

5.44.030 License - Application

A. Every person desiring to operate or have charge of a tow truck business within the City shall make a written application to the Finance Director for a license to do so.

B. Such application shall be referred to the Planning Director for review to insure the proper location and screening of the proposed operation as set forth in TMC ~~Title 18 Section 5.44.130-~~
(Ord. 2355 §16, 2011; Ord. 1482 §1 (part), 1988)

~~5.44.130 Location and base of operation~~

~~A. Premises used for central offices and/or dispatching points within the City shall be located within the areas of the City zoned as C-M industrial park, M-1 light industry, M-2 heavy industry, or C-2 local retail business. Any storage yard and buildings of a towing business which are located within the City limits shall be within areas zoned as M-1 or M-2.~~

~~B. All impound and storage yards shall be suitably screened from public rights of way in accordance with at least one of the following measures:~~

~~1. A solid evergreen planting;~~

~~2. A decorative obscuring fence to include sparse evergreen planting.~~

~~(Ord. 1482 §1 (part), 1988)~~

8.28.180 Landscape Maintenance

In addition to the foregoing, it constitutes a nuisance for anyone to fail to maintain landscaping, including but not limited to lawns, shrubs, trees and other plantings, whether of native growth or domestic vegetation in commercial, manufacturing or industrial, or multiple dwelling residential areas of the City; and it is a nuisance to fail to maintain any landscaping as designated in the landscaping and maintenance plan required before occupancy, ~~areas of the City zoned C-M.~~

(Ord. 1837 §2 (part), 1998)

8.07.040G As described in this section, the following areas are designated as drug free zones, subject to the provisions of this section:

1. Schools (includes 1,000-foot buffer zone):

a Foster High School 4242 S. 144th

b Showalter Middle School 4628 S. 144th St.

c Tukwila Elementary 5939 S. 149th St.

d Cascade View Elementary 13601 - 32nd Ave. S.

e Thorndyke Elementary 4415 S. 150th St.

f Aviation High School 9229 East Marginal Way S.

g. Academy Schools/Children's Academy 14601 Interurban Ave S

2. Parks:

a Duwamish Park 42nd Ave. S./S. 116th St.

b Pea Patch Codiga Farm, or as designated by City.

c Riverton Park 45th Ave. S./S. 133rd St.

d 57th Avenue Park 57th Ave. S./S. 133rd St.

e Hazelnut Park 59th Ave. S./S. 147th St.

f Fort Dent Park Southcenter Blvd./ Interurban Ave.S.

g Tukwila Park 65th Ave. S./S. 153rd St.

h Ikawa Park 6200 Southcenter Blvd.

i Bicentennial Park Christensen Rd./Strander Blvd.

j Duwamish/Green River Trail Part of valley river trail system along shores of the Duwamish/Green River

k Interurban Trail S. 180th to north City limits

l Crestview Park 42nd Ave. S./S. 162nd St.

m Crystal Springs Park 51st Ave. S./S. 158th St.

n Joseph Foster Memorial Park 53rd Ave. S./S. 137th St.

o Southgate Park 40th Ave. S./S. 133rd St.

p Community Center Park 42nd Ave. S./S. 124th

q Old Southgate School Park 41st Ave. S./S. 131st St.

r Tukwila Pond Park S. 168th/Strander Blvd.

s Designated park trails

t Duwamish Riverbend Hill Park 3800 S 115th St

u. Macadam Wetlands Park S 144th St/Macadam Rd

3. Community Centers:

a Tukwila Community Center 12424 - 42nd Ave. S.

4. Libraries:

a Tukwila Library 14475 - 59th Ave. S.

b Foster Library 4060 S. 144th

(Ord. 1808 §1, 1997; Ord. 1621 §1, 1992)

8.22.120 Variances

For variances 30 days or less, notice is not required except:

(3) In the case of residential parties and prior to granting the any variance, the applicant shall provide written notice to all residents within 500 feet of where the event or project is being held. When the 500 foot radius includes multi-family complexes, all residents of the complex shall be notified. Written notice shall be provided between ten and thirty days of the onset of activity and shall enumerate the anticipated party hours or work schedule for the length of the project. An affidavit of distribution shall be provided to the City.

8.45.030 Violations

E. It is unlawful to:

1. Maintain, allow, permit or fail to prevent a nuisance as defined in TMC Chapter 8.28 or as defined throughout the Tukwila Municipal Code; and

2. Fail to comply with any applicable provisions of the Tukwila Municipal Code, including, but not limited to, the regulations and requirements found in the following sections of the Tukwila Municipal Code, as now in effect or as may be amended hereafter:

TMC 5.04.115 Penalties.

8.22.2908.22.150 Penalties.

9.32.200 Penalties.

9.44.1309.44.090 Enforcement.

11.22.220 Violation - Penalties.

- 13.08.120 Enforcement.
- 14.06.07090 Penalties.
- 14.16.110 Penalty for violation.
- 16.04.020 (6)(d)..... Uniform codes adopted.
- 16.16.072 Parking in fire lanes prohibited.
- 16.52.080 Penalties for noncompliance.
- 16.54.3100 Penalties.
- 17.28.020 Penalties.
- 19.36.01018.170 Penalty for violations.
(Ord. 1838 §2 (part), 1998)

8.25.020 Parking Limitations.

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

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

F. Single-family properties on pre-existing, legal lots of record containing less than 6,500 square feet are exempt from the percentages requirements of 8.25.020D and E.
(Ord 2251 §1 (part), 2009; Ord. 2056 §1 (part), 2004)

18.56.065 Residential Parking Requirements

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

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

C. The Director shall have the discretion to waive the requirement to construct a portion of the off-street parking requirement if, based on a parking demand study, the property owner establishes that the dwelling will be used primarily to house residents who do not and will not drive due to a factor other than age. Such a study shall assure that ample parking is provided for residents who can drive, guests, caregivers and other persons who work at the residence. If such a waiver is granted, the property owner shall provide a site plan, which demonstrates that in the event of a change of use, which eliminates the reason for the waiver, there is ample room on the site to provide the number of off-street parking spaces required by this Code. In the event that a

