



TO: Tukwila Planning Commission
FROM: Nora Gierloff, AICP, DCD Director
BY: Neil Tabor, AICP, Senior Planner
DATE: August 24, 2023
SUBJECT: Code Amendment Package

ISSUE

This agenda item is to brief the Planning Commission at their August 24, 2024, meeting on a proposed code amendment package and receive feedback on certain items for consideration. Amendments to TITLE 17 – SUBDIVISIONS AND PLATS and TITLE 18 – ZONING are proposed.

BACKGROUND

Staff has identified a number of areas of Tukwila’s code that will be impacted by recent changes in state law, are ambiguous in their current form, or could be amended to provide a clearer and more efficient process. Due to the amount of recent state legislation that will require code amendments by June 2025, and the time required with the Planning Commission for the comprehensive plan update, staff suggests separating these various topics into multiple code amendment packages.

CODE AMENDMENT TOPICS AND DISCUSSION

Accessory Dwelling Units

HB 1337 was passed in the 2023 legislative session, which requires Tukwila, and other jurisdictions across the state, to amend accessory dwelling unit (ADU) regulations to comply with certain minimum allowances. Tukwila’s regulations currently exceed these limits. Staff suggests adopting this largely prescriptive code update to preserve additional Planning Commission and staff time for other required work that will be necessary over the next year and a half.

Major updates required to comply with standards within HB 1337 include:

- Removing owner-occupancy requirements
- Increasing the number of ADUs permitted per lot from one to two
- Increasing the maximum size allowance from 800 sqft to 1,000 sqft
- Allowing ADUs to be sold to separate owners through the condo process
- Updating parking requirements for ADUs near transit to comply with RCW 36.70A.698

Parking Near Transit Requirements

SB 6617 became effective on June 11, 2020, limiting the amount of parking jurisdictions could require for certain types of housing near transit. Staff suggests updating the parking table (Figure 18-7) to comply with this state requirement.

Comprehensive Plan and Development Regulations Amendment Process

Staff proposes separating the process for amendments of the comprehensive plan and development regulations through creation of a new section of municipal code, TMC 18.82 Amendments to Development Regulations. It is the intent that separation of these two processes will provide more flexibility to update development regulations to keep up with changes in state requirements, more efficiently distribute staff workload, and provide more clarity to applicants.

Proposed amendments to TMC 18.84, Requests For Changes In Zoning, clarify the timeline and sequencing of rezone requests to comply with state law and provide clarity to applicants.

Home Occupation Standards

Staff is proposing to remove home occupation, or home-based business, standards from the definition of the term and create a new section with these standards, and provide other standards to prevent impact on the surrounding neighborhood. Per the advice of legal staff, a distinction for allowances between typical home-based businesses and those with special protections under Washington State law is also proposed.

Wireless Provisions

Staff identified provisions within the permit application types and procedures that do not adhere to language that was updated with the last wireless code update. The draft code amends the items listed in the tables for consistency with the language for these types of applications.

Variance Requirements for Lot Area

Current regulations require that residential development on lots not meeting the minimum lot area receive a variance prior to developing even a single-family home. This change would

provide lots not meeting the width and/or area minimums with the ability to develop without a variance if all other development standards (setbacks, lot coverage, environmental) are met. Removing the variance requirement would remove a barrier to development that adds additional unnecessary cost and time to development, as well as staff time. Roughly 20% of Low Density Residential (LDR) lots in Tukwila do not meet the minimum lot size requirements and would require a variance if developed or redeveloped.

Amending Footnote Referencing Tukwila South Residential Design Manual

Staff identified a footnote reference that is now out of date after the adoption of the design manual and proposes amending this reference.

FINANCIAL IMPACT

N/A

RECOMMENDATION

No recommendation at this time. This item will receive a public hearing at a September 14th, 2023, meeting of the Planning Commission.

ATTACHMENTS

- A. Draft code amendments (edits)
- B. Draft code amendments (clean)

Draft Code Amendments (Markup)

Accessory Dwelling Units

18.06.248 Dwelling, Single-Family

"Single-family dwelling" means a building, ~~modular home or new manufactured home~~, designed to contain no more than one dwelling unit plus ~~two~~one accessory dwelling units.

(Ord. 2098 §1, 2005; Ord. 1976 §5, 2001;
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)

~~"Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.~~

18.50.220 Accessory Dwelling Unit (ADU) Standards

~~A. For the purposes of this section, terms shall be defined as follows:~~

~~1. "Major transit stop" means a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, including but not limited to commuter rail stops, stops on rail or fixed guideway systems, including transitways, stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes, stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.~~

~~2. "Principal Unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.~~

BA. General Standards.

~~1.— Detached ADUs may only be built on lots that meet the minimum lot size required in the Zoning District they are located within. Attached ADUs have no minimum lot size requirement.~~

~~21. Only one ADU, either attached or detached, is permitted per parcel containing a single family dwelling. Two (2) ADUs may be created per lot. The lot shall contain one (1) principal unit and a maximum of two (2) ADUs. These ADUs may be either attached or detached.~~

~~32. Attached ADUs may occupy a maximum of 40% of the square footage of the primary single family dwelling principal unit (excluding the area of any attached garage) or up to 1,000 square feet, whichever is ~~less~~greater.~~

~~4.— Attached ADUs created through additions to the primary single family dwelling shall be consistent with the roof pitch, materials and window type of the existing structure.~~

~~35. Detached ADUs may be a maximum of ~~800~~1,000 square feet. -If built over a detached garage, the detached garage would not count toward the area limit for the ADU.~~

~~46. Detached ADUs may be up to ~~20~~25 feet in height, ~~except that an ADU built over a detached garage may be up to 25 feet in total height.~~~~

~~57. ADUs are subject to the development standards of the zoning district they are located within. Development standards relating to setbacks and development coverage do not apply to conversions of existing non-conforming structures that are proposed for ADU conversion. New ADUs are not subject to rear yard setbacks on parcels where the rear yard abuts an alley. Detached ADUs must be set back at least as far from the street as the primary single family dwelling. This does not apply to the second front of a through or corner lot, where the unit is incorporated into an existing structure, or where there is at least 60 feet between the existing single family dwelling and the front property line.~~

~~8.— ADUs should be designed and located in a manner that minimizes the impact on adjacent development. This can be achieved by avoiding window and door placement directly across from openings on neighboring structures or where that is not practical using clerestory windows or obscure glass. Screening with fences and landscaping can be used to limit visibility of ADUs and enhance privacy.~~

~~9. The ADU may not be sold as a condominium or otherwise segregated in ownership from the primary single-family dwelling.~~

~~160. ADUs may not be rented for periods of less than 30 days.~~

B. Parking.

~~1. One off street parking space must be provided for each studio or one bedroom ADU, with one additional space required for each additional bedroom.~~

~~2. These ADU parking spaces are in addition to any parking spaces required for the primary single family dwelling. See Table 18-7 for parking requirements.~~

~~23. Tandem spaces are permitted.~~

C. Owner Occupancy Requirement.

~~1. A person who owns at least 50% of the property must physically reside in either the ADU or the primary single-family dwelling. The owner's unit may not be rented to another party for any period of time.~~

~~2. The owner must provide documentation of their occupancy such as a vehicle or voting registration. Falsely certifying owner occupancy or failure to comply with the residency requirement shall result in the loss of ADU registration and penalties per TMC Chapter 5.06.~~

~~3. The owner or owners must sign and record an affidavit on forms provided by the City acknowledging that this requirement shall run with the land.~~

~~4. If the owner occupancy requirement is violated an owner shall either:~~

~~a. Re-occupy one of the units, or~~

~~b. Remove the elements of the accessory dwelling unit that make it a complete, separate dwelling unit.~~

~~D. Failure to comply with any of the requirements of this section shall be subject to enforcement and penalties as prescribed in TMC Chapter 8.45 and the issuance of a Notice of Violation and Order in accordance with TMC Section 8.45.070.~~

