmental conditions (hardened-off).

2. A mix of evergreen trees and evergreen shrubs shall be used to screen blank walls.

3. Deciduous trees shall be used to allow visual access to entryways, signage and pedestrian use areas.

4. Evergreen shrubs shall be used to screen parking lots along street frontages.

5. In perimeters located adjacent to residential zones 75% of trees and shrubs shall be evergreen.

6. Evergreen trees shall be a minimum of 6 feet in height at time of planting.
7. Deciduous trees shall have at least a 2 inch caliper at time of planting, determined according to the American Standard for Nursery Stock.
8. Shrubs shall be at least 18 inches in height at time of planting.
9. No plants listed on the current King County Noxious Weed list may be used.
10. Existing vegetation may be used to meet the requirements of this chapter. All significant trees located within any required perimeter landscaping area which are not dead, dying, or diseased and which do not pose a safety hazard as determined by the Community Development Director shall be retained.
11. The classification of plant material as trees, shrubs and evergreens shall be as listed in the Hortus Third, A Concise Dictionary of Plants Cultivated in the U.S. and Canada.
12. Plant material requirements for bioretention facilities shall be in accordance with the City's bioretention plant list.

Section 12. TMC Section 18.52.035 Amended. Ordinance Nos. 2442 §2, 2251 §63, 2235 §14 and 1872 §14 (part), as codified at TMC Section 18.52.035, "Interior Parking Lot Landscaping Requirements," are hereby amended to read as follows:

18.52.035 Interior Parking Lot Landscaping Requirements

Landscaping within parking areas shall be provided as shown below.

1. Requirements for each distinctly separate parking area within the LDR zone for uses other than dwelling units, and in the MDR and HDR zones:
 - a. For areas with up to 20 parking stalls per parking area, no interior landscaping is required.
 - b. For areas with 21 - 40 parking stalls per parking area, 7 square feet of interior landscape area is required for each parking stall.
 - c. For areas with more than 40 parking stalls per parking area, 12 square feet of interior landscape area is required for each parking stall (see Multi-Family Design Guidelines, Site Planning Section, No. 31, for the normal 15 square feet to be provided).
 - d. All parking areas shall have a perimeter landscape strip a minimum of 2 feet wide with an average width of 5 feet.
2. Requirements for parking lots within the O, MUO, RCC, and NCC zones:
 - a. For lots with up to 20 parking stalls, no interior landscaping is required.
 - b. For lots with 21 - 40 parking stalls, a minimum of 10 square feet of interior landscape area is required for each parking stall over 20.

c. For lots with more than 40 parking stalls, a minimum of 200 square feet of interior landscape area plus 15 square feet for each parking stall over 40 is required. For areas placed behind buildings or otherwise screened from streets, parks and City trails the interior landscape requirement is reduced to a minimum of 200 square feet plus 10 square feet for each parking stall over 40.

3. Requirements for parking lots within the RC, RCM, C/LI, TSO and TVS zones:

a. For areas adjacent to public or private streets, a minimum of 15 square feet of landscaping is required for each parking stall.

b. For areas placed behind buildings or otherwise screened from streets, parks and City trails a minimum of 10 square feet of interior landscape area is required for each parking stall.

4. Planting Standards:

a. Interior landscape islands shall be distributed to break up expanses of paving. Landscaped areas shall be placed at the ends of each interior row in the parking area, with no stall more than 10 stalls or 100 feet from a landscape area. Landscaped areas and planting islands may contain bioretention systems.

b. The minimum size for interior parking lot planting islands is 100 square feet.

c. Planting islands shall be a minimum of 6 feet in any direction and generally the length of the adjacent parking space.

d. Raised curbs or curb stops shall be used around the landscape islands to prevent plant material from being struck by automobiles. Where bioretention is used, curb cuts shall be placed to allow stormwater runoff from adjacent pavements to enter the bioretention system.

e. A minimum of 1 evergreen or deciduous tree is required per landscape island, with the remaining area to contain a combination of shrubs, living groundcover and mulch.

Section 13. TMC Section 18.56.040 Amended. Ordinance Nos. 2500 §24, 2368 §54, 2251 §66, 1795 §3 (part), and 1758 §1 (part), as codified at TMC Section 18.56.040, "General Requirements," are hereby amended to read as follows:

18.56.040 General Requirements

Any required off-street parking and loading facilities shall be developed in accordance with the following standards:

1. *LOCATION.* Any on-premises parking area that contains parking stalls located more than 1,000 feet from the principal use shall require Hearing Examiner approval for the entire parking lot.

2. ~~MINIMUM PARKING DIMENSIONS~~. Minimum parking area dimensions for surface and structured parking facilities shall be as provided in Figure 18-6. Standard and compact parking stalls shall be allowed a two-foot landscaping overhang to count towards the stall length.