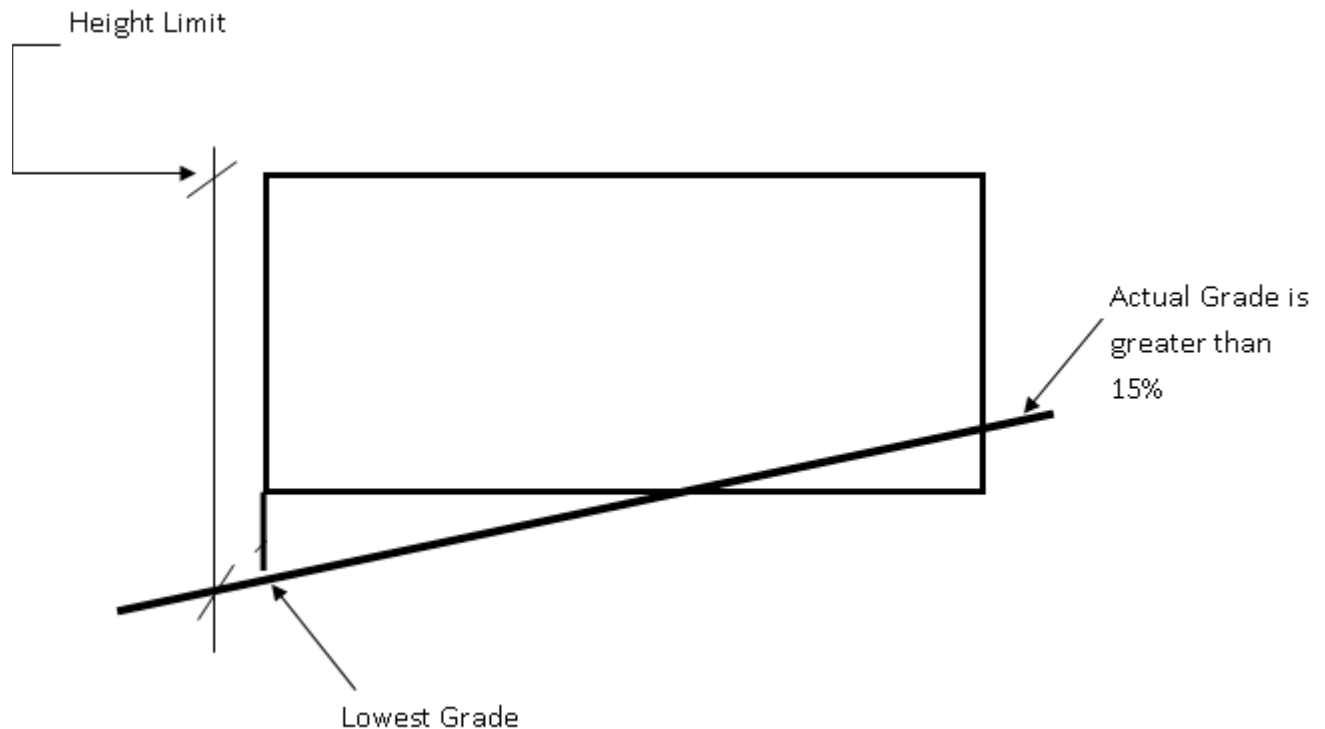
change of use or type of occupant is proposed that would alter the potential number of drivers living or working at the dwelling, the application for change of use shall be conditioned on construction of any additional off-street parking spaces required to meet the standards of this Code.

D. Parking in LDR zone is subject to vehicle storage and parking regulations listed under TMC 8.25.

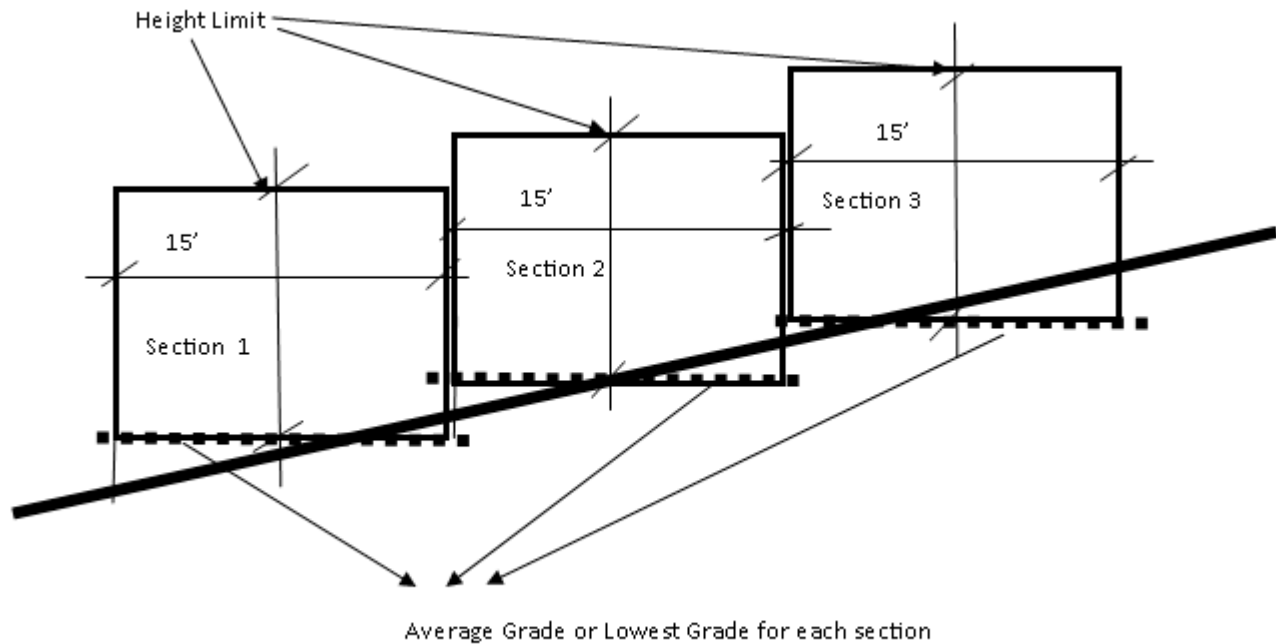
(Ord. 2199 §19, 2008; Ord. 1976 §62, 2001)

18.06.100 “Building height” means the height of a building as calculated by the method in the Washington State Building Code, except if the slope of the subject property is 15% or more and the subject property is zoned residential then building height shall be calculated by either option a) or option b) listed below:

a) The grade plane shall be established from the lowest finished grade or lowest existing grade (whichever is lower) adjoining the building at any exterior wall; or



b) In order to allow the structures to better respond to the topography of sloping sites a structure will be allowed to adjust the points at which height is measured. This may be accomplished by establishing separate grade planes at intervals of least 15 feet for different sections of the structure.



