



CHAIR KAREN SIMMONS; COMMISSIONERS APNEET SIDHU, LOUSIE STRANDER, DENNIS MARTINEZ, SHARON MANN, AND ALEXANDRIA TEAGUE

CITY OF TUKWILA
BOARD OF ARCHITECTURAL REVIEW (BAR)
PUBLIC HEARING AGENDA
MAY 26, 2022 - 6:30 PM

To join this meeting virtually please find access information for the event date above at:
<https://www.tukwilawa.gov/events/>

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

- I. CALL TO ORDER
- II. ATTENDANCE
- III. ADOPT 4/28/22 MINUTES
- IV. MOTION FOR COMMISSIONER SIDHU TO ASSUME THE VACATED VICE CHAIR POSITION FOR THE REMAINDER OF 2022
- V. CASE NUMBER: N/A
PURPOSE: 2022 Title 18 Zoning Housekeeping Amendments
LOCATION: Citywide
- VI. DIRECTOR'S REPORT
- VII. ADJOURN



**CITY OF TUKWILA
BOARD OF ARCHITECTURAL REVIEW (BAR)
PUBLIC HEARING
MINUTES**

Date: April 28, 2022
Time: 6:30 PM
Location: Virtual meeting via Microsoft Teams

Protocol: **Max Baker, AICP**, Development Supervisor, Department of Community Development (DCD) explained the protocol for the virtual meeting as well as public hearing procedures.

Chair Simmons called the public hearing to order.

The PC Secretary took roll call.

Present: Chair Karen Simmons; Vice Chair Andrea Reay; Commissioners Louise Strander, Sharon Mann, Apneet Sidhu, and Alexandria Teague

Excused
Absent: Commissioner Dennis Martinez

Staff: DCD Director Nora Gierloff, AICP; Development Supervisor Max Baker, AICP; Long Range Planning Manager Nancy Eklund, AICP; Associate Planner Breyden Jager; and PC Secretary Wynetta Bivens

Adopt
Minutes: **Commissioner Strander** moved to adopt the February 24, 2022, minutes. Commissioner Sidhu seconded the motion. Motion passed.

Chair Simmons opened the public hearing for:

CASE NUMBERS: L21-0104
PURPOSE: Major Modification to Approved Design Review for expansion of Vietnamese Martyr’s Church
LOCATION: 6841 S 180TH ST, Parcel No. 3623049087

Chair Simmons swore in persons wishing to speak on the project.

Breyden Jager, Associate Planner, DCD, asked the Commissioners the Appearance of Fairness Questions. There were no disclosures.

Breyden Jager gave the staff presentation on the proposed project, which is a Major Modification to a previously approved Design Review decision. The applicant is requesting approval for:

- Reduced building footprint
- Architectural design changes to all church facades
- Modified parking area
- Revised fire access lane

An overview was provided on the previous request, review process, proposed site plan characteristics and surroundings, previous site plan, and design changes. Both parking and landscaping exceed the code requirements.

Staff read into the record a public comment letter received via email from Nancy Sackman, Duwamish Cultural Preservation Committee on 4/22 that included the following two recommendations:

- An archeological review is performed for the project where there is significant ground disturbance, etc.
- Only native plantings be used for landscaping to provide native habitat, etc.

Staff's Recommendation

As noted in the PC packet Staff Report dated April 28, 2022, staff recommended approval with the three conditions listed.

Staff and the applicant addressed clarifying questions from the PC:

- Commissioner Strander requested for the record that staff explain what the term "CUP" means, which was noted on the first slide of the staff presentation. Staff stated CUP means Conditional Use Permit.
- Commissioner Sidhu noted for the record that for this project, 360 parking stalls are required, and after the building sq. ft. reduction, there are still 439 parking stalls. Staff responded in the affirmative.
- Commissioner Sidhu noted for the record, that the applicant widened the fire lane by 2 feet to a width of 14 ft. and removed three trees, which they are now willing to replace. Staff responded in the affirmative.

Prior to the public hearing, the applicant informed staff that they did not wish to give a presentation.

Public Comments

Sean Hill, Architect, Broderick Architects, for the applicant, stated he has been working on this project for over three years. He said he worked with the city on the previous CUP and tried his best to accommodate staff's requested changes. He concluded saying he hopes that the PC finds the changes to their liking and that they will approve the project.

Kevin Broderick, Principal, Broderick Architects, for the applicant commented on the public comment email received from the Duwamish Cultural Preservation Committee concerning the excavation recommendation. He said, “keep in mind the current building is going to be in the same place where the existing building will be torn down.” And that the foundation is on pipe piles that are driven 160 ft. into the ground, so there is very limited excavation associated with the project.

There were no additional public comments.

Staff Amended Condition:

Staff stated that they came to the determination, following a discussion that took place after the PC packet was finalized, that condition number two in the staff report should be revised. The following language for condition number two, on page 16 of the staff report reads in part, “...the applicant shall obtain approval of an amendment to the shoreline permit...” Staff is proposing to revise the language to read in part, “...the applicant shall obtain approval of a new Shoreline Tree Permit...”

Chair Simmons closed the public hearing.

There were no deliberations.

Motions:

Commissioner Reay moved to approve case number L21-0104 based on the findings and conclusions contained in the staff report dated April 28, 2022, with conditions 1a – 1f, 2 as amended by staff, and 3. Commissioner Teague seconded the motion.

Commissioner Strander moved to amend the motion to approve case number L21-0104 based on the findings and conclusions contained in the staff report dated April 28, 2022, with conditions 1b, 2 as amended by staff, and 3. Commissioner Reay seconded the motion.

Final Motion:

Commissioner Reay moved to approve the amended motion to approve case number L21-0104 based on the findings and conclusions contained in the staff report dated April 28, 2022, with conditions 1b, 2 as amended by staff and 3, as follows:

1. Prior to approval of Development Permit D21-0032, submit a complete and detailed landscaping plan that includes irrigation, planting, and soil details in conformance with the requirements of TMC 18.28, Tukwila Urban Center. The City’s Urban Environmentalist has evaluated the preliminary Landscape Plan and required the following conditions of approval:
 - b. Within the shoreline buffer, landscaping trees and shrubs are to be native species per TMC 18.44.060.F.1.g.

2. Prior to approval of Development Permit D21-0032, the applicant shall obtain approval of a Shoreline Tree Permit for removal of three additional trees within the shoreline jurisdiction.
3. Prior to approval of Development Permit D21-0032, the applicant shall submit plans for a trash enclosure to screen the refuse and disposal area in the southern parking area from view of the church development, and particularly, the Green River trail.

Commissioner Mann seconded the motion. All were in favor. Motion passed.

A recess was taken.

The meeting resumed and the BAR transitioned into a PC work session.

Work Session Minutes – Zoning Code Housekeeping Amendments.

Max Baker, AICP, Development Supervisor, DCD, provided an overview and gave some background on the proposed amendments to the Tukwila Municipal Code (TMC) to address housekeeping updates to various chapters of the code. The code has been updated every two or three years. However, due to COVID-19 there has been a stall in the typical timeframe for updating the code, staff intends to start completing code updates annually.

Staff explained the various reasons why code revisions were proposed and addressed the various types of updates recommended. There was discussion on the proposed changes to the Housekeeping code to obtain feedback from the PC. Staff noted that the language in the packet is not what would actually be incorporated into the ordinance to change the code. Rather, it is a list of potential changes that may be implemented, revised, or rejected. The goal of the revisions proposed by staff is to eliminate confusing or inconsistent language in various sections of the code to streamline code interpretation and provide more clarity to development review

Staff walked through the proposed recommendations and addressed clarifying questions from the PC. Below is a summary of PC changes recommended to the language proposed by staff in the staff report:

Staff-proposed changes — and/or PC amendments:

- A. 1. 3. Title 8 - Public Peace Morals and Safety - No changes proposed.
- B. 1. Title 9 - Vehicles and Traffic - No changes.
- C. 1. Title 17 - Subdivisions and Plats - No changes.
- D. Title 18 - Zone:
 - 1.a. - 1.c. - No changes.
 - 1.d. - Amend paragraph - add a double quotation in front of the word – “Revise
- Replace double quotations with a single quotation around the words –
‘Specified Sexual Activities’.
 2. – 3. - No change.

- 4. - Staff will return with additional information on ‘Single Family Dwelling Design Standards.
- 5.b. - Staff will return with additional information on roof pitch, comprehensive explanation, pros, cons, impacts of changes, and/or other options for consideration.
- 5.c. - 11 - No changes.
- E. 1. Title 19 - Sign -Staff were asked to clean up the sign code because it is confusing.

Director’s Report

- A public hearing will be scheduled on the Housekeeping Code Amendments to provide opportunity for the public to give feedback and the PC to give final feedback.
- Upcoming agenda items are a townhouse project for review in the next month or two and an apartment building design review in a few months.
- Staff is providing a briefing on the Comprehensive Plan process to the City Council (CC) on May 9 for their feedback, then staff will start working with PC on how to lay that out over the next few years.
- Director Gierloff said she would like to start thinking about in-person meetings. The PC meetings are currently held virtually, operating under a suspension of the Open Public Meetings Act for COVID. If that suspension expires then the PC members will need to think about returning to in-person meetings or to some kind of hybrid meetings in the future. She mentioned that the CC is completely in-person now. She asked the PC for their feedback to gather input on how they feel about in-person or a hybrid meeting approach. She said she understands their positions are voluntary and wants to work with them in their comfort zone.
- Some PC gave feedback that they would like to remain remote for their safety and said remaining remote would work if someone contracted COVID and felt like joining remotely, and it would ensure there is a quorum by joining remotely when they are unavailable to join in-person. There was opposition regarding meeting physically in a conference room due to the health risk concerns.
- The May PC meeting will be held virtually.
- Director Gierloff informed the PC that she sent them a link addressing Commissioner Mann’s request raised at the previous PC meeting regarding housing in Tukwila.

Chair Simmons asked for a motion to adjourn.

Commissioner Reay moved to adjourn, and Commissioner Mann seconded the motion.

Adjourned: 9:10 pm

Submitted by: Wynetta Bivens
PC Secretary



INFORMATIONAL MEMORANDUM

To: Planning and Community Development Committee
From: Nora Gierloff, AICP, Director DCD
By: Max Baker, AICP, Development Supervisor
Copy: Mayor Ekberg
Date: March 21, 2022
SUBJECT: 2022 Housekeeping Code Updates

ISSUE

Should four Chapters of the Tukwila Municipal Code be amended to address housekeeping items? The affected Chapters include TMC 8 – Public Peace, Morals, and Safety, TMC 17 – Subdivisions and Plats, Chapter 18 – Zoning, and Chapter 19 – Sign Code.

BACKGROUND

Staff has grouped together amendments to the Tukwila Municipal Code for your consideration. The process for these code amendments includes a briefing to the Planning and Community Development Committee, who would then forward the proposed amendments to the Planning Commission to review in detail and conduct a public hearing. Staff would then bring the Planning Commission's recommendations back to Committee. After the committee's review, the recommendations would then be scheduled for a public hearing at a Committee of the Whole meeting.

The proposed amendments will also require review under the State's SEPA regulations, and a 60-day review by the Department of Commerce.

Included in this memo is a list of the proposed amendments with a brief explanation. (Please note that some amendments may require modifications in other code sections to ensure consistency.) The majority of these changes are housekeeping in nature to streamline or clarify processes, correct inconsistencies created by past amendments, correct code citations or numbering, and codify code interpretations. Revisions to the noise ordinance and the zoning district land use table have also been proposed to address anachronous regulations and provide additional clarification where necessary.

DISCUSSION OF PROPOSED CHANGES

A. Title 8 – Public Peace, Morals, and Safety

1. Modify the definition of "Residential Party" to include "Residential Party or Other Noise Generating Event," in both the Noise Code and the section of the Zoning Code so that loud events, other than parties, must also acquire a variance (TMC 8.22.020 and 8.22.120). This clarification will make it clear that Type 1 Noise Variances for parties/events are subject to noticing those within 500 feet. It does not pertain to whether or not they need a variance.
2. Modify the public noticing requirement for Type 1 Noise Variances to clarify that notice is required to residents and businesses within 500 feet in the case of residential parties and events (TMC 8.22.120.B.(3)).
3. Eliminate the requirement that those conducting exempt daytime noise-generating activities submit proof that they have notified adjacent property owners of potential noise (as

required by the code). Examples of these types of exempt activities include construction or the movement of construction-related materials; testing of emergency back-up generators or other emergency equipment; bells, chimes or carillons operating for not more than five minutes in any one hour; and aircraft engine testing and maintenance not related to flight operations (TMC 8.22.110).

~~B. Title 9 – Vehicles and Traffic~~

- ~~1. Update steps for applicants to apply for traffic concurrency so that they complete information during permit intake and can pay for it under their permit instead of applying for a separate concurrency permit. (TMC 9.50 – Traffic Concurrency)~~

C. Title 17 – Subdivisions and Plats

1. Clarify that Boundary Line Adjustments and Lot Consolidations shall not result in the creation of lots with split zoning (TMC 17.08.030).

D. Title 18 – Zoning

1. Modify code definitions and the table defining land uses allowed in each zoning district:
 - a. Rename “Outpatient Medical Clinic” to “Clinic, Outpatient Medical” so that it is listed alphabetically between “Clearing” and “Closed Record Appeal.” (TMC 18.06.150)
 - b. In compliance with adopted legislation, revise the definition of Essential Public Facilities to clarify that it does not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings. (RCW 36.70A.200)
 - c. Relocate and renumber location of definition of Revetment (TMC 18.06.677), currently between TMC 18.06.676, Regional Detention Facility and TMC 18.06.680, Research and Development Facility, to correct alphabetizing, and adjust any references in other sections to reference correct code citation.
 - d. Revise the Adult Entertainment Establishments sub-definition for Adult Bathhouse to “a commercial establishment which excludes any person by virtue of age from all or any portion of the premises, or which provides to its patrons an opportunity for engaging in “Specified Sexual Activities,” with or without a membership fee.”
2. Update references in the Zoning Code to “Environmentally Sensitive Areas” (ESAs) to new approved term “Critical Areas” to be consistent with nomenclature changed in the Environmentally Critical Areas chapter, TMC 18.45, in 2020.
3. To support the intent of the Nonconforming provisions of the Code, add a requirement for bonding when the primary structure is proposed to be demolished, while accessory structures are proposed to remain. The bond shall cover the 150% of the demolition cost should an approved primary use not be applied for within 1 year. This has been the City’s practice in the past; however, it has not been codified to date. (TMC 18.70.050)
4. Correct reference and process errors in the Shoreline Overlay chapter of the Code (TMC 18.44). With the update of the Shoreline Master Program in 2020, the City intended to allow Shoreline Conditional Use Permits to be processed as Type 3 permits, rather than Type

4 permits. This change was made in in the Shoreline Overlay chapter of the Code, but not made uniformly within other parts the Zoning Code. It needs to be corrected to avoid confusion about the process required for Shoreline CUPs.

5. Change the Supplemental Development Standards (TMC 18.50) as follows:
 - a. Clarify how an applicant can acquire a “Retaining Wall Setback Waiver(s).” The current code does not specify the process to be used, although it is intended to be the “Type 2 Special Permission Decision to the Community Development Director.”
 - b. Codify a January 24, 2020, zoning interpretation that found that the 5/12 roof pitch requirements for single-family dwellings are interpreted to apply to a minimum of 75% of the total building footprint square footage (TMC 18.50.050.6).
6. Update individual zoning district basic development standards sections to ensure they are consistent with changes made to the Landscape Chapter in 2017. At the time the Landscape Code was updated, it was intended that the individual district requirements would be modified, however this was overlooked in the final adoption process.

Modify reference in TMC 18.54.080 Table A(1) to remove “see Tree Permit Application for additional detail.” Since the Permit Center began taking permit applications online, those applications have been streamlined and additional information is no longer presented in this location.

7. TMC 18.54.140 - Tree Permit Exception – Modify the Permit Exceptions section of the code to remove reference to a Tree Exception Permit. The tree permit exception criteria listed can be applied to a Tree Permit instead of to a separate Tree Exception Permit. This type of permit is not listed in TMC 18.104. Remove reference to a Tree Exception Permit in TMC 18.54.030.A.3. and TMC 18.54.130.B. Add reference to exception criteria to TMC 18.54.050, “All Tree Permit applications shall meet the criteria outlined below for approval, or meet the criteria for a tree permit exception found in TMC 18.54.140.”
8. Update Table 18-6 to consolidate uses listed as “Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant” and “Restaurants including cocktail lounges in conjunction with a restaurant” into one use called “Restaurants including drive through, sit down, and cocktail lounges in conjunction with a restaurant.” Along with this change, also consolidate the zones where this use is permitted, combining what is currently listed and matching the zones where brew pubs are permitted. Further work is required at a later date to define the different types of restaurants.
9. Correct reference in TMC 18.44.110.G.6.a, Administration: Non-Conforming Development: Non-Conforming Parking Lots, which cite landscape standards, but cites wrong section. Currently, citation says “..., except as necessary to meet vegetation protection and landscaping standards consistent with TMC Section 18.44.110.E.7.” The section should reference TMC 18.44.110.G.7, Administration: Non-Conforming Development: Non-Conforming Landscape Areas.

10. In 2017 and 2020, the City's Landscaping Regulations were updated to modify, among other changes, landscape buffer requirements. These changes were made in the landscaping code, however, they did not also modify the requirements listed in the individual zoning district sections of the code. The following changes would address that:
 - a. TMC 18.10.060 (LDR) Basic Development Standards – add a reference to TMC 18.52, as conditioned, for Landscape requirements for Uses other than residential.
 - b. For all other district chapters, remove any previous district landscape requirements and add reference to TMC 18.52 Table A for minimum landscape requirements.
 - c. Revise perimeter landscaping requirements set forth in TMC 18.52 Table A to not be greater than the required setbacks set forth in each district's development standards section.

11. Update Table 18-6, Land Uses Allowed by District, to streamline categories and remove outdated land use types. See Attachment A for proposed changes.

E. Title 19 – Sign

1. TMC 19, Sign Code, has several needed amendments
 - a. Eliminate the excess process that requires businesses to submit a "notice of copy change form" when they wish to reface an existing, permitted sign. (TMC 19.20.040(6)(d), 19.32.075(4), and 19.20.030(B)(7)(D))
 - b. Clarify in TMC 19.20.040 that all freestanding signs follow the monument sign standards. There has been customer confusion as to whether there is another Code section where freestanding sign standards are contained. Suggested language: "Monument and freestanding signs are permitted within all commercial and industrial zones, subject to the following standards."
 - c. Codify 2019 code interpretation for murals, see Attachment B.

FINANCIAL IMPACT

N/A

RECOMMENDATION

The Council is being asked to forward this item for the Planning Commission review and recommendation. After the Planning Commission review staff will come back to the Planning and Economic Development Committee in early summer, following review by the Washington Department of Commerce and completion of the SEPA process. At that time the Committee will decide if the item is ready for a public hearing by the Committee of the Whole.

ATTACHMENTS

- A. Proposed revisions to *Table 18-6: Land Uses Allowed by District*
- B. 2019 code interpretation regarding artistic murals as opposed to signs
- C. [Title 8: Public Peace, Morals, and Safety – Proposed Markups](#)
- D. [Title 17: Subdivisions and Plats – Proposed Markups](#)
- E. [Title 18: Zoning – Proposed Markups](#)
- F. [Title 19: Signs – Proposed Markups](#)

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 Vehicle sales lot ²								P33	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), Vehicle service station							P34	P34	P	P	P	P	P	P	P	P	P
Beauty or barber shops					P	P	P	P	P	P	P	P	€3	€4	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	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	P
Bus stations							P	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		

Commented [MB1]: Define: Any area of land which is used or intended for the landing and takeoff of aircraft, any appurtenant areas which are used or intended for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities.

Commented [MB2]: Define. Change to "Vehicle Sales Lot" the sale of new and/or used vehicles, including automobiles, trucks, motorcycles, recreational vehicles, boats or marine craft, as well as farm vehicles.

Commented [MB3]: Change to "Service Station." Add "enclosed engine repair" to definition.

Commented [MB4]: Reflects Table 18-2 Remove, covered under "General Retail in 18.06"

Commented [MB5]: Not a standalone use

Commented [MB6]: Not defined, covered by "Manufacturing."

Cemeteries and crematories	C	C	C	C	C			C	C	C	C	C			C	C	
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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
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															
Dwelling- Townhouses			P														
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														

Commented [MB7]: Define:
Means an establishment where textiles are washed for commercial, industrial, and institutional entities not located on the same site.

Commented [MB8]: Include as a part of definition of “Office”

Commented [MB9]: Define.
Means storage yards operated by, or on behalf of a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

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	
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	
Essential public facilities, except those uses listed separately in any of the other zones								U	U	U	U	U	U	U	U	U	
Extended-stay hotel/motel								P35	P	P	P	P				P	P
Farming and farm-related activities																P	P
Financial, banking, mortgage, other services				P	P		P36	P36	P	P	P	P	P3/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								P35	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		
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														

Commented [MB10]: Covered as “Retail”

Commented [MB11]: Covered as “General Retail” or “Storage”

Commented [MB12]: Permitted in dwellings as covered in 18.06.430; an occupation or profession which is customarily incidental to or carried on in a dwelling place, and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on by a resident of the dwelling place.

Commented [MB13]: Redundant

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			
<u>Manufacturing that includes rock crushing, asphalt or concrete batching or mixing, stone cutting, brick manufacture, marble works, and the assembly of products from the above materials</u>										C	C	P	C	P	C	C	
<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	
<u>Movie theaters with three or fewer screens</u>																P	
<u>Movie theaters with more than 3 screens</u> 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										
<u>Outpatient and emergency medical and dental services</u>													C3	C4			
Park & ride lots				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	
Parking areas, for municipal uses and police stations	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
Pawnbroker								C	C	P	P	P			P	P	
Planned Shopping Center (mall)								P	P	P	P	P			P	P27	
<u>Plumbing shops (no tin work or outside storage)</u>							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	
Railroad freight or classification yards												U	U	U	U		
Railroad tracks (including lead, spur, loading or storage)										P	P	P	P	P	P		

Commented [MB14]: Moved from later in table

Commented [MB15]: Recommend moving to Tukwila South Overlay chapter as a section item.

Commented [MB16]: Recommend adding as a footnote to "Theaters" (see below).

Commented [MB18]: Footnotes 3 and 4 refer to retail.

Commented [MB17]: Covered by "Offices: medical, dental" above. Footnotes are incorrect and correspond to retail uses as well.

Commented [MB19]: Functionally the same as General Retail, move to that section.

Recreation facilities (commercial – indoor) – athletic or health clubs				P	P		P	P	P	P	P	P	C3	P	P	P	
Recreation facilities (commercial – indoor), including bowling alleys, skating rinks, shooting ranges							C	P	P	P	P				P	P	

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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		P
Recreational area and facilities for employees				A	A	A	A	A	A	A	A	A	A	A	A	A	
Religious facilities with an assembly area less than 750 sq.ft.	C	C	C	P	P	P	P	P	P	P	P	P			P	P	
Religious facilities with an assembly area greater than 750 sq.ft. and associated community center buildings	C	C	C	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		
Rental of vehicles not requiring a commercial driver's license								P37	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	
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	
Restaurants, drive-through permitted including drive-through, sit-down, cocktail lounges in conjunction with a restaurant								P36	P	P	P	P	P	P	P	P	
Restaurants, drive-through not permitted 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, General 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	P36	P36	P	P	P	P	C3	C34	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	P	P9 C10	P28	P	P	

Commented [MB20]: Covered by preceding categories.