3. ~~TANDEM PARKING SPACES~~. In the MDR and HDR zones, tandem spaces (where one car is parked directly behind another) will be allowed for each three bedroom and 1/3 of all two bedroom units. No more than 1/3 of all project parking spaces may be tandem and all tandem parking spaces will be designed for full size rather than compact size vehicles based on the dimensions in Figure 18-6.

4. ~~PARKING AREA AND PARKING AREA ENTRANCE AND EXIT SLOPES~~. The slope of off-street parking spaces shall not exceed 5%. The slope of entrance and exit driveways providing access for off-street parking areas and internal driveway aisles without parking stalls shall not exceed 15%.

5. ~~DRIVEWAYS AND MANEUVERABILITY~~.

a. Adequate ingress to and egress from each parking space shall be provided without moving another vehicle and without backing more than 50 feet.

b. Turning and maneuvering space shall be located entirely on private property unless specifically approved by the Public Works Director.

c. All parking spaces shall be internally accessible to one another without reentering adjoining public streets. This standard does not apply to single family, duplex, triplex, fourplex or townhouse uses.

d. When off-street parking is provided in the rear of a building and a driveway or lane alongside the building provides access to rear parking area, such driveway shall require a minimum width of twelve feet and a sidewalk of at least a three-foot section, adjoining the building, curbed or raised six inches above the driveway surface. This standard does not apply to single family, duplex, triplex, fourplex or townhouse uses.

e. Ingress and egress to any off-street parking lot shall not be located closer than 20 feet from point of tangent to an intersection.

f. The Public Works Director or the Community Development Director may require ingress separate from an egress for smoother and safer flow of traffic.

6. The Director may require areas not designed or approved for parking to be appropriately marked and/or signed to prevent parking.

7. ~~SURFACE~~.

a. The surface of any required off-street parking or loading facility shall be paved with permeable pavement, which is the preferred material, or asphalt, concrete or other similar approved material(s) that maintains a durable uniform surface and shall be graded and drained as to dispose of all surface water, but not across sidewalks.

b. Any parking stalls provided in excess of the required minimum shall use permeable pavement where technically feasible in accordance with the Surface Water Design Manual, adopted in accordance with TMC Chapter 14.30.

bc. All traffic-control devices, such as parking stripes designating car stalls, directional arrows or signs, bull rails, curbs and other developments shall be installed and completed as shown on the approved plans.

ed. Paved parking areas shall use paint or similar devices to delineate car stalls and direction of traffic.

de. Where pedestrian walks are used in parking lots for the use of foot traffic only, they shall be curbed or raised six inches above the lot surface.

ef. Wheel stops shall be required on the periphery of parking lots so cars will not protrude into the public right-of-way, walkways, off the parking lot or strike buildings. Wheel stops shall be two feet from the end of the stall of head-in parking.

8. *PARALLEL PARKING STALLS.* Parallel parking stalls shall be designed so that doors of vehicles do not open onto the public right-of-way.

9. *OBSTRUCTIONS.* No obstruction that would restrict car door opening shall be permitted within five feet of the centerline of a parking space.

10. *LIGHTING.* Any lighting on a parking lot shall illuminate only the parking lot, designed to avoid undue glare or reflection on adjoining premises.

11. *CURB-CUTS.* All parking areas shall have specific entrance and/or exit areas to the street. The width of access roads and curb-cuts shall be determined by the Public Works Director. The edge of the curb-cut or access road shall be as required by the Public Works Director for safe movement of vehicles or pedestrians. Curb-cuts in single-family districts shall be limited to a maximum of 20 feet in width and the location shall be approved by the Public Works Director.

12. *PARKING STALL.* Parking stalls shall not be used for permanent or semi-permanent parking or storage of trucks or materials.

Section 14. TMC Section 18.56.065 Amended. Ordinance Nos. 2368 §57, 2199 §19, and 1976 §62, as codified at TMC Section 18.56.065, "Residential Parking Requirements," are hereby amended to read as follows:

18.56.065 Residential Parking and Storage Requirements

~~A. Two off-street parking spaces shall be provided for each dwelling unit which contains up to three bedrooms. One additional off-street parking space shall be required for every two bedrooms in excess of three bedrooms in a dwelling unit (i.e., four- and five-bedroom dwelling units shall have three off-street parking spaces, six- and seven-bedroom homes shall have four spaces, and so on).~~

A. Parking and vehicle storage limitations on properties devoted to single-family residential use shall be as follows:

1. Motor vehicles on property devoted to single-family residential use shall be parked on an approved durable uniform surface that is designed to retain surface water on-site and without causing impacts. If necessary, surface water may drain to street if no other design is feasible. Motor vehicles, other than those specified in TMC Section 18.56.065.A.2, shall not be parked in setbacks except in front or secondary front-yard

setbacks from streets, when in a driveway that provides access to an approved parking location, and is in conformance with TMC Title 18, as that title currently exists or as it may be subsequently amended. –Parking in the rear setback for a single-family home is permitted where the parking is connected to a rear alley.