Additionally, the city may require a topographic survey from a licensed land surveyor when the existing grade will be disturbed to accomplish the construction or when the final height of the new structure in the area where grade is being disturbed is within 2 feet of the allowed height limit for the structure as measured above the existing or finished grade.

18.06.830 Tow-Truck Operations

“Tow-Truck Operations” means any dispatching points, storage yard, building, or vehicle storage/impounding for a towing business, including tow vehicles with towed vehicles attached. Tow-truck operations do not include central offices for phone dispatch if tow-trucks, drivers, or impounded vehicles do not come to the office.

18.06.933 Wetland, Regulated

"Regulated wetland" means ponds or lakes 30 acres or less and those lands subject to the "wetland" definition contained in this chapter. ~~Wetlands 1,000 square feet and less that do not meet any of the criteria of TMC 18.45.080B are not regulated.~~
(Ord. 2075 §1 (part), 2004; Ord. 1758 §1 (part), 1995)

~~18.06.932 Wetland, Isolated~~

~~"Isolated wetlands" means those wetlands that are not hydrologically connected to, and not contiguous to any 100-year floodplain of a lake, river or stream, in accordance with current State and federal regulations; and have no contiguous hydric soil and hydrophytic vegetation between the wetland and any regulated surface water.~~
(Ord. 2075 §1 (part), 2004; Ord. 1758 §1 (part), 1995)

18.10.030(3)3 Accessory Uses (This same language needs to amended in the accessory uses section in LDR, MDR, HDR, MUO, O, RCC, NCC, RC, RCM, TUC, TVS and TSO)

3. Family child care homes, provided the facility shall be licensed by the Department of ~~Social and Health Services~~ Office of Child Care Policy/Early Learning and shall provide a safe passenger loading zone.

18.10.055 Design Review

Design review is required for all conditional ~~uses, and~~ unclassified uses, or non-residential development within the shoreline jurisdiction, which involves construction of a new building; or exterior changes, if the cost of the exterior work equals or exceeds 10% of the building's assessed valuation. Design review is required for developments in a Commercial Redevelopment Area that propose the uses and standards of an adjacent commercial zone as well as development in the Urban Overlay District.
(See TMC Chapter 18.60, Board of Architectural Review.)
(Ord. 2257 §5, 2009; Ord. 2251 §13, 2009; Ord. 1865 §7, 1999)

18.45.180 Exceptions

A. REASONABLE USE EXCEPTIONS –

1. If application of TMC Chapter 18.45 would deny all reasonable use of the property containing wetlands, watercourses or their buffers, the property owner or the proponent of a development proposal may apply for a reasonable use exception.
2. Applications for a reasonable use exception shall be a Type ~~43~~ decision and shall be processed pursuant to TMC Chapter 18.104.
3. If the applicant demonstrates to the satisfaction of the ~~Planning Commission~~ Hearing Examiner that application of the provisions of TMC Chapter 18.45 would deny all reasonable use of the property, development may be allowed which is consistent with the general purposes of TMC Chapter 18.45 and the public interest.
4. The ~~Commission~~ Hearing Examiner, in granting approval of the reasonable use exception, must determine that:

- a. There is no feasible on-site alternative to the proposed activities, including reduction in size or density, modifications of setbacks, buffers or other land use restrictions or requirements, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning that would allow a reasonable economic use with fewer adverse impacts to the sensitive area.
- b. As a result of the proposed development there will be no unreasonable threat to the public health, safety or welfare on or off the development proposal site.
- c. Alterations permitted shall be the minimum necessary to allow for reasonable use of the property.
- d. The proposed development is compatible in design, scale and use with other development with similar site constraints in the immediate vicinity of the subject property if such similar sites exist.
- e. Disturbance of sensitive areas has been minimized by locating any necessary alterations in the buffers to the greatest extent possible.
- f. The inability to derive reasonable use of the property is not the result of:
 - (1) a segregation or division of a larger parcel on which a reasonable use was permissible after the effective date of Sensitive Areas Ordinance No. 1599, June 10, 1991;
 - (2) actions by the owner of the property (or the owner's agents, contractors or others under the owner's control) that occurred after the effective date of the sensitive areas ordinance provisions that prevents or interferes with the reasonable use of the property; or
 - (3) a violation of the sensitive areas ordinance;
- g. The Commission Hearing Examiner, when approving a reasonable use exception, may impose conditions, including but not limited to a requirement for submission and implementation of an approved mitigation plan designed to ensure that the development:
 - (1) complies with the standards and policies of the sensitive areas ordinance to the extent feasible; and
 - (2) does not create a risk of damage to other property or to the public health, safety and welfare.
- h. Approval of a reasonable use exception shall not eliminate the need for any other permit or approval otherwise required for a project, including but not limited to design review.

(Ord. 2301 §1 (part), 2010)

18.45.120 Areas of Potential Geologic Instability Designation, Rating and Buffers

C. Each development proposal containing or threatened by an area of potential geologic instability Class 2 or higher shall be subject to a geotechnical report pursuant to the requirements of TMC Chapter 18.45.040 **BC** and 18.45.060. The geotechnical report shall analyze and make recommendations on the need for and width of any setbacks or buffers necessary to achieve the goals and requirements of TMC Chapter 18.45. Development proposals shall then include the buffer distances as defined within the geotechnical report.

18.52.050 Landscape Plan Requirements

A. A Washington State licensed landscape architect shall prepare and stamp the landscape plans in accordance with the standards herein. Detailed plans for landscaping and screening shall be submitted with plans for building and site improvements. Included in the plans shall be type, quantity, spacing and location of plants and materials, site preparation and specifications for soils and mulches, location of all overhead and underground utilities (so as to avoid conflicts with proposed planting locations), typical planting details and the location of irrigation systems.

B. Installation of the landscaping and screening shall be completed and a Landscaping Declaration submitted by the owner or owner's agent prior to issuance of the certificate of occupancy. If necessary due to weather conditions or construction scheduling the installation may be postponed to the next planting season if approved by the Community Development Director and stated on the building permit. A performance assurance device equal to 150% of the cost of the labor and materials must be provided to the City before the deferral is approved. The property owner shall keep all planting areas free of weeds and trash and replace any unhealthy or dead plant materials for the life of the project in conformance with the intent of the approved landscape plan and TMC 8.28.180. Any landscaping required by this chapter shall be retained and maintained for the life of the project. Additionally, topping or removal of required trees is prohibited. Only trees that pose a danger or are diseased shall be all allowed to be removed. Any illegal removal of required trees shall be subject to obtaining a tree permit and replacement with trees that meet or exceed the functional value of the removed trees.

