



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

CITY OF TUKWILA
PLANNING COMMISSION PUBLIC HEARING
VIRTUAL MEETING VIA MICROSOFT TEAMS
APRIL 23, 2020 - 6:30 PM

To Participate in the Virtual Meeting at 6:30 pm:

By Phone: Dial +1 253-292-9750, Access Code 8108779 #

Online: To join the meeting online click here [Join Microsoft Teams Meeting](#)

FOR TECHNICAL SUPPORT DURING THE MEETING YOU MAY CALL 1-206-433-7155.

- I. CALL TO ORDER
- II. ATTENDANCE
- III. ADOPT MINUTES – 2-27-20
- IV. PUBLIC HEARING
 - CASE NUMBER: L20-0015
 - PURPOSE: Consider zoning code amendments restricting or prohibiting certain auto-oriented and lodging uses currently prohibited by Ordinance 2620, to implement the Tukwila International Boulevard (TIB) Element of the Comprehensive Plan.
 - LOCATION: Neighborhood Commercial Center (NCC) and Regional Commercial (RC) zones in the TIB Study Area
- V. DIRECTOR’S REPORT
- VI. ADJOURN



PLANNING COMMISSION (PC) WORK SESSION MINUTES

Date: February 27, 2020
Time: 6:30 PM – 8:50 PM
Location: Council Chambers

Present: Commissioners Dennis Martinez, Louise Strander, Sharon Mann, Heidi Watters, Dixie Stark and Andrea Reay

Absent: Commissioner Karen Simmons

Staff: Deputy Director Minnie Dhaliwal and Planning Commission Secretary Wynetta Bivens

Adopt Minutes: Commissioner Mann moved to adopt the August 22, 2019 minutes. Commissioner Stark seconded the motion. Motion passed. Commissioners Watters abstained due to absence, and Commissioner Reay because she wasn't appointed to the Commission until December 2019.

Commissioner Martinez called for a motion to promote Vice-chair Watters to the position of Chair for 2020. Motion passed.

Commissioner Watters took her seat as chair and called for a motion to nominate a Vice-chair for 2020. Commissioner Stark nominated Commissioner Strander for Vice-chair for 2020, Commissioner Martinez seconded the motion. Motion passed.

Minnie Dhaliwal, Deputy Director, DCD gave an update on Accessory Dwelling Unit (ADU) regulations, which were adopted by City Council, in 2018. Ms. Dhaliwal provided background information, gave an overview of the four zoning items, and staff's list of options for potential amendments for PC consideration.

PC recommended the following zoning amendments be forwarded to the City Council for review:

1. ADU Vs main house size limitations:

PC Recommended option 4, with a revision:

No % limit, just the maximum size limit of 1,000 sq. ft. for an ADU -

Revision: Include additional language for design guidelines to maintain the single-family home look.

(Commissioner Martinez was in favor of option 1)

2. Owner occupancy requirement:

PC Recommended option 1:

Keep the owner occupancy requirement.

3. More than two units on one lot:

PC Recommended option 2:

Allow a detached ADU on lots that have a legal non-conforming duplex and the minimum lot size is 19,500 sq. ft. thus meeting density requirements of the LDR zone.

Revision: Include design standards for parking.

4. Amnesty:

PC Recommended option 2:

Do not extend the Amnesty Program

Action Items:

- Staff will return with information on the difference between impact fees cost for detached and attached ADUs, and why there is a charge for one and not the other; and whether the payments can be made monthly.
- Staff will verify whether the Congress New Urbanism (CNU) report addresses forgiving impact fees.
- Staff will research other options, 1) Can fees be reduced based on income, 2) Are there pro-rated programs based on income?
(Commissioner Martinez said the City runs on revenue, and he does not think impact fees should be removed)
- For number 7 on Page 27 of the staff report - Staff will provide potential examples of diagrams for setbacks of the existing single -family dwelling to determine the ability to build an ADU in front of the dwelling.
- Request was made for legal counsel regarding enforceability and liability pertaining to owner occupancy requirements.
- Staff will provide information on the number of lots that are larger than 19,500 sq. ft. for zoning amendment number 3 listed above.
- Staff will provide the Commissioners a link of the CNU traffic study.

Submitted by: Wynetta Bivens
PC Secretary



STAFF REPORT TO THE PLANNING COMMISSION

Prepared April 14, 2020

- FILE NUMBERS: L20-0015 Code Amendments, PL20-0021
- REQUEST: Amend the zoning code to prohibit or restrict certain auto-oriented and lodging land uses in the NCC and RC zoning districts located in the Tukwila International Blvd (TIB) district study area. Planning Commission will hold a public hearing on the proposed amendments and make recommendations to the City Council for review and adoption.
- PUBLIC HEARING: April 23, 2020. The Notice of Public Hearing was published in the Seattle Times on April 9, 2020.
- LOCATION: Neighborhood Center Commercial (NCC) and Regional Commercial (RC) zones located in the Tukwila International Boulevard (TIB) study area (see Attachment A)
- SEPA: Covered by Addendum to SEPA checklist for 2015 Comprehensive Plan Update
- STAFF: Lynn Miranda, Planning Supervisor, AICP
- ATTACHMENTS:
- A. Map of Tukwila International Blvd (TIB) study area with underlying zoning and affected businesses
 - B. TIB Plan 2020 Workprogram
 - C. Tukwila Municipal Code (TMC) Chapter 18.70 Non-Conforming Lots, Structures and Uses
 - D. TMC Chapter 18 Table 18-6: Land Uses Allowed by District, with NCC & RC zones and affected uses highlighted.

BACKGROUND

The Tukwila City Council is requesting staff to consider code amendments to replace the current moratorium (Ordinance 2620) on the development, expansion, intensification or establishment of any auto-oriented commercial uses including but not limited to gas stations; car washes; vehicular repair or services; vehicular sales or rentals; vehicular storage; commercial parking and drive-throughs; battery, tire, engine body repair shops; and vehicular sales or rentals. Also included in the moratorium are hotels, motels, and extended-stay facilities. Council has forwarded this item to the Planning Commission for consideration and a recommendation.

History

The City's Comprehensive Plan was updated in 2015 with new goals, policies and vision for TIB. A key goal of the Plan's *Tukwila International Boulevard (TIB) Element* is to transition TIB from a region-serving highway to a safer, walkable "main street" with housing and neighborhood-serving commercial services. In February 2017, a three-day public workshop with the Congress for New Urbanism (CNU) was held to develop, discuss and review ideas for implementing the Comprehensive Plan.

CNU presented a summary of the workshop and results at the May 1, 2017 City Council meeting. Two major actions were recommended by CNU – 1) revise the street design for TIB to add on-street parking; and 2) update the zoning code with standards that would support and encourage the types and form of new development envisioned by the community.

In 2017, Council adopted a 6-month moratorium prohibiting auto-oriented and lodging uses in in the TIB study area to allow staff time to draft new standards and alternative TIB roadway designs and discuss options with the community. The moratorium was also intended to ensure that any future development or redevelopment occurring prior to adoption of the new standards supported the vision and prevented investment in uses that were likely not going to be allowed under the planned revisions to the zoning code.