(Ord. 2581 §11, 2018)

18.50.230 Accessory Dwelling Unit (ADU) Registration Procedures

~~A. To gain the City's approval to establish an ADU, a property owner shall submit a registration form, sign and record an affidavit of owner occupancy, and obtain a building permit for any necessary remodeling or construction.~~

~~B. All ADUs existing prior to the enactment of these requirements shall apply for registration within one year after the effective date of Ordinance No. 2581. Within the one year amnesty period existing ADUs may be registered without meeting one or more of the following standards:~~

~~1. Exceeding the permitted height for a detached ADU.~~

~~2. Exceeding the permitted area for an attached or detached ADU up to a maximum of 1,200 square feet.~~

~~3. Only providing one parking space when the ADU requires more.~~

~~4. Having a roof pitch of less than 5:12.~~

~~5. Location of the ADU on the lot.~~

~~C. Illegally created ADUs must be brought into compliance with the life safety requirements of the Tukwila Municipal Code, International Residential Code and International Property Maintenance Code or they must be removed.~~

~~D. If either the primary single family dwelling or the ADU will be rented, a Residential Rental Business License per TMC Chapter 5.06 must be obtained prior to occupancy of the unit by a tenant.~~

(Ord. 2581 §12, 2018)

17.14.060 Unit lot subdivisions

A. Sites developed or proposed to be developed with townhouses, cottage housing, compact single-family, accessory dwelling units, 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.

ADU Parking & Parking Near Transit

Figure 18-7 – Required Number of Parking Spaces for Automobiles and Bicycles		
NOTE: Automobile parking requirements for TUC-RC, TUC-TOD and TUC-Pond Districts are listed in TMC Section 18.28.260.		
Use	Automobile Standard	Bicycle Standard
Single-family and multi-family dwellings	2 for each dwelling unit that contains up to 3 bedrooms. 1 additional space for every 2 bedrooms in excess of 3 bedrooms in a dwelling unit. Additional parking may be required for home occupations and accessory dwelling units as otherwise proved by this title.	For multi-family, 1 space per 10 parking stalls, with a minimum of 2 spaces. No requirement for single family.
<u>Multi-family dwelling within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day.</u> <u>*See RCW 36.70A.620(3)</u>	<u>0.75 for each studio</u> <u>1 for each one bedroom unit</u> <u>2 for each unit two bedrooms or larger</u>	<u>For multi-family, 1 space per 10 parking stalls, with a minimum of 2 spaces.</u>
<u>Accessory dwelling units</u>	<u>1 for each unit</u>	<u>N/A</u>
<u>Accessory dwelling units within one-quarter mile of a major transit stop</u> <u>*See TMC 18.50.220(A)(1)</u>	<u>No parking required</u>	<u>N/A</u>
<u>Single-family and multi-family dwellings affordable to 0-50% area median income within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day.</u> <u>*See RCW 36.70A.620(1)</u>	<u>0.75 for each studio</u> <u>1 for each one bedroom unit</u> <u>2 for each unit two bedrooms or larger</u>	<u>For multi-family, 1 space per 10 parking stalls, with a minimum of 2 spaces. No requirement for single family.</u>

Figure 18-7 – Required Number of Parking Spaces for Automobiles and Bicycles

NOTE: Automobile parking requirements for TUC-RC, TUC-TOD and TUC-Pond Districts are listed in TMC Section 18.28.260.

Use	Automobile Standard	Bicycle Standard
Multi-family and mixed-use residential (in the Urban Renewal Overlay (URO))	<p>One for each dwelling unit that contains up to one bedroom. 0.5 additional spaces for every bedroom in excess of one bedroom in a multi-family dwelling unit. At least 75% of required residential parking is provided in an enclosed structure (garage or podium). The structure must be screened from view from public rights of way. One automobile space at no charge to a car sharing program (if available) for every 50 to 200 residential spaces on site. An additional space shall be provided for developments with over 200 parking spaces. All car share spaces are in addition to required residential parking. If car sharing programs are not available when the building is constructed, an equivalent number of guest parking spaces shall be provided. These shall be converted to dedicated car-sharing spaces when the program becomes available</p>	One secure, covered, ground-level bicycle parking space shall be provided for every four residential units in a mixed-use or multi-family development.
Senior citizen housing	For 15 units or less, 1 space per dwelling unit. For dwellings with more than 15 units, a minimum of 15 spaces are required, plus 1 space per 2 dwelling units.	1 space per 50 parking stalls, with a minimum of 2 spaces.
<p><u>Senior citizen housing and housing for persons with disabilities within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day.</u></p> <p><u>*See RCW 36.70A.620(2)</u></p>	<u>1 for 15 beds with a minimum of 2, to accommodate staff and visitors</u>	<u>1 space per 50 parking stalls, with a minimum of 2 spaces.</u>
Religious facilities, mortuaries and funeral homes	1 for each 4 fixed seats	1 space per 50 parking stalls, with a minimum of 2 spaces.
Convalescent/nursing/rest homes	1 for every 4 beds with a minimum of 10 stalls	1 space per 50 parking stalls, with a minimum of 2 spaces.
Food stores and markets	1 for each 300 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
High schools	1 for each staff member plus 2 for every 5 students or visitors	1 space per 50 parking stalls, with a minimum of 2 spaces.
Hospitals	1 for each bed	1 space per 50 parking stalls, with a minimum of 2 spaces.
Hotels, motels and extended stay	1 for each room, plus one employee space for each 20 rooms, rounded to the next highest figure	1 space per 50 parking stalls, with a minimum of 2 spaces.

Use	Automobile Standard	Bicycle Standard
Manufacturing	1 for each 1,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Office, commercial and professional buildings, banks, dental and medical clinics	3.0 for each 1,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Places of public assembly, including auditoriums, exhibition halls, community clubs, community centers, and private clubs	The Director shall determine the number of required parking spaces, with a minimum of 1 space for every 100 square feet of assembly area. To ensure parking adequacy for each proposal, the Director may consider the following: a. A parking study or documentation paid for by the applicant and administered by the City regarding the actual parking demand for the proposed use, or b. Evidence in available planning and technical studies relating to the proposed use.	1 space per 50 parking stalls, with a minimum of 2 spaces.
Post offices	3 for each 1,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Restaurant	1 for each 100 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Restaurant, fast food	1 for each 50 square feet of usable floor area. Fifty percent of any outdoor seating area will be added to the usable floor area for parking requirement calculations.	1 space per 50 parking stalls, with a minimum of 2 spaces.
Retail sales, bulk	2.5 for each 1,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Retail sales, general	4 for each 1,000 square feet of usable floor area if located within the TVS zoning district; 2.5 for each 1,000 square feet of usable floor area if located in any other zoning district. NOTE: Reference TMC Section 18.28.260 for TUC Districts.	1 space per 50 parking stalls, with a minimum of 2 spaces.
Schools, elementary & junior high	1.5 for each staff member	1 space per classroom
Shopping center (mall), planned, per usable floor area size, as listed below:		
500,000 sq. ft. or larger	5 for every 1,000 square feet	1 space per 50 parking stalls, with a minimum of 2 spaces.
25,000 – 499,999 sq. ft.	4 for every 1,000 square feet	1 space per 50 parking stalls, with a minimum of 2 spaces.
Taverns	1 for every 4 persons based on occupancy load.	1 space per 50 parking stalls, with a minimum of 2 spaces.
Theaters	1 for every 4 fixed seats. If seats are not fixed, 1 per 3 seats, with concurrence of Fire Chief, consistent with maximum allowed occupancy	1 space per 100 seats, with a minimum of 2 spaces.
Warehousing	1 for every 2,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.

