Department of Community Development – Jack Pace, Director

CHAIR HEIDI WATTERS; COMMISSIONERS DENNIS MARTINEZ, SHARON MANN, LOUISE STRANDER, KAREN SIMMONS, DIXIE STARK AND ANDREA REAY

# PLANNING COMMISSION (PC) WORK SESSION **AGENDA** FEBRUARY 27, 2020 - 6:30 PM CITY OF TUKWILA

- CALL TO ORDER I.
- **ATTENDANCE** II.
- **ADOPT MINUTES** Ш.
- Motion to promote 2019 Vice-Chair to Chair for 2020. IV.
- Motion to elect 2020 Vice-Chair. V.

# Work Session:

VI. CASE NUMBER: L17-0067

PURPOSE: Accessory Dwelling Unit regulations update

LOCATION: City Wide



# BOARD OF ARCHITECTURAL REVIEW (BAR) MINUTES

**Date:** August 22, 2019

**Time:** 6:30 PM

**Location:** Council Chambers

**Present:** Chair Dennis Martinez; Commissioners, Sharon Mann, Mike Hansen, Louise

Strander, Karen Simmons and Dixie Stark

**Absent:** Vice Chair Heidi Watters

**Staff:** Department of Community Development (DCD) Planning Supervisor Minnie

Dhaliwal, Senior Planner Lynn Miranda, Planning Commission Secretary Wynetta

**Bivens** 

Adopt Commissioner Mann made a motion to adopt the June 27, 2019 minutes for case

Minutes: numbers L18-0056; L19-0032 and L19-0033. Commissioner Hansen seconded the

motion. Motion passed.

**Chair Martinez** opened the public hearing and swore in those wishing to provide testimony.

CASE NUMBER: L19-0053 The Confluence - Bellwether Tukwila Apartments

APPLICANT: Diana Keys, Johnson Braund, Inc.

REQUEST: Design Review application to construct a 6-story, 103-unit affordable housing

project.

LOCATION: 3703 S. 152<sup>nd</sup> St, Tukwila WA 98188.

**Lynn Miranda**, Senior Planner, DCD, asked the Commissioners the appearance of fairness questions. Commissioner Mann disclosed that she testified at a City Council meeting on the development regarding the lack of parking and the playground area for the project. There were no objections for the BAR to hear the case.

Ms. Miranda gave an overview of the design review process, background on the site and the project, design criteria, and went over the Development Agreement, which was approved in 2017. The Development Agreement allows modification of several development standards, as listed in the August 22, 2019 staff report. The proposed project meets the adopted standards that were modified by the City Council. The project meets design criteria and building design. Staff noted that a maximum building length standard was waived by the Development Agreement, which was to be determined during design review by the BAR. Staff also noted that the recreation space exceeds the amount recommended in the Development Agreement.

Staff noted they received four public comments during the comment period, as well as a fifth comment by email on August 21st, in addition to a comment letter from Commissioner Watters that was provided to the Commissioners. For the record, staff verified the Commissioners did not communicate with Commissioner Watters regarding her email.

#### **RECOMMENDATIONS:**

- 1. Staff recommended the BAR approve the maximum building length.
- 2. Staff recommended approval of the proposed project with four conditions as noted in the August 22, 2019 staff report.

**Richard Lau**, Director of Real Estate Development, Water Housing, for the applicant, provided background information about their company. He stated this is their first development in Tukwila. He said they were approached by the City of Tukwila to address a need for affordable housing and displacement in the region.

**Ayla Mull**, Design Team, and Diana Keys, Designer of Housing, Johnson Braund, Inc., for the applicant, went over the design concepts and answered questions for the Commission.

#### **TESTIMONY:**

**David Puki**, citizen, requested work be completed for the utility upgrades, underground work and sidewalks all at the same time on S. 152<sup>nd</sup> St, so the street is torn up only once. He also said there is not adequate parking provided on-site, he said there was less than one parking space for each residential unit.

Mr. Puki requested a copy of the Development Agreement or be directed to where it is located on the website so he can understand the regulations. Staff provided Mr. Puki a copy of the Development Agreement.

**Brian Whiting**, citizen, said he was representing the interest of the property owners at the Avalon Apartment to the west of the project. He said they have great concerns regarding the height of the building, which will overshadow their apartments. He said there are some big issues regarding; security for their property between the walkway and 152<sup>nd</sup>, such as, increased prowlers on 152<sup>nd</sup>, the ownership of the fence between the properties, and insufficient parking for the amount of units, and he is concerned it will cause people to park on their property. He also expressed concern that the infrastructure cannot handle the amount of water and sewer needed.

The applicant responded to the concerns raised by Mr. Whiting. They said that the Development Agreement allows them to build up to a 70 ft. height, but they are only building up to 55 ½ ft. A shadow study was completed, and the project has minimum impacts to the west and east properties. The current plan for the fence on the west property line is to maintain or replace the fence as needed. The applicant stated they are claiming neither access nor the property but are providing a path as required per the Development Agreement for potential future development connection, in preparation of when the south and west property is re-developed. The connection is only on their site and does not affect the adjacent properties. The applicant also addressed Mr. Puki's parking concerns, stating that the street parking is not inclusive in the 100 stalls and there is a .97 ratio that meets the Development Agreement.

**Chul Kim**, citizen, said that his family owns the apartments on the east side of the development and inquired about the potential impact on rental rates for one and two bedrooms in the area.

**Richard Lou**, for the applicant, responded to Mr. Kim's inquiry.

There was no additional public testimony.

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Staff provided clarification and addressed several questions for the PC.

**Blake Erlanson**, Landscape Architect, for the applicant, responded to questions raised concerning lighting along the pathway on the west side of the property. He also addressed security for the play area.

The Commissioners expressed concerns regarding the parking issue and the applicant addressed several questions. The applicant also addressed the PC inquiries regarding utilities, water, sewer and lighting.

**Chair Martinez** read an email the Commissioners received from Commissioner Watters who was absent. The email addressed questions and comments regarding landscaping, tree species and suggested materials. The applicant addressed Commissioner Watters' comments and mentioned some requests in the email were not required of them, per the code.

The applicant also answered several additional clarifying questions for the Commissioners.

The public hearing was closed.

#### **DELIBERATION:**

**Commissioner Mann** said that she feels disappointed as a Commissioner that the Development Agreement does not allow the Commission to address some of the issues raised by the community. She said it is out of their control at this time.

#### **MOTION:**

**Commissioner Mann** moved to approve Case Number L19-0053 Design Review request based on staff's findings, conclusions, recommendations, and conditions as noted in the August 12, 2019 staff report. Commissioner Hansen seconded the motion. Motion passed.