Work on the new zoning code standards and TIB rechannelization options has been progressing but is not yet completed. Council has been continuing to renew the moratorium but has indicated that they will not do so again when the current moratorium (Ordinance 2620) expires in July. However, decisions on the preferred TIB rechannelization alternative and public review of the comprehensive set of code revisions and design guidelines for the TIB Study Area is anticipated to be completed *after* the moratorium expires (see workprogram in Attachment B). Amending the code pertaining to auto-oriented and lodging uses now would eliminate the need to renew the moratorium.

If the placeholder zoning changes are not adopted or the moratorium is not renewed, redevelopment could occur that does not support the community vision and Comprehensive Plan goals and policies.

DISCUSSION OF PROPOSED CHANGES

Moratorium (Ordinance 2620) states:

Prohibit the development, expansion, intensification or establishment of any auto-oriented commercial uses including but not limited to gas stations; car washes; vehicular repair or services; vehicular sales or rentals; vehicular storage; commercial parking and drive-throughs; battery, tire, engine body repair shops; vehicular sales or rentals; and hotels, motels, and extended-stay facilities in the Neighborhood Center Commercial (NCC) and Regional Commercial (RC) zoning districts in the TIB study area.

Affected Zones in the TIB Study Area (see Attachment A)

The limits of the TIB study area can be seen in Attachment A and are roughly bound by S. 139th Street in the north, S. 160th Street in the south, Military Road S./City limits to the west, and 42nd Avenue S. to the east.

The following zoning districts will be affected by the proposed revisions:

- The *Neighborhood Commercial Center* (NCC) zone is found in a number of locations throughout the City. However, the proposed amendments would be limited to those areas located within the TIB study area.
- The Regional Commercial (RC) zones are only located within the TIB study area.

Options to Consider

Council has given direction to the Planning Commission to consider code amendments that would remove the need to renew the current moratorium on the development, expansion, intensification or establishment of auto-oriented commercial and lodging uses in the TIB study area. Two options are offered here for amending *Table 18-6 Land Uses Allowed by District* to ensure that future development or redevelopment in the study area is consistent with and supports the form and types of uses that create a walkable TIB district, which was the intention of the moratorium:

Option 1. Prohibit certain auto-oriented and lodging uses, consistent with the provisions of the Moratorium (Ordinance 2620). Under this option:

- All auto-oriented commercial and lodging uses listed in the moratorium will be prohibited outright in the NCC and RC zones.

Option 2. Modify and restrict certain auto-oriented and lodging uses based on draft zoning code recommendations by CNU intended to implement the Comprehensive Plan. Under this option:

- Some auto-oriented commercial uses will remain allowable, subject to criteria related to site design and operations, to ensure they support walkability
- Extended stay and hotels will be allowed if they include a restaurant, 24-hour staffed reception, and a minimum of 100 rooms.
- Motels will not be permitted.
- Drive-through facilities will remain allowable, subject to criteria related to site design and operations, to ensure they support walkability.

Potential Impacts of the proposed changes to TMC Table 18-6

A map showing the businesses currently located within these zones and potentially affected by the proposals are shown in Attachment A.

If a currently permitted use in TMC Table 18-6 is modified to be prohibited, any existing related use/business would become a legal non-conforming use and subject to the provisions of TMC 18.70.040. The use and/or structure would not be allowed to expand, intensify, or altered (except for normal maintenance of the structure), and if the use ceases for a period of more than six consecutive months, or a total of 365 days in a three year period, any subsequent use must conform with the regulations of the zoning district. Over time, it is intended that these uses and structures will be replaced with those that are more neighborhood-serving and contribute to a walkable streetscape.

If a currently permitted use in Table 18-6 is modified so that it remains permitted with a new footnote or condition (P*), any existing related use/business will remain a legal use with a potentially non-conforming structure or site condition and subject to the provisions of TMC 18.70.050. See Attachment C for more details on non-conformance.

It should also be noted that any action taken will not change the densities, heights, parking standards or other development regulations affecting building size or lot design. These modifications to the development standards will be brought forward to the public, Planning Commission, and City Council for review and adoption later.

If the placeholder zoning changes are not adopted or the moratorium is not renewed, redevelopment could occur that does not support the community vision and Comprehensive Plan goals and policies.

Proposed Changes to TMC 18-6: Land Uses Allowed by District

- 1. Automobile, recreational vehicles or travel trailer or used car sales lots (no dismantling of cars or travel trailers or sale of used parts allowed).**

	(P)Permitted (C)Conditional (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6 ²		P
Option 1- Moratorium Based		No
Option 2 – Modified ²		P*

2. No dismantling of cars or travel trailers or sale of used parts allowed.

P* Automotive sales must have an enclosed showroom with no outdoor storage of vehicles.

Staff Recommendation: Option 2.

- 2. Rental of vehicles not requiring a commercial driver’s license.**

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium		No
Option 2 – Draft Code Changes		P*

P* Automotive rental must have an enclosed showroom with no outdoor storage of vehicles.

Staff Recommendation: Option 2.

3. Automotive services, gas (outside pumps allowed), washing, body and engine repair shops (enclosed within a building), and alternate fueling station (not wholesale distribution facilities).

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6	P	P
Option 1- Moratorium	No	No
Option 2 – Draft Code Changes	p*	p*

P* Outdoor storage of vehicles, tires, or other materials used for service is not permitted. Gas stations are permitted if the pumps and parking are located behind the building and the pumps meet the setback requirements. Queuing lanes are not permitted between buildings and back of sidewalk.

Staff Recommendation: Option 2.

4. Commercial parking (Commercial parking is a use of land or structure for the parking of motor vehicles as a commercial enterprise for which hourly, daily or weekly fees are charged (TMC 18.06.613))

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6		P7
Option 1- Moratorium		No
Option 2 – Draft Code Changes		P7

P7 provided it is: a. located within a structure having substantial ground floor retail or commercial activities and designed such that the pedestrian and commercial environments are not negatively impacted by the parking use; or b. located at least 175 feet from adjacent arterial streets and behind a building that, combined with appropriate Type III landscaping, provides effective visual screening from adjacent streets.

Staff Recommendation: Option 2

5. Extended-stay hotel/motel

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium		No
Option 2 – Draft Code Changes		p*

P* Allow extended stay/hotel (not motel) with a restaurant, 24-hour staffed reception, and a minimum 100 rooms

Staff Recommendation: Option 2

6. Hotels

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium		No
Option 2 – Draft Code Changes		P*

P* Allow hotels with a restaurant, 24-hour staffed reception, and a minimum 100 rooms.

Staff Recommendation: Option 2

7. Motels

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium and Option 2 – Draft Code Changes		No

Staff Recommendation: Option 1 & 2 – Prohibit Motels

8. Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6		P
Option 1- Moratorium		No drive through
Option 2 – Draft Code Changes		p*

P* Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks.

Staff Recommendation: Option 2. Note: there is currently a separate use in Table 18-6 allowing restaurants without a drive-through facility in the NCC zone.

9. Retail sales, e.g. health/beauty aids/prescription drugs/food/hardware/notions/crafts/supplies/housewares/electronics/photo-equip/film processing/ books/magazines/stationery/ clothing/shoes/flowers/plants/pets/jewelry/gifts/rec. equip/sporting goods, and similar items

	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6	P	P
Option 1- Moratorium	No drive through	No drive through
Option 2 – Draft Code Changes	p*	p*

P* Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks.

Staff Recommendation: Option 2.