Chapter 18.80 Amendments To The Comprehensive Plan ~~And Development Regulations~~

Sections:

- 18.80.010 Application
- ~~18.80.015 Documents to be Submitted with Application~~
- 18.80.020 Comprehensive Plan Amendment Docket
- 18.80.030 Notice and Comment
- 18.80.040 Staff Report
- 18.80.050 ~~Council Consideration~~Review Procedures for Docket Requests
- 18.80.060 Council Decision

18.80.010 Application

A. Any interested person (including applicants, ~~citizens, Tukwila Planning Commission, residents,~~ City staff and officials, and staff of other agencies) may submit an application for an text amendment to ~~either the Comprehensive Plan or the development regulations~~ to the Department ~~of Community Development~~. Such applications, except site specific rezones along with the underlying Comprehensive Plan map change, are for legislative decisions and are not subject to the requirements or procedures set forth in TMC Chapters 18.104 to 18.116. ~~In addition to the requirements of TMC Section 18.80.015,~~ the application shall specify, in a format established by the Department:

1. A detailed statement of what is proposed and why;
2. A statement of the anticipated impacts of the change, including the geographic area affected and the issues presented by the proposed change;
3. An explanation of why the current Comprehensive Plan or development regulations are deficient or should not continue in effect;
4. A statement of how the proposed amendment complies with and promotes the goals and specific requirements of the Growth Management Act;
5. A statement of how the proposed amendment complies with applicable Countywide Planning Policies;
6. A statement of what changes, if any, would be required in functional plans (i.e., the City's water, sewer, storm water or shoreline plans) if the proposed amendment is adopted;
7. A statement of what capital improvements, if any, would be needed to support the proposed change, and how the proposed change will affect the capital facilities plans of the City; and
8. A statement of what other changes, if any, are required in other City codes, plans or regulations to implement the proposed change.

*(Ord. 2368 §64, 2012; Ord. 1770 §52, 1996;
Ord. 1758 §1 (part), 1995)*

~~18.80.015 Documents to be Submitted with Application~~

~~A. Applications for amendments to the Comprehensive Plan or development regulations shall provide the following documents in such quantities as are specified by the Department:~~

- ~~1. An application form provided by the Department.~~
 - ~~2. King County Assessor's map(s) which show the location of each property within 300 feet of the property that is the subject of the proposed amendment.~~
 - ~~3. Two sets of mailing labels for all property owners and occupants (businesses and residents), including tenants in multiple occupancy structures, within 300 feet of the subject property, or pay a fee to the City for generating mailing labels.~~
 - ~~4. A vicinity map showing the location of the site.~~
 - ~~5. A surrounding area map showing Comprehensive Plan designations, zoning designations, shoreline designations, if applicable, and existing land uses within a 1,000 foot radius from the site's property lines.~~
 - ~~6. A site plan, including such details as may be required by the Department.~~
 - ~~7. A landscaping plan, including such details as may be required by the Department.~~
 - ~~8. Building elevations of proposed structures, including such details as may be required by the Department.~~
 - ~~9. Such photomaterial transfer or photostat of the maps, site plan and building elevation, including such details as may be required by the Department.~~
 - ~~10. Such other information as the applicant determines may be helpful in evaluating the proposal, including color renderings, economic analyses, photos, or material sample boards.~~
- ~~B. The Department shall have the authority to waive any of the requirements of this section for proposed amendments that are not site specific or when, in the Department's discretion, such information is not relevant or would not be useful to consideration of the proposed amendment.~~

~~(Ord. 2368 §65, 2012; Ord. 1770 §53, 1996)~~

18.80.020 Comprehensive Plan Amendment Docket

A. Purpose. The purpose of this section is to establish procedures, pursuant to RCW 36.70A, for the review and amendment of the Comprehensive Plan. The Department shall maintain a docket of all proposed changes to the Comprehensive Plan and development regulations that are submitted.

1. The Growth Management Act, RCW 36.70A, provides that the Comprehensive Plan amendments be considered no more than once a year with limited exceptions. The Growth Management Act further provides that all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained.

2. The Annual Comprehensive Amendment Review Docket ("Annual Review Docket") will establish the annual list of proposed Comprehensive Plan amendments and related development regulations that the City Council determines should be included for review and consideration for any given year.

3. Placement of an amendment request on the Annual Review Docket does not mean the amendment request will be approved by the City Council.

B. If either the Department or the Council determines that a proposed change ~~may be~~ is an emergency, the Department shall prepare the staff report described below and forward the proposed change to the Council for immediate consideration, subject to the procedural requirements for consideration of amendments. -An emergency amendment is a proposed change or revision that necessitates expeditious action to address one or more of the following criteria:

1. Preserve the health, safety or welfare of the public.
2. Support the social, economic or environmental well-being of the City.
3. Address the absence of adequate and available public facilities or services.
4. Respond to decisions by the Central Puget Sound Growth Management Hearings Board, the state or federal courts, or actions of a state agency or the legislature.

BC. Non-emergency changes shall be compiled and submitted to the Council for review on an annual basis ~~in~~ March to establish items to be included on the annual docket, and so that cumulative effects of the proposals can be

determined. Proposed changes received by the Department after January 1 of any year shall be held over for the following year's review, unless ~~the Council or~~ the Department determines the proposed change ~~may be~~ an emergency.

*(Ord. 2071 §1, 2004; Ord. 1770 §54, 1996;
Ord. 1758 §1 (part), 1995)*

18.80.030 Notice and Comment

The docket of proposed changes shall be posted on the Department of Community Development's website and ~~posted in the offices of the Department and~~ made available to any interested person. ~~At least four weeks~~ 28 days prior to the Council's annual consideration of the changes proposed on the docket, the City shall publish a notice in a newspaper of general circulation in the City, generally describing the proposed changes including areas affected, soliciting written public input to the Department ~~of Community Development~~ on the proposed changes, and identifying the date on which the Council will consider the proposed changes to be considered.

(Ord. 1758 §1 (part), 1995)

18.80.040 Staff Report

A. At least ~~two weeks~~ 14 days prior to Council consideration of any proposed amendment to ~~either~~ the Comprehensive Plan ~~or development regulations~~, the Department shall prepare and submit to the Council a staff report ~~which that~~ addresses the following:

1. ~~the issues set forth in this chapter~~ An evaluation of the application material;
2. Impact upon the Tukwila Comprehensive Plan and zoning code;
3. Impact upon surrounding properties, if applicable;
4. Aalternatives to the proposed amendment; and
5. Aappropriate code citations and other relevant documents.

B. The Department's report shall transmit a copy of the application for each proposed amendment, any written comments on the proposals received by the Department, and shall contain the Department's recommendation on adoption, rejection, or deferral of each proposed change.

(Ord. 1758 §1 (part), 1995)

18.80.050 Council Consideration Review Procedure for Comprehensive Plan Docket Requests

A. The City Council shall consider each request for an amendment to ~~either the Comprehensive Plan or development regulations, except site specific rezones along with the request for a Comprehensive Plan map change,~~ at a public Council meeting, at which ~~the applicant will be allowed to make a presentation. Any person~~ may submitting a written comment on the proposed change ~~or shall also be allowed an opportunity to make an responsive~~ oral presentation. Such opportunities for oral presentation shall be subject to reasonable time limitations established by the Council.

B. The Council will consider the following in deciding what action to take regarding any proposed amendment:

1. Is the issue already adequately addressed in the Comprehensive Plan?
2. If the issue is not addressed in the Comprehensive Plan, is there a public need for the proposed change?
3. Is the proposed change the best means for meeting the identified public need?
4. Will the proposed change result in a net benefit to the community?

C. Following Council consideration as provided by TMC Sections 18.80.050A and 18.80.050B, the City Council shall take action as follows:

1. Add the proposed amendment to the Annual Review Docket and refer the proposed amendment ~~it~~ to the Planning Commission for further review and a recommendation to the City Council;
2. Defer further Council consideration for one or more years to allow the City further time to evaluate the application of the existing plan or regulations and consider it as part of a future Annual Review Docket; or
3. Reject the proposed amendment.