#### **DIRECTOR'S REPORT:**

- Staff noted there were no upcoming agenda items.
- Commissioner Martinez thanked staff and the applicant and asked staff to reach out and work with the Development Agreement in-house.
- Commissioner Mann thanked Ms. Miranda for the presentation.
- Commissioner Hansen thanked the applicant and welcomed them to the community.

Submitted by: Wynetta Bivens

**Planning Commission Secretary** 

Adjourned: 8:30 PM

# Department of Community Development – Jack Pace, Director

# STAFF REPORT TO THE PLANNING COMMISSION FOR THE FEBRUARY 18, 2020

FILE NUMBERS: L17-0067

ISSUE: What revisions are needed to the Accessory Dwelling Unit regulations that

were adopted in July 2018?

LOCATION: City Wide

STAFF: Minnie Dhaliwal, Deputy Director

ATTACHMENTS: A. Map of ADU Registrations received during amnesty program

B. Ordinance 2581

#### **BACKGROUND**

Ordinance 2581 adopted by the City Council on July 2, 2018, updated Tukwila's Accessory Dwelling Unit (ADU) regulations. The updated regulations allow for detached ADUs and require new and existing ADUs to apply for registration. A one-year amnesty period adopted under Ordinance 2581 allowed for property owners with ADUs that were created illegally or which were in existence prior to an area's annexation to come forward to register their ADUs under more flexible zoning rules, provided the units met building code's life safety standards.

Zoning flexibility given to existing ADUs applying for registration during the amnesty period included the following:

- Exceeding the permitted height for a detached ADU
- Exceeding the permitted area for an attached or detached ADU, up to 1,200 square feet
- Not providing a second parking space for a two bedroom ADU
- Roof pitch of less than 5:12
- Location of the ADU on the lot.

Owner occupancy, providing at least one parking space per ADU, and meeting the minimum lot size for a detached ADU were conditions that could not be waived per Council direction. The one-year amnesty registration period ended on July 1, 2019.

A total of 30 ADU Registration Applications have been received since the city adopted the new ADU regulations. A total 21 were received during the Amnesty program and only four asked for relief from zoning standards under the Program. See attached map for the location of these ADUs. Here is the current review status of these applications:

Approved: 9 Denied: 1 Withdrawn:2

Under construction (not pre-existing but new): 8

Pending: 10 (waiting for the applicant to fix items identified during construction or record owner

occupancy affidavit)

### Issues that came to light as we started implementing the ADU amnesty program:

# A. **Zoning related issues:**

- **ADU** vs main house size limitations: Many basement ADUs in one-story homes are the same size as the main floor of the primary home, so it's difficult for them to meet the size limit of 40% of the primary dwelling. Meeting this requirement either involves increasing the size of the primary dwelling or reducing the size of the basement unit by making some of the square footage unusable.
- Owner Occupancy requirement: Owner occupancy is hard to enforce and the property
  owners that are currently renting out both units on a property did not want to apply under
  the amnesty program if they had to meet the owner occupancy requirement. However,
  units in these circumstances are discovered in the process of rental registration process. It
  is difficult for the city's code enforcement team to do any enforcement if one of the units is
  not occupied by the homeowner.
- **Pre-existing duplexes:** There are existing duplexes (both legal non-conforming and illegal) in the LDR zone. No owner occupancy requirements apply to duplexes. Policy direction is needed on how to enforce or legalize pre-existing duplexes. Additionally, one application that was denied was for the property with a pre-existing duplex and a detached ADU in the LDR zone. Ordinance 2581 allows a detached ADU on the same lot as the primary *single-family dwelling*, but not if there is already a duplex on the lot.
- Amnesty: Few of the ADUs actually needed amnesty from the zoning requirements. Only four of the 21 applications submitted needed amnesty, due to the ADU exceeding the permitted area. Two of the detached ADUs were over 800 square feet (810 square feet; 1,000 square feet). Two attached ADUs had a basement size of the same size as the primary dwelling unit (870 square feet; 1,000 square feet).

# B. Construction related issues:

- Units are difficult to inspect after the fact, especially elements that are covered up.
- Life safety issues found so far during inspections have included repairing stairs, handrails, and landings for staircases up to second story units; fixing decks; widening or changing the height of rescue windows; adding smoke and/or carbon monoxide detectors; proper installation of utilities; replacing unrated heating equipment; and installation of fire walls between garages/workshops and ADUs. ADUs applying for amnesty were not required to install fire suppression systems.
- If major issues come up during inspection the homeowners are reluctant to complete and go through the approval process. For example, if there are no windows in bedrooms, they do not pass the initial inspection and have to make changes which many homeowners are reluctant to complete.

# C. Cost of obtaining approval:

- ADUs located in the Valley View Sewer District must pay a General Facility Charge of \$3,226.00. Additionally, all ADUs constructed after Feb. 1, 1990 are subject to a King County sewer capacity charge that is either a monthly charge of approximately \$65 for 15 years or a lump sum payment of approximately \$10,000. Both attached and detached ADUs are subject to these fees.
- City of Tukwila impact fees (parks, fire and transportation) apply for detached ADUs but not attached ADUs. Parks impact fees are \$2,859; Fire impact fees are \$1,790 (1,683 if

- sprinkler system is installed); Transportation impact fees range from \$350 to \$550 depending on the location.
- There are some ADU owners with unoccupied units who do not want to pay for or deal
  with the hassle of making the necessary changes to their units to bring them into life
  safety compliance due to costs. Therefore, they choose not to register their ADU.
- There is no fee for registering an ADU with the City. Standard building permit and inspection fees apply depending on the cost of improvements.

City Council was briefed on all the issues listed above and the Planning and Economic Development Committee has forwarded this item for the Planning Commission's review and recommendation. The Committee has directed that all four zoning related items listed above be reviewed by the Planning Commission to determine what amendments are necessary.

#### DISCUSSION

1. ADU vs main house size limitations: Under current regulations attached ADUs may occupy a maximum of 40% of the square footage of the single-family dwelling (excluding the area of any attached garage) or up to 1000 square feet, whichever is less. Detached ADUs may be a maximum of 800 square feet and if built over a detached garage, the detached garage does not count toward the areas limit for the ADU.