10. Financial, banking, mortgage, other services

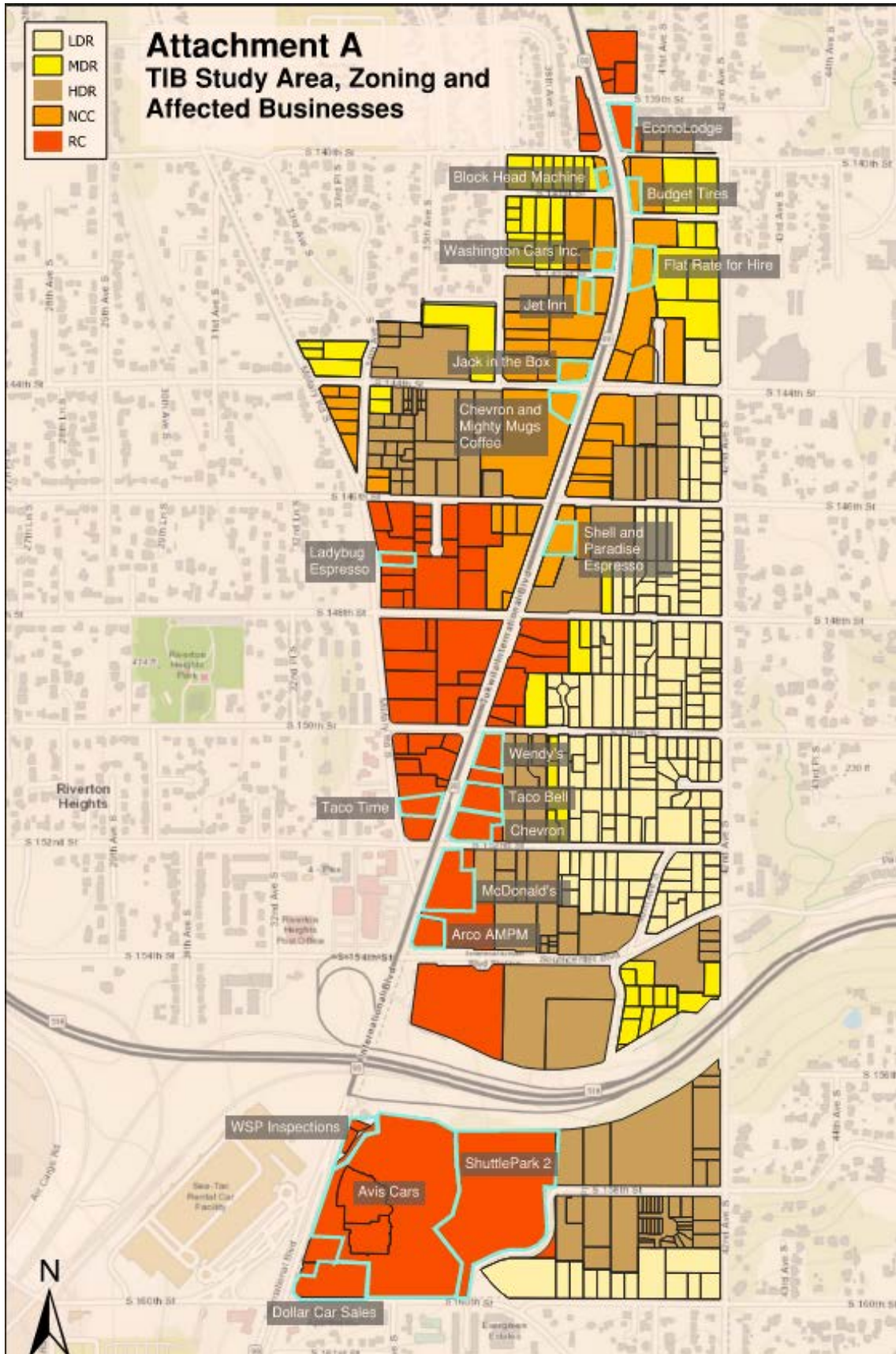
	(P)Permitted, (C)Conditional, (No)Prohibited	
	NCC	RC
Existing TMC Table 18-6	P	P
Option 1- Moratorium	No drive thru	No drive thru
Option 2 – Draft Code Changes	p*	p*

P* Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks.

Staff Recommendation: Option 2.

RECOMMENDED ACTION

Staff is recommending Option 2 which modifies and restricts certain auto-oriented and hotel and extended stay/hotels uses and prohibits motels uses, based on draft zoning code recommendations by CNU intended to implement the Comprehensive Plan. Staff recommends that the Planning Commission hold a public hearing on the proposed changes on April 23, 2020, review each proposed change, and forward recommendations to the COW.



Attachment B

Tukwila International Boulevard (TIB) Neighborhood Plan Work Program

(As of April 10, 2020 – dates may change to Coronavirus impacts)

Work program – 2020

1st Quarter

- PED forwards zoning code changes prohibiting auto-oriented and hotel/motel uses to the Planning Commission for review and public hearing
- PED 1st meeting to consider final TIB rechannelization evaluation report

2nd Quarter

- TIC meeting to consider final TIB rechannelization evaluation report
- Planning Commission hearing and recommendation on zoning code changes restricting auto-oriented and hotel/motel uses
- PED considers Planning Commission recommendations re: zoning code revisions restricting auto-oriented and hotel/motel uses and forwards to COW
- Council hearing and decision on zoning code changes restricting auto-oriented and hotel/motel uses

3rd/4th Quarter (may shift due to coronavirus impacts on City operations and schedules)

- Council conducts public outreach and selects preliminary TIB rechannelization alternative
- Staff finalizes draft comprehensive set of TIB zoning code revisions (incorporating rechannelization alternative) and Design Manual guidelines for public review
- Outreach to TIB area property owners, residents, businesses and development community regarding TIB zoning code revisions & design manual
- Prepare Draft Environmental Checklist (SEPA)
- Issue SEPA Determination
- Possible City Council/Planning Commission joint work sessions on comprehensive set of TIB zoning code revisions and design manual guidelines.
- Planning Commission and City Council public hearings, deliberation, and decision on TIB zoning code revisions and design manual.

Products:

- Comprehensive Plan Map Amendment
- Zoning Code and Map Amendments
- TIB Design Manual
- Environmental Checklist and Determination

Work completed

2017

- CNU Legacy Workshop in Tukwila – February
- CNU Final Report Presentation to City Council Meeting - May
- Refined household and employment Yr. 2031 forecasts for TIB neighborhood for traffic analysis on the street modification
- Selected a consultant for the SEPA analysis of the proposed TIB Plan

- Contracted for additional transportation professional services on design standards for TIB neighborhood street standards
- Reviewed draft Land Use Chart and Zoning Map amendments with Planning Commission - August 24, 2017
- Council adopted a moratorium on certain uses in the TIB study area in September
- Briefed TIBAC on above draft amendments – October 10, 2017
- Briefed Transportation and Infrastructure Committee (11/14/17) on traffic analysis and associated capital improvement costs and obtained direction for additional analysis
- Reviewed consultant's draft street circulation improvements
- Contracted for an update to the Tukwila International Boulevard Design Manual

2018

- Contracted for additional engineering services analyzing TIB on-street parking impacts and cost
- Began creation and modification of alternative Zoning District boundaries and zoning standards based upon Planning Commission land use discussion, street designations and designs
- Drafted new street cross-sections for TIB streets and a new circulation network based on CNU engineering consultant recommendations and anticipated land uses
- Council extended moratorium on certain uses in the TIB study area in July and December.
- Updated Council on current direction and schedule for implementing TIB zoning changes and possible TIB on-street parking options. Recommended further analysis of TIB on-street parking options.
- Consultants delivered draft TIB zoning code revisions and draft of updated TIB Design Manual to staff
- Circulated draft Zoning revisions for internal review

2019

- Contracted for additional TIB rechannelization and mitigation options.
- Worked on revisions to the TIB Design Manual
- Council renewed moratorium on certain uses in the TIB study area in May and December.
- Planning Commission and City Council Field Trip to view on-street parking options.