*(Ord. 2368 §66, 2012; Ord. 1856 §1, 1998; Ord. 1770 §55, 1996;
Ord. 1758 §1 (part), 1995)*

Chapter 18.82 AMENDMENTS TO DEVELOPMENT REGULATIONS

Sections:

18.82.010 Application

18.82.020 Review Procedures

18.82.030 Staff Report

18.82.040 Council Decision

18.82.010 Application

Any interested person (including applicants, residents, City staff and officials, and staff of other agencies) may submit an application for a text amendment to the Tukwila Municipal Code development regulations to the Department. Such applications are legislative decisions and are not subject to the requirements or procedures set forth in TMC Chapters 18.104 to 18.116. The application shall specify, in a format established by the Department:

1. A detailed statement of what is proposed and why;
2. A statement of the anticipated impacts of the change, including the geographic area affected and the issues presented by the proposed change;
3. An explanation of why the current regulations are deficient or should not continue in effect;
4. A statement of what changes, if any, would be required in functional plans (i.e., the City's water, sewer, stormwater or shoreline plans) if the proposed amendment is adopted;
5. A statement of what capital improvements, if any, would be needed to support the proposed change, and how the proposed change will affect the capital facilities plans of the City; and
6. A statement of what other changes, if any, are required in other City codes plans or regulations to implement the proposed change.

18.82.020 Review Procedures

The following shall apply to processing a text amendment to development regulations:

1. The City Council shall either forward the amendment to the Planning Commission for a recommendation or reject the amendment.~~decide whether to review the amendment or direct the Planning Commission to review the amendment.~~
2. If the Planning Commission is directed to review the amendment, the Planning Commission shall, after considering the amendment at a public hearing, vote and forward a written recommendation to the City Council.
3. The Planning Commission's written recommendation shall be presented to the City Council unchanged and accompanied by an Informational Memorandum that includes any staff proposed changes to the Planning Commission's recommendation. If any of staff's proposed changes are substantively different from the Planning Commission's recommendation, the City Council may remand the changes to the Planning Commission before proceeding further with action on the amendment.
4. At least one public hearing shall be held before the Planning Commission prior to the City Council acting on an amendment. An additional hearing before the City Council may be held at the Council's discretion.
5. At least 14 days prior to the public hearing the City shall publish a notice in the City's newspaper of record generally describing the proposed changes including areas affected, soliciting written public input ~~to~~ the Department on the proposed changes, and identifying the date on which the proposed changes will be considered.

18.82.030 Staff Report

A. Prior to consideration of any proposed amendment, the Department shall prepare and submit to the reviewing body a staff report that addresses the following:

1. An evaluation of the application materials;
2. Impact upon the Tukwila Comprehensive Plan and Zoning Code;
3. Impact upon surrounding properties, if applicable;
4. Alternatives to the proposed amendment; and
5. Appropriate code citations and other relevant documents.

B. The Department's report shall transmit a copy of the application for each proposed amendment, any written comments on the proposals received by the Department, and shall contain the Department's recommendation on adoption, rejection, or deferral of each proposed change.

18.82.040 Council Decision

Following receipt of the Planning Commission's recommendation on a proposed amendment ~~referred to the Commission~~ the City Council may:

1. Adopt the amendment as proposed;
2. Modify and adopt the proposed amendment;
3. Remand to the Planning Commission for further proceedings; or
4. Deny the proposed amendment.

18.84.010 Application Submittal

Applications for rezone of property, along with the request for a Comprehensive Plan map change, shall be submitted to the Department of Community Development. Proposed changes received by the Department after January 1 of any year shall be held over for the following year's review. A ~~Site~~ specific rezone and the accompanying Comprehensive Plan map change application shall be a Type 5 decision processed in accordance with the provisions of TMC Section 18.108.050.

(Ord. 2368 §67, 2012; Ord. 2116 §1 (part), 2006)

18.84.040 ~~Ordinance Required~~ Council Decision

A. After holding a public hearing and evaluating the application against the criteria at TMC Section 18.84.020, the City Council may:

1. Adopt the rezone and map amendment as proposed;
2. Modify or condition the proposed rezone and map amendment; or
3. Deny the proposed rezone and map amendment.

b. Action under TMC Chapter 18.84, which amends the official Zoning Map, shall require the adoption of an ordinance by the City Council pursuant to the Tukwila Municipal Code and State law. Due to the Growth Management Act, RCW 36.70A, which provides that Comprehensive Plan amendments be considered no more frequently than once a year, any rezone ordinance must be adopted by the Council concurrently with action on the Annual Review Docket items.

(Ord. 2116 §1 (part), 2006)

Home Occupations

Definitions Section, 18.06

18.06.430 Home Occupation

"Home occupation" means an occupation or profession which is customarily incident 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; ~~provided, that:~~

- ~~1. There shall be no change in the outside appearance of the surrounding residential development;~~
- ~~2. No home occupation shall be conducted in any accessory building;~~
- ~~3. Traffic generated by such home occupations shall not create a nuisance;~~
- ~~4. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot;~~
- ~~5. The business involves no more than one person who is not a resident of the dwelling; and~~
- ~~6. An off street parking space shall be made available for any non resident employee.~~

New Section in Supplemental Development Standards, 18.50

18.50.240 Home Occupation

A. Home occupations shall meet the following standards:

1. There shall be no change in the outside appearance of the surrounding residential development;

2. No home occupation shall be conducted in any accessory building. This provision shall not apply to adult family homes defined in RCW 70.128.010 or community facilities as defined in RCW 72.05.020;

3. Traffic generated by a home occupation shall not exceed two (2) visitors at any given time, and no more than eight (8) total two-way visitor and non-resident employee trips per day;

4. The number of vehicles associated with a home-occupation parked on-site shall not exceed two (2) vehicles and must be parked on-site. Vehicles associated with the business shall not exceed:

a. A gross vehicle weight of 10,000 pounds;

b. A height of ten (10) feet; or

c. A length of 22 feet;

5. An off-street parking space shall be made available for any non-resident employee. All parking spaces shall meet all development standards;

6. The business shall not involve more than one person who is not a resident of the dwelling. This provision shall not apply to adult family homes defined in RCW 70.128.010 or community facilities as defined in RCW 72.05.020; and

7. Outdoor storage of materials associated with the home occupation is prohibited.

Wireless Code Process

CHAPTER 18.104 PERMIT APPLICATION TYPES AND PROCEDURES

Sections:

- 18.104.010 Classification of Project Permit Applications
- 18.104.020 Consolidation of SEPA Procedures and Appeals
- 18.104.030 Consolidation of Permit Applications
- 18.104.040 Relationship to SEPA
- 18.104.050 Pre-application Conferences
- 18.104.060 Application Requirements
- 18.104.070 Notice of Complete Application to Applicant
- 18.104.080 Notice of Application - Contents
- 18.104.090 Notice of Application - Procedure
- 18.104.100 Party of Record
- 18.104.110 Posted Notice
- 18.104.120 Mailed Notice
- 18.104.130 Time Periods for Permit Issuance
- 18.104.140 Applications - Modifications to Proposal
- 18.104.150 Vesting
- 18.104.160 Hearing scheduling - Notice of Hearing
- 18.104.170 Notice of Decision

18.104.180 Referral to Other City Departments
18.104.190 Date of Mailing

18.104.010 Classification of Project Permit Applications

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

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

TYPE 1 DECISIONS

TYPE OF PERMIT	DECISION MAKER
Administrative Variance for Noise – 30 days or less <i>(TMC Section 8.22.120)</i>	Community Development Director
Any land use permit or approval issued by the City, unless specifically categorized as a Type 2, 3, 4, or 5 decision by this chapter	As specified by ordinance
Boundary Line Adjustment, including Lot Consolidation <i>(TMC Chapter 17.08)</i>	Community Development Director
Minor Modification of a Boundary Line Adjustment or Lot Consolidation Preliminary Approval <i>(TMC Section 17.08.030)</i>	Community Development Director
Development Permit	Building Official
Minor modification to design review approval <i>(TMC Section 18.60.030)</i>	Community Development Director
Minor Modification to PRD <i>(TMC Section 18.46.130)</i>	Community Development Director
Tree Permit <i>(TMC Chapter 18.54)</i>	Community Development Director
Wireless Communication Facility, Minor <u>Eligible Facilities</u> <i>(TMC Chapter 18.58)</i>	Community Development Director