Commented [MB21]: Helps clarify which zones do and don't permit drive-throughs

Commented [MB23]: Add footnote: "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)."

Commented [MB22]: These categories are redundant (e.g. hardware = building materials). See footnotes 3 and 4 for edits as well.

Commented [MB24]: Remove from MUO as General Retail is already permitted. Add as footnote to General Retail in Office zone, above.

Commented [MB25]: Move to "Manufacturing" section

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 (public 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	
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

Commented [MB26]: Add to footnote

Commented [MB27]: Define: Truck terminal means land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term storage.

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:

- Similar in nature to and compatible with other uses permitted out right within a similar zone; and**
- Consistent with the stated purpose of the zone; and**
- 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, ~~and movie theaters with three or fewer screens are permitted. Movie theaters with more than three screens will require a Special Permission Permit.~~

33. Automotive sales must have an enclosed showroom with no outdoor storage of vehicles. Pre-existing legally established uses in the TIB Study Area, as set forth in Figure 18-60, on December 15, 2020, are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on that date. Pre-existing legally established automotive sales where existing parking lots abut the public frontage must provide effective visual screening of the parking lot from sidewalks (or street if no sidewalk currently exists) using Type II landscaping when any of the following occurs: an expansion or alteration of the structure, a change of ownership, or when the business is vacated or abandoned for more than 24 consecutive months and a new business is proposed.

34. Allowed; however, if in the TIB Study Area, as set forth in Figure 18-60, the following conditions apply: 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, the pumps meet the setback requirements, and the pumps comply with building and fire codes. Queuing lanes are not permitted between buildings and back of sidewalk. Wholesale distribution and storage of fuel (e.g. natural gas, propane, gasoline) are not permitted in the TIB Study Area. Pre-existing legally established automotive service uses with outdoor storage or parking abutting the public frontage must provide effective visual screening of the parking and outdoor stored materials from sidewalks (or street if no sidewalk currently exists) using Type II landscaping when any of the

following occurs: an expansion or alteration of the structure, a change of ownership, or when the business is vacated or abandoned for more than 24 consecutive months and a new business is proposed.

35. Allow if the following are provided: a full-service restaurant and a Class A liquor license, 24-hour staffed reception, all rooms accessed off interior hallways or lobby, and a minimum 90 rooms.

36. Allowed, however if in the TIB Study area, as set forth in Figure 18-60, the following conditions apply: Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks. Where the use is located on a corner or with access to an alley, drive-throughs must exit to a side street or an alley that connects to a side street, where feasible.

37. Automotive rentals must have an enclosed showroom with no outdoor storage of vehicles. Pre-existing legally established uses in the TIB Study Area, as set forth in Figure 18-60, on December 15, 2020, are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on that date.



CODE INTERPRETATION
Code interpreted: Sign, Title 19
Date: August 26, 2019

Proposal from Seattle Chocolate:

Seattle Chocolate submitted a proposal for a mural to the City on August 21, 2019. The proposed location for the mural is on the front façade of the building located at 1180 Andover Park W. Due to the texture of the wall the mural will be printed on vinyl, and will be 56 feet by 13 feet. The mural proposal request and the proposed design are attached.

Interpretation:

The question at hand is whether or not murals are permitted in the City of Tukwila. A contradiction in TMC 19 and a desire by businesses to put murals on their blank walls requires a code interpretation to determine what constitutes a mural and what constitutes a sign.

The City's interpretation is that murals that do not convey a message that represents a product, service, or registered trademark, and which do not identify the uses, are not considered signs.

Why this interpretation developed?

There has been growing interest in creating murals in the City. In the industrial and commercial areas of the City there is ample wall space for showcasing artwork and creativity.

To be considered a "sign" under the City's Sign Code, the materials placed or constructed must convey a message or image and be used to inform or attract the attention of the public. Once considered a sign, it must adhere to the size and placement requirements outlined in the code.

A disconnect in TMC 19 has been identified. While a mural could be construed to fit the code's definition of a sign, in TMC 19.20.050.F.4. *Incentive Signage* allows a business to have a building-mounted sign on a wall without a public entrance given they provide architectural interest. One of the allowable options for architectural interest listed in the code is "artwork such as mosaic, mural, or sculptural relief over at least 50 percent of the wall surface."

What is the justification for the interpretation?

Murals in a cityscape can contribute to placemaking and creating a sense of identity and community, which are all elements of goals outlined in the City's Comprehensive Plan.

Goal 1.7 of Tukwila's Comprehensive Plan states, "Tukwila's retail areas are characterized by high-quality urban design that accommodates a mix of compatible residential, commercial and light industrial uses." Policy 1.7.7. of this goal is to "encourage placemaking through creative use of signage, art, and high-quality materials."

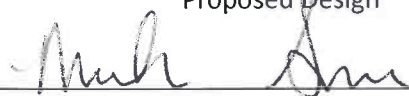
Moving forward, The City will develop a process for regulating murals and artwork on businesses within the City, as well as for distinguishing a mural from a sign.

ATTACHMENT B

Conditions:

- The vinyl must be maintained to avoid fading and deterioration due to weather.
- Any change to the design must be submitted to the City.

Attached: Code Interpretation Request
Proposed Design



Signature of Interpreter

8/27/19
Date:



Approved by Director of Community Development

8/27/19
Date:



8/21/19

Ms. Meredith Sampson
Ms. Minnie Dhaliwal
City of Tukwila Department of Community Development
6200 Southcenter Boulevard
Tukwila, WA 98188

Re: Zoning verification letter

Dear Meredith and Minnie,

Thank you for working with me on the Kyler Martz art installation for outside our Seattle Chocolate headquarters here in Tukwila. We commissioned Kyler to design something special and arresting for our building that reflected what our company and brands represented in Seattle. Kyler came up with two concepts that we liked, but we agreed that the attached concept was the one that best represented our 80% female staff, love of color and enthusiasm for our business and Seattle. He calls the piece, the Cha Cha's and uses his iconic retro tattoo imagery for their faces.

Our hope for this art installation is that it will stop passersby and they will wonder what the message is and what is going on behind that wall. They'll see that it's thought provoking, but also fun and a celebration of something. Hopefully, they'll come inside and discover our factory, its tour and our chocolate products and we'll have new fans and customers.

We don't believe that the rectangular shapes are unique to chocolate or are obvious communicators of our products as people drive by, like a good sign would be. Therefore, the code and limits that pertain to signs in Tukwila, should not apply to this mural.

There will be one major modification to the Cha Cha's and that is that the legs will cross the bodies more like a Rockette and have less opportunity for low-minded, crude graffiti or selfie posts.

I think this will attract a following and fan base among Washington residents and visitors alike. Thank you for your support.

Sincerely,

Jean Thompson
CEO and Owner
Seattle Chocolate Company

\$375 fee



18. **“Person”** means any individual, firm, association, partnership, corporation or any other entity, public or private.

19. **“Plainly audible”** means sound made by a sound-producing source that can be heard by a person using their unaided hearing faculties. Plainly audible sound includes any component of sound, including but not limited to, rhythmic bass or comprehensible musical rhythms. It is not necessary for such person to be able to determine the title, specific words or artist of music or the content of any speech for the sound to be considered “plainly audible.”

20. **“Public highway”** means the entire width between the boundary lines of every way publicly maintained by the Washington State Department of Transportation (WSDOT) or any county or city, when any part thereof is generally for the use of the public for purposes of vehicular travel or a matter of right.

21. **“Real property”** means an interest or aggregate of rights in land that is guaranteed and protected by law; for purposes of this chapter, the term “real property” includes a leasehold interest.

22. **“Receiving property”** means real property within which the maximum permissible sound levels specified herein shall not be exceeded from sources outside such property. Individual offices or dwelling units within a building may constitute a receiving property.

23. **“Residence”** means a building regularly or intermittently occupied by a person for dwelling, lodging or sleeping purposes.

24. **“Residential party”** means a social gathering held in a place of residence.

25. **“Sound level”** means the weighted sound pressure level measured by the use of a metering characteristic and weighted as specified in American National Standards Institute Specifications, Section 1.4-1971.

26. **“Sound level meter”** means a sound level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications, ANSI S1.4-1983.

27. **“Sound-producing source”** means anything that is capable of making sound. Sound-producing source includes, but is not limited to, the following:

- a. air conditioning or heating units, heat pumps, refrigeration units (including those mounted on vehicles) and swimming pool or hot tub pumps;
- b. air horns, bells or sirens;
- c. audio equipment;
- d. domestic tools, including chain saws, electric drills, electric saws, hammers, lawn mowers, leaf/snow blowers, and similar tools and devices;

- e. loudspeakers or public address systems;
- f. musical instruments;
- g. human voice;
- h. animal sounds;
- i. mechanical or electrical noise;
- j. vehicle engines or exhaust systems, other than regular traffic upon a highway, road or street;
- k. residential party;
- l. motor vehicle sound systems; or
- m. commercial music

28. **“Warning device”** means any device intended to provide public warning of potentially hazardous, emergency or illegal activities, including, but not limited to, a burglar alarm or vehicle backup signal, but not including any fire alarm.

(Ord. 2293 §3, 2010)

8.22.030 General Powers of the Administrator

A. Subject to the provisions of this code, the administrator may take such action as may be necessary to abate a sound-producing source that causes or may cause, by itself or in combination with any other sound-producing source or sources, an unreasonable or prohibited noise. The administrator may exercise or delegate any of the functions, powers and duties vested in him or her or in the department by this chapter.

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Highlight	Maxwell-B
24. “Residential party or Other Noise Generating Event”	

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D. The administrator shall have the power to issue notices of violation for violations of this chapter.

(Ord. 2293 §4, 2010)

8.22.040 Measurement of Sound

A. The use of a sound level meter is not required to verify a noise violation.

B. If the measurement of sound is made with a sound level meter, it shall be an instrument in good operating condition and shall meet the requirement for a Type I or Type II instrument, as described in American National Standards Institute Specifications, ANSI S1.4-1983. If the measurements are made with other instruments or assemblages of instruments, the procedure must be carried out in such a manner that the overall accuracy shall be at least that called for in ANSI S1.4-1983 for Type II instruments.

(Ord. 2293 §5, 2010)

property is located in a commercial or industrial district of the City and provided that the applicant shall provide written notice to all residents within 500 feet of the project including all residents of multi-family complexes. Notice shall be provided between ten and thirty days of the onset of construction activity and shall enumerate the anticipated construction schedule for the length of the project. An affidavit of distribution shall be provided to the City.

10. Sounds created by existing or new electrical substations and existing or new stationary equipment used in the conveyance of water, waste water and natural gas by a utility are exempt from the nighttime reduction of TMC Section 8.22.050(B) only.

B. Nothing in these exemptions is intended to preclude the administrator from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of such requirement shall be subject to the provisions of RCW 34.05.

(Ord. 2293 §11, 2010)

8.22.110 Sounds Exempt During Daytime Hours

A. The following sound-producing sources are exempt from the provisions of this chapter during daytime hours:

1. Aircraft engine testing and maintenance not related to flight operations, provided that aircraft testing and maintenance shall be conducted at remote sites whenever possible.
2. Bells, chimes or carillons operating for not more than five minutes in any one hour.

from the provisions of this chapter between 7 AM and 6 PM, Monday through Friday and 8 AM and 6 PM, Saturday, Sunday and State-recognized holidays.

C. Nothing in these exemptions is intended to preclude the administrator from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of such requirement shall be subject to the provisions of RCW 34.04.

(Ord. 2293 §12, 2010)

Strikethrough
Maxwell-B

"Residential Parties or Other Noise Generating Events" (TMC 8.22.020)

Highlight
Maxwell-B

residents and businesses

8.22.120 Variances

A. Any person who owns or operates a sound-producing source may apply for a variance.

B. Application types are based on the number of days/nights the sound source will exceed the maximum permissible sound levels as shown in the following table:

Number of days/nights maximum permissible sound level may be exceeded within a 12-month period	Variance Permit Type	Notice of Application Requirements	Public Hearing Requirements
30 days or less	Type 1 Administrative Variance	No notice ^(2,3)	No Hearing
31-60 days	Type 2 Administrative Variance	Mailed notice ^(1,2)	No Hearing
More than 60 days	Type 3 Variance	Mailed notice ^(1,2)	Public Hearing

(1) Mailed notice shall be provided per TMC Section 18.104.120 with the exception that tenants that are not affected tenants per TMC Section 8.22.020 are not required to be sent notice.

(2) The administrator shall have the discretion in unusual circumstances (i.e., unusual type or intensity of noise or length of request) to require (additional) public notification procedures, such as causing notice to be published on the City's website, mailed notice provided to a wider geographic area, and/or notice posted at the site.

(3) In the case of ~~residential parties~~ and prior to granting any variance, the applicant shall provide written notice to all residents within 500 feet of where the party 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 10 and 30 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.

C. Variance types, procedures and appeals are pursuant to Title 18 of the Tukwila Municipal Code.

D. Applications for a variance to exceed the maximum permissible sound levels shall supply information, including but not limited to:

1. The nature, source, intensity and location of the sound;
2. The hours during the day and/or night the noise will occur;

TITLE 17 SUBDIVISIONS AND PLATS

CHAPTER 17.04 GENERAL PROVISIONS

Chapters:

- [17.04 General Provisions.](#)
- [17.08 Boundary Line Adjustments and Lot Consolidations](#)
- [17.12 Detailed Procedures for Short Subdivisions](#)
- [17.14 Detailed Procedures for Subdivisions](#)
- [17.16 Detailed Procedures for Binding Site Improvement Plan](#)
- [17.20 Design and Improvement Standards for the Subdivision of Land](#)
- [17.24 Procedures for Public Improvements](#)
- [17.28 Exceptions, Penalties, Severability, Liability](#)

Sections:

- 17.04.010 Title
- 17.04.020 Purpose
- 17.04.030 Scope, exceptions
- 17.04.040 Definitions
- 17.04.050 Dedications
- 17.04.060 Survey content
- 17.04.070 Notification of other agencies

17.04.010 Title

This code shall be known as the “City of Tukwila Subdivision Code.”

(Ord. 1833 §1(part), 1998)

17.04.020 Purpose

The purpose of this code is to provide rules, regulations, requirements, and standards for subdividing land in the City, insuring that the public health, safety, general welfare, and aesthetics of the City shall be promoted and protected; that orderly growth, development, and the conservation, protection and proper use of land shall be insured; that the character of the developing area is safeguarded and promoted; that proper provisions for all public facilities including circulation, utilities, open space, and services shall be made; and that the goals and policies of the Tukwila Comprehensive Plan are furthered through the subdivision of land.

(Ord. 1833 §1(part), 1998)

17.04.030 Scope, exceptions

A. SCOPE:

1. The subdivision of land within the City of Tukwila shall comply with Chapter 58.17 RCW.

2. Where this code imposes greater restrictions or higher standards upon the development of land than other laws, ordinances or restrictive covenants, the provisions of this code shall prevail.

B. EXCEPTIONS: This ordinance shall not apply to divisions and activities described as inapplicable in RCW 58.17.040; provided that boundary line adjustments and lot consolidations are subject to the provisions contained in TMC Chapter 17.08; provided further that binding site improvement plans are subject to the provisions contained in TMC Chapter 17.16.

(Ord. 1833 §1(part), 1998)

17.04.040 Definitions

The definitions of the Zoning Code, TMC Chapter 18.06, are hereby adopted by reference.

(Ord. 1833 §1(part), 1998)

17.04.050 Dedications

A. *ACT OF DEDICATION*: The intention to dedicate real property to the public shall be evidenced by showing the dedication on the plat prepared for approval. All dedications, including easements, rights-of-way and real property shall be clearly and precisely indicated on the face of the plat. Unless specifically noted otherwise on the plat, approval of the plat for recording shall constitute acceptance of the dedications.

B. *PUBLIC STREETS*: All streets and parcels of land shown on the final plat and intended for public use shall be offered for dedication for public use, except the approving entity may allow the conveyance of certain public improvements to be conveyed to a homeowner’s association or similar non-profit corporation.

C. *CERTIFICATE*: If the subdivision includes a dedication, the final plat shall include a certificate of dedication or reference to a separate written instrument which dedicates all required streets and other areas to the public. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by every person having any ownership interest in the lands divided and recorded as part of the final plat.

D. *TITLE REPORT*: Every proposed final plat containing a dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the certificate of dedication.

(Ord. 1833 §1(part), 1998)

17.04.060 Survey content

A. *INFORMATION* - Whenever a survey is submitted for a short plat or subdivision, the following information shall be included:

1. The name of the plat, City of Tukwila file number, graphic scale and north arrow. The survey shall be done to a scale of one inch equals 100 feet unless otherwise approved by DCD, and shall be drawn with black drawing ink in record of survey format.
2. Existing features such as rivers, streets, railroads and structures.
3. The lines and names of all existing or platted streets or other public ways, parks, playgrounds, and easements adjacent to the final plat, subdivision or dedication, including municipal boundaries, township lines, and section lines.
4. In the event the plat constitutes a replat, the lots, blocks, streets, etc., of the previous plat shall be shown by dotted lines in their proper positions in relation to the new arrangement of the plat, the new plat being shown in solid lines so as to avoid ambiguity.
5. Legal description of the subdivision boundaries.
6. A complete survey of the section or sections in which the plat or replat is located, if necessary, including:

a. All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision. Location and monuments found or reset with respect to any established centerline of streets adjacent to or within the proposed subdivision. All other monuments found or established in making the survey of this subdivision or required to be installed by provisions of this title.

b. City or County boundary lines when crossing or adjacent to the subdivision.

c. The location and width of streets and easements intersecting the boundary of the tract.

d. Tract, block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings, radii, arcs and central angles, points of curvature and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one-hundredth foot.

e. The width and location of existing and proposed easements and rights-of-way.

7. Lot and block numbers beginning with the number one (1) and numbered consecutively without omission or duplication.

8. Tracts to be dedicated to any public or private purpose shall be distinguished from lots intended for general development with notes stating their purpose and any limitations.

B. *STATEMENTS* - The plat shall include the following statements:

1. A statement to be signed by the Public Works Director approving the survey data, the layout of the streets, alleys and other rights-of-way, design of bridges, sewage and water systems, drainage systems and other structures.

2. A certificate bearing the printed names of all persons having an interest in the subdivided land, signed by the persons and acknowledged by them before a notary public, consenting to the subdivision of the land and reciting a dedication by them of all land shown on the plat to be dedicated for public uses, and a waiver by them and their successors of all claims for damages against any governmental authority arising from the construction and maintenance of public facilities and public property within the subdivision.

3. A certificate with the seal of and signature of the surveyor responsible for the survey and final plat with the following statement:

“I, _____, registered as a land surveyor by the State of Washington, certify that this plat is based on an actual survey of the land described herein, conducted by me or under my supervision; that the distances, courses and angles are shown thereon correctly; and that monuments other than those monuments approved for setting at a later date, have been set and lot corners staked on the ground as depicted on the plat.”

CHAPTER 17.08
BOUNDARY LINE ADJUSTMENTS
AND LOT CONSOLIDATIONS

4. Certification from the King County Treasurer that all taxes and assessments for which the property may be liable have been duly paid, satisfied or discharged as of the date of certification.

5. Certification of examination and approval by the County Assessor.

6. Recording Certificate for completion by the King County Department of Records and Elections.

7. Certification of Examination and Approval by the Seattle-King County Health Department when the lot(s) are served by septic system(s).

8. City of Tukwila Finance Director Certificate that states there are no delinquent special assessments, and that all special assessments on any of the property that is dedicated as streets, alleys or for other public use are paid in full at the date of certification.

9. Certification by the Public Works Director that the subdivider has complied with one of the following:

a. All improvements have been installed in accordance with the requirements of this title and with the preliminary plat approval, and that original and reproducible mylar or electronic records in a format approved by Public Works and meeting current Public Works drawing standards for road, utility and drainage construction plans certified by the designing engineer as being “as constructed” have been submitted for city records.

b. An agreement and bond or other financial security have been executed in accordance with TMC 17.24.030 sufficient to assure completion of required improvements and construction plans.

10. Certificate of dedication pursuant to TMC 17.04.050C.

11. For short plats, binding site improvement plans and boundary line adjustments, a certificate of approval to be signed by the DCD Director, Public Works Director and Fire Chief.

12. For subdivisions, a certificate of approval to be signed by the Mayor and City Clerk.

(Ord. 1833 §1(part), 1998)

17.04.070 Notification of other agencies

Notice of the filing of a preliminary plat within 1,000 feet of the municipal boundaries, or which contemplates the use of special use districts or other city’s or town’s utilities, shall be given to the appropriate special districts, county, city or town authorities. Notice of the filing of a preliminary plat located adjacent to the right-of-way of a State highway shall be given to the State Department of Highways. In addition, notice of all preliminary plats shall be submitted to the appropriate school district. All such notices shall include the hour, location, and purpose of the hearing and a description of the property to be platted.

(Ord. 1833 §1(part), 1998)

Sections:

- 17.08.010 Purpose
- 17.08.020 Scope
- 17.08.030 Preliminary approval
- 17.08.040 Recording
- 17.08.050 Expiration

17.08.010 Purpose

It is the intent to provide an efficient and timely process that allows consistent review; to ensure such actions do not create non-conformities with zoning and other city regulations; to provide a permanent record of boundary line adjustments and lot consolidations; and to ensure appropriate provisions are made for access and utility easements; in a manner consistent with RCW 58.17.040(6).

(Ord. 1833 §1(part), 1998)

17.08.020 Scope

This chapter applies to all boundary line adjustments and lot consolidations which are otherwise exempt from RCW 58.17.040(6), Subdivision Regulations.

(Ord. 1833 §1(part), 1998)

17.08.030 Preliminary approval

A. In order to receive preliminary approval, the applicant shall submit to the Director (as defined in TMC Chapter 18.06) a complete application, in quantities specified by the City, and meet the criteria for approval.

B. A complete application consists of the following:

1. A completed application on a form provided by the City and fee as identified in TMC Chapter 18.88.

2. A neat and readable plan drawn to a standard decimal (engineer) scale. A survey may be required if it is determined that level of information is needed to ensure the adjustment meets the approval criteria. The plan shall show the following information:

a. Property lines, with those that remain in their existing location shown as a solid line, those that are being moved or removed shown as a dashed line, and those that have been relocated shown as a solid line and clearly identified as a relocated line.

b. Dimensions of all property lines and area of the lots, before and after the adjustment.

c. Location and floor area of all structures on the site, and their setbacks from existing and new property lines.

d. Location and purpose of all easements on the site.

e. Location, purpose and legal description of any new or extended easements proposed.

f. Location of adjacent public roads and points of access from the public road(s) if a lot does not front on a public road; show how and where access is provided.

g. Location of existing utilities and utility easements.

h. Calculations that demonstrate that required yards of the Uniform Building Code are met.