CHAPTER 18.70
NONCONFORMING LOTS,
STRUCTURES AND USES

Sections:

18.70.010	Purpose
18.70.020	Construction Approved Prior to Adoption of Title
18.70.030	Substandard Lots
18.70.040	Nonconforming Uses
18.70.050	Nonconforming Structures
18.70.060	Repairs and Maintenance
18.70.070	Building Safety
18.70.080	Nonconforming Parking Lots
18.70.090	Nonconforming Landscape Areas
18.70.100	Conditional and Unclassified Uses
18.70.110	Nonconforming Adult Entertainment Establishment
18.70.120	Sidewalk Dedication
18.70.130	Cargo Containers

18.70.010 Purpose

It is the purpose of this chapter to establish limitations on the expansion and extension of nonconforming uses and structures which adversely affect the development and perpetuation of desirable residential, commercial, and industrial areas with appropriate groupings of compatible and related uses.

(Ord. 1819 §1 (part), 1997)

18.70.020 Construction Approved Prior to Adoption of Title

To avoid undue hardship, nothing in this title shall be deemed to require a change in plans, construction or designated use of any building on which actual construction was lawfully begun prior to adoption of this title and upon which actual building construction has been carried on in a diligent manner. Actual construction shall consist of materials in permanent positions and fastened in a permanent manner, and demolition, elimination and removal of one or more existing structures in connection with such construction; providing, that actual construction work shall be diligently carried on until the completion of the structure involved.

(Ord. 1819 §1 (part), 1997)

18.70.030 Substandard Lots

A. A lot, as defined in TMC 18.06.500, which does not meet the minimum standard for average lot width for the zone in which it is located, may still be developed as a separate lot if the proposed use is one which is permitted in the zone, and the proposed development can comply with the remaining requirements of this title regarding basic development standards for the applicable zone and other applicable land use and environmental requirements.

B. A lot, as defined in TMC 18.06.500, which cannot meet the basic development standards (other than lot width) for the applicable zone and other applicable land use and environmental requirements, may be developed only if it is combined with adjacent lot(s) in a manner which allows the combined lots to be developed in a manner which does comply with the basic development standards for the applicable zone and other applicable land use and environmental requirements. In the event lots are combined in order to comply with the requirements of this subsection, a boundary line adjustment shall occur so that the combined lots are henceforth considered a single lot.

C. Nothing in this subsection shall be deemed to prevent the owner of a sub-standard lot from applying for or receiving approval of variances pursuant to TMC Chapter 18.72.

(Ord. 2153 §1, 2007; Ord. 2097 §21, 2005)

18.70.040 Nonconforming Uses

Any preexisting lawful use of land made nonconforming under the terms of this title may be continued as a nonconforming use, defined in TMC Chapter 18.06, so long as that use remains lawful, subject to the following:

1. No such nonconforming use shall be enlarged, intensified, increased or extended to occupy a greater use of the land, structure or combination of the two, than was occupied at the effective date of adoption of this title.

2. No nonconforming use shall be moved or extended in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this title.

3. If any such nonconforming use ceases for any reason for a period of more than six consecutive months, or a total of 365 days in a three-year time period, whichever occurs first, any subsequent use shall conform to the regulations specified by this title for the district in which such use is located.

4. No existing structure devoted to a use not permitted by this title in the zone in which it is located shall be structurally altered, except in changing the use of the structure to a use permitted in the zone in which it is located; except where minor alterations are made, pursuant to TMC Section 18.70.050(1), TMC Section 18.70.060, or any other pertinent section, herein.

5. If a change of use is proposed to a use determined to be nonconforming by application of provisions in this title, the proposed new use must be a permitted use in its zone or a use approved under a Conditional Use or Unclassified Use Permit process, subject to review and approval by the Hearing Examiner and/or the City Council. For purposes of implementing this section, a change of use constitutes a change from one Permitted, Conditional or Unclassified Use category to another such use category as listed within the Zoning Code.

6. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.

(Ord. 2500 §31, 2016; Ord. 1819 §1 (part), 1997)

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, 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.

(Ord. 2518 §15, 2016; Ord. 2175 §1, 2007; Ord. 2077 §1, 2004; Ord. 1819 §1 (part), 1997)

18.70.060 Repairs and Maintenance

If any building is devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 25% of the current replacement value of the building.

(Ord. 1819 §1 (part), 1997)

18.70.070 Building Safety

A. Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by order of any City official charged with protecting the public safety.

B. Alterations or expansion of a nonconforming use which are required by law or a public agency in order to comply with public health or safety regulations are the only alterations or expansions allowed.

(Ord. 1819 §1 (part), 1997)

18.70.080 Nonconforming Parking Lots

A. Nothing contained in the Off-street Parking and Loading Regulations chapter of this title shall be construed to require a change in any aspect of a structure or facility covered thereunder including, without limitation, parking lot layout, loading space

requirements and curb-cuts, for any structure or facility which existed on the date of adoption of this title.

B. If a change of use takes place, or an addition is proposed, which requires an increase in the parking area by an increment less than 100%, the requirements of the Off-street Parking and Loading Regulations chapter of this title shall be complied with for the additional parking area.

C. If a change of use takes place, or an addition is proposed, which requires an increase in the parking area by an increment greater than 100%, the requirements of the Off-street Parking and Loading Regulations chapter of this title shall be complied with for the entire parking area.

(Ord. 1819 §1 (part), 1997)

18.70.090 Nonconforming Landscape Areas

A. Adoption of the landscaping regulations contained in this title shall not be construed to require a change in the landscape improvements for any legal landscape area which existed on the date of adoption of this title, unless and until a change of use or alteration of the structure requiring design review approval is proposed (see TMC Chapter 18.60).

B. At such time as a change requiring design review approval is proposed for a use or structure, and the associated premises does not comply with the landscape requirements of this title, a landscape plan which conforms to the requirements of this title shall be submitted for approval along with the design review application. The BAR (or DCD Director in the case of administrative design review) may modify the standards imposed by this title when, in their judgment, strict compliance with the landscaping standards of this code would create substantial practical difficulties, the existing and proposed additional landscaping and screening materials together will adequately screen or buffer possible use incompatibilities, soften the barren appearance of parking or storage areas, and/or adequately enhance the premises appropriate to the use district and location of the site.

*(Ord. 2005 §19, 2002; Ord. 1872 §15, 1999;
Ord. 1819 §1 (part), 1997)*

18.70.100 Conditional and Unclassified Uses

A legal use does not become nonconforming because the zone in which it is located is changed to a zone which requires a conditional or unclassified use permit for the use, or because the use is changed from an allowed use to a conditional or unclassified use within the same zone; provided, however, the use may not be expanded nor may buildings be enlarged, altered or modified without first obtaining a conditional or unclassified use permit if required pursuant to requirements of TMC Chapters 18.64 or 18.66.