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

TYPE 2 DECISIONS

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (open record appeal)
Administrative Design Review <i>(TMC Section 18.60.030)</i>	Community Development Director	Board of Architectural Review
Administrative Planned Residential Development <i>(TMC Section 18.46.110)</i>	Short Plat Committee	Hearing Examiner
Administrative Variance for Noise – 31-60 days <i>(TMC Section 8.22.120)</i>	Community Development Director	Hearing Examiner
Binding Site Improvement Plan <i>(TMC Chapter 17.16)</i>	Short Plat Committee	Hearing Examiner

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (open record appeal)
Cargo Container Placement (TMC Section 18.50.060)	Community Development Director	Hearing Examiner
Code Interpretation (TMC Section 18.90.010)	Community Development Director	Hearing Examiner
Exception from Single-Family Design Standard (TMC Section 18.50.050)	Community Development Director	Hearing Examiner
Modification to Development Standards (TMC Section 18.41.100)	Community Development Director	Hearing Examiner
Parking standard for use not specified (TMC Section 18.56.100), and modifications to certain parking standards (TMC Sections 18.56.065, .070, .120)	Community Development Director	Hearing Examiner
Critical Areas (except Reasonable Use Exception) (TMC Chapter 18.45)	Community Development Director	Hearing Examiner
Shoreline Substantial Development Permit (TMC Chapter 18.44)	Community Development Director	State Shorelines Hearings Board
Shoreline Tree Permit	Community Development Director	Hearing Examiner
Short Plat (TMC Chapter 17.12)	Short Plat Committee	Hearing Examiner
Minor Modification of a Short Plat Preliminary Approval (TMC Section 17.12.020)	Community Development Director	Hearing Examiner
Minor Modification of a Subdivision Preliminary Plat (TMC Section 17.14.020)	Community Development Director	Hearing Examiner
Subdivision – Final Plat (TMC Section 17.14.030)	Community Development Director	Hearing Examiner
Modification to TUC Corridor Standards (TMC Section 18.28.110.C)	Community Development Director	Hearing Examiner
Modification to TUC Open Space Standards (TMC Section 18.28.250.D.4.d)	Community Development Director	Hearing Examiner
Transit Reduction to Parking Requirements (TMC Section 18.28.260.B.5.b)	Community Development Director	Hearing Examiner
Wireless Communication Facility, Minor (TMC Chapter 18.58)	Community Development Director	Hearing Examiner
<u>Wireless Communication Facility, Macro Facilities – No New Tower (TMC 18.58.060)</u>	Community Development Director	Hearing Examiner

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

TYPE 3 DECISIONS

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (closed record appeal)
Resolve uncertain zone district boundary	Hearing Examiner	Superior Court
Variance (zoning, shoreline, sidewalk, land alteration, sign)	Hearing Examiner	Superior Court
TSO Special Permission Use (TMC Section 18.41.060)	Hearing Examiner	Superior Court
Conditional Use Permit	Hearing Examiner	Superior Court
Modifications to Certain Parking Standards (TMC Chapter 18.56)	Hearing Examiner	Superior Court
Reasonable Use Exceptions under Critical Areas Ordinance (TMC Section 18.45.180)	Hearing Examiner	Superior Court
Variance for Noise in excess of 60 days (TMC Section 8.22.120)	Hearing Examiner	Superior Court
Variance from Parking Standards over 10% (TMC Section 18.56.140)	Hearing Examiner	Superior Court
Subdivision – Preliminary Plat with no associated Design Review application (TMC Section 17.14.020)	Hearing Examiner	Superior Court
Subdivision Phasing Plan (TMC Section 17.14.040)	Hearing Examiner	Superior Court
Wireless Communication Facility, Major or Waiver Request Macro Facilities or -New Towers (TMC Chapter 18.58.070)	Hearing Examiner	Superior Court
Shoreline Conditional Use Permit	Hearing Examiner	State Shorelines Hearings Board

Variance for Substandard SF Lots

18.70.030 Substandard Lots

A. A lot, as defined in TMC 18.06.500, which does not meet the minimum standard for average lot width and/or minimum lot area for the zone in which it is located, may still be developed, without the need for a variance, as a separate lot if the proposed use is one which is permitted in the zone, and the proposed development can comply with the remaining requirements of this title regarding basic development standards for the applicable zone and other applicable land use and environmental requirements.

~~B. A lot, as defined in TMC 18.06.500, which cannot meet the basic development standards (other than lot width) for the applicable zone and other applicable land use and environmental requirements, may be developed only if it is combined with adjacent lot(s) in a manner which allows the combined lots to be developed in a manner which does~~

~~comply with the basic development standards for the applicable zone and other applicable land use and environmental requirements. In the event lots are combined in order to comply with the requirements of this subsection, a boundary line adjustment shall occur so that the combined lots are henceforth considered a single lot.~~

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

Tukwila South Standards Reference

Table 18-6, note #14

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.~~

Draft Code Amendments (Clean)

Accessory Dwelling Units

18.06.248 Dwelling, Single-Family

"Single-family dwelling" means a building, modular home or new manufactured home, designed to contain no more than one dwelling unit plus two accessory dwelling units.

*(Ord. 2098 §1, 2005; Ord. 1976 §5, 2001;
Ord. 1758 §1 (part), 1995)*

18.06.016 Accessory Dwelling Unit

(Ord. 2581 §1, 2018)

"Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

18.50.220 Accessory Dwelling Unit (ADU) Standards

A. For the purposes of this section, terms shall be defined as follows:

1. "Major transit stop" means a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, including but not limited to commuter rail stops, stops on rail or fixed guideway systems, including transitways, stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes, stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

2. "Principal Unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

B. General Standards.

1. Two (2) ADUs may be created per lot. The lot shall contain one (1) principal unit and a maximum of two (2) ADUs. These ADUs may be either attached or detached.

2. Attached ADUs may occupy a maximum of 40% of the square footage of the principal unit (excluding the area of any attached garage) or up to 1,000 square feet, whichever is greater.

3. Detached ADUs may be a maximum of 1,000 square feet. If built over a detached garage, the detached garage would not count toward the area limit for the ADU.

4. Detached ADUs may be up to 25 feet in height.

5. ADUs are subject to the development standards of the zoning district they are located within. Development standards relating to setbacks and development coverage do not apply to conversions of existing non-conforming structures that are proposed for ADU conversion. New ADUs are not subject to rear yard setbacks on parcels where the rear yard abuts an alley.

6. ADUs may not be rented for periods of less than 30 days.

B. Parking.

1. See Table 18-7 for parking requirements.

2. Tandem spaces are permitted.

17.14.060 Unit lot subdivisions

A. Sites developed or proposed to be developed with townhouses, cottage housing, compact single-family, accessory dwelling units, 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.