(Ord. 2251 §49, 2009; Ord. 1971 §19, 2001; Ord. 1872 §14 (part), 1999)

18.56.040 General Requirements

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

18.56.060 Loading Space Requirements (another option is to delete this entire section-outdated requirements)

Off-street space for standing, loading and unloading services shall be provided in such a manner as not to obstruct freedom of traffic movement on streets or alleys. For all office, commercial, and industrial uses, each loading space shall consist of at least a ten-foot by 30-foot loading space with 14-foot height clearance for small trucks such as pickup trucks, or a 12-foot by 65-foot loading space with 14-foot height clearance for large trucks, including tractor-trailer large spaces. The prescribed number of spaces ~~required~~ are as follows:

Loading Space Requirements Square Feet of Gross Floor Area (Except Basement Area)

Number of Spaces Office Buildings, Hotels, Hospitals, and Institutions

- 1 3,000 to 100,000
- 2 100,000 to 335,000
- 3 335,000 to 625,000
- 4 625,000 to 945,000
- 5 945,000 to 1,300,000
- 6 1,300,000 to 1,695,000
- 7 1,695,000 to 2,130,000
- 8 2,130,000 to 2,605,000
- 9 2,605,000 to 3,120,000
- 10 3,120,000 to 3,675,000

Number of Spaces Other Commercial and Industrial Buildings (30% minimum large spaces)

- 1 Under 10,000
- 2 10,000 to 25,000
- 3 25,000 to 85,000
- 4 85,000 to 155,000

- 5 155,000 to 235,000
- 6 235,000 to 325,000
- 7 325,000 to 425,000
- 8 425,000 to 535,000
- 9 535,000 to 655,000
- 10 655,000 to 775,000
- 11 775,000 to 925,000

These requirements may be modified as a Type 14 decision, where the ~~Director~~Planning Commission ~~or, on appeal, the City Council~~ finds that such reduction will not result in injury to neighboring property; or obstruction of fire lanes ~~or~~ traffic; and will be in harmony with the purposes and intent of this chapter.

(Ord. 1795 §2 (part), 1997; Ord. 1770 §33, 1996; Ord. 1758 §1 (part), 1995)

18.56.120 Filing of Plans

Detailed plans of off-street parking areas, indicating the proposed development including the location, size, shape, design, curb-cuts, adjacent streets, circulation of traffic, ingress and egress to parking lots and other features and appurtenances of the proposed parking facility, shall be filed with and reviewed by the DCD. The parking area shall be developed and completed to the required standards before an occupancy permit for the building may be issued. The parking lot layout shall be reviewed as part of the underlying land use or the construction permit. If the proposal includes only restriping of the parking lot and no other land use permit or other construction permit is required then the restriping proposal shall be reviewed as a Type 2 decision process as outlined in 18.108.020.

(Ord. 1795 §2 (part), 1997; Ord. 1758 §1 (part), 1995)

18.56.130 Development Standards for Bicycle Parking

D. Process: Upon application to and review by the ~~Director~~Planning Commission, subject to a Type 14 decision process outlined in TMC 18.108.0420, the bicycle parking requirements may be modified or waived, where appropriate.

(Ord. 1795 §2 (part), 1997)

18.56.140 Administrative Variance from Parking Standards

A. General:

1. A request for an administrative variance from required parking standards must be received prior to any issuance of building or engineering permits. Administrative variances are only eligible for requests for reductions of required parking between 1% and 10%. Requests for reductions from minimum parking standards in excess of 10% must be made to the ~~Planning Commission~~Hearing Examiner.

2. The project developer shall present all findings to the Director prior to any final approvals, including design review, conditional use permit review, building review or any other permit reviews required by the Director.

B. Criteria:

1. All requests for reductions in parking shall be reviewed under the criteria established in this section.

2. In addition to the following requirements, the Director may require specific measures not listed to ensure that all impacts with reduced parking are mitigated. Any spillover parking which cannot be mitigated to the satisfaction of the Director will serve as the basis for denial. A reduction may be allowed, pursuant to either an Administrative variance or requests to the Planning Commission, after:
- a. All shared parking strategies are explored.
 - b. On-site park and ride opportunities are fully explored.
 - c. The site is in compliance with the City's commute trip reduction ordinance or, if not an affected employer as defined by the City's ordinance, agrees to become affected.
 - d. The site is at least 300 feet away from a singlefamily residential zone.
 - e. A report is submitted providing a basis for less parking and mitigation necessary to offset any negative effects.

C. Process:

1. An applicant shall submit evidence that decreased parking will not have a negative impact on surrounding properties or potential future uses. This may take the form of a brief report for administrative variances. Decreases in excess of 10% must be made to the **Planning CommissionHearing Examiner**. The Director may require additional studies to ensure that negative impacts are properly mitigated. A complete and detailed Parking Demand study is required for requests reviewed by the Planning Commission.

2. All site characteristics should be described in report, including

- a. Site accessibility for transit.
- b. Site proximity to transit, with 15- to 30-minute headways.
- c. Shared use of on-site parking.
- d. Shared use of off-site parking.
- e. Combined on-site parking.
- f. Employee density.
- g. Adjacent land uses.

D. Review: Applications for Administrative Variances for reductions below minimum parking requirements between 1% and 10% shall be processed as Type 2 decisions, pursuant to TMC 18.108.020. Applications for reductions from minimum parking requirements in excess of 10% shall be processed as Type **34** decisions, pursuant to TMC 18.108.04**30**, including a hearing before the **Planning Commission Hearing Examiner**.

(Ord. 1795 §2 (part), 1997)

18.60.030 Scope of Authority (This same language regarding design review in shoreline zone needs to amended in the Design Review section in LDR, MDR, HDR, MUO, O, RCC, NCC, RC, RCM, TUC, TVS and TSO zones)

- A. The rules and regulations of the Board of Architectural Review shall be the same as those stated for the Planning Commission in the bylaws of the Tukwila Planning Commission.
- B. The DCD Director will review projects meeting the thresholds for administrative design review. The BAR will review all other projects requiring design review approval. The Board and the DCD Director shall have the authority to approve, approve with conditions, or deny all plans submitted based on a demonstration of compliance with all of the guidelines of this chapter, as judged by the preponderance of evidence standard.