(Ord. 1819 §1 (part), 1997)

18.70.110 Nonconforming Adult Entertainment Establishments

Notwithstanding any other provision of this chapter, any adult entertainment use or establishment which is rendered nonconforming by the provisions of any ordinance of the City shall be terminated or discontinued within 90 days from the effective date of that ordinance.

1. The owner or operator of any adult entertainment use or establishment which is rendered nonconforming by the provisions of any ordinance of the City may appeal the 90-day termination provision of this section by filing a notice of appeal with the City Clerk within 60 days of the effective date of this section.

2. Within ten days of receipt of a notice of appeal, the City Clerk shall schedule a hearing on the appeal before a hearing examiner. The hearing shall be no later than 20 days from the date of receipt by the City of the notice of appeal, unless extended by mutual agreement of the parties. The hearing examiner shall be the City Clerk or his/her designee.

3. Within ten days, excluding weekends and holidays recognized by the City, from the date of the hearing on an appeal under this section, the hearing examiner shall issue a written decision, which shall set forth the hearing examiner's findings of fact and conclusions of law. The hearing examiner shall consider the following factors and any other factors that he/she determines to be relevant or helpful in reaching a decision:

a. The harm or hardship to the appellant caused by the 90-day termination provision of this section;

b. The benefit to the public to be gained from termination of the use;

c. The nature of the leasehold or other ownership interest that an appellant may have in premises occupied by the adult entertainment use;

d. Restrictions or lack of same imposed on an appellant's use of such premises by a lease or other binding agreement;

e. Amounts expended by an appellant for improvements to such premises or for necessary equipment and the extent to which those amounts have been recovered through depreciation, tax savings, or whether such improvements are contemplated to be left as property of the lessor; and

f. Any clear evidence of substantial economic harm caused by enforcement of the 90-day termination provision of this section.

4. Any appeal of the 90-day termination provision filed pursuant to this section shall be classified as a Type 1 decision to be rendered by the Hearing Examiner pursuant to the provisions of TMC Chapters 18.104 and 18.108.

(Ord. 1819 §1 (part), 1997)

18.70.120 Sidewalk Dedication

No building setback or landscape area on the subject lot at the time of donation or easement to the City for sidewalk purposes shall become nonconforming by reasons of such donation or easement.

(Ord. 1819 §1 (part), 1997)

18.70.130 Cargo Containers

A. All cargo containers that have been installed in the LDR, MDR, HDR, MUO, O, RCC, NCC, RC, RCM, TUC or C/LI zones as of April 15, 2002 must either receive Type 2 special permission approval or be removed by April 15, 2003. Criteria for approval are as follows:

1. Only one cargo container will be allowed per lot.
2. The cargo container is sufficiently screened from adjacent properties, parks, trails and rights-of-way, as determined by the Director. Screening may be a combination of solid fencing, landscaping, or the placement of the cargo containers behind, between or within buildings.
3. If located adjacent to a building, the cargo container must be painted to match the building's color.
4. Cargo containers may not occupy any required off-street parking spaces.
5. Cargo containers shall meet all setback requirements for the zone.
6. Outdoor cargo containers may not be stacked.

B. All containers so approved will be considered legal structures and may remain in place so long as the location and screening are not altered. If an approved cargo container is moved off a residential zoned property containing a residential use, no new container may be moved onto the property.

(Ord. 1989 §10, 2002)

Attachment D

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

See Table 18-2 for uses allowed in TUC and Figure 18-1 for uses allowed in Shoreline.

For properties zoned LDR, MDR and HDR that are designated as Commercial Redevelopment Areas (see figure 18-9 or 18-10), the uses and development standards of the adjacent commercial zone are permitted and shall apply, subject to the specific criteria and procedures defined in TMC 18.60.060

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	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
Adult day care	A	A	A	A	A			A	A							P	
Adult entertainment (subject to location restrictions ¹)										P	P	P	P	P	P	P	
Airports, landing fields and heliports (except emergency sites)										U	U	U	U	U	U	U	
Amusement Parks								C	C	C	C	C			C	P	
Animal rendering											U					P	
Animal shelters and kennels, subject to additional State and local regulations (less than 4 cats/dogs = no permit)								C	C	C	C	C			C		
Animal Veterinary, including associated temporary indoor boarding; access to an arterial required	P	P	P	P		P	P	P	P	P					P		
Automobile, recreational vehicles or travel trailer or used car sales lots ²								P	P	P	P	P			P	P	
Automotive services, gas (outside pumps allowed), washing, body and engine repair shops (enclosed within a building), and alternate fueling station (not wholesale distribution facilities).							P	P	P	P	P	P	P	P	P	P	
Beauty or barber shops				P	P	P	P	P	P	P	P	P	C3	C4	P	P	
Bed and breakfast lodging for not more than twelve guests ⁵	C	C	C														
Bed and breakfast lodging (no size limit specified)				C												P	
Bicycle repair shops				P	P	P	P	P	P	P	P	P	P	P	P	P	
Billiard or pool rooms				P			A	P	P	P	P	P			P	P	
Boarding Homes		C	C														
Brew Pubs				P	P	C	P	P	P	P	P	P	P	P	P	P	
Bus stations							P	P	P	P	P	P	P	P	P	P	
Cabinet shops or carpenter shops employing less than five people							P	P	P	P	P	P			P	P	
Cargo containers (*see also TMC 18.50.060)	A&S	A&S	A&S					A&S	A&S	A&S	P	P	P	P	P		
Cement manufacturing										U	U	U	U	U	U		
Cemeteries and crematories	C	C	C	C	C			C	C	C	C	C			C	C	

Adopted 2016 – Ordinance No. 2500
Last Amended 2019 – Ordinance No. 2608

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	O	RCC	NCC	RC	RCM	C/L I	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
Colleges and universities				C	C		C	C	C	C	C	C	C6	C6	C6	P	
Commercial laundries								P	P	P	P	P	P		P		
Commercial Parking				P7	P7			P7	P7	P7	P8	P8			P8		
Computer software development and similar uses				P	P	P	P	P	P	P	P	P	P9 C10	P	P	P	
Contractor storage yards										P	P	P	P	P	P		
Continuing care retirement facility				C	C		C	C	C	C					C	P	
Convalescent & nursing homes & assisted living facility for not more than twelve patients		C	P	P	P	C	P	P	P	P					P	P	
Convalescent & nursing homes & assisted living facility for more than twelve patients				C	C		C	C	C	C					C	P	
Convention facilities								P	P	P	P	P			P	P	
Correctional institutes					U11						U	U		U			
Daycare Centers (not home-based)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Daycare Family Home (Family Child Care Home) ¹²	A	A	A	A	A	A	A	A	A						A	A	
Diversion facilities and diversion interim services facilities south of Strander Blvd										U							
Dormitory	C	C	C	A13	A13	A13	A13	A13	A13	A13	A13	A13			A13	A13	
Drive-in theatres								C	C	C	C	C			C		
Dwelling – Detached single family (Includes site built, modular home or new manufactured home). One detached single family dwelling per existing lot permitted in MUO, O, RCC, NCC, TVS.	P	P	P	P	P	P	P								P	P14	
Dwelling- Detached Zero-Lot Line Units		P															
Dwelling- Duplex, triplex or fourplex or townhouse up to four attached units		P														P14	
Dwelling- Townhouses			P													P14	
Dwelling –Multi-family			P					P15								P14	
Dwelling – Multi-family units above office and retail uses				P		P	P		P						C16 22/ ac	P14	