ADU Parking & Parking Near Transit

Figure 18-7 – Required Number of Parking Spaces for Automobiles and Bicycles		
NOTE: Automobile parking requirements for TUC-RC, TUC-TOD and TUC-Pond Districts are listed in TMC Section 18.28.260.		
Use	Automobile Standard	Bicycle Standard
Single-family and multi-family dwellings	2 for each dwelling unit that contains up to 3 bedrooms. 1 additional space for every 2 bedrooms in excess of 3 bedrooms in a dwelling unit. Additional parking may be required for home occupations as otherwise proved by this title.	For multi-family, 1 space per 10 parking stalls, with a minimum of 2 spaces. No requirement for single family.
Multi-family dwelling within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day. *See RCW 36.70A.620(3)	0.75 for each studio 1 for each one bedroom unit 2 for each unit two bedrooms or larger	For multi-family, 1 space per 10 parking stalls, with a minimum of 2 spaces.
Accessory dwelling units	1 for each unit	N/A
Accessory dwelling units within one-quarter mile of a major transit stop *See TMC 18.50.220(A)(1)	No parking required	N/A
Single-family and multi-family dwellings affordable to 0-50% area median income within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day. *See RCW 36.70A.620(1)	0.75 for each studio 1 for each one bedroom unit 2 for each unit two bedrooms or larger	For multi-family, 1 space per 10 parking stalls, with a minimum of 2 spaces. No requirement for single family.

Figure 18-7 – Required Number of Parking Spaces for Automobiles and Bicycles

NOTE: Automobile parking requirements for TUC-RC, TUC-TOD and TUC-Pond Districts are listed in TMC Section 18.28.260.

Use	Automobile Standard	Bicycle Standard
Multi-family and mixed-use residential (in the Urban Renewal Overlay (URO))	<p>One for each dwelling unit that contains up to one bedroom. 0.5 additional spaces for every bedroom in excess of one bedroom in a multi-family dwelling unit. At least 75% of required residential parking is provided in an enclosed structure (garage or podium). The structure must be screened from view from public rights of way. One automobile space at no charge to a car sharing program (if available) for every 50 to 200 residential spaces on site. An additional space shall be provided for developments with over 200 parking spaces. All car share spaces are in addition to required residential parking. If car sharing programs are not available when the building is constructed, an equivalent number of guest parking spaces shall be provided. These shall be converted to dedicated car-sharing spaces when the program becomes available</p>	<p>One secure, covered, ground-level bicycle parking space shall be provided for every four residential units in a mixed-use or multi-family development.</p>
Senior citizen housing	<p>For 15 units or less, 1 space per dwelling unit. For dwellings with more than 15 units, a minimum of 15 spaces are required, plus 1 space per 2 dwelling units.</p>	<p>1 space per 50 parking stalls, with a minimum of 2 spaces.</p>
<p>Senior citizen housing and housing for persons with disabilities within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day.</p> <p>*See RCW 36.70A.620(2)</p>	<p>1 for 15 beds with a minimum of 2, to accommodate staff and visitors</p>	<p>1 space per 50 parking stalls, with a minimum of 2 spaces.</p>
Religious facilities, mortuaries and funeral homes	<p>1 for each 4 fixed seats</p>	<p>1 space per 50 parking stalls, with a minimum of 2 spaces.</p>
Convalescent/nursing/rest homes	<p>1 for every 4 beds with a minimum of 10 stalls</p>	<p>1 space per 50 parking stalls, with a minimum of 2 spaces.</p>
Food stores and markets	<p>1 for each 300 square feet of usable floor area</p>	<p>1 space per 50 parking stalls, with a minimum of 2 spaces.</p>
High schools	<p>1 for each staff member plus 2 for every 5 students or visitors</p>	<p>1 space per 50 parking stalls, with a minimum of 2 spaces.</p>
Hospitals	<p>1 for each bed</p>	<p>1 space per 50 parking stalls, with a minimum of 2 spaces.</p>
Hotels, motels and extended stay	<p>1 for each room, plus one employee space for each 20 rooms, rounded to the next highest figure</p>	<p>1 space per 50 parking stalls, with a minimum of 2 spaces.</p>

Use	Automobile Standard	Bicycle Standard
Manufacturing	1 for each 1,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Office, commercial and professional buildings, banks, dental and medical clinics	3.0 for each 1,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Places of public assembly, including auditoriums, exhibition halls, community clubs, community centers, and private clubs	The Director shall determine the number of required parking spaces, with a minimum of 1 space for every 100 square feet of assembly area. To ensure parking adequacy for each proposal, the Director may consider the following: a. A parking study or documentation paid for by the applicant and administered by the City regarding the actual parking demand for the proposed use, or b. Evidence in available planning and technical studies relating to the proposed use.	1 space per 50 parking stalls, with a minimum of 2 spaces.
Post offices	3 for each 1,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Restaurant	1 for each 100 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Restaurant, fast food	1 for each 50 square feet of usable floor area. Fifty percent of any outdoor seating area will be added to the usable floor area for parking requirement calculations.	1 space per 50 parking stalls, with a minimum of 2 spaces.
Retail sales, bulk	2.5 for each 1,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Retail sales, general	4 for each 1,000 square feet of usable floor area if located within the TVS zoning district; 2.5 for each 1,000 square feet of usable floor area if located in any other zoning district. NOTE: Reference TMC Section 18.28.260 for TUC Districts.	1 space per 50 parking stalls, with a minimum of 2 spaces.
Schools, elementary & junior high	1.5 for each staff member	1 space per classroom
Shopping center (mall), planned, per usable floor area size, as listed below:		
500,000 sq. ft. or larger	5 for every 1,000 square feet	1 space per 50 parking stalls, with a minimum of 2 spaces.
25,000 – 499,999 sq. ft.	4 for every 1,000 square feet	1 space per 50 parking stalls, with a minimum of 2 spaces.
Taverns	1 for every 4 persons based on occupancy load.	1 space per 50 parking stalls, with a minimum of 2 spaces.
Theaters	1 for every 4 fixed seats. If seats are not fixed, 1 per 3 seats, with concurrence of Fire Chief, consistent with maximum allowed occupancy	1 space per 100 seats, with a minimum of 2 spaces.
Warehousing	1 for every 2,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.

Chapter 18.80 Amendments To The Comprehensive Plan

Sections:

- 18.80.010 Application
- 18.80.020 Comprehensive Plan Amendment Docket
- 18.80.030 Notice and Comment
- 18.80.040 Staff Report
- 18.80.050 Review Procedures for Docket Requests
- 18.80.060 Council Decision

18.80.010 Application

A. Any interested person (including applicants, residents, City staff and officials, and staff of other agencies) may submit an application for a text amendment to the Comprehensive Plan to the Department. Such applications, except site specific rezones along with the underlying Comprehensive Plan map change, are ~~for~~ legislative decisions and are not subject to the requirements or procedures set forth in TMC Chapters 18.104 to 18.116. The application shall specify, in a format established by the Department:

1. A detailed statement of what is proposed and why;
2. A statement of the anticipated impacts of the change, including the geographic area affected and the issues presented by the proposed change;
3. An explanation of why the current Comprehensive Plan or development regulations are deficient or should not continue in effect;
4. A statement of how the proposed amendment complies with and promotes the goals and specific requirements of the Growth Management Act;
5. A statement of how the proposed amendment complies with applicable Countywide Planning Policies;
6. A statement of what changes, if any, would be required in functional plans (i.e., the City's water, sewer, storm water or shoreline plans) if the proposed amendment is adopted;
7. A statement of what capital improvements, if any, would be needed to support the proposed change, and how the proposed change will affect the capital facilities plans of the City; and
8. A statement of what other changes, if any, are required in other City codes, plans or regulations to implement the proposed change.

*(Ord. 2368 §64, 2012; Ord. 1770 §52, 1996;
Ord. 1758 §1 (part), 1995)*

18.80.020 Comprehensive Plan Amendment Docket

A. Purpose. The purpose of this section is to establish procedures, pursuant to RCW 36.70A, for the review and amendment of the Comprehensive Plan.

1. The Growth Management Act, RCW 36.70A, provides that the Comprehensive Plan amendments be considered no more than once a year with limited exceptions. The Growth Management Act further provides that all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained.

2. The Annual Comprehensive Amendment Review Docket ("Annual Review Docket") will establish the annual list of proposed Comprehensive Plan amendments and related development regulations that the City Council determines should be included for review and consideration for any given year.