This requirement can be easily met for new homes, however many basement ADUs in one-story homes are the same size as the main floor of the primary home, so it's difficult for them to meet the size limit of 40% of the primary dwelling. Meeting this requirement either involves increasing the size of the primary dwelling or reducing the size of the basement unit by making some of the square footage unusable. The percentage limit varies from 40% to 75% in some cities. Some cities have a maximum size limit and no percentage requirement.

|          |  | Pros  | Cons   |
|----------|--|---|--|
| Option 1 | No Change. Keep the 40% size limit up to a maximum of 1,000 square feet.   | ADU is smaller than the main house thus preserving the single family character of the neighborhood. | It limits some preexisting homes from getting an ADU registered without adding on the house or making some area unusable.  |
| Option 2 | Increase the 40% size limit for all attached ADUs up to a maximum of 1000 square feet. This increase could range from 40% to 75%   | This may give more flexibility yet keep the maximum size of an attached ADU to 1000 square feet.    | It limits some preexisting homes from getting an ADU registered without adding on the house or making some area unusable   |
| Option 3 | Keep the 40% size limit up to a maximum of 1,000 sq. ft. for new homes. For preexisting homes allow an ADU up to a maximum size of 1000 sq. ft. but have no percentage limit to allow better use of floor space. | Provides flexibility for existing homes while keeping the percentage limit for new construction.    | There may be some small existing homes that could have equal square footage for the two units making the structure more like a duplex.40% of a 2,500 sq. ft. home is 1,000 sq. |

|          |   |   | ft. Therefore, under this option any homes that are less than 2,500 sq. ft. could have 1,000 sq. ft. ADU and it may be more than 40% of the structure. Under this option an existing 2,000 sq. ft. home could have two 1,000 sq. ft. units making the structure |
|----------|---|---|---|
| 0 11 1   | N. O. F. T. T. A. H.  | D :1 11 1                                 | more like a duplex  |
| Option 4 | No % limit, just the maximum size limit of 1,000 sq. ft. for an ADU | Provides the most flexibility for new and | There could be homes that are 2,000 sq. ft. and   |
|          |   | existing homes while                      | have two 1,000 sq. ft.  |
|          |   | limiting the size of an                   | units making the  |
|          |   | ADU to 1,000 sq. ft.                      | structure more like a   |
|          |   |   | duplex  |

Staff recommends Option 3

2. Owner Occupancy requirement: Owner occupancy is hard to enforce and the property owners that are currently renting out both units on a property did not want to apply under the amnesty program if they had to meet the owner occupancy requirement. However, units in these circumstances are discovered in the process of rental registration process. It is difficult for the city's code enforcement team to do any enforcement if one of the units is not occupied by the homeowner.

|          |  | Pros   | Cons  |
|----------|--|--|---|
| Option 1 | Keep the owner occupancy requirement   | More homeowners living on their property can lead to better upkeep of the property and less turnover in the community. | Hard to enforce particularly for preexisting homes that have two rental units. Policy direction is needed if these units should remain under the city's rental inspection program for inspection related to healthy housing code (mold, hot water etc) even though they do not meet zoning code requirements. |
| Option 2 | Remove the owner occupancy requirement | Easy to enforce  | Potentially it could lead to more rental properties than homeowners living on their property.   |

Staff recommends Option 1

**3. More than two units on one lot**: One application that was denied during the amnesty program was for the property with a pre-existing duplex and a detached ADU in the LDR zone. Ordinance 2581 allows a detached ADU on the same lot as the primary *single-family dwelling*, but not if there is already a duplex on the lot.

|          |                                     | Pros                | Cons                  |
|----------|-------------------------------------|---------------------|-----------------------|
| Option 1 | Do not allow more than two units in | Preserves single    | Some property owners  |
|          | LDR zone (one main house and        | family character of | may not benefit from  |
|          | one ADU)                            | the neighborhood    | ADU regulations.      |
| Option 2 | Allow a detached ADU on lots that   | Allows opportunity  | Three units on an LDR |
|          | have a legal non-conforming         | for homeowners with | zoned parcel.         |
|          | duplex and the minimum lot size is  | non-conforming uses |                       |
|          | 19,500 sq. ft. thus meeting density | to benefit from     |                       |
|          | requirements of the LDR zone        | adding an ADU       |                       |

Staff recommends Option 2

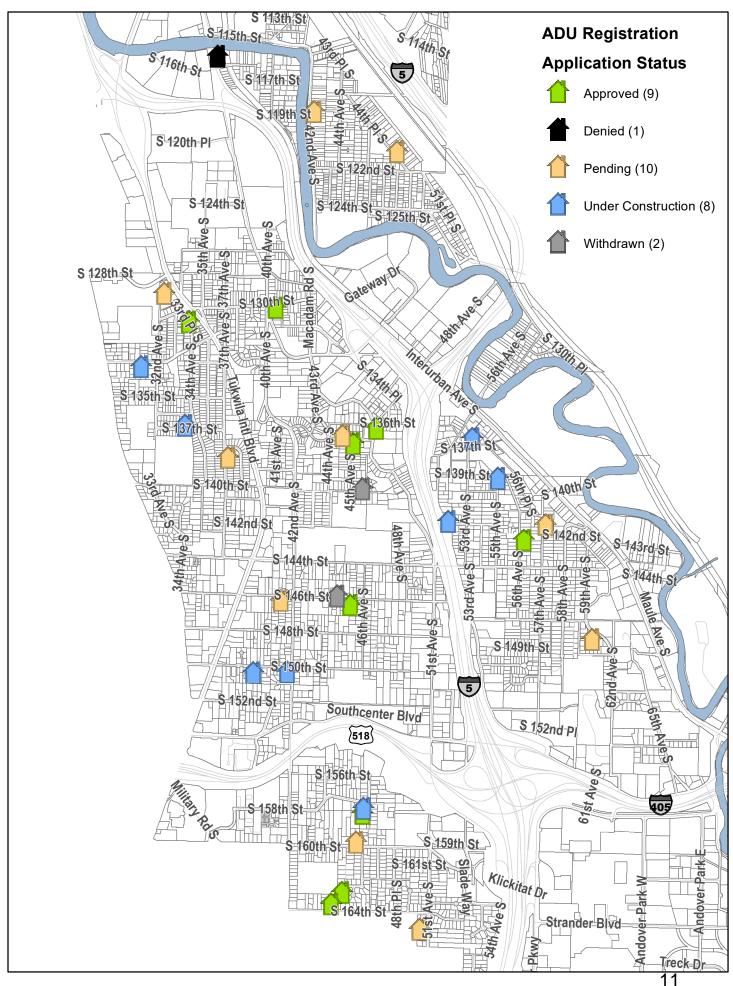
4. Amnesty: Few of the ADUs actually needed amnesty from the zoning requirements. Only four of the 21 applications submitted needed amnesty, due to the ADU exceeding the permitted area. Two of the detached ADUs were over 800 square feet (810 square feet; 1,000 square feet). Two attached ADUs had a basement size of the same size as the primary dwelling unit (870 square feet; 1,000 square feet).

|          |                                   | Pros  | Cons                                 |
|----------|-----------------------------------|---|--------------------------------------|
| Option 1 | Extend Amnesty Program            | Provide additional opportunity for homeowners to come forward and legalize their ADUs                     | Could encourage illegal construction |
| Option 2 | Do not Extend the Amnesty Program | Provides consistent and fair regulations. Not many homeowners took advantage of the program due to costs. | None                                 |

Staff recommends Option 2

#### **NEXT STEPS**

Based on the policy direction from the Planning Commission staff will prepare an ordinance for the public hearing on April 23, 2020. After the public hearing the Planning Commission will finalize their recommendation to the City Council. City Council will then hold a public hearing on the Planning Commission recommended draft prior to final adoption.