Dwelling – Senior citizen housing, including assisted living facility for seniors *see purpose section of chapter, uses sections, and development standards		P meeting density and all other MDR standard	P 60/ac	P 60/ac			P 60/ ac	P 60/ac	P 60/ac							C16 100 /ac	P14	
Dwelling unit – Accessory ¹⁷	A	A	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	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO	
Electrical Substation – Distribution	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	P	
Electrical Substation – Transmission/Switching												U		U	U	U		
Electric Vehicle Charging Station – Level 1 and Level 2	A	A	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Electric Vehicle Charging Station – Level 3, battery exchange stations, and rapid charging stations. (TMC 18.50.140)	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P	P	P	
Essential public facilities, except those uses listed separately in any of the other zones								U	U	U	U	U	U	U	U	U	U	
Extended-stay hotel/motel								P	P	P	P	P				P	P	
Farming and farm-related activities																P	P	
Financial, banking, mortgage, other services				P	P		P	P	P	P	P	P	P9/ C3	C4	P	P		
Fire & Police Stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
Fix-it, radio or television repair shops/rental shops						P	P	P	P	P	P	P				P	P	
Fraternal organizations				P	P	C	P	P	P	P	P	P				P	P	
Frozen food lockers for individual or family use							P	P	P	P	P	P				P	P	
Garage or carport (private) not exceeding 1,500 sq.ft. on same lot as residence and is subject to the regulations affecting the main building.	A	A																
Greenhouses (noncommercial) and storage sheds not exceeding 1,000	A	A	A	A														
Greenhouses or nurseries (commercial)						P	P	P	P	P	P	P				P	P	
Hazardous waste treatment and storage facilities (off-site) subject to compliance with state siting criteria (RCW Chapter 70.105) (See TMC 21.08)												C		C				
Heavy equipment repair and salvage										P	P	P	P	P	P			
Helipads, accessory																	C	
Home Occupation *see definition and accessory use	A	A	A	A	A	A	A		A							A	A	
Hospitals				C	C			C	C	C	C	C				C	P	
Hospitals, sanitariums, or similar institutes																C		
Hotels								P	P	P	P	P	C	C	P	P		

Hydroelectric and private utility power generating plants								U	U	U	U	U	U	U	U		
Industries involved with etching, film processing, lithography, printing and publishing								P	P	P	P	P	P	P	P	P	
Internet Data/Telecommunication Centers								C		P	P	P	P	P	P	P	
Landfills and excavations which the responsible official, acting pursuant to the State Environmental Policy Act, determines are significant environmental actions	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Laundries; self-serve, dry cleaning, tailor, dyeing				P	P	P	P	P	P	P	P	P	P	P	P	P	
Libraries, museums, or art galleries (public)	C	C	P	P	P	C	P	P	P	P	P	P	P	P	P	P	
Manuf./Mobile home park ¹⁸		C	P														
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	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
<i>Manufacturing and industrial uses that have little potential for creating off-site noise, smoke, dust, vibration or other external environmental impacts or pollution:</i>																	
A) Manufacturing, processing and/or packaging pharmaceuticals and related products, such as cosmetics and drugs							P19	P	P	P	P	P	P	P	P	P	
B) Manufacturing, processing and/or packaging previously prepared materials including, but not limited to, bags, brooms, brushes, canvas, clay, clothing, fur, furniture, glass, ink, paint, paper, plastics, rubber, tile, and wood							P19	P	P	P	P	P	P	P	P	P	
C) Manufacturing, processing, assembling, packaging and/or repairing electronic, mechanical or precision instruments such as medical and dental equipment, photographic goods, measurement and control devices, and recording equipment							P19	P	P	P	P	P	P	P	P	P	
D) Manufacturing, processing, packaging of foods, such as baked goods, beverages, candy, canned or preserved foods, dairy products and byproducts, frozen foods, instant foods, and meats (no slaughtering)											P	P	P	P			
i)) Fermenting and distilling included																	
ii)) No fermenting and distilling							P19	P	P	P					P	P	
<i>Manufacturing and industrial uses that have moderate to substantial potential for creating off-site noise, smoke, dust, vibration or other external environmental impacts:</i>																	

A) Manufacturing, processing and/or assembling chemicals, light metals, plastics, solvents, soaps, wood, coal, glass, enamels, textiles, fabrics, plaster, agricultural products or animal products (no rendering or slaughtering)										C	C	P	C	P	C			
B) Manufacturing, processing and/or assembling of previously manufactured metals, such as iron and steel fabrication; steel production by electric arc melting, argon oxygen refining, and consumable electrode melting; and similar heavy industrial uses										C	C	P	C	P	C			
C) Manufacturing, processing and/or assembling of previously prepared metals including, but not limited to, stamping, dyeing, shearing or punching of metal, engraving, galvanizing and hand forging								C	C	C	P	P	P	P	C			
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	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO	
D) Manufacturing, processing, assembling and/or packaging of electrical or mechanical equipment, vehicles and machines including, but not limited to, heavy and light machinery, tools, airplanes, boats or other transportation vehicles and equipment										P	P	P	P	P	C			
E) Heavy metal processes such as smelting, blast furnaces, drop forging or drop hammering													C	P				
<i>Manufacturing, refining or storing highly volatile noxious or explosive products (less than tank car lots) such as acids, petroleum products, oil or gas, matches, fertilizer or insecticides; except for accessory storage of such materials</i>												U		U	U	U		
Marijuana producers, processors, or retailers (with state issued license)												P			P	P20		
Mass transit facilities	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U		
Medical and dental laboratories				P	P			P	P	P	P	P			P	P		
Minor expansion of an existing warehouse ²¹																	S	
Mortician and funeral homes								P	P	P	P	P			P	C		
Motels								P	P	P	P	P	C	C	P	P		
Movie theaters with three or fewer screens																	P	
Movie theaters with more than 3 screens ²²																	S	
Offices including: medical, dental, government (excluding fire & police stations), professional, administrative, business, e.g. travel, real estate & commercial				P23	P	P23	P24	P	P	P	P	P	P9 C10	P25 C26	P	P		