3. Before and after legal description of the affected lots.

C. In order to approve a boundary line adjustment or lot consolidation, the Short Subdivision Committee shall determine the project complies with the following criteria:

1. No additional lots, sites, parcels, tracts or divisions are created.

2. The adjustment will not create non-conforming lots with respect to zoning dimension and area standards, zoning setbacks and lot area coverage standards.

3. The degree of non-conformance on existing non-conforming lots with respect to zoning dimension and area standards, zoning setbacks and floor area ratio are not increased.

4. All lots have legal access to a public road. Existing required private access road improvements and easements are not diminished below subdivision ordinance standards for lots that are served by a private access road.

5. Existing easements for utilities are appropriate for their intended function, or they are extended, moved or otherwise altered to an appropriate location.

6. The adjustment does not create any non-conformities with respect to the Uniform Building Code or any other locally administered regulation.

D. Minor and major modifications to a preliminary approval.

1. Minor modifications proposed by an applicant after a preliminary approval decision has been issued may be approved by the Director as a Type 1 decision, based on review and recommendations of the Short Subdivision Committee. The Director may include conditions as part of an approval of a minor modification to ensure conformance with the criteria below. Minor modifications are those which:

a. Do not increase the number of lots beyond the number previously approved, or which maintain the number of lots, or that decrease the number of lots in the subdivision below the number previously approved.

b. Do not decrease the aggregate area of open space, or the design or location of stormwater systems or roadways in the project by 10% or more.

c. May realign internal roadways and lot lines, but do not relocate any roadway access point to an exterior street.

d. Do not alter the exterior boundaries of the project.

e. Are consistent with applicable development standards and will not cause the boundary line adjustment or lot consolidation to violate any applicable City policy or regulation.

f. Are consistent with the conditions of the preliminary approval, provided that a minor modification may revise conditions of the preliminary approval so long as the revisions are consistent with the minor modification limitations set by TMC Section 17.08.030.D.a-e.

2. Major modifications are those which, as determined by the Director, are not minor modifications as defined in this code,

Highlight	Maxwell-B
17	<p>2. The adjustment will not create non-conforming lots with respect to zoning dimension and area standards, zoning setbacks and lot area coverage standards.</p> <p><u>The adjustment will not result in the creation of lots with split zoning.</u></p>

B. A complete final application shall consist of the documents required for recording including:

1. Drawing or survey of the boundary line adjustment.

2. Before and after legal descriptions of the affected lots.

3. Affidavit of ownership.

4. Application on a form provided by the Department of Community Development.

5. Other documentation necessary to demonstrate the conditions of the approval have been met.

C. Upon receiving approval from the City, the applicant will be responsible for picking up the documents from DCD and recording them with King County Office of Records. A copy of the recorded documents must be returned to DCD to finalize the approval process. The adjustment shall not be deemed complete until the City receives these documents.

(Ord. 1833 §1(part), 1998)

17.08.050 Expiration

The boundary line adjustment application shall expire if it has not been recorded within one year from the date of approval. Upon written request from the applicant prior to the expiration date, the Short Subdivision Committee is authorized to grant one extension, not to exceed six months.

(Ord. 1833 §1(part), 1998)

CHAPTER 17.12
DETAILED PROCEDURES
FOR SHORT SUBDIVISIONS

Sections:

- 17.12.010 Scope
- 17.12.015 Decision process
- 17.12.020 Preliminary short plat approval
- 17.12.030 Final short plat approval
- 17.12.040 Expiration
- 17.12.050 Limitations on further subdivision
- 17.12.060 Contiguous short plats
- 17.12.070 Unit lot short plats

17.12.010 Scope

Any land being divided into nine or fewer parcels, lots, unit lots, tracts or sites for the purpose of sale, lease, or gift, any one of which is less than 20 acres in size, shall meet the requirements of this chapter.

(Ord. 2199 §1, 2008; Ord. 1833 §1(part), 1998)

17.12.015 Decision process

Applications for short plat approval shall be processed as a Type 2 decision, subject to the provisions of TMC 18.108.020.

(Ord. 1833 §1(part), 1998)

17.12.020 Preliminary short plat approval

A. **Application/fees.** The following items are required, in quantities specified by the City, for a complete Short Plat application for preliminary approval. Items may be waived if, in the judgment of the Short Subdivision Committee, they are not applicable to the proposal:

1. Items contained in TMC Section 18.104.060.
2. Completed Preliminary Short Plat Application Form as prescribed by the City with fee as identified in TMC Chapter 18.88.
3. Completed Application Checklist.
4. A complete SEPA Checklist application if project is not exempt from SEPA.
5. Complete applications for other required land use approvals.
6. A vicinity map showing location of the site.
7. A survey prepared to the standards identified in TMC Section 17.04.060.
8. Site and development plans that provide the following information:
 - a. The owners of adjacent land and the names of any adjacent subdivisions.
 - b. Lines marking the boundaries of the existing lot(s) (any existing lot to be eliminated should be a dashed line and so noted).
 - c. Locations of existing and proposed public street rights-of-way and easements and private access easements.

d. Location, floor area and setbacks of all existing structures on the site.

e. Lot area, lot line dimensions and average widths for each lot.

f. Location of proposed new property lines and numbering of each lot.

g. Location, dimension and purpose of existing and proposed easements. Provide recorded documents that identify the nature and extent of existing easements.

h. Location of any proposed dedications.

i. Existing and proposed topography at two-foot contour intervals, extending to five feet beyond the project boundaries.

j. Location of any critical areas and critical area buffers (slopes 15% or greater, wetlands or watercourses) on the site.

k. Location, size and species of any trees located within a critical area or its buffer or the shoreline zone unless none of these trees are to be removed and their location is not likely to create undue hardship on individual lots with respect to TMC Chapter 18.54, "Urban Forestry and Tree Regulations."

l. Location of existing and/or proposed fire hydrants to serve the project.

m. Description, location and size of existing and proposed utilities, storm drainage facilities and roads to serve the lots.

n. Expected location of new buildings and driveways, including finished floor elevations of the buildings.

9. Letter of water and sewer availability if the provider is other than the City of Tukwila.

B. **Review procedures.**

1. **Referral to Other Departments.** Upon receipt of an application for a short subdivision, the Director shall transmit one copy of the application to each member of the Short Subdivision Committee, and one copy to any department or agency deemed necessary.

2. **Short Subdivision Committee Decision.** The Short Subdivision Committee may approve, approve with modifications, or deny the application for a short subdivision pursuant to Type 2 permit procedures. No formal meeting of the Committee is required so long as the Chair obtains the recommendations and consent of the other members of the Committee before issuing a decision.

C. **Criteria for preliminary short plat approval.** The Short Subdivision Committee shall base its decision on an application on the following criteria:

1. The proposed Short Plat is in conformance with the Tukwila Comprehensive Plan, and any other such adopted plans.

2. Appropriate provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the short plat that are consistent with current standards and plans.

3. Appropriate provisions have been made for road, utilities and other improvements that are consistent with current standards and plans.

4. Appropriate provisions have been made for dedications, easements and reservations.

5. The design, shape and orientation of the proposed lots are appropriate to the proposed use for which the lots are intended and are compatible with the area in which they are located.

6. Appropriate provisions for the maintenance of commonly owned private facilities have been made.

7. The short plat complies with the relevant requirements of the Tukwila Subdivision Ordinance.

8. The short plat complies with the requirements of the Tukwila Zoning Ordinance and other relevant local regulations.

D. Minor and major modifications to a preliminary short plat approval.

1. Minor modifications proposed by an applicant after a preliminary approval decision has been issued may be approved by the Director as a Type 2 decision, based on review and recommendations of the Short Subdivision Committee. The Director may include conditions as part of an approval of a minor modification to ensure conformance with the criteria below. Minor modifications are those which:

a. Do not increase the number of lots beyond the number previously approved, or which maintain the number of lots, or that decrease the number of lots in the subdivision below the number previously approved.

b. Do not decrease the aggregate area of open space, or the design or location of stormwater systems or roadways in the project by 10% or more.

c. May realign internal roadways and lot lines, but do not relocate any roadway access point to an exterior street.

d. Do not alter the exterior boundaries of the project.

e. Are consistent with applicable development standards and will not cause the short plat to violate any applicable City policy or regulation.

f. Are consistent with the conditions of the preliminary approval, provided that a minor modification may revise conditions of the preliminary approval so long as the revisions are consistent with the minor modification limitations set by TMC Section 17.12.020.D.a-e.

2. Major modifications are those which, as determined by the Director, are not minor modifications as defined in this code, or either add property or lots or substantially change the basic design, density, open space, or other substantive requirement or provision. If the applicant proposes to make one or more major changes, the revised plan(s) shall be processed as a new application.

(Ord. 2649 §3, 2021; Ord. 1833 §1(part), 1998)

17.12.030 Final short plat approval

A. *APPLICATION:* The following items are required, in quantities specified by DCD, for a complete application for final short plat approval. Items may be waived if in the judgment of the Short Subdivision Committee said items are not applicable to the particular proposal:

1. Completed Short Plat Final Approval Form.
2. Completed Application Checklist.
3. Documentation of the square footage of each lot and mathematical boundary closure of the subdivision, of each lot and block, of street centerlines, showing the error of closure, if any.

4. A final survey which complies with the standards set forth in TMC 17.04.060 and with all certificates signed except for those to be signed by the City and those to be signed at recording.

5. A title insurance report confirming that the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plat's certificate.

6. A bond in a form acceptable to the City Attorney pursuant to TMC 17.24.030 if improvements are to be deferred.

7. Legal descriptions of all the tracts located within the boundaries of the short plat.

8. As-built plans for all new roads and utilities.

9. Binding maintenance agreements to provide for the maintenance of commonly owned private facilities.

10. Signatures on the following certificates on the face of the plat (when appropriate) from the surveyor that prepared the plat, the King County Treasurer, Seattle-King County Health Department, City of Tukwila Finance Director, Owner's affidavit and certificate of dedication as identified in TMC 17.04.060.

B. FINAL APPROVAL REVIEW PROCEDURES:

1. The Short Subdivision Committee may grant final approval of the short subdivision when they find the criteria listed in TMC 17.12.030C have been met. No formal meeting of the Committee is required so long as the Chair obtains the recommendations and consent of the other members of the Committee before issuing a decision.

2. Upon final approval of the short plat, the applicant shall record the plat and all other relevant documents with the King County Department of Records and Elections. The subdivider is responsible for paying the recording fee(s). Upon completion of recording, the applicant shall provide DCD with a copy of the recorded documents. The short plat shall not be considered final until these documents have been provided to DCD.

C. *CRITERIA FOR APPROVAL:* To grant final approval of a short plat, the Short Subdivision Committee must determine that it meets the following decision criteria:

1. All requirements for short plats as set forth in the Subdivision Code are met.
2. All terms of the preliminary short plat approval have been met.

3. The requirements of Chapter 58.17 RCW, other applicable state laws, and any other applicable City ordinances have been met.

4. All required improvements have been installed in accordance with City standards or an improvement agreement with financial guarantee pursuant to TMC 17.24.030 has been entered into by the applicant and accepted by the City.

5. That the plat is technically correct and accurate as certified by the land surveyor responsible for the plat.

(Ord. 1833 §1(part), 1998)

17.12.040 Expiration

If the short plat is not recorded within one year of the date of preliminary short plat approval, the short plat shall become null and void. Upon written request by the subdivider prior to the expiration date, the Short Subdivision Committee may grant one extension of not more than one year.

(Ord. 1833 §1(part), 1998)

17.12.050 Limitations on further subdivision

Any land subdivided under the requirements of this chapter shall not be further divided for a period of five years without following the procedures for subdivision, except when the short plat contains fewer lots than allowed for a short plat, in which case an additional short plat may be approved if the total number of lots within the boundaries of the original short plat does not exceed nine.

(Ord. 1833 §1(part), 1998)

17.12.060 Contiguous short plats

No application for a short plat shall be approved if the land being divided is held in common ownership with a contiguous parcel which has been divided in a short plat within the preceding five years and the total number of lots created in both short plats would exceed nine. When the total number of lots exceeds four but is less than ten, the paving, curb, gutter and sidewalk shall be provided per TMC 17.20.030C.6.c(1).

(Ord. 1833 §1(part), 1998)

17.12.070 Unit lot short plats

A. Sites developed or proposed to be developed with townhouses, cottage housing, compact single-family, or zero-lot-line units may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. Any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit that it serves.

B. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

C. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common play areas), and other similar features, as recorded with the King County Department of Records and Elections.

D. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the King County Department of Records and Elections.

E. The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot, shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

F. Construction of townhouse dwelling foundations may commence prior to final short plat approval, provided:

1. The proposed short plat has received preliminary approval, and the necessary financial sureties have been filed to assure construction of required public improvements;

2. Partial or complete construction of structures shall not relieve the subdivider from, nor impair City enforcement of, conditions of subdivision approval;

3. Construction shall not proceed beyond foundations, and units shall not be rented or sold, nor occupancy permits issued, until final short plat approval is granted.

(Ord. 2199 §2, 2008)

CHAPTER 17.14
DETAILED PROCEDURES
FOR SUBDIVISIONS

Sections:

- 17.14.010 Scope
- 17.14.020 Preliminary plat
- 17.14.030 Final plat
- 17.14.040 Phasing
- 17.14.050 Expiration
- 17.14.060 Unit lot subdivisions

17.14.010 Scope

Any land being divided into ten or more parcels, lots, unit lots, tracts or sites, for the purpose of sale or gift, any one of which is less than 20 acres in size, or any land which has been divided under the short subdivision procedures within five years and is not eligible for further short platting, pursuant to Section 17.12.010, shall conform to the procedures and requirements of this chapter.

(Ord. 2199 §3, 2008; Ord. 1833 §1(part), 1998)

17.14.020 Preliminary plat

A. Decision process. Applications for preliminary plat approval shall be processed as a Type 3 decision (or Type 4 decision when there is an associated design review) subject to the provisions of TMC Section 18.108.030 (or TMC Section 18.108.040).

B. Application. The following items are required, in quantities specified by the City, for a complete application for preliminary plat approval. Items may be waived if, in the judgment of the Director, the items are not applicable to the particular proposal:

1. Completed Preliminary Plat Application Form and fee, as identified in TMC Chapter 18.88.
2. Completed Application Checklist.
3. A complete SEPA Checklist application if project is not exempt from SEPA.
4. Complete applications for other required land use approvals.
5. A vicinity map showing location of the site.
6. A survey prepared to the standards identified in TMC Section 17.04.060.
7. All existing conditions shall be delineated. Site and development plans shall provide the following information:
 - a. Owners of adjacent land and the names of any adjacent subdivisions.
 - b. Lines marking the boundaries of the existing lot(s). (Any existing lot to be eliminated should be a dashed line and so noted.)
 - c. Approximate names, locations, widths and dimensions of existing and proposed public street rights-of-way and easements and private access easements, parks and other open spaces, reservations, and utilities.

d. Location, floor area and setbacks of all existing structures on the site.

e. Lot area, dimensions and average widths for each lot.

f. Location of proposed new property lines and numbering of each lot.

g. Location, dimension and purpose of existing and proposed easements. Provide recorded documents that identify the nature and extent of existing easements.

h. Location of any proposed dedications.

i. Existing and proposed topography at two-foot contour intervals extending to five feet beyond project boundaries.

j. Location of any critical areas and critical area buffers (slopes 15% or greater, wetlands or watercourses) on the site.

k. Location, size and species of any trees located within a critical area or its buffer or the shoreline zone unless none of these trees are to be removed and their location is not likely to create undue hardship on individual lots with respect to TMC Chapter 18.54, "Urban Forestry and Tree Regulations."

l. Source of water supply, method of sewage disposal, and manner of surface runoff control.

m. Location of existing and proposed fire hydrants to serve the project.

n. Description, location and size of existing and proposed utilities, storm drainage facilities and roads to serve the lots.

o. A survey of existing trees and vegetation with a retention/removal plan for the preservation of significant trees and vegetation.

p. Expected location of new buildings, their driveways and finished floor elevations.

8. Letter of water and sewer availability if the provider is other than the City of Tukwila.

9. Two sets of mailing labels for all property owners and tenants (residents or businesses) within 500 feet of the subdivision.

10. Items required by TMC Section 18.104.060 not already listed above.

C. Review procedures.

1. **Referral to Other Offices.** Upon receipt of a complete preliminary plat application, the Director shall transmit a notice of application and one copy of the preliminary plat to each of the following offices, where appropriate: Public Works, Building Division, Fire Department, Police Department, King County Health Department, the appropriate school district, and each public utility agency serving the area in which the property proposed for subdivision is located.

2. **Departmental Review.** The other interested departments and agencies shall review the preliminary plat and may submit to the Department of Community Development written comments with respect to the preliminary plat decision criteria.

3. **Public Notice and Public Hearing.** The process for public notice, hearings, decisions and appeals shall be as provided for Type 3 decisions (or Type 4 decisions if the plat is combined with an associated design review) as identified in TMC Title 18, "Zoning Code."

D. **Criteria for preliminary plat approval.** The decision-maker shall base its decision on an application for preliminary plat approval on the following criteria:

1. The proposed subdivision is in conformance with the Tukwila Comprehensive Plan and any other City adopted plans.

2. Appropriate provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the subdivision that are consistent with current standards and plans.

3. Appropriate provisions have been made for road, utilities and other improvements that are consistent with current standards and plans.

4. Appropriate provisions have been made for dedications, easements and reservations.

5. The design, shape and orientation of the proposed lots are appropriate to the proposed use for which the lots are intended and are compatible with the area in which they are located.

6. The subdivision complies with the relevant requirements of the Tukwila Subdivision and Zoning Ordinances, and all other relevant local regulations.

7. Appropriate provisions for maintenance of privately owned common facilities have been made.

8. The subdivision complies with RCW 58.17.110.

E. **Minor and major modifications to an approved preliminary plat.**

1. Minor modifications proposed by an applicant after a preliminary approval decision has been issued may be approved by the Director as a Type 2 decision, based on review and recommendations of City departments including Public Works, Fire, Building, and Planning. The Director may include conditions as part of an approval of a minor modification to ensure conformance with the criteria below. Minor modifications are those which:

a. Do not increase the number of lots in the subdivision beyond the number previously approved, or which maintain the number of lots, or that decrease the number of lots in the subdivision below the number previously approved.

b. Do not decrease the aggregate area of open space, or the design or location of stormwater systems or roadways in the subdivision by 10% or more.

c. May realign internal roadways and lot lines, but do not relocate any roadway access point to an exterior street from the plat.

d. Do not alter the exterior boundaries of the subdivision.

e. Are consistent with applicable development standards and will not cause the subdivision to violate any applicable City policy or regulation.

f. Are consistent with the conditions of the preliminary approval, provided that a minor modification may revise conditions of the preliminary approval so long as the revisions are consistent with the minor modification limitations set by TMC Section 17.14.020.E.a-e.

2. Major modifications are those which, as determined by the Director, are not minor modifications as defined in this code, or either add property or lots or substantially change the basic design, density, open space, or other substantive requirement or provision. If the applicant proposes to make one or more major changes, the revised plan(s) shall be processed as a new application.

(Ord. 2649 §4, 2021; Ord. 2124 §1, 2006; Ord. 1833 §1(part), 1998)

17.14.030 Final plat

A. **Application.** The following items are required, in quantities specified by the City, for a complete application for final plat approval. Items may be waived if in the judgment of the Director said items are not applicable to the particular proposal:

1. Completed Application Form and fee as identified in TMC Chapter 18.88.

2. Completed Application Checklist.

3. Copies and one original of the final plat survey in conformance with the standards set forth in TMC Section 17.04.060.

4. A plat certificate from a title insurance company documenting the ownership and title of all interested parties in the plat, subdivision or dedication, and listing all encumbrances. The certificate must be dated within 45 calendar days prior to the date of filing the application for final plat approval.

5. Private covenants intended to be recorded with the plat.

6. Any documentation necessary to demonstrate conditions of preliminary plat approval have been met.

7. King County Assessor's maps which show the location of each property within 500 feet of the subdivision; two sets of mailing labels for all property owners and tenants (residents or businesses) within 500 feet of the subdivision.

8. Maintenance agreements, easements and other documents ready for recording.

9. Signatures on the following certificates on the face of the plat (when appropriate) from the surveyor that prepared the plat, the King County Treasurer, Seattle-King County Health Department, City of Tukwila Finance Director, Owner's affidavit and certificate of dedication as identified in TMC Section 17.04.060.B.2.

B. **Final Plat Review Procedures.** Applications for final plat approval shall be processed as a Type 2 decision subject to the provisions of TMC Section 18.108.020.

1. **Referral to Other Departments and Agencies.** The Director shall distribute the final plat to all departments and agencies who received the preliminary plat, and to any other departments, special purpose districts and other governmental agencies deemed necessary.

2. **Departmental Approval.** The other interested departments and agencies shall review the final plat and may submit to the Department of Community Development written comments with respect to the final plat decision criteria. If the final plat is in order, the Public Works Director shall sign the appropriate certificates on the mylar original.

3. **Filing Final Plat.**

a. Before the final plat is submitted to the Director, it shall be signed by the City Treasurer (Finance Director) and the Director of Public Works. Upon approval by the Director, it shall be signed by the Mayor and attested by the City Clerk.

b. The applicant shall file the final plat with the King County Department of Records and Elections. The plat will be considered complete when a copy of the recorded documents is returned to the Director.

C. **Criteria for final plat approval.** In approving the final plat, the Director shall find:

1. That the proposed final plat bears the required certificates and statements of approval.

2. That a title insurance report furnished by the subdivider confirms the title of the land, and the proposed subdivision is vested in the name of the owner(s) whose signature(s) appears on the plat certificate.

3. That the facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has submitted with the proposed final plat a performance bond or other security in conformance with TMC Section 17.24.030.

4. That the plat is certified as accurate by the land surveyor responsible for the plat.

5. That the plat is in conformance with the approved preliminary plat.

6. That the plat meets the requirements of Chapter 58.17 RCW and other applicable state and local laws which were in effect at the time of preliminary plat approval.

(Ord. 2649 §5, 2021; Ord. 1833 §1(part), 1998)

17.14.040 Phasing

A. **Approval of phasing plan.** The subdivider may develop and record the subdivision in phases. Any phasing proposal shall be submitted for Hearing Examiner review at the time at which a preliminary plat is submitted. If there is an associated design review application, the phasing proposal and associated preliminary plat may be combined with the design review application and submitted for Planning Commission review. If modifications to an approved phasing plan are proposed, they shall be resubmitted for review by the original preliminary plat decision-maker. Approval of the phasing plan shall be based upon making the following findings:

1. The phasing plan includes all land contained within the approved preliminary plat, including areas where off-site improvements are being made.

2. The sequence and timing of development is identified on a map.

3. Each phase shall consist of a contiguous group of lots that meets all pertinent development standards on its own. The phase cannot rely on future phases for meeting any City codes.