ATTACHMENT A



# City of Tukwila

# Washington

Ordinance No. <u>258</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING VARIOUS ORDINANCES AND TABLE 18-6, "LAND USES ALLOWED BY DISTRICT," AS CODIFIED IN TITLE 18, "ZONING," OF THE TUKWILA MUNICIPAL CODE, AND ADDING NEW SECTIONS TO TITLE 18, PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tukwila's Zoning Code, codified at the Tukwila Municipal Code, Title 18, contains provisions pertaining to accessory dwelling units ("ADU"); and

**WHEREAS**, the Tukwila City Council desires to update the Zoning Code to make modifications to the City's regulations for ADUs; and

WHEREAS, the City wishes to provide more affordable housing for its residents; and

WHEREAS, the City wishes to minimize impact on surrounding single family homes by limiting attached ADUs and detached ADUs to one per lot and requiring documented homeowner occupancy of at least one of the units 100% of the time; and

**WHEREAS**, the Zoning Code includes a "Definitions" section and the City wishes to update it to include a definition of accessory dwelling unit; and

WHEREAS, the Zoning Code includes standards for the design of single family dwellings and the City wishes to update them to address accessory dwelling units; and

WHEREAS, the City wishes to provide exceptions to the single family design standards for high quality, innovatively designed ADUs; and

WHEREAS, the City wishes to adopt a new section of the Zoning Code with standards for the location, size, height, and use of accessory dwelling units; and

- WHEREAS, the City wishes to adopt a new section of the Zoning Code with new requirements for the registration of accessory dwelling units; and
- **WHEREAS**, the City wishes to encourage the registration of existing accessory dwelling units by offering additional flexibility during a one-year amnesty period; and
- **WHEREAS**, the City wishes to remove accessory dwelling units as accessory uses in non-residential zones; and
- WHEREAS, on October 18, 2017, the City was informed by the Washington State Department of Commerce that it had met the Growth Management Act notice requirements under RCW 36.70A.106; and
- WHEREAS, on October 26, 2017, the Tukwila Planning Commission, following adequate public notice, including notice mailed to all owners and tenants of Low Density Residential-zoned parcels, held a public hearing to receive testimony concerning amending the Tukwila Municipal Code as described herein; and
- WHEREAS, on January 24, 2018, the City's State Environmental Policy Act (SEPA) Responsible Official issued a Determination of Non-Significance on these proposed amendments; and
- **WHEREAS,** on February 15, 2018, the Tukwila Planning Commission adopted a motion recommending the proposed amendments; and
- **WHEREAS,** on April 9, 2017 the Tukwila City Council, following adequate public notice, held a public hearing to receive a testimony concerning the recommendations of the Planning Commission; and
- **WHEREAS**, the City Council finds that the proposed amendments serve to further implement the planning goals of the adopted Comprehensive Plan and the Growth Management Act, bear a substantial relation to the public health, safety or welfare, and promote the best long-term interests of the Tukwila community;
- NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, DO ORDAIN AS FOLLOWS:
- **Section 1. TMC Section Adopted.** A new section is hereby added to Tukwila Municipal Code (TMC) Chapter 18.06, "Definitions," to read as follows:

# **Accessory Dwelling Unit**

"Accessory dwelling unit (ADU)" means a dwelling unit that is within or attached to a single-family dwelling or in a detached building on the same lot as the primary single-family dwelling. An ADU is distinguishable from a duplex by being clearly subordinate to the primary dwelling unit, both in use and appearance.

**Section 2.** Ordinance Nos. 2518 §7, 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.              | 50 feet                              |
| street frontage width), minimum             |                                      |
| Development Area, maximum                   | 75% on lots less than 13,000 sq. ft. |
| (only for single family                     | up to a maximum of 5,850 sq. ft.     |
| development)                                |                                      |
|   | 45% on lots greater than or equal to |
|   | 13,000 sq. ft.                       |
| Setbacks to yards, minimum:                 |                                      |
| • Front                                     | 20 feet                              |
| <ul> <li>Front, decks or porches</li> </ul> | 15 feet                              |
| Second front                                | 10 feet                              |
| • Sides                                     | 5 feet                               |
| • Rear                                      | 10 feet                              |
| Height, maximum                             | 30 feet                              |
| Off-street parking:                         |                                      |
| Residential                                 | See TMC Chapter 18.56, Off-street    |
|   | Parking & Loading Regulations        |
| Accessory dwelling unit                     | See TMC Section 18.50.220            |
| Other uses                                  | See TMC Chapter 18.56, Off-street    |
|   | Parking & Loading Regulations        |

**Section 3.** Ordinance Nos. 2199 §12, 1976 §23, and 1758 §1 (part), as codified at TMC Section 18.12.070, "Basic Development Standards," are hereby amended to read as follows:

# 18.12.070 Basic Development Standards

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

# MDR BASIC DEVELOPMENT STANDARDS

| Lot area, minimum                            | 8,000 sq. ft. (Applied to parent lot for townhouse plats) |
|--|---|
| Lot area per unit                            | 3,000 sq. ft. (For townhouses the                         |
| (multi-family)                               | density shall be calculated based on                      |
| (maid farmy)                                 | one unit per 3000 sq. ft. of parent lot area.             |
|  | The "unit lot" area shall be allowed to                   |
|  | include the common access easements).                     |
| Average lot width                            | 60 feet   |
| (min. 20 ft. street frontage width),         | (Applied to parent lot                                    |
| minimum                                      | for townhouse plats)                                      |
| Setbacks, minimum:                           | Applied to parent lot for townhouse plats                 |
| • Front - 1st floor                          | 15 feet   |
| • Front - 2nd floor                          | 20 feet   |
| • Front - 3rd floor                          | 30 feet   |
|  | (20 feet for townhouses)                                  |
| Second front - 1st floor                     | 7.5 feet  |
| <ul> <li>Second front - 2nd floor</li> </ul> | 10 feet   |
| Second front - 3rd floor                     | 15 feet   |
|  | (10 feet for townhouses)                                  |
| Sides - 1st floor                            | 10 feet   |
| Sides - 2nd floor                            | 20 feet   |
|  | (10 feet for townhouses                                   |
|  | unless adjacent to LDR)                                   |
| • Sides - 3rd floor                          | 20 feet   |
|  | (30 feet if adjacent to LDR;                              |
|  | 10 feet for townhouses                                    |
| • Rear - 1st floor                           | unless adjacent to LDR)  10 feet                          |
| • Rear - 1st floor<br>• Rear - 2nd floor     | 20 feet   |
| Rear - 2110 11001                            | (10 feet for townhouses                                   |
|  | unless adjacent to LDR)                                   |
| • Rear - 3rd floor                           | 20 feet   |
| - Rear - Sru noor                            | (30 feet if adjacent to LDR;                              |
|  | 10 feet for townhouses                                    |
|  | unless adjacent to LDR)                                   |
| Townhouse building separation, minimu        |   |
| • 1 and 2 story buildings                    | 10 feet   |
| • 3 story buildings                          | 20 feet   |
| \  |   |