Office or sample room for wholesale or retail sales, with less than 50% storage or warehousing							P											
Outpatient and emergency medical and dental services													C3	C4				
Park & ride lots				C	C		C	C	C	C	C	C	C	C	C	C	C	
Parking areas	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Parking areas, for municipal uses and police stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Parks, trails, picnic areas and playgrounds (public), but not including amusement parks, golf courses, or commercial recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pawnbroker								C	C	P	P	P					P	P
Planned Shopping Center (mall)								P	P	P	P	P				P	P27	
Plumbing shops (no tin work or outside storage)							P	P	P	P	P	P					P	P
Radio, television, microwave, or observation stations and towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Railroad freight or classification yards												U	U	U	U			
Railroad tracks (including lead, spur, loading or storage)										P	P	P	P	P	P	P	P	
Recreation facilities (commercial – indoor) – athletic or health clubs				P	P		P	P	P	P	P	P	C3	P	P	P	P	
Recreation facilities (commercial – indoor), including bowling alleys, skating rinks, shooting ranges							C	P	P	P	P						P	P
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	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO	
Recreation facilities (commercial – outdoor), including golf courses, golf driving ranges, fairgrounds, animal race tracks, sports fields										C	C	C				C		
Recreation facilities (public), including, but not limited to sports fields, community centers and golf courses	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C		P
Recreational area and facilities for employees				A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Religious facilities with an assembly area less than 750 sq.ft.				P	P	P	P	P	P	P	P	P				P	P	
Religious facilities with an assembly area greater than 750 sq.ft. and community center buildings				C	C	C	C	C	C	C	C	C				C	C	
Religious facility and community center buildings	C	C	C															
Removal and processing of sand, gravel, rock, peat, black soil and other natural deposits together with associated structures										U	U	U	U	U	U	U		
Rental of vehicles not requiring a commercial driver's license								P	P	P	P	P	P	P	P	P	P	
Rental of commercial trucks and fleet rentals requiring a commercial driver's license										P	P	P	P	P	P	P	P	
Research and development facilities																	P	P
Residences for security or maintenance personnel				A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant								P	P	P	P	P	P	P	P	P	P	

Restaurants including cocktail lounges in conjunction with a restaurant				P	P	C	P											
Retail sales of furniture appliances, automobile parts and accessories, liquor, lumber/bldg. materials, lawn & garden supplies, farm supplies							P	P	P	P	P	P				P	P	
Retail sales, e.g. health/beauty aids/prescription drugs/ food/hardware/notions/crafts/supplies/housewares/electronics/ photo-equip/film processing/ books/magazines/stationery/ clothing/shoes/flowers/plants/pets/jewelry/gifts/rec. equip/ sporting goods, and similar items				P		P	P	P	P	P	P	P	C3	C4	P	P		
Retail sales as part of a planned mixed-use development where at least 50% of gross leasable floor area development is for office use; no auto-oriented retail sales (e.g., drive-ins, service stations)				P	P													
Rock crushing, asphalt or concrete batching or mixing, stone cutting, brick manufacture, marble works, and the assembly of products from the above materials										C	C	P	C	P	C	C		
Sales and rental of heavy machinery and equipment subject to landscaping requirements of TMC Chapter 18.52*										P	P	P	P	P	P	P		
Salvage and wrecking operations												P		P	C			
Salvage and wrecking operations which are entirely enclosed within a building										P	P		P		P			
Schools and studios for education or self-improvement				P	P	P	P	P	P	P	P	P9 C10	P28	P	P			
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	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO	
Schools, preschool, elementary, junior & senior high schools (public), and equivalent private schools	C	C	C	C	C	C	C	C	C						C	C	P (pub only)	
Secure community transition facility ²⁹														U				
Self-storage facilities								P	P	P	P	P	P	P	P	P		
Sewage lift station	U	U	U	U	U	U	U									P		
Shelter	P	P	P	P	P													
Stable (private)	A30	A30	A30													P		
Storage (outdoor) of materials allowed to be manufactured or handled within facilities conforming to uses under this chapter; and screened pursuant to TMC Chapter 18.52								P	P	P	P	P	P	P	P	P		
Storage (outdoor) of materials is permitted up to a height of 20 feet with a front yard setback of 25 feet, and to a height of 50 feet with a front yard setback of 100 feet; security required												P	P	P	C	C		

Storm water - neighborhood detention + treatment facilities	U	U	U	U	U	U	U										P
Storm water pump station	U	U	U	U	U	U	U										
Studios – Art, photography, music, voice and dance				P	P	P	P	P	P	P						P	P
Taverns, nightclubs								P	P	P	P	P	P31	P31	P	P	
Telephone exchanges				P	P			P	P	P	P	P	P	P	P	P	P
Theaters, except those theaters which constitute “adult entertainment establishments” as defined by this Zoning Code								P	P	P	P	P			P	P32	
Tow-truck operations, subject to all additional State and local regulations										P	P	P	P	P	P	P	P
Transfer stations (refuse and garbage) when operated by a public agency												U	U	U	U		
Truck terminals										P	P	P	P	P	P		
Utilities, regional																	C
Vehicle storage (no customers onsite, does not include park-and-fly operations)																	P
Warehouse storage and/or wholesale distribution facilities									P	P	P	P	P	P	P	P	
Water pump station	U	U	U	U	U	U	U										P
Water utility reservoir and related facilities	U	U	U	U	U	U	U										
Wireless Telecommunications Facilities (*see TMC Ch. 18.58)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Note: The Director of Community Development will make a determination for uses not specifically listed in the Zoning Code. The Director will consider whether the proposed use is: a. Similar in nature to and compatible with other uses permitted out right within a similar zone; and b. Consistent with the stated purpose of the zone; and c. Consistent with the policies of the Tukwila Comprehensive Plan.

1. Adult entertainment establishments are permitted, subject to the following location restrictions:
 - a. No adult entertainment establishment shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:
 - (1) In or within 1,000 feet of any LDR, MDR, HDR, MUO, O, NCC, RC, RCM or TUC zone districts or any other residentially-zoned property;
 - (2) In or within one-half mile of:
 - (a) Public or private school with curricula equivalent to elementary, junior or senior high schools, or any facility owned or operated by such schools; and
 - (b) Care centers, preschools, nursery schools or other child care facilities;
 - (3) In or within 1,000 feet of:
 - (a) public park, trail or public recreational facility; or
 - (b) church, temple, synagogue or chapel; or
 - (c) public library.
 - b. The distances specified in TMC Section 18.30.020.1.a shall be measured by following a straight line from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
 - c. No adult entertainment establishment shall be allowed to locate within 1,000 feet of an existing adult entertainment establishment. The distance specified in this section shall be measured by following a straight line between the nearest points of public entry into each establishment.
2. No dismantling of cars or travel trailers or sale of used parts allowed.