4. Each phase provides adequate circulation and utilities. Public Works has determined that all street and other public improvements, including but not limited to drainage and erosion control improvements, are assured. Deferment of improvements may be allowed pursuant to TMC Chapter 17.24.

5. The first phase submitted for final subdivision approval must be recorded within five years of the date of preliminary plat approval, unless an extension is granted pursuant to TMC Section 17.14.050.B, TMC Section 17.14.050.C and TMC Section 17.14.050.D.

(Ord. 2649 §6, 2021; Ord. 1833 §1(part), 1998)

17.14.050 Expiration

A. The preliminary plat approval for a subdivision shall expire unless a complete application for final plat meeting all requirements of this chapter is submitted to the Director within five years of the date of preliminary plat approval; provided that the Director may extend a preliminary plat pursuant to this section.

B. **Time Limitations.** Extension(s) shall be requested in writing and are subject to the criteria set forth in TMC Section 17.14.050.C. The extension(s) shall be subject to the following time limitations:

1. Preliminary plats less than 100 acres that receive approval after the effective date of this ordinance shall expire within five years from the date of the preliminary approval; provided that the subdivider has the option of requesting one 1-year extension, for a maximum of six years from the date of the preliminary approval to the date of recording of the final phase.

2. Preliminary plats greater than 100 acres and that received approval prior to the effective date of this ordinance shall expire within five years from the date of the preliminary plat approval; provided that the subdivider has the option of requesting up to three extensions as follows: the first extension may be for three years, and each subsequent extension for not exceeding two years each. This allows for a maximum of 12 years between the date of the preliminary approval and the date of recording of the final phase.

C. **Criteria for Granting Extensions.** The following criteria shall be used to review an extension request for a preliminary plat approval:

1. A written request for extension is filed at least 30 days before the expiration of the preliminary plat; and

2. Unforeseen circumstances or conditions that are not the result of voluntary actions of the applicant necessitate the extension of the preliminary plat; and

3. Conditions within the subject property or immediately adjacent to the subject property have not changed substantially since the preliminary plat was first approved; and

4. An extension of the preliminary plat will not cause substantial detriment to existing uses in the immediate vicinity of the subject property or to the community as a whole; and

5. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed; and

6. The preliminary plat complies with applicable City code provisions in effect on the date the application for extension was made.

D. Process for Granting Extensions. Applicant shall request the extension in writing prior to the expiration of the preliminary plat approval. The request shall include discussion of how it complies with the criteria listed under TMC Section 17.40.050.C. The Director shall review and approve requests for an extension of a preliminary plat. The Director shall provide 14-day notice to all parties of record for the preliminary plat approval prior to making the decision on the extension. The Director's decision will also be provided to all parties of record.

E. Appeal Process for Extensions. The Director's decision regarding the extension request may be appealed to the Hearing Examiner pursuant to TMC Chapter 18.116. The Hearing Examiner shall hold a closed record appeal hearing based on the information presented to the Director.

*(Ord. 2649 §7, 2021; Ord. 2124 §2, 2006;
Ord. 1833 §1 (part), 1998)*

17.14.060 Unit lot subdivisions

A. Sites developed or proposed to be developed with townhouses, cottage housing, compact single-family, or zero-lot-line units may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. Any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

B. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

C. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common play areas), and other similar features, as recorded with the King County Department of Records and Elections.

D. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the King County Department of Records and Elections.

E. The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot, shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

F. Construction of townhouse dwelling foundations may commence prior to final plat approval, provided:

1. The proposed plat has received preliminary approval, and the necessary financial sureties have been filed to assure construction of required public improvements;

2. Partial or complete construction of structures shall not relieve the subdivider from, nor impair City enforcement of conditions of, subdivision approval;

3. Construction shall not proceed beyond foundations, and units shall not be rented or sold, nor occupancy permits issued, until final plat approval is granted.

(Ord. 2199 §4, 2008)

CHAPTER 17.16

DETAILED PROCEDURES FOR BINDING SITE IMPROVEMENT PLAN (BSIP)

Sections:

- 17.16.010 Purpose
- 17.16.020 Applicability
- 17.16.030 Preliminary Binding Site Improvement Plan (BSIP) Approval
- 17.16.040 Final Approval of Plan
- 17.16.050 Improvements
- 17.16.060 Revision of Plan
- 17.16.070 Expiration

17.16.010 Purpose

This chapter is established to:

1. Provide an optional process for land under single ownership to be divided for the purpose of sale or lease;
2. Accommodate the division of land for the purpose of sale or lease of property within an integrated commercial or industrial center, which allows certain zoning standards (minimum parking, setbacks, landscaping, lot area and lot dimension) on the individual lots to be modified provided the standards for the entire center are met;
3. Facilitate alternative ownership options by allowing Binding Site Improvement Plans in conjunction with a condominium process for residential, commercial, or industrial purposes (RCW 64.34);
4. Allow phased infrastructure improvements for large tracts of land.

(Ord. 2236 §1, 2009; Ord. 1833 §1(part), 1998)

17.16.020 Applicability

A. **ELIGIBILITY:** A Binding Site Improvement Plan application may be submitted for a project located on any land zoned multi-family, commercial or industrial consistent with the terms of this chapter.

B. **CONSTRUCTION AUTHORIZATION THROUGH OTHER PERMITS:** A Binding Site Improvement Plan creates or alters existing lot lines. A Binding Site Improvement Plan does not authorize construction. Construction is permitted upon approval of construction and building permits that implement the Binding Site Improvement Plan.

(Ord. 2236 §2, 2009; Ord. 1833 §1(part), 1998)

17.16.030 Preliminary Binding Site Improvement Plan (BSIP) approval

A. **APPLICATION/FEES:** The following items are required, in quantities specified by DCD, for a complete Binding Site Improvement Plan application. Items may be waived if, in the judgment of the Short Subdivision Committee, said items are not applicable to the particular proposal:

1. Completed Binding Site Improvement Plan Application Form as prescribed by the DCD Director with fee as identified in TMC Chapter 18.88.

2. Completed Application Checklist.
3. A complete SEPA Checklist application if project is not exempt from SEPA.
4. Complete applications for other required land use approvals.
5. A vicinity map showing location of the site.
6. A survey prepared to the standards specified in TMC 17.04.060.
7. Site and development plans which provide the following information. The plans shall be neat and accurate on a decimal scale sufficient in size and detail to demonstrate the Binding Site Improvement Plan meets the ordinance requirements, on sheets in record of survey format:
 - a. The owners of adjacent land and the names of any adjacent subdivisions.
 - b. Lines marking the boundaries of the existing lot(s) (any existing lot to be eliminated should be a dashed line and so noted).
 - c. Locations of existing and proposed public street rights-of-way and easements and private access easements.
 - d. Location, floor area and setbacks of all existing structures on the site.
 - e. Lot area, lot line dimensions and average widths for each lot.
 - f. Location of proposed new property lines and numbering of each lot.
 - g. Location, dimension and purpose of existing and proposed easements. Provide recorded documents that identify the nature and extent of existing easements.
 - h. Location of proposed dedications.
 - i. Existing and proposed topography at two-foot contour intervals extending to five feet beyond the project boundaries.
 - j. Location of sensitive areas and sensitive area buffers (slopes 20% or greater, wetlands or watercourses) on the site.
 - k. Location, size and species of any trees located within a sensitive area or its buffer or the shoreline zone unless none of these trees are to be removed and their location is not likely to create undue hardship on individual lots with respect to TMC Chapter 18.54.
 - l. Location of existing and/or proposed fire hydrants to serve the project.
 - m. Description, location and size of existing and proposed utilities, storm drainage facilities and roads to serve the lots.
 - n. Expected location of new buildings and driveways, including finished floor elevations of the buildings. This requirement may be waived by the Responsible Official for long-term, phased developments where a phasing plan is required.
8. Letter of water and sewer availability if the provider is other than the City of Tukwila.
9. Parking calculations to demonstrate that the requirements of TMC Chapter 18.56 have been met.

10. Proposed cross easement and maintenance agreement for shared parking, circulation, utility and landscaping improvements.

11. Legal descriptions of all tracts located within the boundaries of the short plat.

12. Consistency report addressing how the project complies with the applicable review criteria.

13. Estimated construction schedule with phasing plan and schedule.

14. Additional requirements for condominiums: Provide the following information on the site plan: number of units proposed, building dimensions, height and number of stories, distance between buildings, type of construction, sprinkler or non-sprinkler, and occupancy classification.

15. Items contained in TMC 18.104.060 not already listed above.

B. *REVIEW PROCEDURES:* An application for Binding Site Improvement Plan shall be reviewed and acted upon in the same manner prescribed in TMC 17.12.020B for short subdivisions.

C. *APPROVAL CRITERIA:*

1. Prior to approval of any Binding Site Improvement Plan, the Short Subdivision Committee shall insure that the following improvements are provided to sufficiently service the anticipated uses throughout the proposed plan and the decision criteria that follow are met:

- a. Adequate water supply.
- b. Adequate sewage disposal.
- c. Appropriate storm drainage improvements.
- d. Adequate fire hydrants.
- e. Appropriate access to all anticipated uses within the plan.

f. Provision for all appropriate deed, dedication, and/or easements.

g. Monumentation of all exterior tract corners.

2. Legal Lots:

a. Residential Binding Site Improvement Plan shall consist of one or more contiguous, legally-created lots and each lot shall meet the minimum dimensional requirements of the applicable zone or overlay district.

b. If the site will contain commercial or industrial uses, or mixed-use commercial and residential uses, the lots shall meet the minimum dimensional requirements of the zoning district or meet the definition of "integrated site" in TMC Chapter 18.06, such that when taken as a whole and not considering interior lot lines, the integrated site meets all applicable zoning and subdivision requirements.

3. Appropriate easements and maintenance agreements for shared facilities, including but not limited to, circulation, parking, utilities and landscaping, have been provided.

4. Modifications to the minimum zoning standards for individual lots located within the integrated site -- including setbacks, parking, landscaping, lot area and lot dimension -- are not detrimental to the public health, safety and welfare, do not adversely affect the rest of the integrated site or other properties in the vicinity, and do not impede planned street, trail or pedestrian networks for the neighborhood or district.

5. Common improvements necessary to serve any particular phase of development must be sufficient for meeting the zoning and subdivision requirements for that phase.

6. Access to the integrated site meets the subdivision ordinance standards. Access within the site provides for safe and efficient circulation and meets Fire Department access requirements.

7. The circulation system incorporates appropriate provisions for safe pedestrian activity to the site from the street and from building to building within the site.

8. The sign regulations shall be applied to the integrated site as a whole. For example, the number of freestanding signs allowed is based on one site within the Binding Site Improvement Plan. Individual ownerships within the integrated site are not considered to be separate sites in determining the number of freestanding signs allowed.

9. The requirements of the Washington State Building Code are met.

10. Future Development: The Binding Site Improvement Plan shall contain a provision requiring that any subsequent development of the site shall be in conformance with the approved and recorded Binding Site Improvement Plan.

11. Dedication Statement: Where lands are required or proposed for dedication, the applicant shall provide a dedication statement and acknowledgement on the Binding Site Improvement Plan.

12. Additional Approval Criteria for Binding Site Improvement Plans Proposing Condominium Ownership: Condominium developments are eligible for Binding Site Improvement Plan approval when the purpose of such approval is to divide the property so a portion of the parcel or tract can be subjected to either RCW Chapter 64.32 or 64.34. A Binding Site Improvement Plan can only be approved when the development has already been constructed or when the approval has been obtained and a building permit for an entire development or a portion of a development is issued.

13. Additional Approval Criteria for Phased Development: If the applicant chooses to develop the property in a phased development, the applicant must execute a development agreement with the City pursuant to RCW 36.70B.170 if one is not already in place. This agreement shall govern, at a minimum, the use and development of the property subject to the Binding Site Improvement Plan, including:

- a) vesting applicable to subsequent permits;
- b) the manner in which each phase of the development will proceed to ensure that the roads and utilities necessary to serve each phase of the development are constructed prior to the development of each phase;
- c) expiration of the agreement and all provisions therein.

14. Consistency: The Binding Site Improvement Plan shall be consistent with any City approved master plans and development agreements.

(Ord. 2236 §3, 2009; Ord. 1833 §1(part), 1998)

17.16.040 Final approval of plan

A. Prior to the plan being granted final approval, a survey, prepared by a licensed surveyor to the standards contained in TMC 17.04.060, shall be submitted to the Short Subdivision Committee with the final plan. The survey and plan shall be consistent with the preliminary approval.

B. Once the Short Subdivision Committee determines the survey, plan and other documents for recording are consistent with the preliminary approval, it will be certified for filing by the chair of the Short Subdivision Committee.

C. After being certified for filing by the Short Subdivision Committee, Binding Site Improvement Plans and survey shall be filed by the applicant with the King County Department of Records and Elections, and a copy of the recorded documents shall be returned to the Department of Community Development prior to issuance of any building permits for construction within the site. The applicant shall pay all costs associated with this filing.

D. Binding Effect: Approved Binding Site Improvement Plans shall be binding and shall be enforceable by the City. All provisions, conditions and requirements of the Binding Site Improvement Plan shall be legally enforceable on the purchaser or on any person acquiring a lease or other ownership interest of any lot, tract, or parcel created pursuant to the Binding Site Improvement Plan.

(Ord. 2236 §4, 2009; Ord. 1833 §1(part), 1998)

17.16.050 Improvements

A. *IMPROVEMENTS*: The following improvement requirements shall be met for each Binding Site Improvement Plan prior to the issuance of a building permit for construction within a Binding Site Improvement Plan.

1. *IMPROVEMENTS REQUIRED*: Consistent with TMC Chapter 17.20, and subject to any applicable development agreement, the following tangible improvements shall be provided for, either by actual construction or a construction schedule approved by the City and bonded by the applicant, before a Binding Site Improvement Plan may be recorded: grading and paving of streets and alleys; installation of curbs, gutters, sidewalks, monuments, sanitary and storm sewers, street lights, water mains and street name signs; together with all appurtenances thereto to specifications and standards of this code, approved by the Short Subdivision Committee and in accordance with other standards of the City. A separate construction permit will be required for any such improvements, along with associated engineering plans prepared per the City Drafting Standards.

2. *Modifications*: Proposals that contain commercial or industrial uses, or mixed-use commercial and residential uses, and meet the definition of “integrated site” in TMC 18.06 are not required to submit a modification request. Where a proposal is not eligible to be an “integrated site” or where the definition of “integrated site” does not expressly allow for a modification of a particular standard(s), modifications of improvement standards required in TMC Chapter 17.20 shall be made through the exception process in TMC Chapter 17.28.

B. *Phasing of Improvements*: To satisfy improvement requirements, the Short Subdivision Committee is authorized to impose conditions and limitations on the Binding Site Improvement Plan. If the Short Subdivision Committee determines that any delay in satisfying requirements will not adversely impact the public health, safety or welfare, the Committee may allow requirements to be satisfied prior to issuing the first building permit for the site, or prior to issuing the first building permit for any phase, or prior to issuing a specific building’s certificate of occupancy, or in accordance with an approved phasing plan, or in accordance with plans established by a development agreement or as otherwise permitted or required under City code.

(Ord. 2236 §5, 2009; Ord. 1833 §1(part), 1998)

17.16.060 Revision of plan

A. *ALTERATION*: Alteration of an approved Binding Site Improvement Plan, excluding standard easements for utilities and lot line adjustments, shall be accomplished following the same procedures required for a new Binding Site Improvement Plan application as set forth in this chapter; provided, that only owners of lots within the Binding Site Improvement Plan that are directly affected by the proposed alteration shall be required to authorize application for the alteration. If property subject to a Binding Site Improvement Plan approval is the subject of a development agreement, the alteration of the approved Binding Site Improvement Plan shall not require an amendment to the development agreement or approval by the City Council and, after approval and recording, shall automatically be incorporated within the development agreement unless otherwise provided in the development agreement.

B. *VACATION*: Vacation of a recorded Binding Site Improvement Plan shall be accomplished by following the same procedures required for a new Binding Site Improvement Plan application as set forth in this chapter. If a portion of a Binding Site Improvement Plan is vacated, the property subject to the vacation shall constitute one lot, and the balance of the approved Binding Site Improvement Plan shall remain as approved. Any non-conformities created by such a vacation must be remedied prior to final approval of the vacation. If a Binding Site Improvement Plan property subject to a Binding Site Improvement Plan approval is the subject of a development agreement, the vacation of the approved Binding Site Improvement Plan, whether total or partial, shall not require an amendment to the development agreement or approval by the City Council and, after approval and recording shall automatically be incorporated within the development agreement unless otherwise provided in the development agreement.

(Ord. 2236 §6, 2009; Ord. 1833 §1(part), 1998)

17.16.070 Expiration

If the binding site improvement plan is not recorded within one year of the date of the preliminary BSIP, the BSIP shall become null and void. Upon written request by the applicant prior to the expiration date, the Short Subdivision Committee may grant one extension of not more than one year.

(Ord. 2251 §2, 2009)

CHAPTER 17.20

DESIGN AND IMPROVEMENT STANDARDS
FOR THE SUBDIVISION OF LAND

Sections:

- 17.20.010 Applicability
 17.20.020 Improvements, supervision, inspections and permits required
 17.20.030 General standards

17.20.010 Applicability

The standards contained in this chapter are to be used as the basic standards for addressing the approval criteria for subdivisions, short plats, boundary line adjustments and binding site improvement plans. The decision making entity may require additional standards be met if it is determined necessary to meet the approval criteria for a particular application.

(Ord. 1833 §1(part), 1998)

17.20.020 Improvements, supervision, inspections and permits required

A. **REQUIRED IMPROVEMENTS:** Every subdivider may be required to grade and pave streets and alleys, install curbs and gutters, sidewalks, monuments, sanitary and storm sewers, water mains, fire hydrants, street lights and name signs, together with all appurtenances in accordance with specifications and standards of this code, approved by the Public Works Department, and in accordance with other standards of the City.

B. **SUPERVISION AND INSPECTION:** A licensed engineer or engineering firm, acceptable to the Department of Public Works, shall be responsible for the supervision and inspection of all subdivision improvements. All improvements shall be certified in writing as completed in accordance with plans and specifications as approved by the Department of Public Works.

C. **PERMITS:** Prior to proceeding with any subdivision improvements, the subdivider shall obtain those permits from the City as are necessary. The subdivider is also responsible for complying with all applicable permit requirements of other Federal, State and local agencies.

(Ord. 1833 §1(part), 1998)

17.20.030 General StandardsA. **Environmental Considerations.**

1. **Critical Areas.** Land that contains a critical area or its buffer as defined in TMC Title 18, or is subject to the flood zone control ordinance as defined in TMC Chapter 16.52, shall be platted to reflect the standards and requirements of the critical areas overlay zone, TMC Chapter 18.45, the planned residential development overlay if required pursuant to TMC Chapter 18.46, and/or the flood zone control ordinance, TMC Chapter 16.52. No lot shall be created that does not contain an adequate building site, given the environmental considerations of the lot and current development standards.

2. **Trees.** In addition to meeting the requirements of TMC Chapter 18.54, "Urban Forestry and Tree Regulations," every reasonable effort shall be made to preserve existing trees and vegetation, and integrate them into the subdivision's design.

B. **Compatibility with Existing Land Use and Plans.**

1. **Buffer between uses.** Where single-family residential subdivisions are to be adjacent to multiple-family, commercial or industrial land use districts, and where natural separation does not exist, adequate landscape buffer strips and/or solid fences for screening shall be provided.

2. **Conformity with existing plans.** The location of all streets shall conform to any adopted plans for streets in the City. If a subdivision is located in the area of an officially designated trail, provisions may be made for reservation of the right-of-way or for easements to the City for trail purposes. The proposed subdivision shall respond to and complement City ordinances, resolutions, and comprehensive plans.

3. **Other City regulations.** All subdivisions shall comply with all adopted City regulations. In the event of a conflict, the more restrictive regulation shall apply.

4. **Accessory structures.** If a subdivision, short plat, or boundary line adjustment in a residential zone would result in an accessory structure remaining alone on a lot, the structure must be demolished before preliminary approval, or the owner must provide a bond or other financial guarantee acceptable to the Director in the amount of 150% of the cost of demolition and assurance that the accessory structure will be demolished if a residence is not built on the lot within 12 months of final approval.

C. **Streets.**

1. **Extension.** Proposed street systems shall extend existing streets at the same or greater width, unless otherwise approved by the Department of Public Works and authorized by the Director in approval of the plat. Where appropriate, streets shall be extended to the boundaries of the plat to ensure access to neighboring properties. The City's goal is to have an integrated system of local streets whenever practical. Grading of steep topography may be necessary to achieve this objective. However, in critical areas, the layout and construction of streets shall follow the standards and procedures of the critical areas overlay zone. Dedication of additional right-of-way may be required for a short plat when it is necessary to meet the minimum street width standards or when lack of such dedication would cause or contribute to an unsafe road or intersection.

2. **Names.** All proposed street names or numbers shall be subject to approval by the Department of Community Development.

3. **Intersections.** Any intersection of public streets, whatever the classification, shall be at right angles as nearly as possible and not be offset insofar as practical.

4. **Street layout.** Street layout shall provide for the most advantageous development of the subdivision, adjoining areas, and the entire neighborhood. Evaluation of street layout shall take into consideration potential circulation solutions. While it is important to minimize the impact to the topography from

creating an integrated road system, improved site development and circulation solutions shall not be sacrificed to minimize the amount of cut and fill requirements of the proposal. Where critical areas are impacted, the standards and procedures for rights-of-way in the critical areas overlay zone shall be followed.

5. Private access roads may be authorized if:

a. Allowing private access roads in the area being subdivided will not adversely affect future circulation in neighboring parcels of property; and

b. Adequate and reasonable provisions are made for the future maintenance and repair of the proposed private access roads; and

c. The proposed private access roads can accommodate potential full (future) development on the lots created; and

d. For residential subdivisions, the proposed private access roads do not serve more than four lots nor are more than 200 feet in length. Those access roads 150 feet or greater in length shall have a turnaround built to Fire Department standards.

e. For commercial and industrial subdivisions, when private access roads are authorized, there shall be a minimum easement width of 40 feet. With the exception of minimum easement widths, private access roads shall be designed and constructed in accordance with the Department of Public Works standards, and zoning setbacks shall be required as though the easement were a public right-of-way.

6. **Public roads.**

a. Right-of-way and paving widths for public roads shall be based as shown in the following table. The minimum paving and right-of-way width shall be used unless the City Engineer demonstrates a wider width is needed due to site circumstances, including but not limited to topography, traffic volume, street patterns, on-street parking, lot patterns, land use and bike and transit facilities, that justify an increase in width.