| Height, maximum                       | 30 feet                                   |
|---------------------------------------|---|
| Landscape requirements (minimum):     | Applied to parent lot for townhouse plats |
| See Landscape, Recreation, Recycling/ |   |
| Solid Waste Space requirements        |   |
| chapter for further requirements      |   |
| • Front(s)                            | 15 feet                                   |
| • Sides                               | 10 feet                                   |
| • Rear                                | 10 feet                                   |
| Development area coverage             | 50% maximum (75% for townhouses)          |
| Recreation space                      | 400 sq. ft. per dwelling unit             |
|                                       | (1,000 sq. ft. min.)                      |
| Off-street parking:                   |   |
| Residential                           | See TMC Chapter 18.56,                    |
|                                       | Off-street Parking & Loading Regulations. |
| Accessory dwelling unit               | See TMC Section 18.50.220                 |
|                                       |   |
| Other uses                            | See TMC Chapter 18.56,                    |
|                                       | Off-street Parking & Loading Regulations  |

**Section 4.** Ordinance Nos. 2199 §14, 1976 §27, 1830 §3, and 1758 §1 (part), as codified at TMC Section 18.14.070, "Basic Development Standards," are hereby amended to read as follows:

# 18.14.070 Basic Development Standards

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

# HDR BASIC DEVELOPMENT STANDARDS

| Lot area, minimum   | 9,600 sq. ft. (Applied to parent lot for townhouse plats)   |
|---|---|
| Lot area per unit<br>(multi-family, except<br>senior citizen housing) | 2,000 sq. ft. (For townhouses the density shall be calculated based on one unit per 2000 sq. ft. of parent lot area.  The "unit lot" area shall be allowed to include the common access easements.) |
| Average lot width (min. 20 ft. street frontage width), minimum        | 60 feet<br>(Applied to parent lot<br>for townhouse plats)   |
| Setbacks, minimum:  | Applied to parent lot for townhouse plats   |
| • Front - 1st floor   | 15 feet   |
| • Front - 2nd floor   | 20 feet   |
| • Front - 3rd floor   | 30 feet (20 feet for townhouses)  |
| • Front – 4th floor   | 45 feet (20 feet for townhouses)  |

| Second front - 1st floor   | 7.5 feet   |
|--|--|
|  |  |
| Second front - 2nd floor   | 10 feet  |
| Second front - 3rd floor   | 15 feet (10 feet for townhouses)   |
| Second front – 4th floor   | 22.5 feet (10 feet for townhouses)   |
| Sides - 1st floor  | 10 feet  |
| Sides - 2nd floor  | 20 feet  |
|  | (10 feet for townhouses  |
|  | unless adjacent to LDR)  |
| • Sides - 3rd floor  | 20 feet  |
|  | (30 feet if adjacent to LDR)   |
|  | (10 feet for townhouses  |
|  | unless adjacent to LDR)  |
| • Sides – 4th floor  | 30 feet  |
|  | (20 feet for townhouses  |
|  | unless adjacent to LDR)  |
| • Rear - 1st floor   | 10 feet  |
| • Rear - 2nd floor   | 20 feet  |
|  | (10 feet for townhouses  |
|  | unless adjacent to LDR)  |
| • Rear - 3rd floor   | 20 feet  |
|  | (30 feet if adjacent to LDR;   |
|  | 10 feet for townhouses   |
| 5 44 5   | unless adjacent to LDR)  |
| • Rear – 4th floor   | 30 feet  |
|  | (20 feet for townhouses unless adjacent to LDR)  |
| Towns are a building a protein minimum                                   | unless adjacent to EDIT)   |
| Townhouse building separation, minimum                                   | 10 feet  |
| • 1 and 2 story buildings  |  |
| • 3 and 4 story buildings  | 20 feet  |
| Height, maximum  | 45 feet  |
| Development area coverage  | 50% maximum (except senior citizen   |
|  | housing), (75% for townhouses)   |
| Landscape requirements (minimum):  | Applied to parent lot for townhouse plats  |
| See Landscape, Recreation, Recycling/                                    |  |
| Solid Waste Space requirements   |  |
| chapter for further requirements   | 15 foot  |
| • Front(s)   | 15 feet  |
|  |  |
|  |  |
| 1 Notication space   |  |
| Recreation space   |  |
| · · · · · · · · · · · · · · · · · · ·                                    |  |
| • Sides • Rear Recreation space Recreation space, senior citizen housing | 10 feet 10 feet 400 sq. ft. per dwelling unit (1,000 sq. ft. min.) 100 sq. ft. per dwelling unit |

| Off-street parking:                                      |   |
|--|---|
| <ul> <li>Residential (except senior citizen</li> </ul>   | See TMC Chapter 18.56,                    |
| housing)   | Off-street Parking & Loading Regulations. |
| <ul> <li>Accessory dwelling unit</li> </ul>              | See TMC Section 18.50.220                 |
| <ul> <li>Other uses, including senior citizen</li> </ul> | See TMC Chapter 18.56,                    |
| housing  | 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 5.** Ordinance Nos. 2251 §22, 1976 §30, 1872 §1, 1865 §18, 1830 §7, and 1758 §1 (part), as codified at TMC Section 18.16.080, "Basic Development Standards," are hereby amended to read as follows:

# 18.16.080 Basic Development Standards

Development within the Mixed Use Office District shall conform to the following listed and referenced standards. In the Tukwila International Boulevard corridor, there are circumstances under which these basic standards may be waived (see TMC 18.60.030). Certain setback and landscaping standards may be waived by the Director of Community Development as a Type 2 decision when an applicant can demonstrate that shared parking is provided. If a project requires a Type 4 approval process, certain setbacks and landscaping may be waived by the BAR when an applicant can demonstrate that the number of driveways is reduced, efficiency of the site is increased, joint use of parking facilities is allowed or pedestrian oriented space is provided. Landscaping and setback standards may not be waived on commercial property sides adjacent to residential districts. (See the Tukwila International Boulevard Design Manual for more detailed directions.)