2. Recreational vehicles, boats or trailers shall be parked, kept or stored on an approved durable uniform surface and shall not be parked, kept or stored in required front yard setbacks, except for a driveway. Recreational vehicle parking in the side or rear yard setbacks is allowed, provided no recreational vehicle is parked so as to prevent access by emergency responders to all sides of a structure.

3. No more than 50% of the front yard or 800 square feet, whichever is smaller, may be approved durable uniform surface. An approved durable uniform surface exceeding this requirement prior to August 25, 2004 may be maintained, but shall not be expanded. The Director of Community Development may approve exceptions to this requirement for an access driveway, particularly on pie-shaped or other odd shaped lots where it is infeasible to meet this requirement.

4. Single-family properties on pre-existing, legal lots of record containing less than 6,500 square feet are exempt from the percentages noted in TMC Section 18.56.065.A.3.

5. No more than six motor vehicles shall be parked on a single-family residential property of 13,000 square feet or less outside of a carport or enclosed garage for a period of more than 48 hours. For purposes of this section, “single-family residential property” means any parcel containing a single-family residence or multiple parcels combined containing one single-family residence, typically identified by a single address located in the LDR zone. The parking limitations in this subsection shall apply to all motor vehicles as defined by state law with the exception of motorcycles and mopeds.

B. Each unit in a townhouse development shall have an attached garage with parking for at least one vehicle or a parking space in an underground garage.

C. **Waiver from the requirement for number of required stalls.** The Director shall have the discretion to waive the requirement to construct a portion of the off-street parking requirement if, based on a parking demand study, the property owner establishes that the dwelling will be used primarily to house residents who do not and will not drive due to a factor other than age. Such a study shall ensure that ample parking is provided for residents who can drive, guests, caregivers and other persons who work at the residence. If such a waiver is granted, the property owner shall provide a site plan, which demonstrates that in the event of a change of use, which eliminates the reason for the waiver, there is ample room on the site to provide the number of off-street parking spaces required by this Code. In the event that a change of use or type of occupant is proposed that would alter the potential number of drivers living or working at the dwelling, the application for change of use shall be conditioned on construction of any additional off-street parking spaces required to meet the standards of this Code.

~~D. Parking in a Low Density Residential (LDR) zone is subject to vehicle storage and parking regulations listed under TMC Chapter 8.25.~~

Section 15. TMC Section 18.70.050 Amended. Ordinance Nos. 2175 §1, 2077 §1, and 1819 §1 (part), as codified at TMC Section 18.70.050, “Nonconforming Structures,” are hereby amended to read as follows:

18.70.050 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption of this title that could not be built under the terms of this title by reason of restrictions on area, ~~lot coverage,~~ development area, height, yards or other characteristics of the structure, it may be continued so long as the structure remains otherwise lawful subject to the following provisions:

1. No such structure may be enlarged or altered in such a way that increases its degree of nonconformity. Ordinary maintenance of a nonconforming structure is permitted, pursuant to TMC Section 18.70.060, including but not limited to painting, roof repair and replacement, plumbing, wiring, mechanical equipment repair/replacement and weatherization. These and other alterations, additions or enlargements may be allowed as long as the work done does not extend further into any required yard or violate any other portion of this title. Complete plans shall be required of all work contemplated under this section.

2. Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, in the judgment of the City’s Building Official, it shall not be reconstructed except in conformity with provisions of this title, except that in the LDR zone, structures that are nonconforming in regard to yard setbacks or sensitive area buffers, but were in conformance at the time of construction may be reconstructed to their original dimensions and location on the lot.

3. Should such structure be moved for any reason or any distance whatsoever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

4. When a nonconforming structure, or structure and premises in combination, is vacated or abandoned for 24 consecutive months, the structure, or structure and premises in combination, shall thereafter be required to be in conformance with the regulations of the zone in which it is located. Upon request of the owner, the City Council may grant an extension of time beyond the 24 consecutive months.

5. Residential structures and uses located in any single-family or multiple-family residential zoning district and in existence at the time of adoption of this title shall not be deemed nonconforming in terms of bulk, use, or density provisions of this title. Such buildings may be rebuilt after a fire or other natural disaster to their original dimensions and bulk, but may not be changed except as provided in the non-conforming uses section of this chapter.