Type of Street	Right-of-Way	Roadway Pavement
Principal Arterial	80 - 100 feet	48 - 84 feet
Minor Arterial	60 - 80 feet	36 - 64 feet
Collector Arterial	60 - 80 feet	24 - 48 feet
Access Road	50 - 60 feet	28 - 36 feet
Cul-De-Sac		
<i>Roadway</i>	40 feet	26 feet
<i>Turnaround</i>	92 feet (dia.)	81 feet (dia.)
Alley	20 feet	15 feet
Private Access Roads		
<i>Residential</i>	20 feet	20 feet
<i>Commercial</i>	40 feet	28 feet

b. *Design:* The design and alignment of all public streets shall conform to the following standards unless otherwise approved by the Department of Public Works:

(1) Cul-de-sacs: Cul-de-sacs are not allowed unless there is no reasonable alternative or the cul-de-sac is

shown on an officially adopted street plan. When allowed, they shall not exceed a length of 600 feet unless the City determines that adequate alternative emergency access will be provided.

(2) Street Grades: Street grades shall not exceed 15%. However, provided there are no vehicular access points, grades may be allowed up to 18%, for not more than 200 feet when:

(a) Exceeding the grades would facilitate a through street and connection with the larger neighborhood;

(b) The greater grade would minimize disturbance of critical slopes;

(c) The Fire Marshal grants approval of the grade transition; and

(d) Tangents, horizontal curves, vertical curves, and right-of-way improvements conform to Department of Public Works standards.

c. Full width improvement:

(1) When interior to a subdivision or a short plat of five or more lots, all publicly owned streets shall be designed and installed to full width improvement as provided below:

(a) Shall be graded as necessary to conform to Department of Public Works standards.

(b) Shall be of asphaltic concrete according to Department of Public Works standards.

(c) Shall have permanent concrete curbs and gutters according to Department of Public Works standards.

(d) Shall have storm drains consisting of the proper size pipe and catch basins; sizes to be approved by the Department of Public Works prior to the public hearing for the preliminary plat.

(e) Shall have sidewalks provided at a minimum width as specified in TMC Chapter 11.12.

(2) When interior to a short plat of four or fewer lots, all public streets and all privately owned streets that have the potential to serve five or more lots shall be designed and installed to full width improvement as provided below:

(a) Shall be graded as necessary to conform to Department of Public Works standards.

(b) Shall be of asphaltic concrete according to Department of Public Works standards.

(c) Shall provide storm drainage to be approved by the Department of Public Works.

(d) Shall provide sidewalk right-of-way or easements at a minimum width as specified in TMC Chapter 11.12.

(e) Shall construct or provide L.I.D. no-protest agreements for permanent concrete curbs, gutters, and sidewalks according to Department of Public Works standards.

(f) Shall be dedicated to the City or subject to a binding agreement for future dedication.

(3) All privately owned roads that will serve four or fewer houses shall be designed and installed to full width improvement as provided below:

(a) Shall be graded as necessary to conform to Department of Public Works standards.

(b) Shall be of asphaltic concrete according to Department of Public Works standards.

(c) Shall provide storm drainage to be approved by the Department of Public Works.

d. Half width improvement:

(1) Streets abutting the perimeter of a subdivision or short plat of five or more lots shall provide the full improvements on the half of the street adjacent to the site, provided additional paving may be required to ensure safe and efficient roads exist to serve the subdivision; provided further that there are no physical obstructions to completing the other half of the roadway; and that there is a minimum of 20 feet of paving.

(2) If the future grade or alignment of the adjacent public street is unknown and it is not feasible to establish the grade in a reasonable period or the immediate improvement of the street would result in a short, isolated segment of improved street and similar street improvements in the vicinity are unlikely to occur within six years, the City may approve a delay of improvements. The owner(s) must agree to enter into a binding L.I.D. no-protest agreement to further improve the street to full public street standards in the future; however adjacent streets must still be improved to the minimum level necessary, in the judgment of the City Engineer, to safely accommodate traffic generated by the proposed subdivision or short plat.

(3) Streets abutting the perimeter of a short plat of four or fewer lots shall provide L.I.D. no-protest agreements for construction of frontal improvements on the half of the street adjacent to the site, provided that there is a minimum of 20 feet of paving.

D. Utilities.

1. **Generally.** All utilities designed to serve the subdivision shall be placed underground and, if located within a critical area, shall be designed to meet the standards of the critical areas overlay zone. Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the Department of Public Works; such installation shall be completed and approved prior to application of any surface materials. Easements may be required for the maintenance and operation of utilities as specified by the Public Works Department.

2. **Sanitary sewers.** Sanitary sewers shall be provided to each lot at no cost to the City and designed in accordance with City standards. Septic systems may be installed when approved by the Seattle-King County Department of Public Health and when the existing sewer system will not be available to the lot within the life of the preliminary approval.

3. **Storm drainage.** The storm drainage collection system shall meet the requirements of the City's stormwater ordinance standards (TMC Chapter 14.28).

4. **Water system.** Each lot within a proposed subdivision shall be served by a water distribution system designed and installed in accordance with City standards.

Locations of fire hydrants and flow rates shall be in accordance with City standards and the Uniform Fire Code.

E. Blocks.

1. **Length.** Residential blocks should not be less than 300 feet nor more than 1,000 feet in length, (600 - 2,000 feet for commercial and industrial areas). Where circumstances warrant for the purpose of implementing the Comprehensive Plan, the Planning Commission may require one or more public pathways of not less than six feet nor more than 15 feet in width, either by dedication or easement, to extend entirely across the width of the block to connect public rights-of-way.

2. **Width.** Blocks shall be wide enough to allow two tiers of lots, except where abutting a major street or prevented by topographical conditions or size of the property, in which case the Director may approve a single tier.

3. **Pedestrian considerations.** Blocks, roads and pedestrian improvements shall be designed to provide a safe and convenient pedestrian network.

F. Lots.

1. **Arrangement.** Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. Each lot must have access to a public street that is approved at the time of plat review; however, rather than designing flag lots, access shall be accomplished with common drive easements.

2. **Lot design.** The lot area, width, shape, and orientation shall be appropriate for the location of the subdivision, for the type of development and land use contemplated, and shall conform with the requirements of the zoning ordinance.

3. **Corner lots.** Corner lots may be required to be platted with additional width to allow for the additional side yard requirements.

G. Landscaping.

1. Each lot within a new subdivision or short plat of five lots or greater shall be landscaped with at least one tree in the front yard to create a uniform streetscape.

2. Landscaping shall conform with Public Works standards.

H. **Street Signs.** The subdivider shall be responsible for the initial cost of any street name or number signs, or street markings, including installation thereof, that Public Works finds necessary for the subdivision.

I. **Lighting.** Street lighting shall conform to the Department of Public Works standards unless the Public Works Director requires alternative fixtures, poles, and/or spacing to contribute to an overall design concept of the subdivision.

J. Monumentation.

1. **Imprinted monument.** All monuments set in subdivisions shall be at least 1/2 inch x 24-inch steel bar or rod, or equivalent, with durable cap imprinted with the license number of the land surveyor setting the monument.

2. **Centerline monument.** After paving, except as provided in TMC Section 17.20.030.J.5, monuments shall be driven flush with the finished road surface at the following intersections:

- a. Centerline intersections.
- b. Points of intersection of curves if placement falls within the paved area; otherwise, at the beginnings and endings of curves.
- c. Intersections of the plat boundaries and street center lines.

3. **Property line monumentation.** All front corners, rear corners, and beginnings and endings of curbs shall be set with monuments, except as provided in TMC Section 17.20.030.J.5. In cases where street curbs are concentric and/or parallel with front right-of-way lines, front property line monumentation may be provided by brass screws or concrete nails at the intersections of curb lines and the projections of side property lines. If curb monumentation is used, it shall be noted on the plat, and also that such monumentation is good for projection of line only and not for distance.

4. **Post-monumentation.** All monuments for exterior boundaries of the subdivision shall be set and referenced on the plat prior to plat recording. Interior monuments need not be set prior to recording if the developer certifies that the interior monuments shall be set within 90 days of final subdivision construction inspection by the Department of Public Works, and if the developer guarantees such interior monumentation.

5. **Post-monumentation bonds.** In lieu of setting interior monuments prior to final plat recording as provided in TMC Section 17.20.030.J.3, the Public Works Director may accept a bond in an amount and with surety and conditions satisfactory to the Director, or other secure method as the Public Works Director may require, providing for and securing the actual setting of the interior monuments.

*(Ord. 2649 §8, 2021; Ord. 1971 §21, 2001;
Ord. 1833 §1(part), 1998)*

CHAPTER 17.24

PROCEDURES FOR PUBLIC IMPROVEMENTS

Sections:

- 17.24.005 Purpose
- 17.24.010 Plans and permits required for public improvements
- 17.24.020 Process for installing public improvements
- 17.24.030 Improvement agreements and financial guarantees

17.24.005 Purpose

It is the intent to have all infrastructure improvements required by a subdivision, short plat, binding site improvement plan, or boundary line adjustment completed prior to final approval of the proposed land action. The City realizes that there may be instances where the completion of the improvement may not be the best course of action, including, but not limited to: final lift for the roadway, completing sidewalks while development construction is ongoing, minor punch list items, etc. In those instances, the Director of Public Works may accept a bond or other financial security in lieu of the completion of the infrastructure improvements.

(Ord. 2124 §3(part), 2006)

17.24.010 Plans and permits required for public improvements

A. Approval of a preliminary plat, short plat, binding site improvement plan or boundary line adjustment shall constitute approval for the applicant to develop construction plans and specifications, for all facilities and improvements, in substantial conformance to the preliminary approval, design standards, and any special conditions required by the Short Subdivision Committee, Hearing Examiner, or Planning Commission; to obtain permits and complete installation for said improvements; and to prepare a final plat, plans, surveys and other documents for recording.

B. Prior to installing improvements, the developer shall apply for all required permits for those improvements. The applications shall include development plans as specified on the application form. *[Note: See TMC Chapters 11.08 and 11.12 for additional guidance on standards and permit requirements for improvements in the public right-of-way.]*

*(Ord. 2649 §9, 2021; Ord. 2124 §3(part), 2006;
Ord. 1833 §1(part), 1998)*

17.24.020 Process for installing public improvements

Improvements installed by the developer of the subdivision or short plat, either as a requirement or of the subdividers own option, shall conform to the requirements of this title and improvement standards, specifications, inspections and procedures as set forth by the Department of Public Works, and shall be installed in accordance with the following procedures:

1. Work shall not be commenced until plans have been checked for adequacy and approved by Public Works to the extent

necessary for the evaluation of the subdivision or short plat proposal. Plans shall be prepared in accordance with the requirements of the City.

2. Work shall not commence until Public Works has been notified in advance and, if work has been discontinued for any reason, it shall not be resumed until Public Works has been notified.

3. Public improvements shall be constructed under the inspection and to the satisfaction of the Director of Public Works. The City may require changes in typical sections and details if unusual conditions arise during construction to warrant the change.

4. All underground utilities, sanitary sewers and storm drains installed in the streets by the developer of the subdivision or short plat shall be constructed prior to the surfacing of streets. Stubs for service connections and underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when surface connections are made.

5. Plans showing all improvements as built shall be filed with the City upon completion of the improvements.

(Ord. 2124 §3(part), 2006; Ord. 1833 §1(part), 1998)

17.24.030 Improvement agreements and financial guarantees

A. **Required improvements.** Before any final subdivision, short plat, binding site improvement plan or boundary line adjustment is finally approved, the subdivider shall install required improvements and replace or repair any such improvements which are damaged in the development of the subdivision. In lieu of the completion of the actual construction of all required improvements (public and private) and prior to the approval of a final plat, the Public Works Director may accept a bond in an amount and with surety and conditions satisfactory to the Director, or other secure method, providing for and securing to the City the actual construction and installation of all required improvements. This is in addition to the requirements of TMC Chapter 11.08 requiring a performance bond for all work being done in the public right-of-way. If the Public Works Director accepts a bond for the completion of the work, the subdivider shall execute and file with the City an agreement guaranteeing completion of such improvements together with any needed replacement or repair. The agreement shall:

1. Specify the period of time within which all work required shall be completed. The time for completion shall not exceed one year from the date of final approval of the subdivision. The agreement may provide for reasonable extensions of time for completion of work. Extensions must be requested, approved by the Public Works Director, and properly secured in advance of the required initial completion date.

2. Require notice by the subdivider to the Public Works Director promptly upon completion of all required improvements.

3. Provide for notice of approval or disapproval by the Public Works Director of the improvement within a reasonable time after receiving notice of completion.

4. Require financial security to be provided by the subdivider pursuant to TMC Section 17.24.030.C.

5. Provide that, if the subdivider fails to complete all required work within the period specified, the City may take steps to demand performance of the developer's obligation within a reasonable time not to exceed 90 days from the date of demand.

6. Provide that, if the required improvements are not completed within that time, the City may take action to require the subdivider to forfeit the financial security.

7. Provide that the City shall be entitled to recover all costs of such action including reasonable attorney's fees.

8. Provide that, following recovery of the proceeds of the financial security, those proceeds shall be used to complete the required improvements and pay the costs incurred.

9. Provide that, should the proceeds of the financial security be insufficient for completion of the work and payment of the costs, the City shall be entitled to recover the deficiency from the subdivider.

B. Maintenance agreement. Regardless of whether all required improvements are completed prior to final approval of any subdivision of land, as a condition of such approval the subdivider shall execute an agreement to assure successful operation of said improvements. *[Note: See TMC Section 11.08.110 for details.]* The agreement shall:

1. Require the subdivider to post a bond or other financial security to secure successful operation of all required improvements and full performance of the developer's maintenance obligation. Such financial security shall be effective for a two-year period following approval of installation of all required improvements.

2. Require the subdivider to perform maintenance functions on drainage improvements for a period of time not to exceed two years from approval of their completion or final plat approval, whichever is later. Such maintenance functions shall be specified by the Public Works Director, and shall be reasonably related to the burdens that the subdivision will impose on drainage facilities during the time maintenance is required. The City may agree to accept and perform maintenance of the improvements, in which case the subdivider's obligation to perform maintenance functions shall terminate.

3. Not relieve the subdivider of liability for the defective condition of any required improvements discovered following the effective term of the security given.

4. Provide a waiver by the subdivider of all claims for damages against any governmental authority, which may occur to the adjacent land as a result of construction, drainage, and maintenance of the streets and other improvements.

C. Performance bond. To assure full performance of the agreements required herein, the subdivider shall provide one or more of the following in a form approved by the City Attorney:

1. A surety bond executed by a surety company authorized to transact business in the State of Washington.

2. An irrevocable letter of credit from a financial institution stating that the money is held for the purpose of development of the stated project.

3. An assignment of account with a financial institution which holds the money in an account until such time the City signs a written release. The assignment of account will allow the City to withdraw the funds in the event the provisions of the agreement are not met.

4. A cash deposit made with the City of Tukwila.

D. Amount of Financial Security. The financial security provided shall be 150% of the estimated cost of the improvements to be completed and all related engineering and incidental expenses, final survey monumentation and preparation of reproducible Mylar or electronic records in a format approved by Public Works and meeting current Public Works drawing standards of the "as-built" improvements. The subdivider shall provide an estimate of these costs for acceptance by the Public Works Director.

E. Defective Work. The acceptance of improvements by the City shall not prevent the City from making a claim against the subdivider for any defective work if such is discovered within two years after the date of completion of the work.

*(Ord. 2649 §10, 2021; Ord. 2124 §3(part), 2006;
Ord. 1833 §1(part), 1998)*

CHAPTER 17.28
EXCEPTIONS, PENALTIES,
SEVERABILITY, LIABILITY

Sections:

- 17.28.010 Exceptions
 17.28.015 Sale, lease or transfer of land in violation of this chapter
 17.28.020 Penalties
 17.28.030 City not liable
 17.28.040 Severability

17.28.010 Exceptions

A. *EXCEPTION CRITERIA:* Exceptions from the requirements of this code may be granted when undue hardship may be created as a result of strict compliance with the provisions of this code. Any authorization for exception may prescribe conditions deemed necessary or desirable for the public interest.

An exception shall not be granted unless:

1. There are special physical circumstances or conditions affecting said property, such that the strict application of the provisions of this code would deprive the applicant of the reasonable use or development of his land; and
2. The exception is necessary to insure such property rights and privileges as are enjoyed by other properties in the vicinity and under similar circumstances; and
3. The granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity.

B. *PROCEDURES:* An application for any exception from this code shall be submitted in writing by the subdivider, as part of the application for short subdivision, binding site improvement plan, or preliminary plat. Such application shall fully state all substantiating facts and evidence pertinent to the request.

1. *Short subdivision:* A short subdivision or binding site improvement plan exception shall be reviewed by the Short Subdivision Committee in conjunction with review of the short subdivision or binding site improvement plan application. The decision of the Short Subdivision Committee shall be final and conclusive unless appealed in accordance with the appeal procedure for Type 2 decisions set forth in TMC 18.108.020.

2. *Preliminary plat:* A preliminary plat exception shall be considered by the Planning Commission at the same time the public hearing is conducted for the preliminary plat.

(Ord. 2124 §4, 2006; Ord. 1833 §1(part), 1998)

17.28.015 Sale, lease or transfer of land in violation of this chapter

Any person, firm, corporation, association, or any agent of any person, firm, corporation, or association who violates any provision of RCW 58.17 or Tukwila Municipal Code Title 17, "Subdivisions and Plats", relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land, shall be guilty of a gross misdemeanor; and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of RCW 58.17 or Tukwila Municipal Code Title 17, "Subdivisions and Plats", shall be deemed a separate and distinct offense.

(Ord. 2549 §20, 2017)

17.28.020 Penalties

Any other violation of any provision, or failure to comply with any of the requirements of this chapter, shall be subject to enforcement and penalties as prescribed in TMC Chapter 8.45 and the issuance of a Notice of Violation in accordance with TMC Section 8.45.070.

(Ord. 2549 §21, 2017; Ord. 1838 §16, 1998; Ord. 1833 §1 (part), 1998)

17.28.030 City not liable

This code shall not be construed to relieve from or lessen the responsibility of any person owning any land or building, constructing or modifying any subdivisions in the City for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the City or any agent thereof be held as assuming such liability by reason of any preliminary or final approval or by issuance of any permits or certificates authorized herein.

(Ord. 1833 §1 (part), 1998)

17.28.040 Severability

If any section, subsection, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Ord. 1833 §1 (part), 1998)

18.06.005 General Definitions

Except where specifically defined in this Chapter, all words used in this title shall carry their customary meanings. Words used

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Highlight	Maxwell-B
or which provides to its patrons an opportunity for engaging in "Specified Sexual Activities," with or without a membership fee.	

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whose primary function is to provide direct access to adjacent parking spaces and which, as a secondary function, also provides circulation within parking areas.

(Ord. 1758 §1 (part), 1995)

18.06.016 Accessory Dwelling Unit

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

(Ord. 2581 §1, 2018)

18.06.017 Adaptive Management

"Adaptive management" means the use of scientific methods to evaluate how well regulatory and non-regulatory actions protect a critical area.

(Ord. 2625 §1, 2020; Ord. 2075 §1 (part), 2004)

18.06.018 Adjacent

"Adjacent" means lying near or close to; sometimes, contiguous; neighboring. Adjacent implies that the two objects are not widely separated, though they may not actually touch.

(Ord. 2075 §1 (part), 2004)

18.06.020 Adult Day Care

"Adult day care" means a facility which provides supervised daytime programs where up to six frail and/or disabled adults can participate in social, educational, and recreational activities led by paid staff and volunteers.

(Ord. 1758 §1 (part), 1995)

18.06.025 Adult Entertainment Establishments

A. "Adult entertainment establishments" means adult motion picture theaters, adult drive-in theaters, adult bookstores, adult cabarets, adult video stores, adult retail stores, adult massage parlors, adult sauna parlors or adult bathhouses, which are defined as follows:

1. "Adult bathhouse" means a commercial bathhouse which excludes any person by virtue of age from all or any portion of the premises.

2. "Adult bookstore" means a retail establishment in which:

a. 30% or more of the "stock-in-trade" consists of books, magazines, posters, pictures, periodicals or other printed materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and/or

b. Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such material is displayed or sold.

3. "Adult cabaret" means a commercial establishment which presents go-go dancers, strippers, male or female impersonators, or similar types of entertainment and which excludes any person by virtue of age from all or any portion of the premises.

4. "Adult massage parlor" means a commercial establishment in which massage or other touching of the human body is provided for a fee and which excludes any person by virtue of age from all or any portion of the premises in which such service is provided.

5. "Adult motion picture theater" means a building, enclosure, or portion thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

6. "Adult retail store" means retail establishment in which:

a. 30% or more of the "stock-in-trade" consists of items, products or equipment distinguished or characterized by an emphasis on or simulation of "specified sexual activities" or "specified anatomical areas"; and/or

b. Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such items, products or equipment are displayed or sold.

7. "Adult sauna parlor" means a commercial sauna establishment which excludes any person by virtue of age from all or any portion of the premises.

8. "Adult video store" means a retail establishment in which:

a. 30% or more of the "stock-in-trade" consists of prerecorded video tapes, disks, or similar material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and/or

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Highlight Maxwell-B

Change to "Clinic, Outpatient
Medical"**18.06.137 Cargo Container**

"Cargo container" means a standardized, reusable vessel that was:

1. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or,
2. Designed for or capable of being mounted or moved on a rail car; and/or
3. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

(Ord. 1989 §1, 2002)

18.06.140 Certified Arborist

See "Qualified Tree Professional"¹.

(Ord. 2569 §4, 2018; Ord. 1758 §1 (part), 1995)

18.06.142 Charging Levels

"Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms "Level 1, 2, and 3" are the most common EV charging levels and include the following specifications:

1. Level 1 is considered slow charging.
2. Level 2 is considered medium charging.
3. Level 3 is considered fast or rapid charging.

(Ord. 2324 §3, 2011)

18.06.143 Channel Migration Zone

"Channel migration zone" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

(Ord. 2347 §6, 2011)

18.06.145 Clearing

"Clearing" means removal or causing to be removed, through either direct or indirect actions, any vegetation from a site. Actions considered to be clearing include, but are not limited to, causing irreversible damage to roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage to the tree.

(Ord. 1758 §1 (part), 1995)

18.06.150 Outpatient Medical Clinic

"Outpatient medical clinic" means a building designed and used for the medical, dental and surgical diagnosis and treatment of patients under the care of doctors and nurses and/or practitioners and does not include overnight care facilities. This category does not include diversion facility or diversion interim services facility.

(Ord. 2287 §3, 2010; Ord. 1758 §1 (part), 1995)

18.06.152 Closed Record Appeal

"Closed record appeal" means a quasi-judicial appeal to a hearing body designated by this chapter from a decision regarding a project permit application that was made after an open record hearing. Testimony and submission of relevant evidence and information shall not be permitted at a hearing on such an appeal.

The hearing on such an appeal shall be limited to argument based on the testimony, evidence and documents submitted at the open record hearing conducted on the project permit application.

(Ord. 1768 §1 (part), 1996)

18.06.155 Club

"Club" means an incorporated or unincorporated association of persons organized for a social, education, literary or charitable purpose.

(Ord. 1758 §1 (part), 1995)

18.06.165 Comprehensive Plan

"Comprehensive Plan" means the adopted City of Tukwila Comprehensive Plan.

(Ord. 1758 §1 (part), 1995)

18.06.170 Continuing Care Retirement Community

"Continuing care retirement community" means housing planned and operated to provide a continuum of accommodations and services for seniors including, but not limited to, at least two of the following housing types: independent living, congregate housing, assisted living, and skilled nursing care.