C. Design review is required for the following described land use actions:

1. All developments will be subject to design review with the following exceptions:

a. Developments exempted in the various districts;

b. Developments in LI, HI, MIC/L and MIC/H districts, except when within 300 feet of residential districts or within 200 feet of the Green/Duwamish River or that require a shoreline permit;

2. Any exterior repair, reconstruction, cosmetic alterations or improvements, if the cost of that work equals or exceeds 10% of the building's assessed valuation (for costs between 10% and 25%, the changes will be reviewed administratively);

a. for sites whose gross building square footage exceeds 10,000 square feet in MUO, O, RCC, NCC, RC, RCM, TUC and C/LI zoning districts; and

b. for any site in the NCC, MUO or RC zoning districts in the Tukwila International Boulevard corridor (see TMC Figure 18-9).

c. for any multi-family structures in MDR and HDR zones.

d. for all conditional or unclassified uses in the LDR zone that involve construction of a new building or exterior repairs that exceed 10% of the assessed value of the building

3. Development applications using the procedures of 18.60.60, Commercial Redevelopment Area.

4. Development applications using the procedures of 18.43, Urban Renewal Overlay District.

5. All projects located within the shoreline jurisdiction that involve construction of a new building or exterior changes, if the cost of the exterior work equals or exceeds 10% of the building's assessed valuation, except the construction of a single family house is exempt.

6. Modification of the building and/or the site if it had gone through design review within the last 10 years. Minor modifications shall be processed as administrative design review and major modifications shall require BAR approval.

D. For development in the NCC, RC, and MUO zones within the Tukwila International Boulevard corridor, identified in TMC Figure 18-9, certain landscaping and setback standards may be waived and conditioned, upon approval of plans by the BAR, in accordance with criteria and guidelines in the Tukwila International Boulevard Design Manual, as amended. Landscaping and setback standards may not be waived on commercial property sides adjacent to residential districts.

E. No changes shall be made to approved designs without further BAR or Director approval and consideration of the change in the context of the entire project; except that the Director is authorized to approve minor, insignificant modifications which have no impact on the project design.

(Ord. 2257 §11, 2009; Ord. 2251 §73, 2009; Ord. 2235 §15, 2009; Ord 2118 §1, 2006; Ord. 2005 §17, 2002; Ord. 1865 §50, 1999; Ord. 1758 §1 (part), 1995)

18.60.050 Design Review Criteria

C. Multi-Family, Hotel and Motel Design Review Criteria. In reviewing any multi-family; hotel; ~~or motel;~~ or non-residential development in Low Density Residential zone application the following criteria shall be used by the BAR in its decision making as well as the Multi-Family Design Manual or Townhouse Design Manual. Detached zero-lot-line type of developments shall be subject to the Townhouse Design Manual.

1. SITE PLANNING.

- a. Building siting, architecture, and landscaping shall be integrated into and blend harmoniously with the neighborhood building scale, natural environment, and development characteristics as envisioned in the Comprehensive Plan. For instance, a multi-family development's design need not be harmoniously integrated with adjacent single-family structures if that existing single-family use is designated as "Commercial" or "High-Density Residential" in the Comprehensive Plan. However, a "Low-Density Residential" (detached single-family) designation would require such harmonious design integration.
- b. Natural features, which contribute to desirable neighborhood character, shall be preserved to the maximum extent possible. Natural features include, but are not limited to, existing significant trees and stands of trees, wetlands, streams, and significant topographic features.
- c. The site plan shall use landscaping and building shapes to form an aesthetically pleasing and pedestrian scale streetscape. This shall include, but not be limited to facilitating pedestrian travel along the street, using architecture and landscaping to provide a desirable transition from streetscape to the building, and providing an integrated linkage from pedestrian and vehicular facilities to building entries.
- d. Pedestrian and vehicular entries shall provide a high-quality visual focus using building siting, shapes and landscaping. Such a feature establishes a physical transition between the project and public areas, and establishes the initial sense of high quality development.
- e. Vehicular circulation design shall minimize driveway intersections with the street.
- f. Site perimeter design (i.e., landscaping, structures, and horizontal width) shall be coordinated with site development to ensure a harmonious transition between adjacent projects.
- g. Varying degrees of privacy for the individual residents shall be provided; increasing from the public right-of-way, to common areas, to individual residences. This can be accomplished through the use of symbolic and actual physical barriers to define the degrees of privacy appropriate to specific site area functions.
- h. Parking and service areas shall be located, designed and screened to interrupt and reduce the visual impact of large paved areas;
- i. The height, bulk, footprint and scale of each building shall be in harmony with its site and adjacent long-term structures.

2. BUILDING DESIGN.

- a. Architectural style is not restricted; evaluation of a project shall be based on the quality of its design and its ability to harmonize building texture, shape, lines and mass with the surrounding neighborhood.
- b. Buildings shall be of appropriate height, scale, and design/shape to be in harmony with those existing permanent neighboring developments which are consistent with, or envisioned in, the Comprehensive Plan. This will be especially important for perimeter structures. Adjacent structures that are not in conformance with the Comprehensive Plan should be considered to be transitional. The degree of architectural harmony required should be consistent with the nonconforming structure's anticipated permanence.
- c. Building components, such as windows, doors, eaves, parapets, stairs and decks shall be integrated into the overall building design. Particular emphasis shall be given to harmonious proportions of these components with those of adjacent developments. Building components and ancillary parts shall be consistent with the anticipated life of the structure.

d. The overall color scheme shall work to reduce building prominence and shall blend in with the natural environment.

e. Monotony of design in single or multiple building projects shall be avoided. Variety of detail, form, and siting shall be used to provide visual interest. Otherwise monotonous flat walls and uniform vertical planes of individual buildings shall be broken up with building modulation, stairs,

decks, railings, and focal entries. Multiple building developments shall use siting and additional architectural variety to avoid inappropriate repetition of building designs and appearance to surrounding properties.

3. *LANDSCAPE AND SITE TREATMENT.*

a. Existing natural topographic patterns and significant vegetation shall be reflected in project design when they contribute to the natural beauty of the area or are important to defining neighborhood identity or a sense of place.

b. Landscape treatment shall enhance existing natural and architectural features, help separate public from private spaces, strengthen vistas and important views, provide shade to moderate the affects of large paved areas, and break up visual mass.

c. Walkways, parking spaces, terraces, and other paved areas shall promote safety and provide an inviting and stable appearance. Direct pedestrian linkages to the public street, to on-site recreation areas, and to adjacent public recreation areas shall be provided.

d. Appropriate landscape transition to adjoining properties shall be provided.