#### MUO BASIC DEVELOPMENT STANDARDS

| Lot area per unit,                                       | 3,000 sq. ft.                         |
|--|---------------------------------------|
| multi-family (except senior citizen                      |                                       |
| housing), minimum  |                                       |
| Setbacks to yards, minimum:                              |                                       |
| • Front  | 25 feet                               |
| Second front   | 12.5 feet                             |
| • Sides  | 10 feet                               |
| <ul> <li>Sides, if any portion of the yard is</li> </ul> | Ratio of 1.5:1 setback                |
| within 50 feet of LDR, MDR, HDR                          | (for every 1.5 feet of bldg. height,  |
|  | setback 1 foot from property line)    |
|  | min. of 10 feet and a max. of 30 feet |

| • Rear  | 10 feet                                   |
|---|---|
| <ul> <li>Rear, if any portion of the yard is</li> </ul>                                     | Ratio of 1.5:1 setback                    |
| within 50 feet of LDR, MDR, HDR   | (for every 1.5 feet of bldg. height,      |
|   | setback 1 foot from property line)        |
|   | min. of 10 feet and a max. of 30 feet     |
| Height, maximum   | 4 stories or 45 feet                      |
| Landscape requirements (minimum): See   | e Landscape, Recreation,                  |
| Recycling/Solid Waste Space requirement   | nts chapter for further requirements      |
| • Front   | 15 feet                                   |
| Second front  | 12.5 feet                                 |
| • Sides   | 5 feet                                    |
| Sides, if any portion of the yard is  within FO fact of LDD, MDB, LDD.                      | 10 feet                                   |
| within 50 feet of LDR, MDR, HDR   | E foot                                    |
| • Rear  | 5 feet                                    |
| <ul> <li>Rear, if any portion of the yard is<br/>within 50 feet of LDR, MDR, HDR</li> </ul> | 10 feet                                   |
| Recreation space  | 200 sq. ft. per dwelling unit             |
|   | (1,000 sq. ft. min.)                      |
| Recreation space,   | 100 sq. ft. per dwelling unit             |
| senior citizen housing  |   |
| Off-street parking:   |   |
| <ul> <li>Residential (except senior citizen</li> </ul>                                      | See TMC Chapter 18.56, Off street         |
| housing)  | Parking & Loading Regulations             |
| Office, minimum   | 3 per 1,000 sq. ft.                       |
|   | usable floor area                         |
| • Retail, minimum   | 2.5 per 1,000 sq. ft.                     |
|   | usable floor area                         |
| <ul> <li>Other uses, including senior</li> </ul>  | See TMC Chapter 18.56, Off-street         |
| citizen housing   | Parking & Loading Regulations             |
| Performance Standards: Use, activity and  | d operations within a structure or a site |

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 6.** Ordinance Nos. 1976 §35, 1872 §2, and 1758 §1 (part), as codified at TMC Section 18.18.080, "Basic Development Standards," are hereby amended to read as follows:

# 18.18.080 Basic Development Standards

Development within the Office District shall conform to the following listed and referenced standards:

# OFFICE BASIC DEVELOPMENT STANDARDS

| Setbacks to yards, minimum:                           |   |
|---|---|
| • Front   | 25 feet                                   |
| Second front  | 12.5 feet                                 |
| • Sides   | 10 feet                                   |
| <ul> <li>Sides, if any portion of the yard</li> </ul> | d is within 50 feet of LDR, MDR, HDR      |
| - 1st Floor   | 10 feet                                   |
| - 2nd Floor   | 20 feet                                   |
| - 3rd Floor   | 30 feet                                   |
| • Rear  | 10 feet                                   |
| <ul> <li>Rear, if any portion of the yard</li> </ul>  | I is within 50 feet of LDR, MDR, HDR      |
| - 1st Floor   | 10 feet                                   |
| - 2nd Floor   | 20 feet                                   |
| - 3rd Floor   | 30 feet                                   |
| Height, maximum                                       | 3 stories or 35 feet                      |
| Landscape requirements (minimun                       |   |
|   | irements chapter for further requirements |
| • Front   | 15 feet                                   |
| Second front  | 12.5 feet                                 |
| • Sides   | 5 feet                                    |
| Sides, if any portion of the                          | 10 feet                                   |
| yard is within 50 feet of LDR,                        |   |
| MDR, HDR  |   |
| • Rear  | 5 feet                                    |
| <ul> <li>Rear, if any portion of the</li> </ul>       | 10 feet                                   |
| yard is within 50 feet of LDR,                        |   |
| MDR, HDR  |   |
| Off-street parking:                                   |   |
| Residential   | See TMC 18.56, Off-street                 |
|   | Parking/Loading Regulations               |
| Office, minimum                                       | 3 per 1,000 sq. ft.                       |
|   | usable floor area                         |
| • Retail, minimum                                     | 2.5 per 1,000 sq. ft.                     |
|   | usable floor area                         |
| Other uses  | See TMC 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 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 7.** Ordinance Nos. 2518 §8, 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),  | 3,000 sq. ft.                 |  |  |  |  |  |
| minimum  |                               |  |  |  |  |  |
| Setbacks to yards, minimum:  |                               |  |  |  |  |  |
| • Front  | 20 feet                       |  |  |  |  |  |
| Second front   | 10 feet                       |  |  |  |  |  |
| • Sides  | 5 feet                        |  |  |  |  |  |
| <ul> <li>Sides, if any portion of the yard is</li> </ul>                 | 10 feet                       |  |  |  |  |  |
| within 50 feet of LDR, MDR, HDR  |                               |  |  |  |  |  |
| • Rear   | 10 feet                       |  |  |  |  |  |
| Height, maximum  | 3 stories or 35 feet          |  |  |  |  |  |
| Landscape requirements (minimum): All setback areas shall be landscaped. |                               |  |  |  |  |  |
| Required landscaping may include a mix of plant materials, bioretention  |                               |  |  |  |  |  |
| facilities, pedestrian amenities and fea                                 |                               |  |  |  |  |  |
| similar features, subject to approval.                                   |                               |  |  |  |  |  |
| Recycling/Solid Waste Space chapter                                      |                               |  |  |  |  |  |
| • Front  | 20 feet                       |  |  |  |  |  |
| Second front   | 10 feet                       |  |  |  |  |  |
| <ul> <li>Sides, if any portion of the yard is</li> </ul>                 | 10 feet                       |  |  |  |  |  |
| within 50 feet of LDR, MDR, HDR  |                               |  |  |  |  |  |
| <ul> <li>Rear, if any portion of the yard is</li> </ul>                  | 10 feet                       |  |  |  |  |  |
| within 50 feet of LDR, MDR, HDR  |                               |  |  |  |  |  |
| Recreation space   | 200 sq. ft. per dwelling unit |  |  |  |  |  |
|  | (1,000 sq. ft. min.)          |  |  |  |  |  |

| Off-street parking: |                                   |
|---------------------|-----------------------------------|
| Residential         | See TMC Chapter 18.56,            |
|                     | Off-street Parking & Loading      |
|                     | Regulations                       |
| Office, minimum     | 3 per 1,000 sq. ft.               |
| ·                   | usable floor area                 |
| • Retail, minimum   | 2.5 per 1,000 sq. ft.             |
|                     | usable floor area                 |
| Other uses          | 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 8.** Ordinance Nos. 1976 §42, 1872 §4, 1865 §25, 1830 §13, and 1758 §1 (part), as codified at TMC Section 18.22.080, "Basic Development Standards," are hereby amended to read as follows:

# 18.22.080 Basic Development Standards

Development within the Neighborhood Commercial Center District shall conform to the following listed and referenced standards: In the Tukwila International Boulevard corridor, there are circumstances under which these basic standards may be waived (see TMC Section 18.60.030). Certain setback and landscaping standards may be waived by the director of Community Development as a Type 2 decision when an applicant can demonstrate that shared parking is provided. If a project requires a Type 4 approval process, certain setbacks and landscaping may be waived by the BAR when an applicant can demonstrate that the number of driveways is reduced, efficiency of the site is increased, joint use of parking facilities is allowed or pedestrian space is provided. Landscaping and setback standards may not be waived on commercial property sides adjacent to residential districts. See the Tukwila International Boulevard Design Manual for more detailed directions.

# NCC BASIC DEVELOPMENT STANDARDS

| Lot area per unit for senior citizen housing, minimum   | 726 sq. ft. (senior housing)  |
|---|---|
| Setbacks to yards, minimum:   |   |
| • Front   | 6 feet (12 feet if located along Tukwila International Blvd. S.)  |
| Second front  | 5 feet  |
| • Sides   | 10 feet   |
| Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR  Within 50 feet of LDR, MDR, HDR  Output  Description of the yard is within 50 feet of LDR, MDR, HDR  Output  Description of the yard is within 50 feet of LDR, MDR, HDR | Ratio of 1.5:1 setback<br>(for every 1.5 feet of bldg.<br>height, setback 1 foot from<br>property line) min. of<br>10 feet and a max. of 20 feet          |
| • Rear  | 10 feet   |
| <ul> <li>Rear, if any portion of the yard is<br/>within 50 feet of LDR, MDR, HDR</li> </ul>   | Ratio of 1.5:1 setback<br>(for every 1.5 feet of bldg.<br>height, setback 1 foot from<br>property line) min. of<br>10 feet and a max. of 20 feet          |
| Height, maximum   | 3 stories or 35 feet (4 stories or 45 feet in the NCC of the Tukwila International Boulevard, if a mixed use with a residential and commercial component) |
| Landscape requirements (minimum): See L   |   |
| Recycling/Solid Waste Space requirements  |   |
| • Front   | 5 feet  |
| <ul> <li>Front(s) if any portion of the yard is<br/>within 50 feet of LDR, MDR, HDR</li> </ul>  | 10 feet   |
| • Sides   | None  |
| Sides, if any portion of the yard is<br>within 50 feet of LDR, MDR, HDR   | 10 feet   |
| • Rear  | none  |
| <ul> <li>Rear, if any portion of the yard is<br/>within 50 feet of LDR, MDR, HDR</li> </ul>   | 10 feet   |
| Recreation space  | 200 sq. ft. per dwelling unit<br>(1,000 sq. ft. min.)   |
| Recreation space, senior citizen housing  | 100 sq. ft. per dwelling unit   |

| Off-street parking:                  |                               |
|--------------------------------------|-------------------------------|
| Residential (except senior citizen   | See TMC 18.56, Off-street     |
| housing)                             | Parking/Loading Regulations   |
| • Office                             | 3 per 1,000 sq. ft.           |
|                                      | usable floor area             |
| • Retail                             | 2.5 per 1,000 sq. ft.         |
|                                      | usable floor area             |
| Manufacturing                        | 1 per 1,000 sq. ft.           |
|                                      | usable floor area minimum     |
| <ul> <li>Warehousing</li> </ul>      | 1 per 2,000 sq. ft.           |
|                                      | usable floor area minimum     |
| Other uses, including senior citizen | See TMC 18.56, Off-street     |
| housing                              | 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 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.** Ordinance Nos. 2500 §23, and 2098 §2, as codified at TMC Section 18.50.050, "Single-Family Dwelling Design Standards," are hereby amended to read as follows:

# 18.50.050 Single-Family Dwelling Design Standards

All new single-family dwellings, as well as accessory dwelling units and other accessory structures that require a building permit, must:

- 1. Be set upon a permanent concrete perimeter foundation, with the space from the bottom of the home to the ground enclosed by concrete or an approved concrete product that can be either load bearing or decorative.
- 2. If a manufactured home, be comprised of at least two fully-enclosed parallel sections, each of not less than 12 feet wide by 36 feet long.
- 3. Be thermally equivalent to the current edition of the Washington State Energy Code with amendments.
- 4. Have exterior siding that is residential in appearance including, but not limited to, wood clapboards, shingles or shakes, brick, conventional vinyl siding, fibercement siding, wood-composite panels, aluminum siding or similar materials. Materials such as smooth, ribbed or corrugated metal or plastic panels are not acceptable.
- 5. Have the front door facing the front or second front yard, if the lot is at least 40 feet wide. This requirement does not apply to ADUs or accessory structures.

- 6. Have a roofing material that is residential in appearance including, but not limited to, wood shakes or shingles, standing seam metal, asphalt composition shingles or tile, with a minimum roof pitch of 5:12.
- **Section 10.** Ordinance Nos. 2368 §52, and 2098 §3, as codified at TMC Section 18.50.055, "Single-Family Design Standards Exceptions," are hereby amended to read as follows:

# 18.50.055 Single-Family Design Standard Exceptions

- A. The design standards required in TMC Section 18.50.050 (4), (5) and (6) may be modified by the Community Development Director as a Type 2 Special Permission decision.
- 1. The criteria for approval of use of unconventional exterior siding are as follows:
- a. The structure exhibits a high degree of design quality, including a mix of exterior materials, detailing, articulation and modulation; and
- b. The proposed siding material is durable with an expected life span similar to the structure; and
  - c. The siding material enhances a unique architectural design.
  - 2. The criteria for approval of a roof pitch flatter than 5:12 are as follows:
- a. The proposed roof pitch is consistent with the style of the house (for example modern, southwestern);
- b. If a flat roof is proposed, the top of the parapet may not exceed 25 feet in height;
  - c. If a sloped roof is proposed, it must have at least 24-inch eaves; and
- d. The house exhibits a high degree of design quality, including a mix of exterior materials, detailing, articulation and modulation.
- 3. The criteria for approval of a house with a front door that faces the side or rear yard are as follows:
- a. The topography of the lot is such that pedestrian access is safer or more convenient from the side or rear yard;
- b. The house will be set back at least twice the minimum front yard setback;
- c. The entrance is oriented to take advantage of a site condition such as a significant view; or
  - d. The entry feature is integral to a unique architectural design.