(Ord. 2235 §1 (part), 2009)

18.06.173 Convalescent/Nursing Home

"Convalescent/nursing home" means a residential facility, such as a hospice, offering 24-hour skilled nursing care for patients suffering from an illness, or receiving care for chronic conditions, mental or physical disabilities or alcohol or drug detoxification, excluding correctional facilities. Care may include in-patient administration of special diets, bedside nursing care and treatment by a physician or psychiatrist. The stay in a convalescent/nursing home is in excess of 24 consecutive hours. This category does not include diversion facility or diversion interim services facility.

(Ord. 2287 §4, 2010; Ord. 1976 §13, 2001)

18.06.175 Cooperative Parking Facility

"Cooperative parking facility" means an off-street parking facility shared by two or more buildings or uses.

(Ord. 1758 §1 (part), 1995)

¹ City Clerk's Note: Codified under Tukwila Municipal Code Section 18.06.845 "Tree".

2. Foundation engineering: applied geology, soil mechanics, rock mechanics, structural engineering to design, and construction of civil engineering and other structures. Evaluate foundation performance (static and dynamic loading), stability of natural and excavated slopes, stability of permanent and temporary earth-retaining structures, construction problems, control of water movement and soil pressures, maintenance and rehabilitation of old buildings.

3. Rock engineering: buildings, dams, deep excavations, tunnels.

(Ord. 2075 §1 (part), 2004)

18.06.269 Environment Designation

“Environment designation” means the term used to describe the character of the shoreline in Tukwila based upon the recommended classification system established by WAC 173-26-211 and as further refined by Tukwila’s Shoreline Master Program (SMP).

(Ord. 2347 §11, 2011)

18.06.270 Essential Public Facility

“Essential public facility” means a facility which provides a basic public service, provided in one of the following manners: directly by a government agency, by a private entity substantially funded or contracted for by a government agency, or provided by a private entity subject to public service obligations (i.e., private utility companies which have a franchise or other legal obligation to provide service within a defined service area).

(Ord. 1758 §1 (part), 1995)

18.06.280 Essential Use

“Essential use” means that use for the preservation or promotion of which the use district was created and to which all other permitted uses are subordinate.

(Ord. 1758 §1 (part), 1995)

18.06.283 Essential Utility

“Essential utility” means a utility facility or utility system where no feasible alternative location exists based on an analysis of technology and system efficiency.

(Ord. 2625 §5, 2020)

18.06.285 Essential Street, Road, or Right-of-Way

“Essential street, road, or right-of-way” means a street, road or right-of-way where no feasible alternative location exists based on an analysis of technology and system efficiency.

(Ord. 2625 §4, 2020; Ord. 1758 §1 (part), 1995)

18.06.287 Extended-Stay Hotel or Motel

“Extended-stay hotel or motel” means a building or buildings or portion thereof, the units of which contain independent provisions for living, eating and sanitation including, but not limited to, a kitchen sink and permanent cooking facilities, a bathroom and a sleeping area in each unit, and are specifically constructed, kept, used, maintained, advertised and held out to the public to be a place where temporary residence is offered for pay to persons for a minimum stay of more than 30 days and a maximum stay of six months per year. Extended-stay hotels or motels shall not include

dwelling units, as defined in this section, for permanent occupancy. The specified units for extended-stay must conform to the required features, building code, and fire code provisions for dwelling units as set forth in this code. Nothing in this definition prevents an extended-stay unit from being used as a hotel or motel unit. Extended-stay hotel or motels shall be required to meet the hotel/motel parking requirements. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

(Ord. 2251 §4, 2009)

18.06.290 Extremely Hazardous Waste

“Extremely hazardous waste” means those solid wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous waste.

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<p>This does not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings.</p>	

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circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

2. The action provides a reasonable likelihood of achieving its intended purpose; and

3. The action does not physically preclude achieving the project’s primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the reviewing agency may weigh the action’s relative public costs and public benefits, considered in the short- and long-term time frames.

(Ord. 2347 §12, 2011)

18.06.652 Pruning

“Pruning” means the cutting or limbing of tree or shrub branches as specified in the American National Standards Institute (ANSI) A300 Pruning standards, and the companion “Best Management Practices – Tree Pruning” published by the International Society of Arboriculture. Pruning does not include the removal of any portion of the top of the tree, sometimes referred to as “topping”.

(001) Topping

“Topping” means the inappropriate pruning practice used to reduce tree height by cutting to a predetermined crown limit without regard to tree health or structural integrity. Topping does not use acceptable pruning practices as described in the American National Standards Institute (ANSI) A300 Pruning standards, and the companion "Best Management Practices – Tree Pruning" published by the International Society of Arboriculture, such as crown reduction, utility pruning, or crown cleaning to remove a safety hazard, dead or diseased material.

(Ord. 2569 §20, §27, 2018)

18.06.655 Public Access

“Public access” means the ability of the general public to reach, touch or enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Public access may be provided by an owner by easement, covenant, or similar legal agreement of substantial walkways, corridors, parks, or other areas serving as a means of view and/or physical approach to public waters. The Director may approve limiting public access as to hours of availability, types of activity permitted, location and area.

Highlight	Maxwell-B
Move to after "Restaurant, Fast Food"	

(Ord. 1768 §1 (part), 1996)

18.06.658 Public Right-of-Way

“Public right-of-way” means all public streets, alleys and property granted, reserved for, or dedicated to public use for streets and alleys, together with all public property granted, reserved for, or dedicated to public use, including but not limited to walkways, sidewalks, trails, shoulders, drainage facilities, bikeways and horse trails, whether improved or unimproved, including the air rights, subsurface rights, and easements related thereto.

(Ord. 2135 §2 (part), 2006)

18.06.660 Rapid Charging Station

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and is consistent with rules adopted under RCW 19.27.540.

(Ord. 2324 §10, 2011)

18.06.662 Reach

“Reach” means a segment of a watercourse with uniform characteristics.

(Ord. 1758 §1 (part), 1995)

18.06.665 Recreation Space

“Recreation space” means covered and uncovered space designed and intended for active and/or passive recreational activity including but not limited to tennis courts, swimming pools, cabanas, playgrounds, playfields, or wooded areas, and specifically excluding any parking area, driveway, or rockery.

(Ord. 1758 §1 (part), 1995)

18.06.670 Recreation Space, Covered

“Covered recreation space” means an area of ground covered or overlaid by an artificial or manmade surface, such as rooftops or pavement.

(Ord. 1758 §1 (part), 1995)

18.06.675 Recreation Space, Uncovered

“Uncovered recreation space” means an area of ground characterized by a natural surface, such as lawn, forests, or sandboxes (for children’s play).

(Ord. 1758 §1 (part), 1995)

18.06.676 Regional Detention Facility

“Regional detention facility” means a stormwater detention and/or retention facility that accepts flow from multiple parcels and/or public right-of-way. The facility may be public or private.

(Ord. 2347 §28, 2011)

18.06.677 Revetment

“Revetment” means a sloping structure built to increase bank strength and protect an embankment or shore against erosion by waves or river currents. A revetment is usually built of rock rip-rap, wood, or poured concrete. One or more filter layers of smaller rock or filter cloth and “toe” protection are included. A revetment typically slopes and has a rough or jagged face. The slope differentiates it from a bulkhead, which is a vertical structure.

(Ord. 2347 §29, 2011)

18.10.060 Basic Development Standards

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

LDR BASIC DEVELOPMENT STANDARDS

Lot area, minimum	6,500 sq. ft.
Average lot width (min. 20 ft. street frontage width), minimum	50 feet
Development Area, maximum (only for single family development)	75% on lots less than 13,000 sq. ft. up to a maximum of 5,850 sq. ft.
	45% on lots greater than or equal to 13,000 sq. ft.
Setbacks to yards, minimum:	
• Front	20 feet
• Front, decks or porches	15 feet
• Second front	10 feet
• Sides	5 feet
• Rear	10 feet
Height, maximum	30 feet
Off-street parking:	
• Residential	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
• Accessory dwelling unit	See TMC Section 18.50.220
• Other uses	See TMC Chapter 18.56, Off-street Parking & Loading Regulations

(Ord. 2581 §2, 2018; Ord. 2518 §7, 2016; Ord. 1971 §4, 2001; Ord. 1758 §1 (part), 1995)



Note	Maxwell-B
Add section "Landscaping," refer to TMC 18.52 for requirements.	

CHAPTER 18.12

MEDIUM DENSITY RESIDENTIAL (MDR) DISTRICT

Sections:

- 18.12.010 Purpose
- 18.12.020 Land Uses Allowed
- 18.12.030 Recreation Space Requirements
- 18.12.060 Design Review
- 18.12.070 Basic Development Standards

18.12.010 Purpose

A. This district implements the Medium Density Residential Comprehensive Plan designation, which allows up to 14.5 dwelling units per net acre. It is intended to provide areas for family and group residential uses, and serves as an alternative to lower density family residential housing and more intensively developed group residential housing and related uses. Through the following standards this district provides medium-density housing designed to provide:

1. Individual entries and transition from public and communal areas to private areas;
2. Building projections, level changes and so forth to effectively define areas for a variety of outdoor functions as well as privacy; and
3. Landscaping and open space to serve as extension of living areas.

B. Certain MDR properties are identified as Commercial Redevelopment Areas (see **Figures 18-10 or 18-9**) to encourage aggregation with commercial properties that front on Tukwila International Boulevard. Aggregation and commercial redevelopment of these sites would implement the Pacific Highway Revitalization Plan and provide opportunities to redefine and create more uniform borders between the commercial corridor and adjacent residential neighborhoods.

C. Certain MDR properties are located in the Urban Renewal Overlay (see **Figure 18-15**). Existing zoning and development standards will remain in place, although multi-family buildings would be permitted. The overlay provides additional alternate development standards that may be applied to development within the Urban Renewal Overlay upon request of the property owner and if the development meets certain qualifying criteria. Urban Renewal Overlay district standards would implement the Tukwila International Boulevard Revitalization Plan through more intensive development.

(Ord. 2257 §6 (part) 2009; Ord. 1865 §8, 1999; Ord. 1758 §1 (part), 1995)

18.12.070 Basic Development Standards

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

MDR BASIC DEVELOPMENT STANDARDS

Lot area, minimum	8,000 sq. ft. (Applied to parent lot for townhouse plats)
Lot area per unit (multi-family)	3,000 sq. ft. (For townhouses the density shall be calculated based on one unit per 3000 sq. ft. of parent lot area. The "unit lot" area shall be allowed to include the common access easements).
Average lot width (min. 20 ft. street frontage width), minimum	60 feet (Applied to parent lot for townhouse plats)
Setbacks, minimum:	Applied to parent lot for townhouse plats
• Front - 1st floor	15 feet
• Front - 2nd floor	20 feet
• Front - 3rd floor	30 feet (20 feet for townhouses)
• Second front - 1st floor	7.5 feet
• Second front - 2nd floor	10 feet
• Second front - 3rd floor	15 feet (10 feet for townhouses)
• Sides - 1st floor	10 feet
• Sides - 2nd floor	20 feet (10 feet for townhouses unless adjacent to LDR)
• Sides - 3rd floor	20 feet (30 feet if adjacent to LDR; 10 feet for townhouses unless adjacent to LDR)
• Rear - 1st floor	10 feet
• Rear - 2nd floor	20 feet (10 feet for townhouses unless adjacent to LDR)
• Rear - 3rd floor	20 feet (30 feet if adjacent to LDR; 10 feet for townhouses unless adjacent to LDR)
Townhouse building separation, minimum:	
• 1 and 2 story buildings	10 feet
• 3 story buildings	20 feet
Height, maximum	30 feet
Landscape requirements (minimum): See Landscape, Recreation, Recycling/Solid-Waste Space requirements chapter for further requirements	Applied to parent lot for townhouse plats
• Front(s)	15 feet
• Sides	10 feet
• Rear	10 feet
Development area coverage	50% maximum (75% for townhouses)
Recreation space	400 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Off-street parking:	
• Residential	See TMC Chapter 18.56, Off-street Parking & Loading Regulations.
• Accessory dwelling unit	See TMC Section 18.50.220
• Other uses	See TMC Chapter 18.56, Off-street Parking & Loading Regulations

(Ord. 2581 §3, 2018; Ord. 2199 §12, 2008; Ord. 1976 §23, 2001; Ord. 1758 §1 (part), 1995)

CHAPTER 18.14

HIGH DENSITY RESIDENTIAL (HDR) DISTRICT

Sections:

- 18.14.010 Purpose
- 18.14.020 Land Uses Allowed
- 18.14.030 Recreation Space Requirements
- 18.14.060 Design Review
- 18.14.070 Basic Development Standards

18.14.010 Purpose

A. This district implements the High-Density Residential Comprehensive Plan designation, which allows up to 22.0 dwelling units per net acre. Senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. It is intended to provide a high-density, multiple-family district which is also compatible with commercial and office areas. Certain HDR properties are identified as Commercial Redevelopment Areas (see Figures 18-9 or 18-10) to encourage aggregation and redevelopment of properties that front on Tukwila International Boulevard. Aggregation and commercial redevelopment of these sites would implement the Pacific Highway Revitalization Plan and provide opportunities to redefine and create more uniform borders between the commercial corridor and adjacent residential neighborhoods.

B. Certain HDR properties are located in the Urban Renewal Overlay (see Figure 18-15). Existing zoning and development standards will remain in place. The overlay provides additional

Strikethrough Maxwell-B

See TMC 18.52

be applied to upon request of certain qualifying standards would revitalization Plan

1865 §12, 1999; §1 (part), 1995)

Refer to TMC Chapter 18.09, "Land Uses Allowed by District." (Ord. 2500 §6, 2016)

18.14.030 Recreation Space Requirements

In the HDR zoning district, any proposed multiple-family structure, complex or development shall provide, on the premises and for the use of the occupants, a minimum amount of recreation space according to the provisions of TMC Section 18.14.030, subparagraphs 1 through 4. In the TSO zone with underlying LDR zoning on land that adjoins the City of SeaTac, recreation space shall meet the provisions of TMC Section 18.14.030, subparagraphs 2 through 4, in addition to the minimum required area as specified in TMC Section 18.41.090.A.1.

**CHAPTER 18.16
MIXED USE OFFICE
(MUO) DISTRICT**

Sections:

- 18.16.010 Purpose
- 18.16.020 Land Uses Allowed
- 18.16.060 On-Site Hazardous Substances
- 18.16.070 Design Review
- 18.16.080 Basic Development Standards

18.16.010 Purpose

This district implements the Mixed-Use Office Comprehensive Plan designation which allows up to 14.5 dwelling units per net acre. Senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. It is intended to create and maintain areas characterized by professional and commercial office structures, mixed with certain complementary retail and residential uses.

18.16.020

Strikethrough	Maxwell-B
See TMC 18.52	

18.16.070

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, for 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.

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, for 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 TMC Chapter 18.60, Board of Architectural Review.)

(Ord. 2368 §11, 2012; Ord. 2005 §3, 2002;
Ord. 1758 §1 (part), 1995)

• Sides - 3rd floor	20 feet (30 feet if adjacent to LDR; 10 feet for townhouses unless adjacent to LDR)
• Sides – 4th floor	30 feet (20 feet for townhouses unless adjacent to LDR)
• Rear - 1st floor	10 feet
• Rear - 2nd floor	20 feet (10 feet for townhouses unless adjacent to LDR)
• Rear - 3rd floor	20 feet (30 feet if adjacent to LDR; 10 feet for townhouses unless adjacent to LDR)
• Rear – 4th floor	30 feet (20 feet for townhouses unless adjacent to LDR)
Townhouse building separation, minimum	
• 1 and 2 story buildings	10 feet
• 3 and 4 story buildings	20 feet
Height, maximum	45 feet
Development area coverage	50% maximum (except senior citizen housing; 75% for townhouses)
Landscape requirements (minimum):- See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for further requirements	Applied to parent lot for townhouse plats
• Front(s)	15 feet
• Sides	10 feet
• Rear	10 feet
Recreation space	400 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• Residential (except senior citizen housing)	See TMC Chapter 18.56, Off-street Parking & Loading Regulations.
• Accessory dwelling unit	See TMC Section 18.50.220
• Other uses, including senior citizen housing	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC Chapter 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

(Ord. 2581 §4, 2018; Ord. 2199 §14, 2008; Ord. 1976 §27, 2001;
Ord. 1830 §3, 1998; Ord. 1758 §1 (part), 1995)

18.16.080 Basic Development Standards

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

Strikethrough Maxwell-B
See TMC 18.52

MUO BASIC DEVELOPMENT STANDARDS

Lot area per unit, multi-family (except senior citizen housing), minimum	3,000 sq. ft.
Setbacks to yards, minimum:	
• Front	25 feet
• Second front	12.5 feet
• Sides	10 feet
• Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 30 feet
• Rear	10 feet
• Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 30 feet
Height, maximum	4 stories or 45 feet

Landscape requirements (minimum): See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for further requirements	
• Front	15 feet
• Second front	12.5 feet
• Sides	5 feet
• Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR	10 feet
• Rear	5 feet
• Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR	10 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• Residential (except senior citizen housing)	See TMC Chapter 18.56, Off street Parking & Loading Regulations
• Office, minimum	3 per 1,000 sq. ft. usable floor area
• Retail, minimum	2.5 per 1,000 sq. ft. usable floor area
• Other uses, including senior citizen housing	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC Chapter 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

(Ord. 2581 §5, 2018; Ord. 2251 §22, 2009; Ord. 1976 §30, 2001; Ord. 1872 §1, 1999; Ord. 1865 §18, 1999; Ord. 1830 §7, 1998; Ord. 1758 §1 (part), 1995)

**CHAPTER 18.18
OFFICE (O) DISTRICT**

Sections:

- 18.18.010 Purpose
- 18.18.020 Land Uses Allowed
- 18.18.060 On-Site Hazardous Substances
- 18.18.070 Design Review
- 18.18.080 Basic Development Standards

18.18.010 Purpose

This district implements the Office Comprehensive Plan designation. It is intended to provide for areas appropriate for professional and administrative offices, mixed with certain retail uses. Because of the generally light environmental and traffic impacts and daytime use characteristics of offices, it is further intended that such districts may serve as buffers between residential districts and commercial and/or industrial areas.

(Ord. 1758 §1 (part), 1995)

18.18.020 Land Uses Allowed

Refer to TMC

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See TMC 18.52

by District.”
(Ord. 1758 §8, 2016)

18.18.060 On-Site Hazardous Substances

No on-site hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105).

(See TMC Chapter 21.08.)

(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, and for commercial structures 1,500 square feet 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 TMC Chapter 18.60, Board of Architectural Review.)

*(Ord. 2368 §13, 2012; Ord. 2005 §4, 2002;
Ord. 1758 §1 (part), 1995)*

18.18.080 Basic Development Standards

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

OFFICE BASIC DEVELOPMENT STANDARDS

Setbacks to yards, minimum:	
• <i>Front</i>	25 feet
• <i>Second front</i>	12.5 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- 1st floor	10 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- 1st floor	10 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
Height, maximum	3 stories or 35 feet
Landscape requirements (minimum): See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for further requirements	
▲ <i>Front</i>	15 feet
▲ <i>Second front</i>	12.5 feet
▲ <i>Sides</i>	5 feet
▲ <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
▲ <i>Rear</i>	5 feet
▲ <i>Rear, if any portion of the yard is within 50 ft of LDR, MDR, HDR</i>	10 feet
Off-street parking:	
• <i>Residential</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
• <i>Office, minimum</i>	3 per 1,000 sq. ft. usable floor area
• <i>Retail, minimum</i>	2.5 per 1,000 sq. ft. usable floor area
• <i>Other uses</i>	See TMC Chapter 18.56, Off-street Parking/Loading Regulations
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, “Noise”, and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

*(Ord. 2581 §6, 2018; Ord. 1976 §35, 2001;
Ord. 1872 §2, 1999; Ord. 1758 §1 (part), 1995)*

**CHAPTER 18.20
RESIDENTIAL COMMERCIAL CENTER
(RCC) DISTRICT**

Sections:

- 18.20.010 Purpose
- 18.20.020 Land Uses Allowed
- 18.20.060 On-Site Hazardous Substances
- 18.20.070 Design Review
- 18.20.080 Basic Development Standards

18.20.010 Purpose

This district implements the Residential Commercial Center Comprehensive Plan designation which allows a maximum of 14.5 dwelling units per net acre. It is intended to create and maintain pedestrian-friendly commercial areas characterized and scaled to serve a local neighborhood with a diverse mix of residential, retail, service, office, and multi-family uses.

Strikethrough Maxwell-B 1758 §1 (part), 1995
See TMC 18.52
Allowed by District.”
Ord. 2500 §9, 2016

18.20.020

Refer to

18.20.060

es

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105).
(See TMC Chapter 21.08.)

(Ord. 1758 §1 (part), 1995)

18.20.070 Design Review

Design review is required for all new 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 TMC Chapter 18.60, Board of Architectural Review.)

*(Ord. 2368 §15, 2012; Ord. 2005 §5, 2002;
Ord. 1758 §1 (part), 1995)*

18.20.080 Basic Development Standards

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

RCC BASIC DEVELOPMENT STANDARDS

Lot area, minimum	5,000 sq. ft.
Lot area per unit (multi-family), minimum	3,000 sq. ft.
Setbacks to yards (minimum):	
• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides</i>	5 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
• <i>Rear</i>	10 feet
Height, maximum	3 stories or 35 feet
Landscape requirements (minimum): All setback areas shall be landscaped. Required landscaping may include a mix of plant materials, bioretention facilities, pedestrian amenities and features, outdoor cafe-type seating and similar features, subject to approval. See Landscape, Recreation, Recycling/Solid Waste Space chapter for further requirements	
• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Off-street parking:	
• <i>Residential</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
• <i>Office, minimum</i>	3 per 1,000 sq. ft. usable floor area
• <i>Retail, minimum</i>	2.5 per 1,000 sq. ft. usable floor area
• <i>Other uses</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC Chapter 8.22, “Noise”, and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

*(Ord. 2581 §7, 2018; Ord. 2518 §8, 2016; Ord. 1976 §39, 2001;
Ord. 1872 §3, 1999; Ord. 1758 §1 (part), 1995)*

18.22.080 Basic Development Standards

Development within the Neighborhood Commercial Center District shall conform to the following listed and referenced standards: In the event there are circumstances where these standards may be waived (see TMC 18.52), certain setbacks and landscaping may be waived by the BAR when an applicant can demonstrate that the number of driveways is reduced, efficiency of the site is increased, joint use of parking facilities is allowed or pedestrian space is provided. Landscaping and setback standards may not be waived on commercial property sides adjacent to residential districts. See the Tukwila International Boulevard Design Manual for more detailed directions

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See TMC 18.52

NCC BASIC DEVELOPMENT STANDARDS

Lot area per unit for senior citizen housing, minimum	726 sq. ft.(senior housing)
Setbacks to yards, minimum:	
• <i>Front</i>	6 feet (12 feet if located along Tukwila International Blvd. S.)
• <i>Second front</i>	5 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 20 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 20 feet
Height, maximum	3 stories or 35 feet (4 stories or 45 feet in the NCC of the Tukwila International Boulevard, if a mixed use with a residential and commercial component)

Landscape requirements (minimum): See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for further requirements	
• <i>Front(s)</i>	5 feet
• <i>Front(s), if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
• <i>Sides</i>	None
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
• <i>Rear</i>	None
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• <i>Residential (except senior citizen housing)</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area minimum
• <i>Retail</i>	2.5 per 1,000 sq. ft. usable floor area minimum
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area minimum
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area minimum
• <i>Other uses, including senior citizen housing</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC Chapter 8.22 "Noise", and (3) adopted State and Federal standards for water quality and hazardous materials. In addition all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

(Ord. 2581 §8, 2018; Ord. 1976 §42, 2001; Ord. 1872 §4, 1999; Ord. 1865 §25, 1999; Ord. 1830 §13, 1998; Ord. 1758 §1 (part), 1995)

18.24.080 Basic Development Standards

Development within the Regional Commercial district shall conform to the following listed and referenced standards. In the Tukwila International Boulevard corridor, there are circumstances under which these basic standards may be waived (see TMC 18.60.030). Certain setback and landscaping standards may be waived by the Director of Community Development as a Type 2 decision when an applicant can demonstrate that shared parking is provided. If a project requires a Type 4 approval process, certain setbacks and landscaping may be waived by the BAR when an applicant can demonstrate that the number of driveways is reduced, efficiency of the site is increased, joint use of parking facilities is allowed, or pedestrian-oriented space is provided. Landscaping and setback standards may not be waived on commercial property sides adjacent to residential districts. See the Tukwila International Boulevard Design Manual for more detailed directions. See also Chapter 18.50, Supplemental Development Regulations.