3. Retail sales of health and beauty aids, prescription drugs, food, hardware, notions, crafts and craft supplies, housewares, consumer electronics, photo equipment, and film processing, books, magazines, stationery, clothing, shoes, flowers, plants, pets, jewelry, gifts, recreation equipment and sporting goods, and similar items; retail services such as beauty and barber shops, outpatient and emergency medical/dental services, and recreation/health clubs. Retail sales and services are limited to uses of a type and size that clearly intend to serve other permitted uses and/or the employees of those uses.
4. Retail sales of health and beauty aids, prescription drugs, food, hardware, notions, crafts and craft supplies, housewares, consumer electronics, photo equipment, and film processing, books, magazines, stationery, clothing, shoes, flowers, plants, pets, jewelry, gifts, recreation equipment and sporting goods, and similar items; retail services such as beauty and barber shops, financial services, outpatient and emergency medical/dental services, and recreation/health clubs. Retail sales and services are limited to uses of a type and size that clearly intend to serve other permitted uses and/or the employees of those uses.
5. Bed and breakfast facilities, provided:
 - a. the manager/owner must live on-site,
 - b. the maximum number of residents, either permanent or temporary, at any one time is twelve,
 - c. two on-site parking spaces for the owner and permanent residents and one additional on-site parking space is provided for each bedroom rented to customers,
 - d. the maximum length of continuous stay by a guest is 14 days,
 - e. breakfast must be offered on-site to customers, and
 - f. all necessary permits or approvals are obtained from the Health Department.
6. Colleges and universities with primarily vocational curriculum if associated with an established aviation, manufacturing or industrial use.
7. Commercial parking; provided it is:
 - a. located within a structure having substantial ground floor retail or commercial activities and designed such that the pedestrian and commercial environments are not negatively impacted by the parking use; or
 - b. located at least 175 feet from adjacent arterial streets and behind a building that, combined with appropriate Type III landscaping, provides effective visual screening from adjacent streets.
8. Commercial parking subject to TMC Chapter 18.56, Off-Street Parking and Loading Regulations.
9. Offices including, but not limited to, software development and similar uses, financial services, schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use, less than 20,000 square feet. This category does not include outpatient medical and dental clinics.
10. Offices including, but not limited to, software development and similar uses, financial services, schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use, 20,000 square feet and over.
11. Correctional institution operated by the City of Tukwila.
12. Family child care homes, provided the facility shall be licensed by the Department of Early Learning or its successor agency and shall provide a safe passenger loading zone.
13. Dormitory as an accessory use to other uses that are otherwise permitted or approved conditional uses such as churches, universities, colleges or schools.
14. Allowed on those lands located in the TSO with underlying zoning of LDR, which immediately adjoin lands located in the City of SeaTac to the east of Interstate 5. Allowed on all other lands in the TSO after a residential design manual with criteria for approval is adopted by ordinance.
15. Dwelling - multi-family units on a lot that does not front on Tukwila International Boulevard South, subject to the HDR requirements of TMC Section 18.50.083, Maximum Building Length, and TMC Section 18.52.060, 2-4, Recreation Space Requirements.

16. Dwelling - Multi-family units (Max. 22.0 units/acre except senior citizen housing which is allowed to 100 units/acre, as a mixed-use development that is non-industrial in nature); must be located on property adjacent to and not greater than 500 feet from the Green River, Tukwila Pond, or Minkler Pond.

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

18. Manufactured/mobile home park, meeting the following requirements:

- a. the development site shall comprise not less than two contiguous acres;
- b. overall development density shall not exceed eight dwelling units per acre;
- c. vehicular access to individual dwelling units shall be from the interior of the park; and
- d. emergency access shall be subject to the approval of the Tukwila Fire Department.

19. NCC allows businesses that include a retail component in conjunction with their manufacturing operation and meeting other performance standards of Chapter 18.22.

These businesses may manufacture, process, assemble and/or package the following:

- a. foods, including but not limited to baked goods, beverages, candy, canned or preserved foods, dairy products and by products, frozen foods, instant foods and meats (no slaughtering);
- b. pharmaceuticals and related products such as cosmetics and drugs;
- c. bags, brooms, brushes, canvas, clay, clothing, fur, furniture, glass, ink, paints, paper, plastics, rubber, tile and wood;
- d. electronic, mechanical, or precision instruments;
- e. other manufacturing and assembly of a similar light industrial character;
- f. industries involved with etching, lithography, printing, and publishing, meeting the City's performance standards and offering their services to the local populace on a walk-in basis;
- g. businesses that service and repair the above products, that are entirely enclosed within a building, offering their services to the local populace on a walk-in basis and meeting the City's performance standards.

20. Where the underlying zoning is HI or TVS.

21. Minor expansion of an existing warehouse if the following criteria are met:

- a. The area of the proposed expansion may not exceed 5% of the floor area of the existing warehouse;
- b. The proposed expansion will not increase any building dimension that is legally non-conforming;
- c. Only one minor expansion may be permitted per warehouse in existence as of the date of adoption of the Tukwila South Project Development Agreement;
- d. The proposed expansion must be constructed within two years of the date of approval;
- e. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
- f. All measures have been taken to minimize the possible adverse impacts the proposed expansion may have on the area in which it is located.

22. Movie theaters with more than three screens if the following criteria are met:

- a. The applicant must demonstrate through an economic analysis that the theater will not have a significant financial impact on any other theater in Tukwila;
- b. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
- c. The proposed theater must demonstrate substantial conformance with the goals and policies of the Comprehensive Land Use Policy Plan and the Tukwila South Master Plan;
- d. All measures have been taken to minimize the possible adverse impacts the proposed theater may have on the area in which it is located.

23. Offices, when such offices occupy no more than the first two stories of the building or basement and floor above.

24. Offices, when such offices occupy no more than the first two stories of the building, or basement and floor above, or three stories, in the Urban Redevelopment Area along Tukwila International Boulevard.

25. Offices; must be associated with another permitted use (e.g., administrative offices for a manufacturing company present within the MIC).

26. Offices not associated with other permitted uses and excluding medical/dental clinics, subject to the following location and size restrictions:

a. New Office Developments:

- (1) New office developments shall not exceed 100,000 square feet of gross floor area per lot that was legally established prior to 09/20/2003.
- (2) No new offices shall be allowed on lots that abut the Duwamish River and are north of the turning basin. The parcels that are ineligible for stand-alone office uses are shown in Figure 18-12.

b. An existing office development established prior to 12/11/1995 (the effective date of the Comprehensive Plan) that exceeds the maximum size limitations may be recognized as a conforming Conditional Use under the provisions of this code. An existing office development established prior to 12/11/1995 (the effective date of the Comprehensive Plan) may convert to a stand-alone office use subject to the provisions of this code.

27. Planned shopping center (mall) up to 500,000 square feet.

28. Schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use. 29. Secure community transition facility, subject to the following location restrictions:

a. No secure community transition facility shall be allowed within the specified distances from the following uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:

- (1) In or within 1,000 feet of any residential zone.
- (2) Adjacent to, immediately across a street or parking lot from, or within the line of sight of a "risk potential activity/facility" as defined in RCW 71.09.020 as amended, that include:
 - (a) Public and private schools;
 - (b) School bus stops;
 - (c) Licensed day care and licensed preschool facilities;
 - (d) Public parks, publicly dedicated trails, and sports fields;
 - (e) Recreational and community centers;
 - (f) Churches, synagogues, temples and mosques; and
 - (g) Public libraries.

(3) One mile from any existing secure community transitional facility or correctional institution.

b. No secure community transition facility shall be allowed on any isolated parcel which is otherwise considered eligible by applying the criteria listed under TMC 18.38.050-12.a, but is completely surrounded by parcels ineligible for the location of such facilities.

c. The distances specified in TMC 18.38.050-12.a shall be measured as specified under Department of Social and Health Services guidelines established pursuant to RCW 71.09.285, which is by following a straight line from the nearest point of the property parcel upon which the secure community transitional facility is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

d. The parcels eligible for the location of secure community transition facilities by applying the siting criteria listed above and information available as of August 19, 2002, are shown in Figure 18-11, "Eligible Parcels for Location of Secure Community Transition Facilities." Any changes in the development pattern and the location of risk sites/facilities over time shall be taken into consideration to determine if the proposed site meets the siting criteria at the time of the permit application.

30. Private stable, if located not less than 60 feet from front lot line nor less than 30 feet from a side or rear lot line. It shall provide capacity for not more than one horse, mule or pony for each 20,000 square feet of stable and pasture area, but not more than a total of two of the above mentioned animals shall be allowed on the same lot.

31. No night clubs.

32. Theaters for live performances only, not including adult entertainment establishments.