6. Single-family structures in single- or multiple-family residential zone districts that have legally nonconforming building setbacks, shall be allowed to expand the ground floor only along the existing building line(s), so long as the existing distance from the nearest point of the structure to the property line is not reduced, and the square footage of new intrusion into the setback does not exceed 50% of the square footage of the current intrusion.

7. In wetlands, watercourses and their buffers, existing structures that do not meet the requirements of the Sensitive Areas Overlay District chapter of this title may be remodeled, reconstructed or replaced, provided that:

a. The new construction does not further intrude into or adversely impact an undeveloped sensitive area or the required buffer;

b. The new construction does not threaten the public health, safety or welfare; and

c. The structure otherwise meets the requirements of this chapter.

8. In areas of potential geologic instability, coal mine hazard areas, and buffers, as defined in the Sensitive Areas Overlay District chapter of this title, existing structures may be remodeled, reconstructed or replaced, provided that:

a. The new construction is subject to the geotechnical report requirements and standards of TMC Sections 18.45.120B and 18.45.120C;

b. The new construction does not threaten the public health, safety or welfare;

c. The new construction does not increase the potential for soil erosion or result in unacceptable risk or damage to existing or potential development or to neighboring properties; and

d. The structure otherwise meets the requirements of this chapter.

9. A nonconforming use, within a nonconforming structure, shall not be allowed to expand into any other portion of the nonconforming structure.

Section 16. TMC Figure 18-6, “Off-Street Parking Area Dimensions,” Amended. Ordinance No. 1758 §1 (part), codified as Figure 18-6 in Title 18, is hereby amended to be shown as follows:

Off-Street Parking Area Dimensions
TMC 18.56.040

A Parking Angle	B Stall Width	C Stall Depth	D Aisle Width		E Curb Length	F Unit Width	
			1-way traffic	2-way traffic		1-way traffic	2-way traffic
0°	8*	8*	12	20	20*	28*	36*
	8.5	8.5	12	20	23	29	37
30°	8*	15*	11	20	16*	41*	54*
	8.5	17	11	20	17	45	54
	9	17.5	11	20	18	46	55
	9.5	18	11	20	19	47	56
45°	8*	17*	12.5	20	11.5*	46.5*	54*
	8.5	19.5	12.5	20	12	51.5	59
	9	20	12	20	12.7	52	60
	9.5	20	12	20	13.4	52	60
60°	8*	18*	17.5*	20	9.2*	53.5	56*
	8.5	21	17.5	20	9.8	59.5	62
	9	21	17	20	10.4	59	62
	9.5	21	16.5	20	11	58.5	62
90°	8*	16*	24	25	8*	56*	57*
	8.5	19	24	25	8.5	62	63
	9	19	23	24	9	61	62
	9.5	19	22	24	9.5	60	62

*These figures are for use with compact cars only. Any bays that contain combined compact and normal spaces shall be designed for normal spaces.

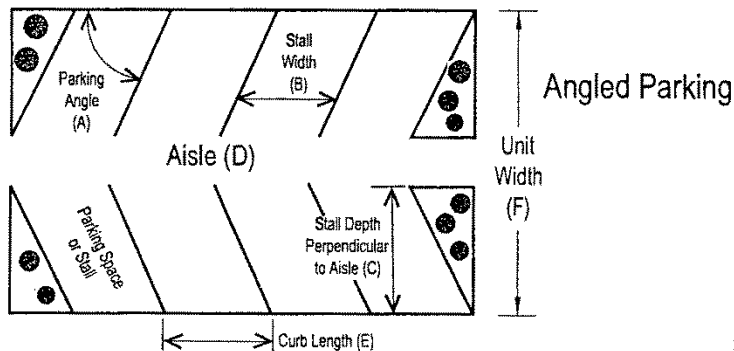
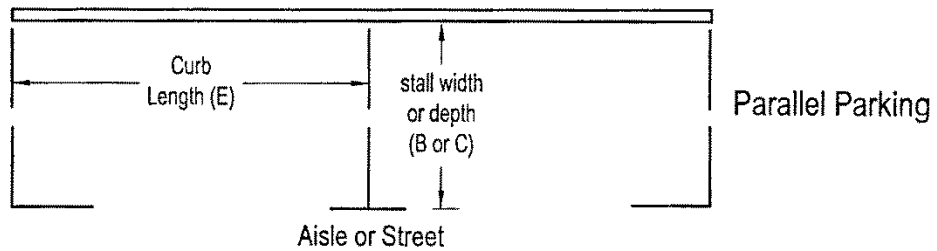


Figure 18-6
Off-Street Parking
Area Dimensions

Section 17. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 18. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 19. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force on December 31, 2016 after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2016.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Rachel B. Turpin, City Attorney

Filed with the City Clerk: _____
Passed by the City Council: _____
Published: _____
Effective Date: _____
Ordinance Number: _____