4. *MISCELLANEOUS STRUCTURES.*

a. Miscellaneous structures shall be designed as an integral part of the architectural concept and landscape. Materials shall be compatible with buildings, scale shall be appropriate, colors shall be in harmony with buildings and surroundings, and structure proportions shall be to scale.

b. The use of walls, fencing, planting, berms, or combinations of these shall accomplish screening of service yards and other places that tend to be unsightly. Screening shall be effective in winter and summer.

c. Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from view. Screening shall be designed as an integral part of the architecture (i.e., raised parapets and fully enclosed under roof) and landscaping.

d. Exterior lighting standards and fixtures shall be of a design and size consistent with safety, building architecture and adjacent area. Lighting shall be shielded and restrained in design with no off-site glare spill-over. Excessive brightness and brilliant colors shall not be used unless clearly demonstrated to be integral to building architecture.

18.12.060 Design Review

Design review is required for all new multi-family structures; mobile or manufactured home parks; and for developments in a Commercial Redevelopment Area that propose the uses and standards of an adjacent commercial zone and, in the shoreline jurisdiction, new building construction or exterior changes if the cost of the exterior work equals or exceeds 10% of the building's assessed valuation. Multi-family structures up to 1,500 square feet will be reviewed administratively.

(See *TMC Chap. 18.60, Board of Architectural Review.*)

*(Ord. 2251 §16, 2009; Ord. 2005 §1 2002;
Ord. 1865 §11, 1999; Ord. 1758 §1 (part), 1995)*

18.14.060 Design Review

Design review is required for all multi-family structures; mobile or manufactured home parks; and for developments in a Commercial Redevelopment Area that propose the uses and standards of an adjacent commercial zone and in the shoreline jurisdiction, new building construction or exterior changes if the cost of the exterior work equals or exceeds 10% of the building's assessed valuation. Multi-family structures up to 1,500 square feet will be reviewed administratively.

(See TMC Chapter 18.60, Board of Architectural Review.)

(Ord. 2005, §2, 2002; Ord. 1865 §15, 1999;

Ord. 1758 §1 (part), 1995)

18.16.070 Design Review

Design review is required for all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation, commercial structures 1,500 square feet or larger outside the shoreline jurisdiction, for all structures containing multi-family dwellings and all structures in the Tukwila International Boulevard corridor. Commercial structures between 1,500 and 5,000 square feet, multi-family structures up to 1,500 square feet, and all buildings up to 1,500 square feet in the Tukwila International Boulevard corridor will be reviewed administratively. Design review is also required for certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

(See the Board of Architectural Review chapter of this title.)

(Ord. 2005 §3, 2002; Ord. 1758 §1 (part), 1995)

18.18.070 Design Review

Design review is required for all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation, commercial structures 1,500 sq. ft. or larger outside the shoreline jurisdiction. Commercial structures between 1,500 and 5,000 square feet will be reviewed administratively. Design review is also required for certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

(See the Board of Architectural Review chapter of this title.)

(Ord. 2005 §4, 2002; Ord. 1758 §1 (part), 1995)

18.20.070 Design Review

Design review is required for all commercial and multifamily structures and all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation. Commercial and multi-family structures up to 1,500 square feet will be reviewed administratively. Design review is also required for certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

(See Board of Architectural Review chapter of this title.)

(Ord. 2005 §5, 2002; Ord. 1758 §1 (part), 1995)

18.22.070 Design Review

Design review is required for all commercial and for all multi-family structures and all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation. Commercial and multi-family structures up to 1,500 square feet will be reviewed administratively. Design review is also required for certain exterior repairs,

reconstructions, alterations or improvements to buildings over 10,000 square feet or in the Tukwila International Boulevard corridor.

(See the Board of Architectural Review chapter of this title.)

(Ord. 2005 §6, 2002; Ord. 1758 §1 (part), 1995)

18.24.070 Design Review

Design review is required for all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation, and all hotels and motels and for other commercial structures 1,500 square feet or larger outside the shoreline jurisdiction. Outside of the Tukwila International Boulevard corridor, commercial structures between 1,500 and 5,000 square feet and multi-family structures up to 1,500 square feet will be reviewed administratively. Within the Tukwila International Boulevard corridor (see TMC Figure 18-9), design review is required for all new development as well as certain exterior repairs, reconstructions, alterations or improvements. Commercial and multi-family structures up to 1,500 square feet will be reviewed administratively.

(Details on design review are found in Chapter 18.60, Board of Architectural Review.)

(Ord. 2005 §7, 2002; Ord. 1865 §30, 1999;

Ord. 1758 §1 (part), 1995)

18.26.070 Design Review

Design review is required for all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation, and commercial structures 1,500 square feet or larger and for all structures containing multi-family dwellings outside the shoreline jurisdiction. Commercial structures between 1,500 and 5,000 square feet and multi-family structures up to 1,500 square feet will be reviewed administratively. Design review is also required for certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

(See the Board of Architectural Review chapter of this title.)

(Ord. 2005 §8, 2002; Ord. 1758 §1 (part), 1995)

18.28.070 Design Review

Design review is required for all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation, and all commercial structures larger than 1,500 square feet, and for all structures containing multi-family development outside the shoreline jurisdiction. Commercial structures between 1,500 and 2,500 square feet and multi-family structures up to 1,500 square feet will be reviewed administratively. Design review is also required for certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

(See Board of Architectural Review chapter of this title.)

(Ord. 2084 §2 (part), 2005)

18.30.070 Design Review

Design review is required for new developments within 300 feet of residential districts, all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation, or within 200 feet of the Green/Duwamish River, or for developments larger than 1,500 square feet outside the shoreline jurisdiction. Commercial structures between 1,500 and 10,000 square feet will be reviewed administratively. Design review is also required for certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

(Ord. 2005 §10, 2002; Ord. 1758 §1 (part), 1995)

18.32.070 Design Review

Administrative design review is required for all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation, or new developments within 300 feet of residential districts. ~~or within 200 feet Green/Duwamish River.~~

(Ord. 2005 §11, 2002; Ord. 1758 §1 (part), 1995)

18.34.070 Design Review

Administrative design review is required for all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation, or new developments within 300 feet of residential districts ~~or within 200 feet of the Green/Duwamish River~~. Administrative design review is also required for new developments over 45 feet in height outside the shoreline jurisdiction

(Ord. 2005 §12, 2002; Ord. 1793 §1, 1997; Ord. 1758 §1 (part), 1995)

18.36.070 Design Review

Administrative design review is required for all new office development and other new developments within 300 feet of residential districts or all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation ~~within 200 feet of the Green/Duwamish River.~~

(Ord. 2335 §5, 2011; Ord. 2005 §13, 2002; Ord. 1758 §1 (part), 1995)

18.38.070 Design Review

Administrative design review is required for all new office development and other developments within 300 feet of residential districts or all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation ~~within 200 feet of the Green/Duwamish River.~~

(Ord. 2335 §9, 2011; Ord. 2005 §14, 2002; Ord. 1758 §1 (part), 1995)

18.40.070 Design Review

~~Design review is required for new development~~ within 300 feet of residential districts; or all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the ~~within 200 feet of the Green/Duwamish River~~; for developments larger than 1,500 sq. ft. and for all multi-family developments outside the shoreline jurisdiction. Commercial structures between 1,500 and 10,000 square feet and multi-family structures up to 1,500 square feet will be reviewed administratively.