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See TMC 18.52

RC BASIC DEVELOPMENT STANDARDS

Lot area per unit (multi-family, except senior citizen housing), minimum	2,000 sq. ft. Where the height limit is 6 stories: 622 sq. ft. Where the height limit is 10 stories: 512 sq. ft.
Setbacks to yards, minimum:	
• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 (for every 1.5 feet of bldg. ht., setback 1 foot from property line) with a minimum of 10 feet and a maximum of 30 feet
When 3 or more stories	30 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 (for every 1.5 feet of bldg. ht., setback 1 foot from property line) with a minimum of 10 feet and a maximum of 30 feet
When 3 or more stories	30 feet
Height, maximum	3 stories or 35 feet
Landscape requirements (minimum):- See Landscape, Recreation, Recycling/Solid Waste- Space requirements chapter for further requirements	
• <i>Front(s)</i>	10 feet
• <i>Sides</i>	5 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
• <i>Rear</i>	None
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-Street Parking:	
• <i>Residential</i>	See TMC Chapter 18.56, Off street Parking & Loading Regulations
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area minimum
• <i>Retail</i>	2.5 per 1,000 sq. ft. usable floor area minimum
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area minimum
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area minimum
• <i>Other uses, including senior citizen housing</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC Chapter 8.22 "Noise" and (3) adopted State and Federal standards for water quality and hazardous materials. In addition all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

(Ord. 1976 §45, 2001; Ord. 1872 §5, 1999; Ord. 1865 §31, 1999; Ord. 1758 §1 (part), 1995)

18.26.080 Basic Development Standards

Development within the Regional Commercial Mixed Use District shall conform to the following listed and referenced standards:

RCM BASIC DEVELOPMENT STANDARDS

Lot area per unit (multi-family, except senior citizen housing), minimum	3,000 sq. ft.
Setbacks to yards, minimum:	
• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- 1st floor	10 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- 1st floor	10 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
Height, maximum	3 stories or 35 feet
Landscape requirements (minimum): See Landscape, Recreation, Recycling/Solid Waste Space requirements Chapter for further requirements	
• Front(s)	10 feet
• Sides	5 feet
• Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR	10 feet
• Rear	None
• Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR	10 feet
Recreation space	200 sq. ft. per dwelling unit, 1,000 sq. ft. min.
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off street parking	
• Residential (except senior citizen housing)	See TMC Chapter 18.56, Off street Parking & Loading Regulations
• Office	3 per 1,000 sq. ft. usable floor area minimum
• Retail	2.5 per 1,000 sq. ft. usable floor area minimum
• Manufacturing	1 per 1,000 sq. ft. usable floor area minimum
• Warehousing	1 per 2,000 sq. ft. usable floor area minimum
• Other uses, including senior citizen housing	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC Chapter 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

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See TMC 18.52

(Ord. 1976 §47, 2001; Ord. 1872 §6, 1999; Ord. 1830 §19, 1998; Ord. 1758 §1 (part), 1995)

**CHAPTER 18.30
COMMERCIAL/LIGHT INDUSTRIAL
(C/LI) DISTRICT**

Sections:

- 18.30.010 Purpose
- 18.30.020 Land Uses Allowed
- 18.30.060 On-Site Hazardous Substances
- 18.30.070 Design Review
- 18.30.080 Basic Development Standards

18.30.010 Purpose

This district implements the Commercial/Light Industrial Comprehensive Plan designation. It is intended to provide for areas characterized by a mix of commercial, office, or light industrial uses. The standards are intended to promote viable and attractive commercial and industrial areas.

(Ord. 1758 §1 (part), 1995)

18.30.020 Land Uses Allowed

Refer to TMC Chapter 18.09, "Land Uses Allowed by District."

(Ord. 2500 §15, 2016)

18.30.060 On-Site Hazardous Waste

No on-site hazardous waste handling, or hazardous waste shall be permitted, unless clearly permitted by the TMC. On-site hazardous waste activities shall be subject to the State Environmental Policy Act. See TMC Chapter 21.08.)

~~Strikethrough Maxwell-B~~

See TMC 18.52

(Ord. 1758 §1 (part), 1995)

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 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.

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

(Ord. 2368 §31, 2012; Ord. 2005 §10, 2002; Ord. 1758 §1 (part), 1995)

18.30.080 Basic Development Standards

Development within the Commercial Light Industrial District shall conform to the following listed and referenced standards:

C/LI BASIC DEVELOPMENT STANDARDS

Setbacks to yards, minimum:	
• Front	25 feet
• Second front	12.5 feet
• Second front, if any portion of the yard is within 50 feet of LDR, MDR, HDR	15 feet
• Sides	5 feet
• Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR	
- 1st floor	15 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
• Rear	5 feet
• Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR	
- 1st floor	15 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
Height, maximum	4 stories or 45 feet
Landscape requirements (minimum):-	See Landscape, Recreation, Recycling/ Solid Waste Space requirements chapter for further requirements-
• Fronts	12.5 feet
• Fronts, if any portion of the yard is within 50 feet of LDR, MDR, HDR	15 feet
• Sides	5 feet
• Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR	15 feet
• Rear	None
• Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR	15 feet
Off street parking	
• Warehousing	1 per 2,000 sq. ft. usable floor area min.
• Office	3 per 1000 sq. ft. usable floor area min.
• Retail	2.5 per 1000 sq. ft. usable floor area min.
• Manufacturing	1 per 1,000 sq. ft. usable floor area min.
• Other Uses	See TMC Chapter 18.56, Off-street Parking/Loading Regulations
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC Chapter 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

(Ord. 1872 §8, 1999; Ord. 1758 §1 (part), 1995)

**CHAPTER 18.32
LIGHT INDUSTRIAL
(LI) DISTRICT**

Sections:

- 18.32.010 Purpose
- 18.32.020 Land Uses Allowed
- 18.32.060 On-Site Hazardous Substances
- 18.32.070 Design Review
- 18.32.080 Basic Development Standards

18.32.010 Purpose

This district implements the Light Industrial Use Comprehensive Plan designation. It is intended to provide areas characterized by distributive and light manufacturing uses, with supportive commercial and office uses.

(Ord. 1758 §1 (part), 1995)

18.32.020 Land Uses Allowed

Refer to TMC Chapter 18.09, "Land Uses Allowed by District."

(Ord. 2500 §16, 2016)

18.32.060 On-Site Hazardous Substances

No on-site hazardous waste handling, or hazardous waste shall be permitted, unless clearly permitted. On-site hazardous waste handling shall be permitted. On-site hazardous waste handling shall be subject to the State Environmental Policy Act (See TMC Chapter 21.08.)

~~Strikethrough Maxwell-B~~
See TMC 18.52

(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.

(Ord. 2368 §34, 2012; Ord. 2005 §11, 2002;

Ord. 1758 §1 (part), 1995)

18.32.080 Basic Development Standards

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

LI BASIC DEVELOPMENT STANDARDS

Setbacks to yards, minimum:	
• <i>Front</i>	25 feet
• <i>Second front</i>	12.5 feet
• <i>Sides</i>	5 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- 1st floor	10 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
• <i>Rear</i>	5 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- 1st floor	10 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
Height, maximum	4 stories or 45 feet
Landscape requirements (minimum): See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for further requirements-	
• <i>Fronts</i>	12.5 feet
• <i>Sides</i>	None
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
• <i>Rear</i>	None
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
Off street parking	
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area min.
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area min.
• <i>Retail</i>	2.5 per 1,000 sq. ft. usable floor area min.
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area min.
• <i>Other Uses</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC Chapter 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

(Ord. 1872 §9, 1999; Ord. 1758 §1 (part), 1995)

CHAPTER 18.36

MANUFACTURING INDUSTRIAL CENTER/ - LIGHT (MIC/L) DISTRICT

Sections:

- 18.36.010 Purpose
- 18.36.020 Land Uses Allowed
- 18.36.060 On-Site Hazardous Substances
- 18.36.070 Design Review
- 18.36.080 Basic Development Standards

18.36.010 Purpose

This district implements the Manufacturing Industrial Center/Light Industrial Comprehensive Plan designation. It is intended to provide a major employment area containing distributive light manufacturing and industrial uses and other uses that support those industries. This district's uses and standards are intended to enhance the redevelopment of the Duwamish Corridor.

(Ord. 1758 §1 (part), 1995)

18.36.020 Land Uses Allowed

Refer to TMC Chapter 18.09. "Land Uses Allowed by District."

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18.36.060 On-Site Hazardous Waste

No on-site handling, or hazardous waste storage shall be permitted, unless a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105). (See TMC Chapter 21.08.)

(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.

(Ord. 2368 §38, 2012; Ord. 2335 §5, 2011; Ord. 2005 §13, 2002; Ord. 1758 §1 (part), 1995)

18.36.080 Basic Development Standards

Development within the Manufacturing Industrial Center/Light Industrial District shall conform to the following listed and referenced standards:

MIC/L BASIC DEVELOPMENT STANDARDS

Setbacks to yards, minimum:	
• Front	20 feet
• Second front	10 feet
• Second front, if any portion of the yard is within 50 feet of LDR, MDR, HDR	15 feet
• Sides	None
• Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR	
- 1st floor	15 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
• Rear	None
• Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR	
- 1st floor	15 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
Height, maximum	4 stories or 45 feet
Landscape requirements (minimum): See Landscape, Recreation, Recycling/ Solid Waste Space requirements chapter for further requirements	
• Fronts	5 feet
• Fronts, if any portion of the yard is within 50 feet of LDR, MDR, HDR	15 feet
• Sides	None
• Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR	15 feet
• Rear	None
• Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR	15 feet
Off Street Parking	
• Warehousing	1 per 2,000 sq. ft. usable floor area min.
• Office	3 per 1,000 sq. ft. usable floor area min.
• Manufacturing	1 per 1,000 sq. ft. usable floor area min.
• Other Uses	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC Chapter 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

(Ord. 1872 §11, 1999; Ord. 1758 §1(part), 1995)

CHAPTER 18.38

MANUFACTURING INDUSTRIAL CENTER/ - HEAVY (MIC/H) DISTRICT

Sections:

- 18.38.010 Purpose
- 18.38.020 Land Uses Allowed
- 18.38.060 On-Site Hazardous Substances
- 18.38.070 Design Review
- 18.38.080 Basic Development Standards

18.38.010 Purpose

This district implements the Manufacturing Industrial Center/Heavy Industrial Comprehensive Plan designation. It is intended to provide a major employment area containing heavy or bulk manufacturing and industrial uses, distributive and light manufacturing and industrial uses, and other uses that support those industries. This district's uses and standards are intended to enhance the redevelopment of the Duwamish Corridor.

(Ord. 1758 §1 (part), 1995)

18.38.020 Land Uses Allowed

Refer to TMC Chapter 18.09 "Land Uses Allowed by District."

~~Strikethrough Maxwell-B 0 §19, 2016~~

18.38.060 On-Site Hazardous Substances

No on-site hazardous waste treatment, storage, or handling, or hazardous waste treatment, storage, or handling shall be permitted, unless clearly shown on a site plan as a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105). (See TMC Chapter 21.08.)

See TMC 18.52

(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.

(Ord. 2368 §40, 2012; Ord. 2335 §9, 2011; Ord. 2005 §14, 2002; Ord. 1758 §1 (part), 1995)

18.38.080 Basic Development Standards

Development within the Manufacturing Industrial Center/Heavy Industrial District shall conform to the following listed and referenced standards:

MIC/H BASIC DEVELOPMENT STANDARDS

Setbacks to yards, minimum:	
• Front	20 feet
• Second front	10 feet
• Second front, if any portion of the yard is within 50 feet of LDR, MDR, HDR	15 feet
• Sides	None
• Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR	
- 1st floor	15 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
• Rear	None
• Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR	
- 1st floor	15 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
Height, maximum	125 feet
Landscape requirements (minimum): See Landscape, Recreation, Recycling/ Solid Waste Space requirements chapter for further requirements	
• Fronts	5 feet
• Fronts, if any portion of the yard is within 50 feet of LDR, MDR, HDR	15 feet
• Sides	None
• Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR	15 feet
• Rear	None
• Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR	15 feet
Off Street Parking	
• Warehousing	1 per 2,000 sq. ft. usable floor area min.
• Offices	2.5 per 1,000 sq. ft. usable floor area min.
• Manufacturing	1 per 1,000 sq. ft. usable floor area min.
• Other Uses	See TMC Chapter 18.56, Off-street Parking & Loading Regulations

(Ord. 1872 §12, 1999; Ord. 1758 §1 (part), 1995)

70.105D RCW, or to the Department of Ecology when it conducts a remedial action under Chapter 70.105D RCW.

2. Boatyard improvements to meet NPDES permit requirements.

site improvement
boatyard facility
discharge elimi

~~Strikethrough Maxwell-B~~

Type 3

person installing
in an existing
ational pollutant
l permit.

3. W and safety improvements

Department of

Washington State
ities meeting the

conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

D. Substantial Development Permit Requirements.

1. **Permit Application Procedures.** Applicants for a Shoreline Substantial Development Permit shall comply with permit application procedures in TMC Chapter 18.104.

2. Exemptions.

a. To qualify for an exemption, the proposed use, activity or development must meet the requirements for an exemption as described in WAC 173-27-040, except for properties that meet the requirements of the Shoreline Restoration Section, TMC Section 18.44.100. The purpose of a shoreline exemption is to provide a process for uses and activities which do not trigger the need for a Substantial Development Permit, but require compliance with all provisions of the City's SMP and overlay district.

b. The Director may impose conditions to the approval of exempted developments and/or uses as necessary to assure compliance of the project with the SMA and the Tukwila SMP, per WAC 173-27-040(e). For example, in the case of development subject to a building permit but exempt from the shoreline permit process, the Building Official or other permit authorizing official, through consultation with the Director, may attach shoreline management terms and conditions to building permits and other permit approvals pursuant to RCW 90.58.140.

3. A substantial development permit shall be granted only when the development proposed is consistent with:

- a. The policies and procedures of the Shoreline Management Act;
- b. The provisions of Chapter 173-27 WAC; and
- c. This Shoreline Master Program.

E. Shoreline Conditional Use Permit.

1. **Purpose.** As stated in WAC 173-27-160, the purpose of a Conditional Use Permit (CUP) is to allow greater flexibility in the application of use regulations of this chapter in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City or the Department of Ecology to prevent undesirable effects of the proposed use and/or assure consistency

of the project with the SMA and the City's SMP. Uses which are specifically prohibited by the Shoreline Master Program shall not be authorized with approval of a CUP.

2. **Application.** Shoreline Conditional Use Permits are a ~~Type 4~~ Permit processed under TMC Chapter 18.104.

3. **Application requirements.** Applicants must meet all requirements for permit application and approvals indicated in TMC Chapter 18.104 and this chapter.

4. Approval Criteria.

a. Uses classified as shoreline conditional uses may be authorized, provided that the applicant can demonstrate all of the following:

(1) The proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Tukwila Shoreline Master Program;

(2) The proposed use will not interfere with the normal public use of public shorelines;

(3) The proposed use of the site and design of the project will be compatible with other permitted uses within the area and with uses planned for the area under the Comprehensive Plan and this chapter;

(4) The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

(5) The public interest suffers no substantial detrimental effect.

b. In the granting of all Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Conditional Use Permits were granted to other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of Chapter 90.58 RCW and all local ordinances and shall not produce substantial adverse effects to the shoreline environment.

F. Shoreline Variance Permits.

1. **Purpose.** The purpose of a Shoreline Variance Permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this chapter where there are extraordinary or unique circumstances relating to the physical character or configuration of property such that the strict implementation of this chapter will impose unnecessary hardships on the applicant or thwart the Shoreline Management Act policies as stated in RCW 90.58.020. Reasonable use requests that are located in the shoreline must be processed as a variance, until such time as the Shoreline Management Act is amended to establish a process for reasonable uses. Variances from the use regulations of this chapter are prohibited.

2. **Application requirements.** Applicants must meet all requirements for a Type 3 permit application and approvals indicated in TMC Chapter 18.104.

3. Shoreline Variance Permits should be granted in circumstances where denial of a permit would result in inconsistencies with the policies of the Shoreline Management Act (RCW 90.58.020). In all instances, the applicant must demonstrate

5. Have the front door facing the front or second front yard, if the lot is at least 40 feet wide. This requirement does not apply to ADUs or accessory structures.

6. Have a roofing material that is residential in appearance including, but not limited to, wood shakes or shingles, standing seam metal, asphalt composition shingles or tile, with a minimum roof pitch of 5:12.

(Ord. 2581 §9, 2018; Ord. 2500 §23, 2016; Ord. 2098 §2, 2005)

18.50.055 Single-Family Design Standard Exceptions

A. The design standards required in TMC Section 18.50.050 (4), (5) and (6) may be modified by the Community Development Director as a Type 2 Special Permission decision.

1. The criteria for approval of use of unconventional exterior siding are as follows:

a. The structure exhibits a high degree of design quality, including a mix of exterior materials, detailing, articulation and modulation; and

b. The proposed siding material is durable with an expected life span similar to the structure; and

c. The siding material enhances a unique architectural design.

~~2. The criteria for approval of a roof pitch flatter than 5:12 are as follows:~~

~~a. The proposed roof pitch is consistent with the style of the house (for example modern, southwestern);~~

~~b. If a flat roof is proposed, the top of the parapet may not exceed 25 feet in height;~~

~~c. If a sloped roof is proposed, it must have at least 24-inch eaves; and~~

~~d. The house exhibits a high degree of design quality, including a mix of exterior materials, detailing, articulation and modulation.~~

3. The criteria for approval of a house with a front door that faces the side or rear yard are as follows:

a. The topography of the lot is such that pedestrian access is safer or more convenient from the side or rear yard;

b. The house will be set back at least twice the minimum front yard setback;

c. The entrance is oriented to take advantage of a site condition such as a significant view; or

d. The entry feature is integral to a unique architectural design.

~~B. The design standards required in TMC Section 18.50.050 (5) and (6) may also be modified by the Community Development Director as a Type 2 Special Permission decision if the proposal includes a replacement of a single wide manufactured home with a double wide and newer manufactured home. The property owner can apply for this waiver only one time per property starting from the date of adoption of this ordinance. Additionally, the proposal should result in aesthetic improvement to the neighborhood.~~

C. The design standards required in TMC Section 18.50.220.A (4) may be modified by the Community Development Director as a Type 2 Special Permission decision. The design of an attached ADU that does not reflect the design vocabulary of the existing primary residence may be approved if the new portion of the structure exhibits a high degree of design quality, including a mix of durable exterior materials, detailing, articulation and modulation.

(Ord. 2581 §10, 2018; Ord. 2368 §52, 2012; Ord. 2098 §3, 2005)

18.50.060 Cargo Containers as Accessory Structures

A. Cargo containers are allowed outright in the LI, HI, MIC/L, MIC/H and TVS zones, subject to building setbacks.

B. New containers may be allowed as accessory structures in LDR, MDR, and HDR for institutional uses, and in RC, RCM, TUC, TSO and CUL for institutional use. All new containers are **as part of a Type 1 Development Permit.** on decision and the restrictions

C. Criteria

1. Only two cargo containers will be allowed per lot, maximum length of 40 feet.

2. The container is located to minimize the visual impact to adjacent properties, parks, trails and rights-of-way as determined by the Director.

3. 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.

4. If located adjacent to a building, the cargo container must be painted to match the building's color.

5. Cargo containers may not occupy any required off-street parking spaces.

6. Cargo containers shall meet all setback requirements for the zone.

7. Outdoor cargo containers may not be refrigerated.

8. Outdoor cargo containers may not be stacked.

D. Licensed and bonded contractors may use cargo containers in any zone for temporary storage of equipment and/or materials at a construction site during construction that is authorized by a City building permit.

(Ord. 2235 §12, 2009; Ord. 2066 §1, 2004; Ord. 1989 §9, 2002)

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

D. The 50% maximum development area coverage for townhouse development may be increased up to a maximum of 75% development area coverage, if the applicant uses low-impact development techniques that are technically feasible and in accordance with the Surface Water Design Manual (TMC Chapter 14.30).

(Ord. 2518 §10, 2016; Ord. 2199 §17, 2008; Ord. 1830 §28, 1998; Ord. 1758 §1 (part), 1995)

18.50.090 Height Limitation for Amusement Devices

Amusement devices shall be allowed up to 115 feet in height in any commercial or industrial zones. Any devices that exceed the height limit of the zone in which they are located shall be subject to a conditional use permit.

(Ord. 1815 §2, 1997)

18.50.110 Archaeological/Paleontological Information Preservation Requirements

The following provisions shall apply in all zones:

1. If there is reason to believe that archaeological resources will be disturbed, a cultural resources assessment shall be conducted and, if warranted, an archaeological response plan and provisions for excavation monitoring by a professional archaeologist shall be made prior to beginning construction. The assessment should address the existence and significance of archaeological remains, buildings and structures on the State or Federal historic registers, observable paleontological deposits and may include review by the State Archaeologist.