- B. The design standards required in TMC Section 18.50.050 (5) and (6) may also be modified by the Community Development Director as a Type 2 Special Permission decision if the proposal includes a replacement of a single wide manufactured home with a double wide and newer manufactured home. The property owner can apply for this waiver only one time per property starting from the date of adoption of this ordinance. Additionally, the proposal should result in aesthetic improvement to the neighborhood.
- C. The design standards required in TMC Section 18.50.220.A (4) may be modified by the Community Development Director as a Type 2 Special Permission decision. The design of an attached ADU that does not reflect the design vocabulary of the existing primary residence may be approved if the new portion of the structure exhibits a high degree of design quality, including a mix of durable exterior materials, detailing, articulation and modulation.

**Section 11. TMC Section Adopted.** TMC Section 18.50.220, "Accessory Dwelling Unit (ADU) Standards," is hereby established to read as follows:

# 18.50.220 Accessory Dwelling Unit (ADU) Standards

#### A. General Standards.

- 1. Detached ADUs may only be built on lots that meet the minimum lot size required in the Zoning District they are located within. Attached ADUs have no minimum lot size requirement.
- 2. Only one ADU, either attached or detached, is permitted per parcel containing a single-family dwelling.
- 3. Attached ADUs may occupy a maximum of 40% of the square footage of the primary single-family dwelling (excluding the area of any attached garage) or up to 1,000 square feet, whichever is less.
- 4. Attached ADUs created through additions to the primary single-family dwelling shall be consistent with the roof pitch, materials and window type of the existing structure.
- 5. Detached ADUs may be a maximum of 800 square feet. If built over a detached garage, the detached garage would not count toward the area limit for the ADU.
- 6. Detached ADUs may be up to 20 feet in height, except that an ADU built over a detached garage may be up to 25 feet in total height.
- 7. Detached ADUs must be set back at least as far from the street as the primary single-family dwelling. This does not apply to the second front of a through or corner lot, where the unit is incorporated into an existing structure, or where there is at least 60 feet between the existing single-family dwelling and the front property line.
- 8. ADUs should be designed and located in a manner that minimizes the impact on adjacent development. This can be achieved by avoiding window and door placement directly across from openings on neighboring structures or where that is not

practical using clerestory windows or obscure glass. Screening with fences and landscaping can be used to limit visibility of ADUs and enhance privacy.

- 9. The ADU may not be sold as a condominium or otherwise segregated in ownership from the primary single-family dwelling.
  - 10. ADUs may not be rented for periods of less than 30 days.

# B. Parking.

- 1. One off-street parking space must be provided for each studio or one bedroom ADU, with one additional space required for each additional bedroom.
- 2. These ADU parking spaces are in addition to any parking spaces required for the primary single-family dwelling.
  - 3. Tandem spaces are permitted.

# C. Owner Occupancy Requirement.

- 1. A person who owns at least 50% of the property must physically reside in either the ADU or the primary single-family dwelling. The owner's unit may not be rented to another party for any period of time.
- 2. The owner must provide documentation of their occupancy such as a vehicle or voting registration. Falsely certifying owner occupancy or failure to comply with the residency requirement shall result in the loss of ADU registration and penalties per TMC Chapter 5.06.
- 3. The owner or owners must sign and record an affidavit on forms provided by the City acknowledging that this requirement shall run with the land.
  - 4. If the owner occupancy requirement is violated an owner shall either:
    - a. Re-occupy one of the units, or
- b. Remove the elements of the accessory dwelling unit that make it a complete, separate dwelling unit.
- D. Failure to comply with any of the requirements of this section shall be subject to enforcement and penalties as prescribed in TMC Chapter 8.45 and the issuance of a Notice of Violation and Order in accordance with TMC Section 8.45.070.
- **Section 12. TMC Section Adopted.** TMC Section 18.50.230, "Accessory Dwelling Unit (ADU) Registration Procedures," is hereby established to read as follows:

# 18.50.230 Accessory Dwelling Unit (ADU) Registration Procedures

- A. To gain the City's approval to establish an ADU, a property owner shall submit a registration form, sign and record an affidavit of owner occupancy, and obtain a building permit for any necessary remodeling or construction.
- B. All ADUs existing prior to the enactment of these requirements shall apply for registration within one year after the effective date of Ordinance No. 2581. Within the

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one-year amnesty period existing ADUs may be registered without meeting one or more of the following standards:

- 1. Exceeding the permitted height for a detached ADU.
- 2. Exceeding the permitted area for an attached or detached ADU up to a maximum of 1,200 square feet.
  - 3. Only providing one parking space when the ADU requires more.
  - 4. Having a roof pitch of less than 5:12.
  - 5. Location of the ADU on the lot.
- C. Illegally-created ADUs must be brought into compliance with the life safety requirements of the Tukwila Municipal Code, International Residential Code and International Property Maintenance Code or they must be removed.
- D. If either the primary single-family dwelling or the ADU will be rented, a Residential Rental Business License per TMC Chapter 5.06 must be obtained prior to occupancy of the unit by a tenant.
- **Section 13.** Table 18-6: "Land Uses Allowed by District," as codified in TMC Title 18, relating to "Dwelling unit—Accessory," and footnote 17, are hereby amended as set forth below. The amended Table 18-6 is attached as Exhibit A.

| P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use); C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S=Special Permission (Administrative approval by the Director) | LDR | MDR | HDR | MUO | 0 | RCC | NCC | RC | RCM | C/LI | U | н | MIC/L | міс/н | TVS | TSO | PRO |
|--|-----|-----|-----|-----|---|-----|-----|----|-----|------|---|---|-------|-------|-----|-----|-----|
| 17<br>Dwelling unit – Accessory  | А   | А   | А   | A   | A | A   | A   |    |     |      |   |   |       |       | A   | A   |     |

17. See TMC Section 18.50.220 for accessory dwelling unit standards.

Section 14. 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 15.** 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 16. 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 five days after passage and publication as provided by law.

| PASSED BY THE CITY COUNCIL OF T<br>a Regular Meeting thereof this day | of, 2018.   |
|---|---|
| ATTEST/AUTHENTICATED:   | MaSterg   |
| Christy O'Flaherty, MMC, City Clerk                                   | Allan Ekberg, Mayor   |
| APPROVED AS TO FORM BY:   | Filed with the City Clerk: 6-30-18  Passed by the City Council: 10-3-18 |
| Part of Par   | Published: 7-6-18   |
| THURST OF ALL   | Effective Date:   |
| Rachel B. Turpin, City Attorney                                       | Ordinance Number: 3581  |

Attachment: Exhibit A, Table 18-6: Land Uses Allowed by District