(Ord. 2005 §15, 2002; Ord. 1758 §1 (part), 1995)

18.66.120 Expansion of Existing Unclassified Use -Animal Rendering Facilities

In addition to the structures permitted pursuant to TMC 18.66.110, existing animal rendering facilities shall be allowed to construct new facilities to update and/or modernize such use without needing to obtain a new or revised unclassified use permit if such construction involves an intensification of the permitted existing facility. For purposes of this section, "facilities" shall refer to all structures, including tanks, processing equipment, buildings and other improvements

used in the rendering operation, and “intensification” shall mean new construction shall meet all of the requirements below. Any proposed new construction which fails to meet one or more of the requirements of intensification shall be considered an enlargement or expansion, and shall require an application for a new or revised unclassified use permit for the facilities which constitute the enlargement or expansion:

1. The construction of new facilities shall be considered an intensification and may be permitted without the need to obtain an Unclassified Use Permit (UUP) if:
 - a. The total area of the site is not increased.
 - b. The construction of new facilities does not generate more than ten new vehicle trips at peak hour, as determined pursuant to TMC Chapter 9.48, related to traffic concurrency.
 - c. No new facilities are located in the ~~shoreline buffer River Environment or Low Impact portion of the Shoreline.~~
 - d. The new facilities will comply with the performance standards set forth in TMC 18.66.130.
 - e. The construction of new manufacturing facilities does not result in more than a 5% cumulative increase in the manufacturing capacity of the processing facility.
 - f. The construction will not increase the extent of any nonconformity of any structure by reason of its height, bulk or setbacks.

18.104.010 Classification of Project Permit Applications

Project permit decisions are classified into five types, based on the degree of discretion associated with each decision, as set forth in this section. Procedures for the five different types are distinguished according to who makes the decision, whether public notice is required, whether a public meeting and/or a public hearing is required before a decision is made, and whether administrative appeals are provided.

1. **TYPE 1 DECISIONS** are made by City administrators who have technical expertise, as designated by ordinance. Type 1 decisions may be appealed to the Hearing Examiner who will hold a closed record appeal hearing based on the information presented to the City administrator who made the decision. Public notice is not required for Type 1 decisions or for the appeals of those decisions.

TYPE 1 DECISIONS

TYPE OF PERMIT	DECISION MAKER
Administrative Variance for Noise – 30 days or less (TMC 8.22.120)	Community Development Director
Any land use permit or approval issued by the City, unless specifically categorized as a Type 2, 3, 4, or 5 decision by this Chapter	As specified by ordinance
Boundary Line Adjustment, including Lot Consolidation (TMC Chapter 17.08)	Community Development Director
Development Permit	Building Official
Minor modification to design review approval (TMC 18.60.030)	Community Development Director
Minor Modification to PRD (TMC 18.46.130)	Community Development Director
Sign Permit, except for those sign permits specifically requiring approval of the Planning Commission, or denials of sign permits that are appealable	Community Development Director
Tree Permit (TMC 18.54)	Community Development Director
Wireless Communication Facility, Minor (TMC 18.58)	Community Development Director

2. **TYPE 2 DECISIONS** are decisions which are initially made by the Director or, in certain cases, other City administrators or committees, but which are subject to an open record appeal to the Hearing Examiner, Board of Architectural Review, or, in the case of shoreline permits, an appeal to the State Shorelines Hearings Board pursuant to RCW 90.58.

TYPE 2 DECISIONS

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (open record appeal)
Administrative Design Review (TMC 18.60.030)	Community Development Director	Board of Architectural Review
Administrative Planned Residential Development (TMC 18.46.110)	Short Plat Committee	Hearing Examiner
Administrative Variance for Noise – 31-60 days (TMC Section 8.22.120)	Community Development Director	Hearing Examiner
Binding Site Improvement Plan (TMC Chap.17.16)	Short Plat Committee	Hearing Examiner
Cargo Container Placement (TMC 18.50.060)	Community Development Director	Hearing Examiner
Code Interpretation (TMC 18.90.010)	Community Development Director	Hearing Examiner
Exception from Single-Family Design Standard (TMC 18.50.050)	Community Development Director	Hearing Examiner
Modification to Development Standards (TMC 18.41.100)	Community Development Director	Hearing Examiner
Parking standard for use not specified (TMC 18.56.100) <u>and modifications to certain parking standards (TMC 18.56.065, .070, .120)</u>	Community Development Director	Hearing Examiner
Sensitive Areas (except Reasonable Use Exception) (TMC 18.45)	Community Development Director	Hearing Examiner

Shoreline Substantial Development Permit (TMC Chapter 18.44)	Community Development Director	State Shorelines Hearings Bd
<u>Shoreline tree permit</u>	<u>Community Development Director</u>	<u>Hearing Examiner</u>
Short Plat (TMC 17.12)	Short Plat Committee	Hearing Examiner
Sign Area Increase (TMC 19.32.140)	Community Development Director	Hearing Examiner
Sign Permit Denial (TMC Chapter 19.12)	Community Development Director	Hearing Examiner
Special Permission Parking, and Modifications to Certain Parking Standards (TMC 18.56.065 and .070)	Community Development Director	Hearing Examiner
Special Permission Sign, except “unique sign” (various sections of TMC Title 19)	Community Development Director	Hearing Examiner
Wireless Communication Facility, Minor (TMC 18.58)	Community Development Director	Hearing Examiner

3. **TYPE 3 DECISIONS** are quasi-judicial decisions made by the Hearing Examiner following an open record hearing. Type 3 decisions may be appealed only to Superior Court, except for shoreline variances and shoreline conditional uses that may be appealed to the State Shorelines Hearings Board pursuant to RCW 90.58.