Highlight	Maxwell-B
<p>"setbacks.. with a Type 2 Special Permission Decision by the Community Development Director"</p>	

5. The Director is authorized to:

- a. conduct studies to generally identify areas of archaeological/ paleontological potential;
- b. make determinations to implement these provisions; and

c. waive any and all of the above requirements, except for TMC 18.50.110-4 (reporting of discovered Indian burials), if the proposed action will have no probable significant impact on archaeological or historical resources that are eligible for listing in the National Register of Historic Places, or on observable paleontological resources. Examples of such actions include excavation of fill materials, disturbance of less than 10,000 square feet of native soils to a depth of 12 inches, penetration of native soils with pilings over a maximum 8% of the building footprint, and paving over native soils in a manner that does not damage cultural resources. The above examples are illustrative and not determinative. A case-by-case evaluation of archaeological/paleontological potential value and proposed disturbance must be made.

(Ord. 2076 §1, 2004)

18.50.130 Structures Over Public R-O-W

A developer who controls parcels on both sides of a public right-of-way may request approval to bridge the street with a structure as a Type 2 special permission decision. Only the width of the building that extends across the street is exempt from setbacks; the remainder of the building must meet them. The developer must also obtain air rights and comply with all other relevant codes, including the Washington State Building Code.

(Ord. 1971 §18, 2001)

18.50.140 Charging Station Locations

Level 1 and Level 2 charging stations are allowed as an accessory use in the predominantly residential zones LDR, MDR and HDR. Level 1 and Level 2 charging stations are allowed as a permitted use in all other zones. Level 3 charging stations, battery exchange stations, and rapid charging stations are allowed as a permitted use in all zones that allow other automotive services such as gas stations, and are allowed as an accessory use in all other zones.

(Ord. 2324 §12, 2011)

18.50.150 Retaining Wall Setback Waiver

Retaining walls with an exposed height greater than four feet may be allowed in required front, side or rear yard setbacks under the following circumstances:

- 1. When the applicant's property is on the lower side of the retaining wall and it is not visible from adjacent properties or is screened by landscaping; or
- 2. When a wall built on a property line or perpendicular to it benefits the lots on both sides, and the owners of both properties agree to jointly maintain the wall; or
- 3. When a wall in a front yard is required due to roadway expansion or improvements.

(Ord. 2176 §2, 2007)

3. **Maintenance and Pruning.**

a. Street trees are subject to the planting, maintenance, and removal standards and Best Management Practices (BMPs) as adopted by the International Society of Arboriculture, as it now reads and as hereafter amended. Street trees planted prior to the adoption of the most current tree planting standards shall be exempt from these planting standards but are still subject to current removal and maintenance standards.

b. The following standards apply to street tree maintenance:

(1) Street trees shall be maintained consistent with International Society of Arboriculture BMPs.

(2) Street trees shall be maintained in a manner that does not impede public street or sidewalk traffic, consistent with the specifications in the Public Works Infrastructure Design Manual, including:

(a) 8 feet of clearance above public sidewalks.

(b) 13 feet of clearance above public local and neighborhood streets.

(c) 15 feet of clearance above public collector streets.

(d) 18 feet of clearance above public arterial streets.

(3) Street trees shall be maintained so as not to become a defective tree as per the definition in TMC Chapter 18.06.

4. Trees planted in a median shall be appropriate for the planting environment and meet the following requirements:

a. Trees shall be consistent with previously approved median tree plans, given space constraints for roots and branches at maturity.

b. Median plantings shall provide adequate species diversity Citywide and reasonable resistance to pests and diseases.

c. Columnar trees may be considered for median plantings to avoid conflicts with vehicles and utilities.

d. Structural soils shall be used to avoid the need for root barriers and to ensure the success of the median plantings.

e. Any median tree that is removed must be replaced within the same median unless spacing constraints exist. Replacement trees shall be of the same stature or greater at maturity as the removed tree, consistent with other space considerations.

(Ord. 2625 §47, 2020; Ord. 2523 §7, 2017; Ord. 2518 §11, 2016; Ord. 2251 §62, 2009; Ord. 1872 §14 (part), 1999)

18.52.040 Perimeter and Parking Lot Landscaping Requirements by Zone District

In the various zone districts of the City, landscaping in the front, rear and side yards and parking lots shall be provided as established by the various zone district chapters of this title. These requirements are summarized in the following table (Table A), except for Tukwila Urban Center (TUC) requirements, which are listed in TMC Chapter 18.28.

TABLE A

ZONING DISTRICTS	FRONT YARD (SECOND FRONT) (linear feet)	LANDSCAPE TYPE FOR FRONTS	LANDSCAPE FOR SIDE YARD (linear feet)	LANDSCAPE FOR REAR YARD (linear feet)	LANDSCAPE TYPE FOR SIDE/REAR	LANDSCAPING FOR PARKING LOTS (square feet)
LDR (for uses other than residential)	15 ²	Type I	10	10	Type I	20 per stall for non-residential uses; 15 per stall if parking is placed behind building
MDR	15 ^{1, 2, 11}	Type I	10	10	Type I	Same as LDR
HDR	15 ^{1, 2, 11}	Type I	10	10	Type I	Same as LDR
MUO	15 (12.5) ^{2, 11}	Type I ⁷	6 ⁴	6 ^{4, 11}	Type I ⁷	20 per stall adjacent to street; 15 per stall if parking is placed behind building
O	15 (12.5) ²	Type I ⁷	6 ⁴	5', 10' if near LDR, MDR, HDR		Same as MUO
RCC	20 (10) ^{2, 3}	Type I ⁷	6 ⁴			Same as MUO
NCC	40 ^{4, 11}	Type I ^{7, 13}	0 ⁴	0 ^{4, 11}	Type II	Same as MUO
RC	10	Type I ¹³	6 ⁴	0 ⁴	Type II ⁸	Same as MUO
RCM	10	Type I	6 ⁴	0 ⁴	Type II ⁸	Same as MUO
C/LI	15	Type I ⁶	6 ^{5, 12}	0 ^{5, 12}	Type II ⁸	15 per stall; 10 per stall for parking placed behind building

Second Front: 12.5', 15' if near LDR, MDR, HDR

ZONING DISTRICTS	FRONT YARD (SECOND FRONT) (linear feet)	LANDSCAPE TYPE FOR FRONTS	LANDSCAPE FOR SIDE YARD (linear feet)	LANDSCAPE FOR REAR YARD (linear feet)	LANDSCAPE TYPE FOR SIDE/REAR	LANDSCAPING FOR PARKING LOTS (square feet)
LI	15 ²	Type II	0 ^{4,12}	0 ^{4,12}	Type III	15 per stall; 10 per stall for parking placed behind building
HI	15 ²	Type II	0 ^{4,12}	0 ^{4,12}	Type III	15 per stall
MIC/L	10 ⁵	Type II	0 ^{5,12}	0 ^{5,12}	Type III	10 per stall
MIC/H	10 ⁵	Type II	0 ^{5,12}	0 ^{5,12}	Type III	10 per stall
TUC – See TMC Chapter 18.28						
TVS – See TMC Chapter 18.40						
TSO – See TMC Chapter 18.41						
Notes:						
<ol style="list-style-type: none"> Minimum required front yard landscaped areas in the MDR and HDR zones may have up to 20% of their required landscape area developed for pedestrian and transit facilities subject to the approval criteria in TMC Section 18.52.120.C. In order to provide flexibility of the site design while still providing the full amount of landscaping required by code, the front yard landscape width may be divided into a perimeter strip and one or more other landscape areas between the building and the front property line if the perimeter strip is a minimum of 10 feet and the landscape materials are sufficient to provide landscaping along the perimeter and screening of the building mass. Required landscaping may include a mix of plant materials, pedestrian amenities and features, outdoor café-type seating and similar features, subject to the approval criteria in TMC Section 18.52.120.C. Bioretention may also be used as required landscaping subject to the approval criteria in TMC Section 18.52.120.E. Required plant materials will be reduced in proportion to the amount of perimeter area devoted to pedestrian-oriented space. Increased to 10 feet if any portion of the yard is within 50 feet of LDR, MDR or HDR. Increased to 15 feet if any portion of the yard is within 50 feet of LDR, MDR or HDR. Increased to Type II if the front yard contains truck loading bays, service areas or outdoor storage. Increased to Type II if any portion of the yard is within 50 feet of LDR, MDR or HDR. Increased to Type III if any portion of the yard is within 50 feet of LDR, MDR or HDR. Only required along public streets. Increased to 10 feet for residential uses; or if adjacent to residential uses or non-TSO zoning. In the MDR and HDR districts and other districts where multifamily development is permitted, a community garden may be substituted for some or all of the landscaping. In order to qualify, a partnership with a nonprofit (501(c)(3)) with community garden expertise is required to provide training, tools and assistance to apartment residents. Partnership with the nonprofit with gardening expertise is required throughout the life of the garden. If the community garden is abandoned, the required landscaping must be installed. If the garden is located in the front landscaping, a minimum of 5 feet of landscaping must be placed between the garden and the street. To accommodate the types of uses found in the C/LI, LI, HI and MIC districts, landscaping may be clustered to permit truck movements or to accommodate other uses commonly found in these districts if the criteria in TMC Section 18.52.120.D are met. For NCC and RC zoned parcels in the Tukwila International Boulevard District, the front landscaping may be reduced or eliminated if buildings are brought out to the street edge to form a continuous building wall, and if a primary entrance from the front sidewalk as well as from off-street parking areas is provided. 						

Second Front: 12.5'

(Ord. 2661 §5, 2021; Ord. 2627 §30, 2020; Ord. 2625 §48, 2020;
Ord. 2580 §6, 2018; Ord. 2523 §8, 2017; Ord. 2442 §1, 2014;
Ord. 2251 §61, 2009; Ord. 2235 §13, 2009;
Ord. 1872 §14 (part), 1999)

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

a. The new construction does not further intrude into or adversely impact an undeveloped critical area or the required buffer, except where an interrupted buffer waiver has been granted by the Director. However, legally constructed buildings, other than accessory structures, may:

- (1) Expand vertically to add upper stories in exchange for buffer enhancement, provided no significant tree is removed.
- (2) Expand laterally along the building side that is opposite of critical area up to a maximum of 1,000 square feet, provided that expansion is outside 75 percent of the required buffer; buffer enhancement is proposed; and no significant tree is removed.
- (3) Expand laterally along the existing building lines in exchange for buffer enhancement, provided the expansion into the buffer is less than 50 percent of the current encroachment or 500 square feet, whichever is less; expansion is outside 75 percent of the required buffer; and no significant tree is removed.
- (4) Enclose within existing footprint in exchange for buffer enhancement, provided no significant tree is removed.

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

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 Critical 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 18.45.120.B and 18.45.120.C;
- 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.

(Ord. 2625 §66, 2020; Ord. 2518 §15, 2016; 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

Note Maxwell-B

Add a requirement for bonding when the primary structure is proposed to be demolished, while accessory structures are proposed to remain that would otherwise be nonconforming. The bond shall cover the 150% of the demolition cost should an approved primary use not be applied for within 1 year.

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 Critical Areas Overlay District chapter of this title may be remodeled, reconstructed or replaced, provided that:

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 <i>(TMC Chapter 18.60)</i>	Board of Architectural Review	Hearing Examiner
Subdivision – Preliminary Plat with an associated Design Review application <i>(TMC Section 17.14.020)</i>	Planning Commission	Hearing Examiner
Subdivision Phasing Plan (for a subdivision with an associated Design Review) <i>(TMC Section 17.14.040)</i>	Planning Commission	Hearing Examiner
Shoreline Conditional Use Permit <i>(TMC Section 18.44.050)</i>	Planning Commission	State Shorelines Hearings Board

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 <i>(TMC Chapter 18.46)</i>	City Council	Superior Court
Site specific rezone along with an accompanying Comprehensive Plan map change <i>(TMC Chapter 18.84)</i>	City Council	Superior Court
Critical Area Master Plan Overlay <i>(TMC Section 18.45.160)</i>	City Council	Superior Court
Shoreline Environment Re-designation (Shoreline Master Program)	City Council	Superior Court
Unclassified Use <i>(TMC Chapter 18.66)</i>	City Council	Superior Court

(Ord. 2649 §11, 2021; Ord. 2627 §32, 2020; Ord. 2442 §6, 2014; Ord. 2368 §70, 2012; Ord. 2251 §75, 2009; Ord. 2235 §19, 2009; Ord. 2135 §19, 2006; Ord. 2119 §1, 2006)

18.104.020 Consolidation of SEPA Procedures and Appeals

Except as provided in TMC 21.04.280, no administrative appeals of procedural and substantive SEPA decisions shall be permitted. In any case in which an administrative appeal of a procedural or substantive SEPA decision is made, the hearing on such appeal shall be consolidated with the hearing on the merits of the underlying permit(s).

(Ord. 1768 §2 (part), 1996)

18.104.030 Consolidation of Permit Applications

A. Applicants shall have the right to request that all permit applications related to a single project be processed as a consolidated permit application.

B. All permits included in consolidated permit applications that would require more than one Type of land use decision process, shall be processed together, including any administrative appeals, using the highest numbered land use decision Type applicable to the project application; *except* that decisions on Type 1 applications shall still be made by the responsible administrative agency or officer and shall not be subject to administrative review or appeal.

(Ord. 1768 §2 (part), 1996)

19.08.145 “Height,

Height, Freestanding Sign means any sign that is placed vertically from the low side of the sign to the top of the sign, five feet from said sign.

19.08.150 “Industrial Zone

Industrial Zone means a zone designated MIC/L or MIC/H.

Note Maxwell-B

Add "Mural" definition, clarify that areas that don't explicitly contain text or company logos aren't considered as part of the maximum sign area.

(Ord. 2303 §2 (part), 2010)

19.08.155 “Institutional Use”

Institutional Use means any non-residential use located within a residential zone that provides services to the surrounding neighborhood or residential community. Common institutional uses include, but are not limited to, fire stations, public or private schools, religious institutions, public parks, libraries and other similar type uses.

(Ord. 2303 §2 (part), 2010)

19.08.160 “Landmark Business”

Landmark Business is an entity that occupies at least 60,000 square feet of building space on a premise that contains at least five separate businesses or uses.

(Ord. 2303 §2 (part), 2010)

19.08.162 “LEED”

LEED means the Leadership in Energy and Environmental Design or successor program, as administered by the United States Green Building Council or successor agency.

(Ord. 2375 §4, 2012)

19.08.165 “Master Sign Program”

Master Sign Program means a coordinated signage scheme for all signs on a premise that may include deviations from the standard sign requirements.

(Ord. 2303 §2 (part), 2010)

19.08.170 “Monument Sign”

Monument Sign means a sign supported by at least two posts or columns or with a base that extends at least 75 percent of the sign panel length. Monument signs may also consist of painted text or channel letters mounted on a freestanding seating wall or retaining wall where the total height of the structure meets the limitations of this code.



(Ord. 2303 §2 (part), 2010)

19.08.180 “Multi-Family Complex”

Multi-Family Complex means any structure or group of structures within a residential zone that contains at least five dwelling units.

(Ord. 2303 §2 (part), 2010)

19.08.185 “Off-Premise Signage”

Off-Premise Signage means a permanent sign not located on the premises of the use or activity to which the sign pertains.

(Ord. 2303 §2 (part), 2010)

19.08.190 “Parking Structure Incentive Sign”

Parking Structure Incentive Sign means a flush-mounted building sign permitted on parking structures and intended for periodic changes in copy.

(Ord. 2303 §2 (part), 2010)

19.08.195 “Permanent Sign”

Permanent Sign means any sign erected without a restriction on the time period allowed for its display as specified in this code.

(Ord. 2303 §2 (part), 2010)

19.08.200 “Pole Banner”

Pole Banner means a fabric banner sign attached to a street or parking lot light pole.



(Ord. 2303 §2 (part), 2010)

19.08.210 “Portable Sign”

Portable Sign means a sign not permanently affixed to a structure and is designed for or capable of being relocated, except those signs explicitly designed for people to carry on their persons or those permanently affixed to motor vehicles operating in their normal course of business.

(Ord. 2303 §2 (part), 2010)

19.20.040 Permanent Free-Standing Signage in Commercial/Industrial Zones

Monument signs are permitted within all commercial and industrial zones, subject to the following standards:

1. Design Standards. Each premise is permitted to have one free-standing monument-style sign. Additional monument signs are permitted if the premise contains over 800 feet of linear frontage on City or quasi-public streets, per Table 1 below.

Table 1 – Design Standards for Permanent Monument Signs in Commercial and Industrial Zones

Total ROW of Premise	Allowable Sign Message Area	Total Allowable Sign Size	Maximum Height	Number of Signs
Less than 400 feet	36 square feet per side/72 square feet total	54 square feet per side/108 square feet total	6 feet	One
400-599 feet	50 square feet per side/100 square feet total	70 square feet per side/140 square feet total	7 feet	One
600-799 feet	60 square feet per side/120 square feet total	80 square feet per side/160 square feet total	7 feet	One
800-999 feet	66 square feet per side/132 square feet total	88 square feet per side/176 square feet total	8 feet	Two
1,000 feet and over	72 square feet per side/144 square feet total	96 square feet per side/192 square feet total	8 feet	One for every 400 feet of linear street frontage.

a. Allowable sign message area is either the face panel of the sign or, for channel letters or signs painted on seating or retaining walls, that portion of the sign devoted to the actual message, logo or business name.

b. Total size is the entire area of the sign, including the support structure.

c. Monument signs located on a premise with at least one building that is certified as LEED by the GBCI shall be permitted to have a sign message area increase and total size area increase of one percent.

2. *Special Corner Properties or Properties with Multiple Street Frontages.* A property that borders on more than one public street, but has less than 800 total feet of linear frontage, is permitted to have one monument sign per street frontage if the following criteria are met:

a. The property has at least 200 feet of frontage on each public street where a sign will be placed;

b. Each public street provides direct access to the property; and

c. For each separate street frontage Table 1 shall be used to determine the design standards for any proposed monument sign.

Highlight Maxwell-B Monument and freestanding signs are permitted within all commercial and industrial zones, subject to the following standards:

all be placed at a no sign taller than distance triangle of an sign will not pose permitted width of a emergency response, address number or address number range of the premise listed on the structure. The address shall not be counted toward the allowable sign message area limit. Address numbers must be plainly legible and visible from the street fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches high with a minimum stroke width of 1.5 inches.

6. A monument sign permitted under this section is permitted to complete refaces and copy changes without having to obtain a new permit, provided ALL of the following criteria are met:

a. The monument sign was authorized by the City under a permit issued on or after August 24, 2010.

b. The property owner, or authorized agent of the property owner, was the applicant to secure the permit as required by TMC Section 19.20.040 (6)(a).

c. The reface or copy change does not include any structural changes to the sign that result in a change of sign or message area, modification in sign height, inclusion of a dynamic sign component, or change in the monument sign's location.

~~d. Within 30 days of completion of the copy change or reface, the property owner or authorized agent shall transmit to the City a Notice of Copy Change Form with a photo of the revised sign face.~~

(Ord. 2375 §7, 2012; Ord. 2303 §5 (part), 2010)

19.20.050 Permanent Building-Mounted Signs in Commercial/Industrial Zones

A. Flush-Mounted Building Signs (Wall Signs).

1. Each separate tenant suite with an exterior public entrance is permitted to have one flush-mounted building sign per exterior public entrance. Additionally, each multi-tenant premise with one or more buildings totaling 25,000 square feet or more, but that does not qualify for the Master Sign Program and has gone through design review, is allowed one additional flush-mounted building sign of up to 50 square feet for the complex in addition to individual tenant signs. In the MIC/H zone no more than one flush-mounted wall sign shall be permitted per cardinal direction; regardless of the location of public entrances.

2. Buildings where multiple tenants share a common entrance may have one flush-mounted building sign per exterior public entrance.

3. Wall signs may only be placed within the section of exposed building face that qualifies for the placement of the building-mounted sign.

g. One roof sign may be allowed per structure. One additional roof-top sign may be permitted if the roof-top signs are approved as part of the design review approval of the structure.

2. Grand monument signs, subject to the following standards:

a. Grand monument signs may be allowed only within the TUC and TVS zones.

b. Each grand monument sign would substitute for one of the monument signs the premises is eligible to install under Section 19.20.040.

c. Any poles or columns supporting the sign must have an architectural treatment such as brick, stone or wood cladding that is consistent with the design of the buildings on site.

d. Sign message area may be increased up to 100 square feet per side, 200 square feet total and the limitation on structure size is removed. For sites over 85 acres, the sign message area may be increased up to 500 square feet per side, 1000 square feet total.

e. The sign structure must be set back from the side and rear property lines of the premise a distance equal to the height increase requested or five feet, whichever is greater. The minimum front setback is the smaller of the front yard required in the zoning district or the height increase requested.

f. Total height of the sign structure may not exceed the height of the tallest building on the premises, except for sites over 85 acres, the height may exceed the tallest building but shall not exceed 115 feet.

g. No more than two grand monument signs are allowed per premises.

3. Landmark business wall signs, subject to the following standards:

a. Landmark businesses are allowed up to four flush-mounted building signs, one for each wall that faces a cardinal direction.

b. The allowed sign area is six percent of the total exterior wall of the tenant space, up to a maximum of 500 square feet.

c. Landmark businesses that have a portion of their exterior wall obscured by a structure may place their signage on the structure wall parallel to their obscured wall.

(Ord. 2501 §8, 2016; Ord. 2303 §9 (part), 2010)

19.32.070 Existing Signs Not Conforming to a Master Sign Program

Any new or amended Master Sign Program shall include the removal of any existing, non-conforming signs on the premises. The applicant may propose a phased schedule for bringing into conformance all signs not conforming to the proposed or amended program, or Chapter 19.36 of this code, within three years. If phasing is proposed, a financial guarantee acceptable to the Director shall be held by the City until the premises is brought into compliance with the Sign Code and approved Master Sign Program.

(Ord. 2303 §9 (part), 2010)

19.32.075 Copy and Refaces of Monument and Grand Monument Signs Approved under this Chapter

A monument sign or grand monument sign permitted under this section is permitted to complete refaces and copy changes without having to obtain a new permit, provided ALL of the following criteria are met:

1. The monument sign or grand monument sign was authorized by the City under a permit issued on or after August 24, 2010.

2. The property owner, or authorized agent of the property owner, was the applicant to secure the permit as required by TMC Section 19.32.075 (1).

3. The reface or copy change does not include any structural changes to the sign that result in a change of sign or message area, modification in sign height, inclusion of a dynamic sign component, or change in the monument or grand monument sign's location.

~~4. Within 30 days of completion of the copy change or reface, the property owner or authorized agent shall transmit to the City a Notice of Copy Change Form with a photo of the revised sign face.~~

(Ord. 2375 §10, 2012)

19.32.080 Regional Gateway Sign

In addition to the signs otherwise allowed under the Master Sign Program, the City may allow by development agreement on property adjacent to two interstate highways, installation of one sign intended to attract and welcome visitors to the Tukwila Urban Center area of the City. The standards for such a sign shall be set forth in the development agreement.

(Ord. 2303 §9 (part), 2010)

19.32.090 Binding Effect

After approval of a Master Sign Program, no permanent signs shall be erected, placed, painted or maintained, except in conformance with such plan, and such plan shall be enforced in the same way as any provision in this code. The Master Sign Program shall be referenced to the lease agreements for all leasable space within the project and recorded on the property title. In case of any conflict between the provisions of such a plan and any other provisions in this code, this section shall control.

(Ord. 2303 §9 (part), 2010)