3. Placement of an amendment request on the Annual Review Docket does not mean the amendment request will be approved by the City Council.

B. If either the Department or the Council determines that a proposed change is an emergency, the Department shall prepare the staff report described below and forward the proposed change to the Council for immediate consideration, subject to the procedural requirements for consideration of amendments. An emergency amendment is a proposed change or revision that necessitates expeditious action to address one or more of the following criteria:

1. Preserve the health, safety or welfare of the public.
2. Support the social, economic or environmental well-being of the City.
3. Address the absence of adequate and available public facilities or services.
4. Respond to decisions by the Central Puget Sound Growth Management Hearings Board, the state or federal courts, or actions of a state agency or the legislature.

C. Non-emergency changes shall be compiled and submitted to the Council for review on an annual basis to establish items to be included on the annual docket, and so that cumulative effects of the proposals can be determined. Proposed changes received by the Department after January 1 of any year shall be held over for the following year's review, unless the Department determines the proposed change is an emergency.

*(Ord. 2071 §1, 2004; Ord. 1770 §54, 1996;
Ord. 1758 §1 (part), 1995)*

18.80.030 Notice and Comment

The docket of proposed changes shall be posted on the Department of Community Development's website and made available to any interested person. At least 28 days prior to the Council's annual consideration of the changes proposed on the docket, the City shall publish a notice in a newspaper of general circulation in the City, generally describing the proposed changes including areas affected, soliciting written public input to the Department on the proposed changes, and identifying the date on which the Council will consider the proposed changes to be considered..

(Ord. 1758 §1 (part), 1995)

18.80.040 Staff Report

A. At least 14 days prior to Council consideration of any proposed amendment to the Comprehensive Plan, the Department shall prepare and submit to the Council a staff report that addresses the following:

1. An evaluation of the application material;
2. Impact upon the Tukwila Comprehensive Plan and zoning code;
3. Impact upon surrounding properties, if applicable;
4. Alternatives to the proposed amendment; and
5. Appropriate code citations and other relevant documents.

B. The Department's report shall transmit a copy of the application for each proposed amendment, any written comments on the proposals received by the Department, and shall contain the Department's recommendation on adoption, rejection, or deferral of each proposed change.

(Ord. 1758 §1 (part), 1995)

18.80.050 Review Procedure for Comprehensive Plan Docket Requests

A. The City Council shall consider each request for an amendment to the Comprehensive Plan at a Council meeting, at which any person may submit a written comment on the proposed change or make an oral presentation. Such opportunities for oral presentation shall be subject to reasonable time limitations established by the Council.

- B. The Council will consider the following in deciding what action to take regarding any proposed amendment:
1. Is the issue already adequately addressed in the Comprehensive Plan?
 2. If the issue is not addressed in the Comprehensive Plan, is there a public need for the proposed change?
 3. Is the proposed change the best means for meeting the identified public need?
 4. Will the proposed change result in a net benefit to the community?

C. Following Council consideration as provided by TMC Sections 18.80.050A and 18.80.050B, the City Council shall take action as follows:

1. Add the proposed amendment to the Annual Review Docket and refer it to the Planning Commission for further review and a recommendation to the City Council;
2. Defer further Council consideration for one or more years to allow the City further time to evaluate the application of the existing plan or regulations and consider it as part of a future Annual Review Docket; or
3. Reject the proposed amendment.

*(Ord. 2368 §66, 2012; Ord. 1856 §1, 1998; Ord. 1770 §55, 1996;
Ord. 1758 §1 (part), 1995)*

Chapter 18.82 AMENDMENTS TO DEVELOPMENT REGULATIONS

Sections:

- 18.82.010 Application
- 18.82.020 Review Procedures
- 18.82.030 Staff Report
- 18.82.040 Council Decision

18.82.010 Application

Any interested person (including applicants, residents, City staff and officials, and staff of other agencies) may submit an application for a text amendment to the Tukwila Municipal Code development regulations to the Department. Such applications are legislative decisions and are not subject to the requirements or procedures set forth in TMC Chapters 18.104 to 18.116. The application shall specify, in a format established by the Department:

1. A detailed statement of what is proposed and why;
2. A statement of the anticipated impacts of the change, including the geographic area affected and the issues presented by the proposed change;
3. An explanation of why the current regulations are deficient or should not continue in effect;
4. A statement of what changes, if any, would be required in functional plans (i.e., the City's water, sewer, stormwater or shoreline plans) if the proposed amendment is adopted;
5. A statement of what capital improvements, if any, would be needed to support the proposed change, and how the proposed change will affect the capital facilities plans of the City; and
6. A statement of what other changes, if any, are required in other City codes plans or regulations to implement the proposed change.

18.82.020 Review Procedures

The following shall apply to processing a text amendment to development regulations:

1. The City Council shall either forward the amendment to the Planning Commission for a recommendation or reject the amendment.
2. If the Planning Commission is directed to review the amendment, the Planning Commission shall, after considering the amendment at a public hearing, vote and forward a written recommendation to the City Council.
3. The Planning Commission's written recommendation shall be presented to the City Council unchanged and accompanied by an Informational Memorandum that includes any staff proposed changes to the Planning Commission's recommendation. If any of staff's proposed changes are substantively different from the Planning Commission's recommendation, the City Council may remand the changes to the Planning Commission before proceeding further with action on the amendment.
4. At least one public hearing shall be held before the Planning Commission prior to the City Council acting on an amendment. An additional hearing before the City Council may be held at the Council's discretion.
5. At least 14 days prior to the public hearing the City shall publish a notice in the City's newspaper of record generally describing the proposed changes including areas affected, soliciting written public input to the Department on the proposed changes, and identifying the date on which the proposed changes will be considered.

18.82.030 Staff Report

A. Prior to consideration of any proposed amendment, the Department shall prepare and submit to the reviewing body a staff report that addresses the following:

1. An evaluation of the application materials;
2. Impact upon the Tukwila Comprehensive Plan and Zoning Code;
3. Impact upon surrounding properties, if applicable;
4. Alternatives to the proposed amendment; and
5. Appropriate code citations and other relevant documents.

B. The Department's report shall transmit a copy of the application for each proposed amendment, any written comments on the proposals received by the Department, and shall contain the Department's recommendation on adoption, rejection, or deferral of each proposed change.

18.82.040 Council Decision

Following receipt of the Planning Commission's recommendation on a proposed amendment the City Council may:

1. Adopt the amendment as proposed;
2. Modify and adopt the proposed amendment;
3. Remand to the Planning Commission for further proceedings; or
4. Deny the proposed amendment.

18.84.010 Application Submittal

Applications for rezone of property, along with the request for a Comprehensive Plan map change, shall be submitted to the Department. Proposed changes received by the Department after January 1 of any year shall be held over for the following year's review. A site specific rezone and the accompanying Comprehensive Plan map change application shall be a Type 5 decision processed in accordance with the provisions of TMC Section 18.108.050.

(Ord. 2368 §67, 2012; Ord. 2116 §1 (part), 2006)

18.84.040 Council Decision

A. After holding a public hearing and evaluating the application against the criteria at TMC Section 18.84.020, the City Council may:

- 1. Adopt the rezone and map amendment as proposed;
- 2. Modify or condition the proposed rezone and map amendment; or
- 3. Deny the proposed rezone and map amendment.

b. Action under TMC Chapter 18.84, which amends the official Zoning Map, shall require the adoption of an ordinance by the City Council pursuant to the Tukwila Municipal Code and State law. Due to the Growth Management Act, RCW 36.70A, which provides that Comprehensive Plan amendments be considered no more frequently than once a year, any rezone ordinance must be adopted by the Council concurrently with action on the Annual Review Docket items.

(Ord. 2116 §1 (part), 2006)

Home Occupations

Definitions Section, 18.06

18.06.430 Home Occupation

"Home occupation" means an occupation or profession which is customarily incident 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.