TYPE 3 DECISIONS

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (closed record appeal)
Resolve uncertain zone district boundary	Hearing Examiner	Superior Court

Variance (zoning, shoreline, sidewalk, land alteration, sign)	Hearing Examiner	Superior Court
TSO Special Permission Use (TMC Section 18.41.060)	Hearing Examiner	Superior Court
Conditional Use Permit	Hearing Examiner	Superior Court
Modifications to Certain Parking Standards (TMC Chapter 18.56)	Hearing Examiner	Superior Court
Reasonable Use Exceptions under Sensitive Areas Ordinance (TMC Section 18.45.180)	Hearing Examiner	Superior Court
Variance for Noise in excess of 60 days (TMC Section 8.22.120)	Hearing Examiner	Superior Court
Variance from Parking Standards over 10% (TMC Section 18.56.140)	Hearing Examiner	Superior Court
Shoreline Conditional Use Permit (TMC Section 18.44.050)	Planning Commission	State Shorelines Hearings Board
Subdivision - Preliminary Plat with no associated Design Review application (TMC Section 17.14.020)	Hearing Examiner	Superior Court
Wireless Communication Facility, Major or Waiver Request (TMC Chapter 18.58)	Hearing Examiner	Superior Court

4. **TYPE 4 DECISIONS** are quasi-judicial decisions made by the Board of Architectural Review or the Planning Commission, following an open record hearing. Type 4 decisions may

be appealed to the Hearing Examiner based on the record established by the Board of Architectural Review or Planning Commission, except Shoreline Conditional Use Permits, that are appealable to the State Shorelines Hearings Board pursuant to RCW 90.58.

TYPE 4 DECISIONS

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (closed record appeal)
Public Hearing Design Review (TMC Chap. 18.60)	Board of Architectural Review	Hearing Examiner
Subdivision - Preliminary Plat with an associated Design Review application (TMC 17.14.020)	Planning Commission	Hearing Examiner
<u>Shoreline Conditional Use Permit (TMC Section 18.44.050)</u>	<u>Planning Commission</u>	<u>State Shorelines Hearings Board</u>
<u>Unique Signs (TMC 19.28.010)</u>	<u>Planning Commission</u>	<u>Hearing Examiner</u>

5. **TYPE 5 DECISIONS** are quasi-judicial decisions made by the Hearing Examiner or City Council following an open record hearing. Type 5 decisions may be appealed only to Superior Court.

TYPE 5 DECISIONS

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (closed record appeal)
Planned Residential Development (PRD), including Major Modifications (TMC Chap. 18.46)	City Council	Superior Court
Rezone <u>along with an accompanying Comprehensive Plan map change</u> (TMC Chapter 18.84)	City Council	Superior Court

Sensitive Area Master Plan Overlay (TMC 18.45.160)	City Council	Superior Court
Shoreline Environment Re-designation (Shoreline Master Program)	City Council	Superior Court
Subdivision - Final Plat (TMC 17.12.030)	City Council	Superior Court
Unclassified Use (TMC Chapter 18.66)	City Council	Superior Court

(Ord. 2294 § 1 2010; Ord. 2251 §75, 2009; Ord. 2235 § 19, 2009; Ord. 2135 §19, 2006; Ord. 2119 §1, 2006)

18.104.170 Notice of Decision

A. The Department shall provide written notice in a timely manner of the final decision on permits requiring Type 2, 3, 4 and 5 decisions and on permits requiring Type 1 decisions which require SEPA review. Such notice shall identify the threshold determination, if any, and the procedures for administrative appeals, if any. Notice shall be delivered by first class mail or email or in person to the applicant, to the Department of Ecology and to agencies with jurisdiction, and to all parties of record.

B. Notices of Decision for Shoreline Substantial Development permits shall also comply with the requirements of RCW 90.58.

(Ord. 1768 §2 (part), 1996)

18.120.050 Review and Application Process

A. *Limited time frame to apply.* When the Director of DCD selects an application as outlined in TMC 18.120.030, the project proponent must apply within one year for the appropriate decision(s) or the selection will become null and void.

B. *Type of Application.* Decision types are described in the Permit Application Types and Procedures Chapter of the Tukwila Zoning Code (TMC 18.104). In all cases, design review is required and shall be consolidated per “Consolidation of Permit Applications” in the Permit Application Types and Procedures Chapter (TMC 18.104.030). The type of landuse application shall be determined pursuant to the permit types and thresholds listed under TMC 18.104.010

The type of applications shall depend on the size and type of proposed project:

- ~~1. If less than four additional lots are proposed, then a Type 2 decision shall be followed;~~
- ~~2. If between 5 and 9 additional lots are proposed or a project is to be a condominium, then a Type 4 decision shall be followed; or~~
- ~~3. If more than 9 additional lots are proposed, then a Type 5 decision shall be followed.~~

21.04.210 Public notice - Procedure

A. Whenever public notice is required, the City shall follow the procedures set forth in this section.

B. Public notice will be given in the following situations:

1. When the City issues the following Determinations of Non-Significance (DNS):
 - a. DNS involving another agency with jurisdiction,
 - b. DNS involving the demolition of any structure or facility not exempted by WAC 197-11-800(2) (f) or 197-11-880,
 - c. DNS involving the issuance of a clearing or grading permit not exempted by WAC 197-11-800 through 197-11-890,
 - d. DNS issued following a request for early notice pursuant to WAC 197-11-350(2),
 - e. Mitigated DNS issued pursuant to WAC 197-11-350(3),
 - f. DNS issued following the withdrawal of a DS pursuant to WAC 197-11-360(4);
2. When the City issues a Determination of Significance to commence scoping;
3. When a draft EIS (DEIS) is available for public comment;
4. Whenever the City holds a public hearing pursuant to WAC 197-11-535, provided that if the project requires a Type 3, 4 or 5 decision, such hearing shall be consolidated with the public hearing on the merits of the project;
5. Whenever the responsible official determines that public notice is required.

C. The City shall give public notice by using the public notice procedures set forth in TMC 18.104.110 and .120 at the time the application is determined complete. The notice of decision shall be emailed or mailed to the applicant, parties of record and the agencies with jurisdiction for the projects listed under subsection B above.

D. Notice of public hearings on non-project proposals shall be published in a newspaper of general circulation in the City.

E. The City may require an applicant to compensate the City for the costs of compliance with the public notice requirements for the applicant's proposal and/or provide services and materials to assist.

*(Ord. 1770 §84, 1996; Ord. 1344 §10, 1985;
Ord. 1331 §19, 1984)*