New Section in Supplemental Development Standards, 18.50

18.50.240 Home Occupation

A. Home occupations shall meet the following standards:

- 1. There shall be no change in the outside appearance of the surrounding residential development;
- 2. No home occupation shall be conducted in any accessory building. This provision shall not apply to adult family homes defined in RCW 70.128.010 or community facilities as defined in RCW 72.05.020;
- 3. Traffic generated by a home occupation shall not exceed two (2) visitors at any given time, and no more than eight (8) total two-way visitor and non-resident employee trips per day;
- 4. The number of vehicles associated with a home-occupation shall not exceed two (2) vehicles and must be parked on-site. Vehicles associated with the business shall not exceed:
 - a. A gross vehicle weight of 10,000 pounds;
 - b. A height of ten (10) feet; or

- c. A length of 22 feet;
- 5. An off-street parking space shall be made available for any non-resident employee. All parking spaces shall meet all development standards;
- 6. The business shall not involve more than one person who is not a resident of the dwelling. [This provision shall not apply to adult family homes defined in RCW 70.128.010 or community facilities as defined in RCW 72.05.020](#); and
- 7. Outdoor storage of materials associated with the home occupation is prohibited.

Wireless Code Process

CHAPTER 18.104
PERMIT APPLICATION
TYPES AND PROCEDURES

Sections:

- 18.104.010 Classification of Project Permit Applications
- 18.104.020 Consolidation of SEPA Procedures and Appeals
- 18.104.030 Consolidation of Permit Applications
- 18.104.040 Relationship to SEPA
- 18.104.050 Pre-application Conferences
- 18.104.060 Application Requirements
- 18.104.070 Notice of Complete Application to Applicant
- 18.104.080 Notice of Application - Contents
- 18.104.090 Notice of Application - Procedure
- 18.104.100 Party of Record
- 18.104.110 Posted Notice
- 18.104.120 Mailed Notice
- 18.104.130 Time Periods for Permit Issuance
- 18.104.140 Applications - Modifications to Proposal
- 18.104.150 Vesting
- 18.104.160 Hearing scheduling - Notice of Hearing
- 18.104.170 Notice of Decision
- 18.104.180 Referral to Other City Departments
- 18.104.190 Date of Mailing

18.104.010 Classification of Project Permit Applications

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

1. **TYPE 1 DECISIONS** are made by City administrators who have technical expertise, as designated by ordinance. Type 1 decisions may be appealed to the Hearing Examiner who will hold a closed record appeal hearing

based on the information presented to the City administrator who made the decision. Public notice is not required for Type 1 decisions or for the appeals of those decisions.

TYPE 1 DECISIONS

TYPE OF PERMIT	DECISION MAKER
Administrative Variance for Noise – 30 days or less (TMC Section 8.22.120)	Community Development Director
Any land use permit or approval issued by the City, unless specifically categorized as a Type 2, 3, 4, or 5 decision by this chapter	As specified by ordinance
Boundary Line Adjustment, including Lot Consolidation (TMC Chapter 17.08)	Community Development Director
Minor Modification of a Boundary Line Adjustment or Lot Consolidation Preliminary Approval (TMC Section 17.08.030)	Community Development Director
Development Permit	Building Official
Minor modification to design review approval (TMC Section 18.60.030)	Community Development Director
Minor Modification to PRD (TMC Section 18.46.130)	Community Development Director
Tree Permit (TMC Chapter 18.54)	Community Development Director
Wireless Communication Facility, Eligible Facilities (TMC Chapter 18.58)	Community Development Director

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

TYPE 2 DECISIONS

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (open record appeal)
Administrative Design Review (TMC Section 18.60.030)	Community Development Director	Board of Architectural Review
Administrative Planned Residential Development (TMC Section 18.46.110)	Short Plat Committee	Hearing Examiner
Administrative Variance for Noise – 31-60 days (TMC Section 8.22.120)	Community Development Director	Hearing Examiner
Binding Site Improvement Plan (TMC Chapter 17.16)	Short Plat Committee	Hearing Examiner

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (open record appeal)
Cargo Container Placement (TMC Section 18.50.060)	Community Development Director	Hearing Examiner
Code Interpretation (TMC Section 18.90.010)	Community Development Director	Hearing Examiner
Exception from Single-Family Design Standard (TMC Section 18.50.050)	Community Development Director	Hearing Examiner
Modification to Development Standards (TMC Section 18.41.100)	Community Development Director	Hearing Examiner
Parking standard for use not specified (TMC Section 18.56.100), and modifications to certain parking standards (TMC Sections 18.56.065, .070, .120)	Community Development Director	Hearing Examiner
Critical Areas (except Reasonable Use Exception) (TMC Chapter 18.45)	Community Development Director	Hearing Examiner
Shoreline Substantial Development Permit (TMC Chapter 18.44)	Community Development Director	State Shorelines Hearings Board
Shoreline Tree Permit	Community Development Director	Hearing Examiner
Short Plat (TMC Chapter 17.12)	Short Plat Committee	Hearing Examiner
Minor Modification of a Short Plat Preliminary Approval (TMC Section 17.12.020)	Community Development Director	Hearing Examiner
Minor Modification of a Subdivision Preliminary Plat (TMC Section 17.14.020)	Community Development Director	Hearing Examiner
Subdivision – Final Plat (TMC Section 17.14.030)	Community Development Director	Hearing Examiner
Modification to TUC Corridor Standards (TMC Section 18.28.110.C)	Community Development Director	Hearing Examiner

Modification to TUC Open Space Standards (<i>TMC Section 18.28.250.D.4.d</i>)	Community Development Director	Hearing Examiner
Transit Reduction to Parking Requirements (<i>TMC Section 18.28.260.B.5.b</i>)	Community Development Director	Hearing Examiner
Wireless Communication Facility, Macro Facilities – No New Tower (<i>TMC 18.58.060</i>)	Community Development Director	Hearing Examiner

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

TYPE 3 DECISIONS

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (closed record appeal)
Resolve uncertain zone district boundary	Hearing Examiner	Superior Court
Variance (zoning, shoreline, sidewalk, land alteration, sign)	Hearing Examiner	Superior Court
TSO Special Permission Use (<i>TMC Section 18.41.060</i>)	Hearing Examiner	Superior Court
Conditional Use Permit	Hearing Examiner	Superior Court
Modifications to Certain Parking Standards (<i>TMC Chapter 18.56</i>)	Hearing Examiner	Superior Court
Reasonable Use Exceptions under Critical Areas Ordinance (<i>TMC Section 18.45.180</i>)	Hearing Examiner	Superior Court
Variance for Noise in excess of 60 days (<i>TMC Section 8.22.120</i>)	Hearing Examiner	Superior Court
Variance from Parking Standards over 10% (<i>TMC Section 18.56.140</i>)	Hearing Examiner	Superior Court
Subdivision – Preliminary Plat with no associated Design Review application (<i>TMC Section 17.14.020</i>)	Hearing Examiner	Superior Court
Subdivision Phasing Plan (<i>TMC Section 17.14.040</i>)	Hearing Examiner	Superior Court
Wireless Communication Facility, Macro Facility- New Tower (<i>TMC Chapter 18.58.070</i>)	Hearing Examiner	Superior Court
Shoreline Conditional Use Permit	Hearing Examiner	State Shorelines Hearings Board

Variance for Substandard SF Lots

18.70.030 Substandard Lots

A. A lot, as defined in TMC 18.06.500, which does not meet the minimum standard for average lot width and/or minimum lot area for the zone in which it is located, may still be developed, without the need for a variance, as a separate lot if the proposed use is one which is permitted in the zone, and the proposed development can comply with

the remaining requirements of this title regarding basic development standards for the applicable zone and other applicable land use and environmental requirements.

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

Tukwila South Standards Reference

Table 18-6, note #14

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.